



Action Agenda

Board of Commissioners
December 13, 2012
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on December 13, 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
Allen McCarty

Commissioner Absent:

Lee Hearn

Staff Present:

Jack Krakeel, Interim County Administrator
Scott Bennett, Interim County Attorney
Floyd Jones, County Clerk

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the December 13, 2012 Board of Commissioners meeting to order at 7:02 p.m. Commissioner McCarty offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as presented and to remove Old Business Item 1 and Consent Agenda Item 19 from the Agenda. Commissioner Horgan seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

PRESENTATION/RECOGNITION:

1. Recognition of the Fayette County Kiwanis Club who donated a van to Fayette Senior Services.

The Chief Executive Officer of the Fayette Senior Services, Nancy Meaders, stated that the Kiwanis Club of Fayette County purchased Fayette Senior Services a handicap vehicle which carries two wheelchairs at the same time and has a ramp that adjusts to the height of the curbs. She said the seniors love the van and want to ride in it. Fayette Senior Services thanked the Kiwanis Club of Fayette County for their donation. The Board took no official action on this matter.

2. Recognition of a donation from the Fayette County Kiwanis Club.

Commissioner Horgan read a letter from the Board of Commissioners thanking the Kiwanis Club for their donation of "Sparky" fire safety education costume to Fayette County's Public Safety Department. Public Safety Director Allen McCullough and Deputy Fire Chief Tom Bartlett introduced "Sparky" as the newest member of the Public Safety Department. The Board then took pictures with members of the Kiwanis Club of Fayette County, public safety employees, and "Sparky." The Board took no official action on this matter.

PUBLIC HEARING:

1. Mr. Steven Johnson has requested a hearing before the Board of Commissioners concerning a request for tax refunds.

Mr. Steven Johnson and Mrs. Donna Johnson presented their request for tax refunds to the Board. Interim County Attorney Scott Bennett advised the Board that refunds are allowed by statute if tax bills are either billed in error or collected in error, however, he said the Johnson's request did not meet those circumstances. Chief Tax Assessor Joel Benton provided additional information about this request.

Commissioner Brown moved to deny the request from the Johnson's, and to have it duly noted in the minutes that the Board has asked them to go back and refer to the bank in trying to get a refund from the bank on those funds. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

2. Consideration of a new Beer and Wine Package Sales License for Simpson Grocery located at 1552 Highway 85 South.

The petitioner for the new Beer and Wine Package Sales License stated he was present for the request. Chief Marshal Ed Collins informed the Board that the Marshals Department reviewed the required records and information and that there was no objection to permitting a license.

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

Commissioner Brown moved to approve the new Beer and Wine Package Sales License for Simpson Grocery located at 1552 Highway 85 South. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

3. Consideration to renew fourteen (14) Packaged Beer and Wine Licenses.

At the Chairman's direction, County Clerk Floyd Jones read the names of each of the fourteen Packaged Beer and Wine Licenses to the Board and audience.

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

Commissioner Brown moved to approve the renewal for all fourteen Packaged Beer and Wine Licenses as listed on the Agenda with an additional addendum notifying the public that the Board has a packet on the dais from the Marshals Department referenced "Alcohol Items for Agenda" which shows that the Marshals Office has done their due diligence on each one of the licenses. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

4. Consideration to renew four (4) On-Premises Consumption Licenses.

At the Chairman's direction, County Clerk Floyd Jones read the names of each of the four On-Premises Consumption Licenses under consideration.

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

Commissioner Brown moved to approve the renewal for the four On-Premises Consumption Licenses as listed in the Agenda with the further addendum that the Board does have material on the dais from the Marshals Office showing they have done due diligence on the licenses. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

5. Consideration of Ordinance 2012-13 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Articles III, IV, V, VI, and VII concerning the number of animals in the A-R zoning district.

Community Development Director Pete Frisina briefly spoke about Ordinance 2012-13.

Bob Sitz: Mr. Bob Sitz said he was against Ordinance 2012-13 with certain qualifications. He then read a letter to the Board explaining his position on Ordinance 2012-13.

No one else spoke in favor of or in opposition to the request.

Commissioner Horgan moved to approve Ordinance 2012-13 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Articles III, IV, V, VI, and VII concerning the number of animals in the A-R zoning district. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Hearn being absent.

6. Consideration of Ordinance 2012-14 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Articles IV, V, VI, and VII concerning the new General Business Zoning District and the area of State Routes 138 and 314.

Community Development Director Pete Frisina briefly spoke about Ordinance 2012-14.

Alvin Williams: Mr. Williams stated he was the individual looking to purchase the property, and therefore he was in favor of Ordinance 2012-14. He also presented each Commissioner schematics that "mock up [his] thoughts on what the land would look like, the building may look like," in order to have a general sense of what a 60,000 square-foot facility would look like on the property.

Alice Jones: Mrs. Alice Jones complimented Mr. Williams for bringing clarity to the homeowners that had questions about the content of the proposed television studio.

Robert Johnson: Mr. Johnson began by saying he may be either for or against Ordinance 2012-14 and that his position would likely be affected by answers to certain questions he had. He then asked his questions and received answers to his questions. Mr. Johnson informed the Board that based on the answers given; he would probably be in favor of Ordinance 2012-14.

Dorothy Herring: Ms. Herring said her only question was if language could be written into the General Business Ordinance that no satellites or pornography would be the location. Commissioner McCarty stated that there are already laws in place that addressed her concerns. Discussion followed. She stated that the citizens in the north-end of Fayette County are dependent on the Commissioners to ensure that the community is protected from the concerns that she expressed. Mr. Williams stated he would not create pornography or similar material due to his personal and business integrity. Mr. Herring said the community trusts Mr. Williams to do what he said he would do and that the Commissioners would do what needs to be done since the citizens' care very much about what happens around them.

David Brill: Mr. Brill said he is the President of the North Fayette Community Association, and he thanked Mr. Frisina and the Planning and Zoning Department, the Planning Commission, and the Board of Commissioners for including the residents in the north-end of the County in writing the ordinance that matches the set of low-impact businesses to the nearby residential community. He said this newly written Ordinance enables a tolerable and acceptable compatibility and he recommended its passage.

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

Commissioner Brown moved to approve Ordinance 2012-14 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Articles IV, V, VI, and VI concerning the new General Business Zoning District in the area of State Routes 138 and 314. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Hearn being absent.

7. **Consideration of Resolution 2012-21 amending the Fayette County Comprehensive Plan Land Use Element by creating a new General Business Land Use Category and Fayette County Future Land Use Plan Map, and by designating the area of State Route 138 with the General Business Land Use Category.**

Community Development Director Pete Frisina spoke briefly about Resolution 2012-21.

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

Commissioner Brown moved to approve Resolution 2012-21 amending the Fayette County Comprehensive Plan Land Use Element by creating a new General Business Land Use Category and Fayette County Future Land Use Plan Map, and by designating the area of State Route 138 with the General Business Land Use Category. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

PUBLIC COMMENT:

Commissioner Steve Brown: Commissioner Brown noted that this was the last meeting with Chairman Frady, Commissioner Hearn, and Commissioner Horgan. He said as a colleague and citizen that he appreciated their years of service and thanked them. He added that while they did not always agree, they were always cordial. He closed by saying he appreciated working with them and he wished them the very best.

CONSENT AGENDA:

Commissioner Brown asked to remove Consent Agenda Item 6 from the Agenda.

Commissioner Brown moved to approve the Consent Agenda with the exception of Consent Agenda Item 6. Commissioner Horgan seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioner Hearn and Commissioner McCarty being absent.

1. **Approval of the County Clerk's recommendation for the November 28, 2012 Ethics Board's Order to be included into the December 13, 2012 Board of Commissioners' Minutes pursuant to Ordinance 2010-10, Section 2-213, (c)(6)(w).**
2. **Approval of the reappointment of Mr. Al Gilbert to Post One of the Fayette County Planning Commission with said reappointment to become effective on January 1, 2013 and to expire on December 31, 2015.**
3. **Approval of the reappointment of Mr. James "Jim" Graw to Post Two of the Fayette County Planning Commission with said reappointment to become effective on January 1, 2013 and to expire on December 31, 2015.**
4. **Approval of the reappointment of Mr. Bill Beckwith to the Fayette County Zoning Board of Appeals with said reappointment to become effective on January 1, 2013 and to expire on December 31, 2015.**
5. **Approval of the County Clerk's request to authorize the Chairman to sign an Executive Session Affidavit stating matters of property acquisition, litigation, and personnel were discussed by the Board in Executive Session during the December 5, 2012 Board of Commissioners Workshop Meeting.**
6. **Approval of staff's request to extend the current Technical Support Program coverage for the Siemens Building Automation System at the Fayette County Library for 2 ½ years (two years and six months), beginning January 1, 2013, at an aggregate cost of \$23,528.00, and authorization for the Chairman to sign any contracts or related documents contingent upon the County Attorney's review.**

Commissioner Brown moved to approve staff's request to extend the current Technical Support Program coverage for the Siemens Building Automation System at the Fayette Count Library for 2 ½ years, beginning January 1, 2013, at an aggregate cost of \$23,528.00, and to authorize the Chairman to sign any contracts or related documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

7. Approval of staff's recommendation to allow W.W. Williams to complete the repair of a generator at Fire Station #5, in an amount not to exceed \$17,821.07, to pay an additional invoice to Pro Power Solutions in the amount of \$869.50 for service calls already completed for repair work, and approval of a Fiscal Year 2013 budget amendment of \$18,691.00 to cover this repair cost.
8. Approval of staff's recommendation to allow Diversified Electronics, Inc. to install four Motorola High-Band, replacement mobile radios into Medic Units at a total cost of \$5,360.00, and approval of a Fiscal Year 2013 budget adjustment to increase other non-motorized equipment in the amount of \$5,360.00, with said funding provided from the unreserved undesignated Fund Balance.
9. Approval of staff's request to increase the Fire Fund Donations / Miscellaneous Revenue Account in the amount of \$1,742.00 and to increase the Fire Fund Food / Catered Meals Expense Account in the amount of \$1,742.00 to account for various donations made to Fayette County Fire and Emergency Services.
10. Approval of the Board of Health's recommendation to approve proposed body art fees.
11. Approval of staff's request to increase the Library's Fiscal Year 2013 Donations Revenue Budget Account and to increase the Library's Fiscal Year 2013 Subscriptions, Books, and Magazines Expenditure Account by \$1,000.00 to recognize a donation from the Rotary Club to the Fayette County Library.
12. Approval of staff's request to increase the Library's Fiscal Year 2013 Donations Revenue Budget Account and to increase the Library's Fiscal Year 2013 Subscriptions, Books, and Magazines Expenditure Account by \$500.00 to recognize a donation from Wal-Mart to the Fayette County Library.
13. Approval of staff's request to increase the Library's Fiscal Year 2013 Donations Revenue Budget Account and to increase the Library's Fiscal Year 2013 Subscriptions, Books, and Magazines Expenditure Account by \$25.00 to recognize a donation from Ms. Susan Kay McWatters to the Fayette County Library.
14. Approval of staff's request to award Proposal #P852- Sports Lighting to M. Gay Constructors, Inc. in the amount of \$325,000.00 in order to upgrade lighting at Kiwanis Park and McCurry Park, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.
15. Approval of staff's request to loan a 2008 Ford Crown Victoria to the District Attorney's Office, to receive a previously loaned 1997 Ford Crown Victoria from the District Attorney's Office, to auction the 1997 Ford Crown Victoria via an internet auction website, and to deposit the proceed of the sale into the Sheriff's State Seizures fund account.
16. Approval of the Sheriff's Office request to amend the Fiscal Year 2013 Overtime Budget for the Criminal Investigations Division by \$2,954.49 for reimbursement for employees assigned to work with various federal agencies.

17. **Approval of the Sheriff's Office recommendation to enter into a Mutual Assistance Agreement between the City of Peachtree City Police Department and the Office of the Sheriff of Fayette County, and authorization for the Chairman to sign the Mutual Assistance Agreement.**
18. **Approval of Ordinance 2012-12 amending the Fayette County Code, Chapter 8, Development Regulations, Article VI, Tree Retention, Protection, and Replacement.**
19. **Approval of the disposition of tax refunds as recommended by the Tax Assessor's Office.**

Consent Agenda Item 19 was removed from the Agenda during the Acceptance of the Agenda.

20. **Approval of the Water Committee's recommendation to approve eleven pre-qualified contractors for the Magnetic Ion Exchange (MIEX) Treatment Process Upgrades to the Crosstown and South Fayette Water Treatment Plants.**
21. **Approval of the Water Committee's recommendation to update information provided on the back of Fayette County's water bills.**
22. **Approval of the November 7, 2012 Board of Commissioners Workshop Minutes and the November 15, 2012 Board of Commissioners Minutes.**

OLD BUSINESS:

1. **Consideration of staff's request to amend the Alcoholic Beverage Ordinance by replacing Chapter 3– Alcoholic Beverages of the Fayette County Code of Ordinances.**

Old Business 1 was removed from the Agenda at the Acceptance of the Agenda.

2. **Consideration of the Water Committee's recommendation to award the Flint River Pump Station Traveling Screen Installation bid to the low bidder, Lanier Contracting Company, in the amount of \$325,271.00, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

Commissioner Horgan moved to approve Water Committee's recommendation to award the Flint River Pump Station Traveling Screen Installation bid to the low bidder, Lanier Contracting Company, in the amount of \$325,271.00, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Hearn being absent.

NEW BUSINESS:

1. **Consideration of staff's request to award Bid #851- E-911 Workstation Replacement to Watson Furniture Group, Inc., in the amount of \$122,912.50, for the installation and maintenance of ergonomic workstations, to authorize an additional purchase of 10 chairs in the amount of \$5,500.00, and to authorize the Chairman to sign the contract and related documents after the County Attorney's review.**

Commissioner Horgan moved to award Bid #851- E-911 Workstation Replacement to Watson Furniture Group, Inc., in the amount of \$122,912.50, for the installation and maintenance of ergonomic workstations, to authorize an additional purchase of 10 chairs in the amount of \$5,500.00, and to authorize the Chairman to sign the contract and related document after the County Attorney's review. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn voting in opposition.

ADMINISTRATOR'S REPORTS:

Executive Session: Interim County Administrator Jack Krakeel informed the Board that he had one Executive Session item to discuss concerning Real Estate Acquisition.

Second Report to be provided after the Commissioners' Reports: Interim County Administrator Jack Krakeel asked the Board's allowance for him to provide a second report after the Commissioners' reports were given.

ATTORNEY'S REPORTS:

Last Meeting Comments: Interim County Attorney Scott Bennett said he did not have anything to report, but he commented on his appreciation to serve the citizens of Fayette County for the past five years.

COMMISSIONERS' REPORTS:

Commissioner Brown: Commissioner Brown reminded the Board that Purchasing Director Ted Burgess gave a report to the Board concerning the bidding process and why the County was receiving fewer bids. He said the report was very detailed and he thanked Mr. Burgess for the good work and explanation.

Commissioner McCarty: Commissioner McCarty thanked Interim County Administrator Jack Krakeel and Interim County Attorney Scott Bennett for working with the Board and for being good stewards of what the Board has done. He also thanked Chairman Frady and Commissioner Horgan, and Commissioner Hearn in his absence, and said it would seem strange to have meetings next year without them. He thanked them for their service.

Chairman Frady: Chairman Frady agreed with Commissioner McCarty and said a "pretty good group would be coming up." He also recognized his daughter who is from Florida, and his son, were in the audience. He thanked Interim County Attorney Scott Bennett saying he had done a great job for Fayette County and that he wished more people recognized that. He said the County has saved hundreds of thousands of dollars for his services. He also thanked Interim County Administrator Jack Krakeel and said the County had been very fortunate to have him as Administrator since 2007. He said Mr. Krakeel had done a great job for the Board and the citizens of Fayette County.

Commissioner Horgan: Commissioner Horgan stated that in any organization you are only as good as the people you have working for you. He said the first day he was a Commissioner he was in Carol Chandler's office and she told him "Every Commissioner that comes in here wants to get lots of things done and wants things to move quick", but that she also told him "the wheels of government turn slow and you don't get the things that you want to get done." He said he wanted to think he was opposite of that because, since he has been a Commissioner, the County has accomplished a lot of things. He pointed out improvements to Public Safety, to the E-911 Communications Center, to the Senior Center; to the Board of Health and the WIC Center; and to the Fayette Mental Health Facility. He complimented Finance Director Mary Holland and her staff and what they have done with the County's finances. He said the County would not be where it is today without the planning that took place in 2007 and 2008. He

reminded the Board that when he first became a Commissioner that he was voted down many times, but that Chairman Frady took him under his wings. He thanked Interim County Administrator Jack Krakeel and Interim County Attorney Scott Bennett and County Clerk Floyd Jones and all of the employees of Fayette County. He mentioned that sometimes the citizens of Fayette County believe the County does too much for its employees, but he added that the citizens would complain even more when they come up and there is no one who takes attention to pull a dead animal off the side of the road and to do the extra things that they do.

Half Day Off on December 31, 2012: Commissioner Horgan moved to give the employees a half-day off on the Monday prior to New Year's Day. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Hearn being absent.

Chairman Frady: Chairman Frady added that he did not want to give the impression that he was overlooking the County's staff when he was talking about Mr. Krakeel and Mr. Bennett. He said Fayette County has great staff members, and he recommended that the new members to the Board of Commissioners pay close attention to staff. He said staff has been around for a long time and they can help in many ways. He said that, in government, the past is about as important as the future. He wished the new Board well and hoped they would work for the betterment of all Fayette's citizens. He said he enjoyed his time on the Board, that he had been on the Board since 1993, and that it was his like a second retirement. He closed by saying "God Bless Everyone. Thank you"

Presentation of Rocking Chairs: Interim County Administrator Jack Krakeel reported that it has been a tradition when a Commissioner leaves public office to recognize the Commissioner an appropriate memento; specifically a rocking chair. He said staff wanted to recognize both the Chairman and Commissioner Horgan with a rocking chair for the services they provided to Fayette County. He asked County Clerk Floyd Jones to bring out the chairs and he invited the families of each Commissioner to come forward for pictures.

EXECUTIVE SESSION:

Real Estate Acquisition: Commissioner Brown moved to convene into Executive Session. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn being absent.

The Board recessed into Executive Session at 8:24 p.m. and returned to Open Session at 8:38 p.m.

Agreement Acquiring Recreational Rights: Chairman Frady asked for the record to show that the Board discussed one item of land acquisition during Executive Session, and that the Board needed to take action on the matter. He introduced Attorney Don Comer and asked Mr. Comer to explain to the Board what needed to be done. Mr. Comer asked for a motion from the Board to allow Fayette County to enter into an agreement with two families, the Christopher family and the Hall family, to effectively acquire their recreational rights for valuable consideration, and to authorize the Chairman to sign the agreement.

Commissioner Brown moved to allow Fayette County to enter into an agreement with two families, the Christopher family and the Hall family, to effectively acquire their recreational rights for valuable consideration, and to authorize the Chairman to sign the agreement. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Hearn being absent.

ADJOURNMENT:

Commissioner Brown moved to adjourn the meeting. Commissioner McCarty seconded the meeting.

Executive Session Affidavit: Chairman Frady asked for the record to show that the Chairman is authorized to sign the Executive Session Affidavit stating Real Estate Acquisition was discussed in Executive Session. The Board consented to the Chairman's request.

The motion to adjourn the December 13, 2012 Board of Commissioners meeting passed 4-0-1 with Commissioner Hearn being absent.

The Board of Commissioners adjourned at 8:39 p.m.

Floyd L. Jones, County Clerk