



## *Action Agenda*

Board of Commissioners  
March 22, 2012  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on March 22, 2012 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Herb Frady, Chairman  
Robert Horgan, Vice Chairman  
Steve Brown  
Lee Hearn  
Allen McCarty

**Staff Present:**

Jack Krakeel, County Administrator  
Scott Bennett, County Attorney  
Carol Chandler, Executive Assistant  
Floyd Jones, Chief Deputy Clerk

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**Call to Order, Invocation and Pledge of Allegiance.**

Chairman Frady called the March 22, 2012 Board of Commissioners meeting to order at 7:03 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda.**

Chairman Frady asked to amend the Agenda by moving New Business Item 18 to the first topic of consideration in Old Business, and then to swap the order of Old Business Items 13 and 14. Commissioner Hearn moved to accept the agenda with the requested changes. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

**PUBLIC HEARING:**

1. **Consideration of staff's request to adopt Resolution 2012-07 pertaining to the "Fayette County 2011 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2012 - FY2016)", and authorization to transmit said document to the Atlanta Regional Commission.**

Community Development Director Pete Frisina spoke briefly about the request and informed the Board that some changes were made to the Annual Report.

No one spoke in favor of or in opposition to this request.

Commissioner Horgan moved to approve staff's request to adopt Resolution 2012-07 pertaining to the Fayette County 2011 Annual Report on Fire Services Impact Fees, Including Comprehensive Plan Amendments for Updates to the Capital Improvements Elements and Short-Term Work Program (FY2012 - FY2016) including the required changes, and to authorize the transmission of the said document to the Atlanta Regional Commission for coordination of Regional and State review prior to adoption. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

**PUBLIC COMMENT:**

**David Rice Hall:** Mr. Hall proposed that Fayette County should return to its priorities by funding the East Fayetteville Bypass. He suggested that if his proposition were enacted there would be less traffic and less debt while the best interests of Fayette County would have been served. He noted that those who represent the County are less likely to lose elections than those who do not. He closed saying the people do not want the West Fayetteville Bypass, that the Board should stop its construction, and that the bypass should even be destroyed.

**Dennis Chase:** Mr. Chase spoke about New Business Item 15, and he said he had heard comments that abandoning Phase III of the West Fayetteville Bypass and constructing the East Fayetteville Bypass would "pass more traffic." He stated that he was "mystified about where that logic comes from" because there was no source in the County that could demonstrate how much traffic would be relieved in the City of Fayetteville by either the East or West Fayetteville Bypasses. He continued that the Board would be spending massive amounts of the people's money on projects nobody knows about. After emphasizing these points, Mr. Chase then stated that constructing the East Fayetteville Bypass would be even worse since the Board would be violating its own Fayette County Comprehensive Plan. He explained that the West Fayetteville Bypass already violates twelve "sections" of the Comprehensive Plan, and that the East Fayetteville Bypass would violate at least eleven of them. He asked why the Comprehensive Plan is applied to Fayette's citizens but not to the Fayette County government. Mr. Chase provided additional examples of what to expect with construction of the East Fayetteville Bypass and then closed his remarks saying the construction made no sense and "that it is not a funny joke, but it was ironic."

**Randy Ognio:** Mr. Ognio informed the Board that when he received the Agenda he first questioned the Public Hearing section, since it had not been announced. He asked how the Board expected people to comment during Public Hearing when so little information was presented pertaining to issues the people knew very little about. He said the citizens wanted their government to be transparent and "up front" with them. Mr. Ognio then spoke about the various ordinances on the agenda saying he was concerned that nobody was questioning them, and he was concerned that the Commissioners had not even read the ordinances. He told the Board that there were "issues" in all of the ordinances that the citizens would have to live with once they are passed. As an example, he noted that one ordinance changed the word "improper" to "illegal", and no one said anything about it. Next, Mr. Ognio spoke about the "West Fayetteville neighborhood" issue that was recently discussed in the Board's Retreat held in March 2012. He said that during that discussion, a bothersome comment was made that the neighborhood could move forward with "public-private participation." He suggested that if private citizens could not build the neighborhood that it should not be built, and that no public funds should go to the proposal since it would only give the Board another reason "to raise taxes again."

**CONSENT AGENDA:**

Commissioner Brown moved to approve Consent Agenda Items 2-12. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of staff's request to adopt Resolution 2012-05 for the purpose of discontinuing Fayette County's role in receiving customer complaints from subscribers of Comcast Cable.**
3. **Approval of staff's request to adopt policies and procedures for purchases that use federal grant funds.**
4. **Approval of staff's recommendation to adopt Ordinance 2012-01 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, by amending Article II. Nonresidential Construction Permit and Compliance Procedures.**
5. **Approval of staff's recommendation to adopt Ordinance 2012-02 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article VI, Tree Retention, Protection and Replacement.**
6. **Approval of staff's recommendation to adopt Ordinance 2012-03, approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article X, Dam and Impoundment Design Specifications and Permit Requirements.**
7. **Approval of staff's recommendation to adopt Ordinance 2012-04 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XI, Groundwater Recharge Area Protection.**
8. **Approval of staff's recommendation to adopt Ordinance 2012-05 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XIII, Illicit Discharge and Illegal Connections.**
9. **Approval of the disposition of tax refunds as recommended by the Tax Assessors' Office.**
10. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$11,783.60 for reimbursement for employees assigned to work with various Federal agencies.**
11. **Approval of the Sheriff's Office request to amend the Gasoline Vendor Budgeting Category for the Criminal Investigations Division by \$950.00 for reimbursement received from the US Marshals Service for gasoline incurred for the vehicle which was purchased for Fayette County.**
12. **Approval of the February 23, 2012 Board of Commissioners Minutes.**

**OLD BUSINESS:**

13. **Consideration of staff's request for authorization to engage the Benefits Law Group for legal work requirements associated with the implementation of the Early Retirement Plan, and to authorize the Chairman to sign the Engagement Letter.**

Commissioner Horgan moved to authorize the County Administrator to engage the Benefits Law Group for legal work requirements associated with the implementation of the Early Retirement Plan, and to authorize the Chairman to sign all appropriate and necessary documents associated with this effort. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

14. **Consideration of staff's request to adopt Resolution 2012-08 modifying the County's Defined Benefit Retirement Plan to accommodate the proposed Early Retirement Incentive Program; and authorization for the Chairman to sign any associated agreements contingent upon review by the County Attorney.**

Commissioner Horgan moved to approve staff's request to adopt Resolution 2012-08 modifying the County's Defined Benefit Retirement Plan to accommodate the proposed Early Retirement Incentive Program, and to authorize the Chairman to sign any associated agreements contingent upon review of the County Attorney. Commissioner Hearn seconded the motion. Discussion followed. The motion passed unanimously.

**NEW BUSINESS:**

15. **Consideration of Connie Biemiller Thomas' request that Fayette County transmit a letter to the Fulton County Board of Commissioners urging Fulton County to take every measure possible to not renew Philip Service Corporation's permit that would allow use of Fulton County's sewer system for discharged wastewater.**

Commissioner Brown moved that Fayette County transmits a letter to the Fulton County Board of Commissioners and Georgia Environmental Protection Division urging that they take every measure necessary not to renew Philip Service Corporation's permit that would allow the use of Fulton County's sewer system for discharge of their wastewater, and to request full disclosure in regard to the groundwater contamination which would affect the citizens of Fayette County who are downstream. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously.

16. **Consideration of Commissioner Allen McCarty's request to halt plans for construction of Phase III of the West Fayetteville Bypass and to begin construction of the East Fayetteville Bypass.**

Commissioner McCarty moved to cease the third phase of the West Fayetteville Bypass and make plans on starting the construction of the East Fayetteville Bypass. Commissioner Brown seconded the motion.

Commissioner Hearn requested to table this item until the May 2012 Board of Commissioners Workshop meeting. Discussion followed.

Commissioner McCarty withdrew his motion and the item was tabled until the May 2012 Board of Commissioners Workshop meeting.

**17. Consideration of reappointment of Darryl Hicks to Post 4 of the Fayette County Recreation Commission to a four-year term that will commence on April 1, 2012 and will expire on March 31, 2016.**

Commissioner McCarty moved to reappoint Darryl Hicks to Post 4 of the Fayette County Recreation Commission for a four-year term that will commence on April 1, 2012 and will expire on March 31, 2016. Chairman Frady seconded the motion. Discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition.

**18. Consideration of a resolution to provide for the issuance of Fayette County, Georgia Water Revenue Bonds, Series 2012A, and Fayette County, Georgia Water Revenue Refunding Bonds, Series 2012B, and for other related purposes.**

Chairman Frady moved to adopt a resolution to provide for the issuance of Fayette County, Georgia Water Revenue Bonds, Series 2012A, and Fayette County, Georgia Water Revenue Refunding Bonds, Series 2012B, and for other related purposes, and authorization for the Chairman to sign other related documents. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

**ADMINISTRATOR'S REPORTS:**

There was no Administrator's Report.

**STAFF REPORT:**

**19. Public Works Director Phil Mallon will update the Board concerning Transportation SPLOST projects in Fayette County.**

Public Works Director Phil Mallon updated the Board concerning Transportation SPLOST projects in Fayette County. The Board gave direction concerning some of the projects addressed in this presentation.

**COMMISSIONERS' REPORTS:**

**Commissioner Steve Brown:** Commissioner Brown first commented that at a previous time, he had raised the possibility to use House Bill 240 (HB240) as a way to fund vital needs in Fayette County, and he suggested that the Board still needed to look to that bill. He explained that there is a "significant roof situation" in the Administrative Complex that needed substantial repairs, that the old jail was in "severe disrepair", and that a new EMS building needed to be built in order to get public safety staff off some "two-story retail-class building with glass walls". He worried that if a natural disaster or some other disaster occurred in Fayette County, public safety staff could be "sucked out of the building, and no one will be here to lead." Commissioner Brown expressed his disappointment that during the Board's Retreat, that the County decided to continue paving gravel roads when larger, pressing issues need to be addressed such as providing equipment to the Public Works Department and the Fire Department. He repeated that readdressing HB240 could provide SPLOST funds to pay for some of these needs. Secondly, Commissioner Brown also agreed with Mr. Ognio's position that if a Public Hearing is to be held that information needs to be provided to the public as soon as possible, or at least up to 1 ½ weeks prior to the hearing. As his last item, Commissioner Brown spoke about the "West Fayetteville Bypass" neighborhoods by saying this issue had been brought to his attention several times already. He continued that the Fayette County Chamber of Commerce and the Development Authority are having discussions pertaining to this issue, and that one person from one of

those organizations had stated, "those neighborhoods are inevitable." Commissioner Brown noted that nothing is inevitable in terms with what is going on with that situation. He stated that the public should take a serious look at the issue and at what is "being sold behind the scenes." He repeated that the issue needed to be "aired out in the public" and that the Fayette County Board of Commissioners needed to stand with the type of land planning that has made Fayette County what it is today with lower density, slower growth, and a quality lifestyle. He felt that the West Fayetteville Bypass would do nothing but exacerbate the problem since it opens up many of the parcels in question to "that type of development." He asked the Board to "be vigilant in order to make sure that whatever happens there is in the best interest of Fayette County and not for those who may make substantial profits off of the real estate or the building of homes."

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the March 22, 2012 Board of Commissioners meeting.  
Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned their March 22, 2012 meeting at 8:23 p.m.

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**Floyd L. Jones, Chief Deputy Clerk**