



## *Action Agenda*

Board of Commissioners  
May 24, 2012  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on May 24, 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 May 24, 2012 Board of Commissioners' meeting to order at 7:05 p.m.  
Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda.**

Commissioner Horgan moved to accept the Agenda as published. Commissioner Brown seconded the motion. The motion passed unanimously.

**Introduction to Public Hearings:** Community Development Director Pete Frisina read the Introduction to Public Hearings before opening the meeting to the first item for hearing.

**PUBLIC HEARING:**

1. **Consideration of Petition No. 1223-12, Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a single-family dwelling lot into compliance. This property is located in Land Lot 74 of the 7<sup>th</sup> District, fronts on Ellison Road and Tyrone Road, and being Lot 2 of Ramonaland Subdivision.**

Attorney Phillip Bubbs represented the Alegria's in their petition. No one else spoke in favor of or in opposition to this petition.

Commissioner Horgan moved to approve Petition Number 1223-13, with one condition, as requested by Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a Single-Family Dwelling Lot into compliance, with said property being located in Land Lot 74 of the 7<sup>th</sup> District, fronting on Ellison Road and Tyrone Road, and being Lot 2 of the Ramonaland Subdivision. Commissioner McCarty seconded the motion. The motion passed unanimously.

**2. Consideration of Ordinance No. 2012-09 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20, Zoning Ordinance regarding Articles, 3, 4, 5, 6, 7, 9 and 11.**

Community Development Director Pete Frisina spoke about the proposed amendments to the Fayette County Code of Ordinance, spoke about two proposed changes to the wording of Ordinance No. 2012-09, and read those changes into the record.

Mr. Randy Ognio spoke in opposition to Ordinance No. 2012 saying no "strike-through" version of the ordinance had been provided and therefore the people would not be able to compare the proposed amendments to the current ordinance.

Commissioner Horgan moved to adopt Ordinance Number 2012-09 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20, Zoning Ordinance regarding Articles 3, 4, 5, 6, 7, 9 and 11. Commissioner Hearn seconded the motion. The motion passed unanimously.

**3. Consideration of Resolution No. 2012-11 approving proposed amendments to the Fayette County Comprehensive Plan, Land Use Element, and Future Land Use and Narrative by providing for the consideration of rezoning an Illegal Nonconforming Lot to a Legal Nonconforming Lot Status (LNS) sub-category of the same zoning district based on certain factors.**

Community Development Director Pete Frisina spoke about the proposed amendments reflected in Resolution 2012-11. No one spoke in favor of or in opposition to Resolution 2012-11.

Commissioner Horgan moved to adopt Resolution 2012-11 approving proposed amendments to the Fayette County Comprehensive Plan, Land Use Element, and Future Land Use and Narrative by providing for the consideration of rezoning an Illegal Nonconforming Lot to a Legal Nonconforming Lot Status (LNS) subcategory of the same zoning district based on certain factors. Commissioner McCarty seconded the motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

**PUBLIC COMMENT:**

**Randy Ognio:** Mr. Ognio commented on New Business Item 19, Old Business 15 and Old Business 16.

**CONSENT AGENDA:**

Commissioner Horgan moved to approve Consent Agenda Items 4-11. Commissioner McCarty seconded the motion. Commissioner Hearn asked to remove Consent Agenda Item 4. Commissioner Horgan amended his motion to approve Consent Agenda Items 5-11. Commissioner McCarty seconded the amended motion. The motion passed unanimously.

4. **Approval of staff's recommendation to modify the award of Bid #823 by rescinding the award to clean the E-911 Communications Center to American Facility Services, Inc; by awarding the bid to clean the E-911 Center to Tribond, LLC.; and by authorizing the Chairman to sign any contracts or documents contingent upon the County Attorney's review.**

Purchasing Director Ted Burgess explained staff's recommendation of this request to the Board.

Commissioner Hearn moved to approve staff's recommendation to modify the award of Bid #823 by rescinding the award to clean the E-911 Communications Center to American Facility Services, Inc., by awarding the bid to clean the E-911 Center to Tribond, LLC; and to authorize the Chairman to sign any contracts or documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. The motion passed unanimously.

5. **Approval of a request from the Sheriff's Office to amend the State Confiscated Revenue Budget Account by \$1,188.69 for abandoned monies which have been ordered retained for law enforcement as required by law.**
6. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$541.62 for reimbursement for employees assigned to work with various federal agencies.**
7. **Approval of the Sheriff's Office request to declare 20 cellular telephones, wireless internet cards, and related ancillary equipment as unserviceable, and to dispose of said items.**
8. **Approval of staff's recommendation to award Bid # 832 for dust control on gravel roads to South Eastern Road Treatment, for the application of calcium chloride, in the amount of \$2,912 per mile for 15.648 miles, in an amount not to exceed \$45,600, and to authorize the Chairman to sign any contract or document contingent upon the County Attorney's review.**
9. **Approval of staff's recommendation to award Bid #826 Water Bills and Envelopes Printing to both If Its Printed! in the amount of \$4,991.25 for water bill forms, and to Mac Paper Converters in the amount of \$13,340.13 for envelopes, at an aggregate amount of \$18,331.38, and to authorize the Chairman to sign any agreements contingent upon the County Attorney's review.**
10. **Approval of the Water System's request to authorize the Chairman to sign a Release for Construction Agreement, an Underground Distribution Agreement, and an Easement Agreement between Fayette County and Georgia Power for electrical service to be supplied to the Lake McIntosh Raw Water Pump Station, contingent upon the County Attorney's review.**
11. **Approval of the April 26, 2012 Board of Commissioners Minutes and the May 2, 2012 Board of Commissioners Workshop Minutes.**

**OLD BUSINESS:**

- 12. Update from the County Administrator on the proposed merger of the County Water System and the City of Fayetteville Water Department.**

County Administrator Jack Krakeel updated the Board on efforts concerning the proposed merger of Fayette County's Water System and the City of Fayetteville's Water Department. He asked the Board if it had interest in pursuing a direct purchase of the City of Fayetteville's Water Department, and if so, he asked for the Board to authorize funds up to \$7,500 in order evaluate the Water Department and its assets.

Commissioner Hearn moved to authorize the County Administrator to spend up to \$7,500 from the Enterprise Fund for the engagement of a consultant for the evaluation of the City of Fayetteville's Water Department. Commissioner Horgan seconded the motion. The motion passed 4-1 with Commissioner McCarty voting in opposition.

- 13. Consideration of staff's recommendation to contract with Diversified Electronics, Inc. for a \$1,000 fee on an as needed basis, to review the county's inventory of Existing or Planned Tower Sites as required by Fayette County Zoning Ordinance, Article V., 5-44, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

Commissioner Horgan moved to approve staff's request to enter into a contract with Diversified Electronics, Inc. for a \$1,000 fee on an as needed basis, to review the inventory of Existing or Planned Tower Sites as required by Fayette County Zoning Ordinance, Article V., 5-44, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion. The motion passed unanimously.

- 14. Consideration of Resolution No. 2012-12 for establishing fees, as required by the Fayette County Zoning Ordinance, for costs associated with the administration of certain requirements of the Fayette County Zoning Ordinance, Development Regulations, Subdivision Regulations, and the Sign Ordinance.**

Commissioner Horgan moved to adopt Resolution 2012-12 for establishing fees, as required by the Fayette County Zoning Ordinance, for costs associated with the administration of certain requirements of the Fayette County Development Regulations, Subdivision Regulations, and the Sign Ordinance. Commissioner McCarty seconded the motion. The motion passed unanimously.

- 15. Consideration of staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River Pump Station at a cost of \$19,750.**

Commissioner Horgan moved to approve staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River Pump Station at a cost of \$19,750. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

- 16. Consideration of staff's recommendation to allow Mallett Consulting to develop the specification package and to issue bids for the replacement of the Supervisory Control and Data Acquisition (SCADA) System at a cost of \$12,900.**

Commissioner Horgan moved to approve staff's recommendation too allow Mallett Consulting to develop the specification package to issue bids for the replacement of the Supervisory Control and Data Acquisitions, or SCADA, System at a cost of \$12,900. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

**NEW BUSINESS:**

**17. Discussion on how the Board wishes to proceed in its efforts to hire a new County Administrator.**

The Board's consensus was to advertise the position of the County Administration on the Georgia Local Government Access (GLGA) Marketplace website, to post the position as opened until filled with salary based on commensurate experience, to review other advertising sources, and to readdress this issue at the June Workshop.

**18. Consideration of staff's recommendation to award Bid #833 Culvert Pipe Material, for the West Fayetteville Bypass Project (SPLOST) and the Merrydale Lane Project, to low bidder Foley Products Company, in the total amount of \$36,973.44, and to authorize the Chairman to sign a forthcoming contract and related documents contingent upon the County Attorney's review.**

Commissioner Horgan moved to approve staff's request to award Bid #833 Culvert Pipe Material, for the West Fayetteville Bypass Project (SPLOST) and the Merrydale Lane Project, to low bidder Foley Products Company, in the total amount of \$35,973.44, and to authorize the Chairman to sign a forthcoming contract and related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

**19. Consideration of staff's request to approve the proposed Project Framework Agreement between Fayette County and the Georgia Department of Transportation (GDOT) for the replacement of the McIntosh Road bridge over the Flint River (SPLOST Project No. B-6), and authorization for the Chairman to sign the agreement contingent upon the County Attorney's review. Commissioner seconded the motion.**

Commissioner Brown moved to approve staff's request to approve the proposed Project Framework Agreement between Fayette County and the Georgia Department of Transportation, or GDOT, for the replacement of the McIntosh Road bridge over the Flint River (SPLOST Project No. B-6), and authorization for the Chairman to sign the agreement contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. The motion passed unanimously.

**20. Consideration of proposed funding categories for Transportation Referendum discretionary money.**

Commissioner Hearn moved to approve of the proposed funding categories for the Transportation Referendum discretionary money. Commissioner Horgan seconded the motion. The motion passed unanimously.

**21. Discussion of Fayette County's transportation projects for the Atlanta Regional Commission's PLAN 2040 Limited Update / Transportation Improvement Program (TIP) Project Solicitation.**

The Board consented to allow staff to submit the following priorities projects to the Atlanta Regional Commission's PLAN 2040 Limited Update / Transportation Improvement Program (TIP) Project Solicitation: 1) Stars Mill Path Connection Project [TR-14]; 2) Resurfacing [NA]; and 3) Lafayette Avenue Extension and Signal [R-14].

**22. Update on current SPLOST Projects by the Public Works Director.**

The Board took no action and gave no direction on this item.

**ADMINISTRATOR'S REPORTS:**

No Administrator's Report was given.

**ATTORNEY'S REPORTS:**

**Submission of Two Preclearance Requests:** County Attorney Scott Bennett reported that next week he will submit two requests for preclearance to the Justice Department. He said the first request will be related to the Referendum to allow Package Sales on Sunday's by Retailers in Unincorporated Fayette County that will be on the July 2012 ballot, and the second request will be related to the Transportation Investment Act, or TIA.

**COMMISSIONERS' REPORTS:**

**Commissioner Brown:** Commissioner Brown stated that he received a response to his request for the data for the 44 eligible employees for the Early Retirement Plan (ERP), and he asked Finance Director Mary Holland to send the information to him in an electronic spreadsheet with an additional column that provides the high ranges on the salaries scale. Commissioner Brown also spoke about his time with Bob Ross as they have traveled to various counties and cities debating the Transportation Investment Act, or TIA. He noted that as people are learning more about the TIA and what it entails they are turning against it.

**Commissioner Hearn:** Commissioner Hearn reminded everyone that qualifying for the Board of Commissioners election would occur from Wednesday, May 30 to noon on Friday, June 1. He asked Mr. David Barlow and Mr. Randy Ognio to be aware of those dates.

**Chairman Frady:** Chairman Frady acknowledged County Administrator Jack Krakeel and his recent efforts in getting the Department of Justice to approve of the five-district map that was agreed upon by the Board in February 2012 and submitted to the Department of Justice for approval.

**EXECUTIVE SESSION:**

Commissioner Brown asked to recess into Executive Session to discuss one personnel mater. Hearing no objection, Chairman Frady recessed the Board in order to discuss one personnel matter in Executive Session.

The Board of Commissioners recessed into Executive Session at 9:09 p.m. and returned to Open Session at 9:19 p.m.

**Executive Session Affidavit:** Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating on personnel item was discussed during Executive Session. Commissioner McCarty seconded the motion. The motion passed unanimously.

The Board took no action pertaining to the personnel discussion.

**ADJOURNMENT:**

Hearing no other business to come before the Board, Chairman Frady adjourned the May 24, 2012 Board of Commissioners meeting.

The Fayette County Board of Commissioners adjourned their May 24, 2012 meeting at 9:19 p.m.

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