Minutes

Board of Commissioners
January 4, 2012
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, January 4, 2012, at 3:30 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 Karen Morley, Chief Deputy Clerk

---

County Attorney Scott Bennett called the meeting to order in accordance with Ordinance No. 2011-06 Section 2-40. Commissioner Hearn offered the Invocation and led the Pledge of Allegiance.

Acceptance of Agenda: Commissioner Brown made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Organizational Session:

1. Election of Board Chairman for the year 2012:

Commissioner Horgan said he would like to nominate Herb Frady as Chairman of the Board of Commissioners for 2012. Commissioner McCarty said he would like to nominate Steve Brown as Chairman of the Board of Commissioners for 2012. Hearing no further nominations, Chairman Frady made a motion to close the floor to nominations and Commissioner Horgan seconded the motion. The motion carried 5-0.

Commissioner Horgan made a motion to nominate Herb Frady as Chairman of the Board of Commissioners for 2012. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

2. Election of Board Vice-Chairman for the year 2012:

Chairman Frady said he would like to nominate Robert Horgan for Vice Chairman. Commissioner Brown said he would like to nominate Allen McCarty for Vice Chairman. Hearing no further nominations, Commissioner Brown made a motion to close the floor to nominations and Commissioner Hearn seconded the motion. The motion carried 5-0.

Chairman Frady made a motion to nominate Robert Horgan for Vice Chairman. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Consent Agenda: Commissioner Brown made a motion to approve the Consent Agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Authorization to sign checks exceeding $5,000:

1. Approval of authorization to sign checks combining any of the following two signatures for transactions exceeding $5,000: Chairman, Vice-Chairman, County Administrator. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Authorization to sign checks under $4,999:

2. Approval of authorization to sign checks for transactions $4,999 or less: Chairman, Vice-Chairman, County Administrator. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Authorization to execute contracts, resolutions, agreements and other documents:

3. Approval of the Chairman, Vice-Chairman and the County Administrator to execute contracts, resolutions, agreements and other documents approved by and on behalf of the Board of Commissioners. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Board of Commissioners 2012 Meeting Schedule:

4. Approval of proposed Board of Commissioners meeting schedule for 2012. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Old Business:

1. Discussion of recommendations for the selection of two arbitrators/mediators in the event that agreement for the distribution of local option sales tax revenues cannot be reached during the mandatory renegotiations by the Cities and the County in 2012:

County Administrator Jack Krakeel discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. Mr. Krakeel remarked that at the Association of Fayette County Governments meeting in November staff directed the County Manager and City Managers specifically to research and provide recommendations to their respective elected officials regarding selection of an arbitrator/mediator for potential utilization in the event that the agencies are unable to come to an agreement on a L.O.S.T. distribution formula. He said the Managers had narrowed the list down to two and were in unanimous agreement on those two individuals and their resumes and bios have been submitted to the Board. He remarked that since that time, the Mangers have discussed and are in unanimous agreement in making a recommendation for the section of Mr. Denny Galis and they will be making that recommendation to their respective bodies this month as well. He said it was his recommendation that the Board select Mr. Denny Galis as the arbitrator/mediator in the event that his

services are required. He noted that Mr. Galis is an attorney who represented Athens-Clarke County for several years and has brought experience in both municipal as well as County government functions of local government.

Commissioner Horgan made a motion to approve selection of Denny Galis as arbitrator/mediator for the County in the event that agreement for distribution of local option sales tax revenues cannot be reached during the mandatory renegotiations by the Cities and the County in 2012. Commissioner McCarty seconded the motion, discussion followed.

Commissioner Hearn asked if this item needed action today or should it be placed on the Thursday meeting agenda.

Mr. Krakeel said this item could certainly be placed on a Thursday meeting agenda for a formal vote if the Board so desired. He said this section was only in the event if those services would be utilized. He pointed out that this would be at the conclusion of the 60 day negotiating period that would be called for by the County at a date to be determined.

Commissioner Horgan said he would withdraw his motion and Chairman Frady stated this was a consensus of the Board to move this item to the next Thursday evening meeting for a vote.

2. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance and the Land Use Element of the Comprehensive Plan regarding illegal nonconforming lots:

Director of Community Development Pete Frisina discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. Mr. Frisina remarked that this was a continuation of the discussion started on October 5th. He said staff had looked at three alternatives (1) a change in the Land Use Plan; (2) come up with a subcategory for the zoning districts; and (3) create a situation where they would go before the Zoning Board of Appeals. He noted the County Attorney favored alternative #2 and the Planning Commission concurred as well.

Commissioner Brown expressed concern with liability being put on the County's back when it really belongs on the property owner's back. He said he was also in favor of alternative #2. He felt it essential to put an amendment on the original property deed stating the property was a nonconforming lot and having the exact rules and regulations for that piece of property listed on the deed.

Commissioner McCarty questioned the reasonable cut off date for these, and Mr. Frisina said the cut off date would be when the ordinance goes into effect. Mr. Frisina said the lots created prior to the date of the ordinance could remain as a non-conforming state. He said he did not feel there were as many getting through as there were many years ago.

County Attorney Scott Bennett suggested having only two criteria and those would be (1) property was purchased in good faith thinking it was a legal lot; and (2) property purchased many years ago that is nonconforming but was approved at that time.

There was a consensus of the Board for staff to continue working on Alternative #2 and come back to the Board at a future meeting for further discussion.

3. Further consideration of a request from Commissioner Brown to discuss the Fayette County Zoning Ordinance as it relates to telecommunication tower regulations:

Director of Community Development Pete Frisina discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof. He said this item was also a continued discussion from the October 5th meeting. He reviewed some of staff's proposed amendments to the regulations.

Commissioner Brown asked if the FAA requirement was left in and Mr. Frisina replied that this was just a reference to say that Federal regulations have to be met. Mr. Frisina said he was still doing research with the FAA and noted that the FAA was relying on the County to regulate the location of towers to some degree.

Chairman Frady questioned the distance requirements for a tower and he felt it should be less than half a mile.

Commissioner McCarty questioned the verbiage staff had listed regarding no signs allowed at the towers. He pointed out that the FAA does require a sign on the tower as well as radiation exposure warning signs. Mr. Frisina said staff would review this as well and compile all of the Board's recommendations into a proposed ordinance that he would bring to one or two Planning Commission Workshops and then come back with a finished ordinance to a Board of Commissioners public hearing for consideration.

There was consensus of the Board for staff to proceed with this issue and come back to the Board for a Public Hearing at a future meeting.

New Business:

1. **Discussion by Delores Williams, owner of the Detail Store located in Peachtree City, regarding water fees for her business:**

Delores Williams, owner of the Detail Store located in Peachtree City near the intersection of Crosstown Road and Highway 74, discussed this issue with the Board. A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof. She said she began operations in 1997 and is a touch free car wash designed to use a range of 44 - 55 gallons of water per vehicle. She expressed concern with the Fayette County Water System billing her for water usage over the last several years and presented the Board with a handout with additional documentation. A copy of her handout, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

After a lengthy discussion by Ms. Williams regarding the amount of water usage at her facility, Chairman Frady said the Board would review this information.

2. Consideration of proposed policies for the use of County Information Systems:

Director of Information Systems Russell Prince presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof. He stated that there had been recommendations in the Strategic Technology Plan for the Information Systems Department to develop a comprehensive set of policies to cover the use of all County information systems. He reviewed the initial draft of these policies and noted that included was a general acceptable use policy, an e-mail use policy, internet use policy and a technology implementation plan. He pointed out if the technology implementation plan if approved, would require all of

the departments to fill out a technology implementation plan in the format provided prior to requesting funding for new technology projects.

Commissioner Brown questioned the process and inappropriate blogging comments on Facebook. He asked if something of this nature would go to a board for review.

County Attorney Scott Bennett replied the policies presented to the Board today pertained to use of County computers, County networks and County equipment and did not pertain to home equipment at all.

There was a consensus for staff to proceed with this issue and bring it back to the Board at a future meeting.

Chairman Frady exited the meeting at this time.

Commissioner Horgan called for a short recess at 4:42 p.m.

Chairman Frady re-entered the meeting at this time 4:46 p.m.

3. Commissioner Brown would like to discuss the possibility of preparing a resolution to send to the Georgia Department of Transportation encouraging the design of a full-fledged plan for the proposed improvements to the interchange at Georgia Highway 74 and I-85:

Commissioner Brown and Public Works Director Phil Mallon presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

Commissioner Brown announced that the Engineer for Fairburn Troy Besseche was also present today for this discussion. He said Phil, Troy and himself had attended a meeting with subcontractive engineering firm QK4. He said they had discussed several things related to the interchange. He said much to their credit, QK4 has seemed to take a lot of those things into consideration. He said there were several factors that are beyond our control including (1) the amount of money budgeted for the project in the TIA referendum and (2) the current road network and what we can afford to do. He said he had been working on this interchange situation since 2002 and expressed concern with trying to get the maximum impact of something that would be more meaningful and long lasting and try to have a plan in place.

Commissioner Brown remarked that one scenario was if the TIA referendum does pass, DOT currently has substantial funding set aside already for a number of those projects that are included in the TIA referendum. He said if it passes there would be additional funds to do those projects thus freeing up a lot of Georgia Department of Transportation funds that might be used in this project. He said if there was not a full fledged plan with these elements included in it and they were not recognized by the DOT and the governing authorities, then when the money does become available you would be at square one. He said one of the elements that they had looked at was the half diamond S.R. 92, the collector distributor lanes along I-85 and then adding some capacity to SR 54 on the Fayette County side.

Chairman Frady asked who would be drawing up these plans to send to the DOT and Commissioner Brown replied that QK4 the subcontractive engineering firm. Chairman Frady asked who would pay for these plans and Commissioner Brown said the County had paid a portion of it, Peachtree City had put in some funding as well as Fairburn and DOT.

Public Works Director Phil Mallon interjected that there would be a meeting in late January or February to show these drawings.

After further discussion, County Administrator clarified that Mr. Mallon would go back to the ARC and DOT to see if it was feasible to do an expansion of the scope and if that was not feasible, then create a new scope and a resolution of support. Chairman Frady suggested Mr. Mallon also work with Fairburn Engineer Troy Besseche on this project since it was in the City of Fairburn.

After some discussion, there was a consensus of the Board for Mr. Mallon to go back to the Atlanta Regional Commission and the Department of Transportation and take a look at the feasibility of an expansion of the scope of the existing project related to the interchange at I-85 and S.R. 74 and if that is not feasible, to create a new project; followed by a resolution of support.

4. Discussion of the 2010 Transportation Investment Act discretionary funding category for unincorporated Fayette County:

Public Works Director Phil Mallon presented this item for discussion. The request and backup, identified as "Attachment No. 12", follow these minutes and are made an official part hereof. He remarked that the Transportation Investment Act takes all of the projected money collected by the one cent sales tax and it would spend 85% of it on a list of projects that has already been established. He remarked that the remaining 15% was being distributed to all of the unincorporated counties as well as the cities in the 10 county region. He said the county would receive approximately 58% of the money and if the estimated total projected revenue was divided by 10 it would be approximately $2.65 million per year. He said this money has a lot of flexibility and can be used for almost any type of transportation activity, new capacity projects, operations and maintenance, resurfacing, planning, design, staff, oversight and so forth. He said he wanted (1) to make certain that the Board as well as the public was aware of this 15% funding category; (2) to obtain in put on what process the Board would like to go through to establish the use of the money in Fayette County; and (3) to promote his recommendation that a series of categories be identified with a percentage or a minimum lump sum amount to go into each of those categories that can be allocated over the next ten year period. He said the categories that he was recommending were (1) new capacity projects; (2) safety and operation improvements; (3) intersection improvements; (4) multi-use bicycle/walking trail projects; (5) general operations and maintenance; (6) bridge replacement, maintenance and safety; (7) administrative costs; and (8) money to match Federal funding.

Commissioner Hearn said he would like staff to prepare a priority list indicating the biggest needs. He felt resurfacing, milling, sign, striping were short and he would like to see more money designated for that category. He said the intersections were important but he would also like to see some parameters in terms of accidents at intersections. He said he was also aware that there were equipment needs. He suggested there would also need to be money allocated for gravel roads. He also remarked that GDOT might help the County with funding for the First Manassas Mile and SR 54 intersection improvement.

Commissioner Brown said he would also like staff to provide explanations for the projects chosen.

Commissioner Hearn added that he would also like to see the number of projected miles for resurfacing each year on an as needed basis as well as the paving of dirt roads.

Mr. Mallon said he would be glad to bring this information back to the Board during their retreat for further discussion.

There was a consensus of the Board that staff compile recommendations and present these to the Board at the Annual Retreat.

Administrator's reports:

Welcome to Jarred Hutchinson: County Administrator Jack Krakeel introduced Jarred Hutchinson who is a graduate student at Georgia Southern University. He said part of Jarred's graduate degree includes an Internship with a governmental agency. He remarked that Jarred had been offered an Internship with the Governor's Office but selected Fayette County for his Internship. He said Jarred would be working on special projects directly with his office for the next three or four months. He welcomed Jarred and wished him a lot of success.

Request for a Resolution from the N.A.A.C.P.: County Administrator Jack Krakeel asked for direction on this matter as well as a request for presentation of the Resolution at the Martin Luther King Day celebrations.

There was a consensus of the Board for staff to proceed with the preparation of the Resolution for the Martin Luther King Day celebrations.

Update on County Health Insurance and Benefits: County Administrator Jack Krakeel remarked that discussions regarding this issue have taken place over the last six months. He said staff has met with several firms to discuss current healthcare issues as well as concerns with the County's plan and looking at alternative options. He said the consultant has prepared a recommended list of considerations. He said he would like to meet with the Board members to review this information as well as having one or more Commissioners to attend a meeting on January 18th where an actual interview process was scheduled for three of the finalists.

Commissioners reports:

There were none.

County Attorney: County Attorney Scott Bennett requested an Executive Session to discuss litigation.

Commissioner Brown made a motion to adjourn to Executive Session to discuss litigation. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman Frady called the meeting back to order and remarked that the Board had discussed one legal item in Executive Session.

Commissioner Brown made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that one legal item was discussed in Executive Session. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

Adjournment: Hearing no further business to come before the Board, Commissioner Brown made a motion to adjourn the meeting at 6:00 p.m. Commissioner Hearn seconded the motion. The motion carried 5-0.

_____ _____

Karen Morley, Chief Deputy Clerk Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of January, 2012.

_____

Karen Morley, Chief Deputy Clerk