Minutes

Board of Commissioners
December 15, 2011
7:00 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 Thursday, December 15, 2011, 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 Karen Morley, Chief Deputy Clerk

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Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation.
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.

Presentation/Recognition:

1. Presentation of a grant from the State of Georgia to Fayette County in the amount of $950,000 available through the Federal Emergency Operations Center Program:

Director of Public Safety Allen McCullough presented a letter to the Board from Governor Nathan Deal awarding a grant from the State of Georgia in the amount of $950,000 available through the Federal Emergency Operations Center Program. A copy of the request and letter, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

2. Recognition of the County for receipt of the Georgia Focus Recognition Certificate for reaching a milestone in the initiative to improve key processes and outcomes:

Director of Purchasing Ted Burgess gave a brief presentation on the Georgia Oglethorpe process and presented the Board with the 2011 Georgia Focus Recognition Certificate Award and pointed out that Fayette County was the first County in the State of Georgia to receive this recognition. The Board recognized and congratulated Mr. Burgess as the leader in this process resulting in the County receiving this Award. County Administrator Jack Krakeel said this Award would not have been possible without the efforts made by Mr. Burgess in leading this process. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Public Hearing:
Note: The following two petitions involve the same proposed development and may be discussed as one issue. However, each petition will need a motion by the Board of Commissioners indicating approval or denial.

3. Consideration of Petition No. 1222-11 Russell W. and Donna S. Jordan and Spotty Merle, LLC, Owners, and Ken Ward, Agent, request to rezone 494.39 acres from A-R to PUD-PRL to develop a planned retreat and/or lodge. This property is located in Land Lots 1, 2, and 3 of the 7th District and Land Lots 1 and 32 of the 5th District and fronts on Ebenezer Church Road, Arnold Road, and Green Meadow Lane:

Director of Community Development Pete Frisina read the request and the rules for rezonings. A copy of the rules for rezonings, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Attorney Brad Parrott remarked that he was the attorney for Camp Southern Ground. He noted that Zac Brown was the founder and the driving force behind the camp. He stated that the purpose of the camp was to serve the needs both able bodied and special needs children and that was the sole purpose for which the camp will be put to use. He noted that the site consisted of 500 acres but only 100 to 150 acres would ever be developed. He said there would be 400 acres of undisturbed land and there would be no impact on the schools.

Zac Brown said he went from being a camper, to a counselor and being on staff at these type of camps and he had seen first hand the impact that this type of camp can have on a child's life. He said he wanted to make sure this was done in the right way and exceed all expectations in all areas. He thanked everybody for their support in this endeavor. He said he knows that he was put here to help create this camp and this was his life's work and his dream to help make this come about.

Greg Copeland, Architect and Planner, discussed the proposed plan with the Board. He noted that a vast majority of this land was a mix of hardwood forest and pine with a large area of open space in the center. He said the overall development plan represents 157 acres out of the total acreage and the actual development area was only 106 acres of which 37 acres was dedicated to the horse program and another 10 to 15 acres was being preserved as natural meadows. He said the actual impact was really significantly low for property almost 500 acres in size. He said there were six primary zones: (1) entry, arrival area, and day use area; (2) main camp area; (3) program core; (4) the equestrian facility; (5) staff housing; and (6) maintenance support area. He noted that the entry and arrival area would include a welcome center/administrative center for camp. He said one of the significant things that had been changed in the plan since the last meeting was realigning the parking area so that the permanent parking and the temporary parking has been completely removed from the backs of the houses along Arnold Road and was not all along the Eastern side and buffered by a significant boundary of woodland. He said the second area of main camp was the heart of the camp and was nestled below the rolling meadows toward the entry of the property. He stated that the main camp

would include three camper lodges, dining hall, and the health center. He said in another open field was the program core which encompasses most of the major activities that will occur in camp including the swimming pool, the multi purpose building which will include the performing arts, music and creative arts, an environmental education center, and a large canvas covered adventure center including ropes, horses, initiative courses, and an assembly area; (4) the equestrian center will include 37 acres of open fields and woodlands, a number of facilities associated with the horseback program including stables, classroom building, indoor and outdoor riding arenas, and pasture to support the horses associated with the camp; (5) staff housing will include an existing completely renovated a farm house as a year round residence, second residence added, seasonal staff housing for staff; and (6) the maintenance support area will be the most isolated area. He also noted that the permanent parking for staff would be located in the Southern most corner of the property.

Chairman Frady asked if anyone would like to speak in favor of this request.

Marcus Valdes: Marcus Valdes remarked that he lived in close proximity to the proposed site for Camp Southern Ground. He said concerns had been voiced that the Camp would increase traffic on Ebenezer Church Road and noted that the traffic was already a busy connector between Peachtree City and Fayetteville. He felt the additional camp traffic would be a minor issue relative to the current traffic levels. He commented on the issue of moving the entrance to the East would move it from a dangerous curve to a much straighter section of road with a deceleration lane. He said he could not imagine a summer camp having anymore impact than the schools on Lester Road have already created. He said he was the father of three young children and he looked forward to the opportunity that Camp Southern Ground presents for them in the near future. He said the community was extremely blessed to have an individual who was willing to give back so much of what he has received. He said this camp would benefit the community by preserving green space, adding jobs and make a contribution to children.

Pam Young: Pam Young said she was the Executive Director of Southern Conservation Trust and noted that Southern Conservation Trust was a key stakeholder of the proposed development. She said the Trust currently holds an existing conservation easement on 164 acres of the almost 500 acres under consideration. She said they have been working with the expert team who has been developing a project that would be a significant benefit to the Fayette community. She said the existing easement is being fully honored within the project under consideration. She assured the Board that the project planning was being approached with conservation in mind with appropriate mitigation as needed and with potential opportunities for adding additional acreage into conservation. She said the Trust was in favor of the request for the zoning change and the camp development. She remarked that the basis of Mr. Brown's camp was about giving back with all of the team implementing his vision from that same perspective. She asked for the Board's consideration in approving this request.

Dr. Jim Sams: Dr. Jim Sams remarked that he had a son who had been born in 1982 with Down Syndrome and died in 1996 from complications of Leukemia. He said through this process his son had taught him several things. He said had people had paid their condolences and sympathies he realized that he only knew about one third of the people and the other two thirds were his son's friends, supporters and community. He said for the Board's support for Camp Southern Ground because it would give Fayette County an opportunity to build and strengthen its sense of community. He said he had also been taught that the citizens in Fayette County with special needs serve a special role and this was one of the barometers for the community's heart and soul. He asked for the Board's support for Camp Southern Ground because it also affords the community the opportunity to put the life and to make real Jesus's words to us when he said "as you do unto the least of these so you have done it unto me." He said the opportunity for this community to have increased interaction with these very special people will make us better. He asked for the Board's support in this request.

Charles Whitlock: Charles Whitlock said he had lived in Peachtree City for the last 24 years. He said his adult son has developmental disabilities. He said he could certainly support and understand the struggles that the Brown family may be going through to have a camp. He said many years ago he had seen a need for summer activities for children of Fayette County and went about putting together a camp called Spot Splash and this camp was quite a success for its time. He said the camp had filled a real need and niche for that era of Fayette County. He said he had since become very active in the lives of adults with developmental disabilities in Fayette County by providing advocacy and support. He said the neighborhood where the camp was proposed was not new to serving those people with developmental disabilities and in fact his board owns a group home located on Nelms Road just down the road from the site. He said he was certainly in favor of the rezoning petition and he urged the Board to approve the request.

Katie Hall: Katie Hall said she was 16 years old and attends Whitewater High School. She said when she was in first grade she was diagnosed with dyslexia and ADHD/ADD. She said the ADHD/ADD was hard to live with and noted that the Fayette County School System special education department had been a huge part in her life during school to help her cope with everything that she needs to help her graduate as well as participate in activities. She said when she was young she would have given anything to have been able to go to camp and have counseling. She remarked that Zac Brown and Camp Southern Ground are the answer for kids like her. She said this would be an outstanding place for kids like her to enjoy themselves where people would understand their disabilities. She urged the Board to allow this camp to come into the community and help kids like her learn to cope with their disabilities. She said she would pledge to be at the camp to help kids younger than her understand what they are feeling and how she has learned to get through the day.

George Dillard: George Dillard said he had lived in Fayette County for 19 years and he loved this area. He said people move to Fayette County because of the good schools and the quality of life. He said the Planning Commission as well as other groups who have been given the stewardship of leadership have done a good job of helping maintain the quality of life in Fayette County. He said this camp will only add to the quality of life in Fayette County and to the benefits of community. He urged the Board to approve this request. He said this camp would be a shining star in this great Fayette County community.

Crystal Carnihan: Crystal Carnihan said she was speaking tonight on behalf of her 16 year old son Christopher who has autism. She said the camp that Mr. Brown would like to build would be a great benefit to her son and many other special needs people in the community. She pointed out that her home was in the path of the East Fayetteville Bypass and it would affect their lives immensely. She said she would give anything to swap with the neighbors of the proposed camp who are in opposition. She said she would love to have Mr. Brown in her back yard. She asked for people to have compassion for others as Mr. Brown does. She said the special needs children go through life with constant struggle and for them a week of fun at camp was huge. She said the camp would give the kids and their parents an opportunity some respite and fun.

Melanie Harper: Melanie Harper said she and her husband have lived in Peachtree City since 1998. She said their son Bobby was born here in 2003 and he has autism. She said they have found Fayette County to be a very welcoming community to her family. She said she sees Camp Southern Ground as an extension of this welcoming community that they are so proud of. She said this would also provide jobs to Fayette County citizens as well as special needs individuals such as her son. She said this would allow her son to learn work skills along side typical individuals in a safe and sheltered environment

Chairman Frady asked if anyone wished to speak in opposition to the rezoning.

Sue Casey: Sue Casey said she has four special needs children in her extended family. She said there was not a person here tonight opposing the camp who was against special needs children having a camp. She said this would be a camp in a beautiful rural neighborhood. She said the only issue that she wanted to address was the traffic. She felt the assessment that had been presented was absurd in saying that there was only going to be 225 cars that would be traveling down S.R. 54 and then turn on Ebenezer Road and then turn left on Ebenezer Church Road or even come down Lester Road. She felt most parents were like her and they were going to look on the GPS and go the shortest distance to get to the camp. She said the shortest distance would be traveling down S.R. 85 and then turning on Beauregard or Ramah Road. She said then they would travel down Redwine and then come down to Ebenezer Church. She said she had never seen any type of equipment on the roadway to count the number of cars that cut through Ebenezer Church Road. She also expressed concern with the "Share the Road" bikers. She said there were a lot of the bikers using Ebenezer Church Road. She said there was no shoulder on the roadway for a car or a bike to go when they meet heavy equipment, dump truck or dirt truck. She also felt that even though the camp would be used five months out of the year the other seven months would be used for the equestrian center. She questioned who the control person would be to keep up with that particular traffic. She said the traffic would be heavy going and leaving camp and it would be hard to stagger it. She also expressed concern with oversight of the land use and possible concerts, corporate entities using the facility and use of the equestrian facility. She said there were no answers to these concerns in any of the information that has been presented. She thanked the Board for listening to her concerns.

Kenny Wallace: Kenny Wallace said he was speaking on behalf of himself and his wife. He said their property was bordered by Camp Southern Ground development. He said they had attended the Planning and Zoning meeting on November 3rd to oppose the camp. He said their two main concerns were the 200 space parking lot located directly behind his house, the water source was proposed to be well water, and a water tower for fire protection. He said at that time they were furious that someone was coming into the area and taking over everything without giving a thought to the citizens of the surrounding area. A few weeks after the hearing his wife had received a call from the owner's wife Shelly Brown. He said Mrs. Brown felt they had gotten off on the wrong foot and wanted to come over and speak with them regarding their concerns about the camp and its effect on their property and privacy. He said during the meeting, Shelly was able to show them that the parking lot had been relocated far away from his home and the other homes in the area. He said, as this was one of their main concerns, they were very pleased to hear that they had listened and really cared about being good neighbors. He felt the meeting went very well. He said change was never easy. He said many who will speak in opposition to the camp tonight are concerned because they do not know the Browns and, therefore, it is easy to make assumptions about the Browns and any covert plans that they might have for this very large piece of property. He said upon completion of their meeting with Shelly, they realized that the Browns live on this property and also desire their peace and quiet and privacy. He said Shelly offered input on the type of buffering that we would like behind their home and the camp as well as input on other concerns that we had. He said ultimately he and his wife realized that this was the Browns' property and they have a right to do what they want on their property within the limits of the law. He said they appreciated the Browns for being willing to do what was necessary to make this transition on the neighborhood. He said the only concern remaining was the source of water for the camp. He said Shelly indicated that they were still looking at both options including well water versus County water for the camp. He said he was standing before the Board tonight not so much to oppose the camp but to strongly urge the Browns to consider the additional value and benefit that could be brought to the community by installing County water at the camp. He said he realized this would be an additional expense but pointed out that this would be a goodwill gesture to the community as well as an opportunity to further their good standing as an environmental steward in the area. He thanked the Board for allowing him to speak.

Frank Simpson: Frank Simpson said he lives directly across the road from the proposed camp. He said he had listened to the proponents of the proposed camp and he agreed with everything that was said. He said a camp was needed for children with special needs and he did not disagree with the purpose of the camp. He said he did disagree with the location of the proposed camp. He said proponents have already stated that the traffic was already heavy on that particular road and this camp would only add to the traffic problem. He also expressed concerns with the proposed waste treatment at the camp that he understood to be a septic system and the management of the waste treatment. He said he was also concerned about the water table for that area as well as the aquifers.

Dr. Ramsey Lawson: Dr. Ramsey Lawson said he was in support of the concept of the plan. He asked for the Board's consideration to look at alternate zoning. He said he has a family here and plans on practicing medicine for many years. He expressed concern with what could occur twenty years from now with this PUD development. He felt this was more of a zoning issue for the Board to consider. He commented on the Highway 54/74 overlay zoning was repealed. He said there was a lot of nice development that went on in the County and now that development was encroaching on the roads. He asked consideration for the Board to carve out as a parcel the PUD zoning for that one portion leaving the other approximately 300 acres as A-R.

Joy Hurst: Joy Hurst said she had lived in the County for the last 34 years. She said she appreciated Commissioner Brown, Commissioner McCarty, Pete Frisina and County Administrator Jack Krakeel who attended the meeting on November 2nd to answer citizens' questions about this proposed camp. She said there were questions regarding Tracts 5 and 6 of this plat. She said Commissioner Brown had stated that he felt like the two lots would probably be sold. She said the minutes of the September 1, 2011 Planning and Zoning public hearing meeting reflect that Pete Frisina explained that Tracts 5 and 6 cannot be exempt from the proposed rezoning until the lots are surveyed and a new legal description created. She said Doug Powell had also expressed concern that Tracts 5 and 6 were being rezoned PUD/PRL but would be made part of the Roundtree Park Subdivision as an A-R subdivision. She said Mr. Powell felt like this could cause problems in the future. She said she understands that the applicant has two petitions including rezoning of the property and secondly to add two lots which are Tracts 5 and 6 to the Roundtree Place Subdivision because these two proposed lots would be an access through this Subdivision street of Green Meadow Lane. She said she also understands that the final plat cannot be revised to add these two lots to the Subdivision until the Board of Commissioners approve the request and the revision would go through the staff reviews. She pointed out that on September 29th Ken Ward filed an application with the County to revise the records of the plat for lots 5 and 6 at the end of Green Meadow Lane. She questioned what purpose would this serve to revise an existing plat for two lots that were not to be part of the PUD use area just five weeks prior to the hearing tonight. She said citizens do have their concerns about why lots 5 and 6 are part of the PUD/PRL zoning in the first place.

Beverly Williams: Beverly Williams felt there had been misinformation, a lack of information, lack of answers to some questions and giving answers to questions that had not been asked from the very beginning of the discussions for this project. She said a group of concerned citizens had sent a formal protest to the County Commissioners on November 21st requesting a formal response to questions by no later than December 7th. She said they had also asked for written legal opinions signed by the County Attorney regarding County requirements. She said Mr. Krakeel remarked that a number of residents had raised questions that needed answers but the County was not going to have its Attorney write a formal opinion on this. She said the citizens had requested a legal opinion regarding the appropriateness of the zoning and County requirements. She said the citizens appreciated Commissioner Brown's efforts in formally responding to their questions and she pointed out that Mr. Brown was the only Commissioner who communicated with them. She said she had sent a followup e-mail to Steve Brown and copied the other Commissioners on December 1st with some additional questions and asked that the vote on the rezoning be postponed until after their questions were answered.

Brett Vincent: Brett Vincent expressed concern with the amount of traffic that would be passing in front of his home and he urged proper buffering of the property.

Chairman Frady asked if anyone else wished to speak in opposition. Hearing none, he asked Attorney Brad Parrott if there was any rebuttal.

Attorney Brad Parrott replied Engineer Dan Davis was present and would be glad to answer any questions regarding the septic system. He said that was governed by the State and the Environmental Protection Agency would inspect it at all times. He commented on the inclusion of the residential lots in the project and this was for transparency. He said this would make it clear what was intended for this property and the camp would be governed under one document. He said everyone involved is very excited about this project and he thanked the Board for the opportunity to present this petition.

Commissioner Hearn made a motion to approve Petition No. 1222-11 to rezone 494.39 acres from A-R to PUD-PRL to develop a planned retreat and/or lodge including staff's two recommended conditions. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Brown asked if Commissioner Hearn would entertain a friendly amendment that there would be no hunting on the site including the conservation easement area; that all wildlife removal if needed be conducted by a professional wildlife removal company; and any event or gathering of more than 375 person capacity of the camp listed in the summary of intent is subject to the approval of the County per the International Fire Code Chapter IV as referenced by County Ordinance.

Commissioner Hearn said he did not have any comments but noted that there were several County Codes that were currently in force in how this activity would be governed and enforced. He said he was not interested in adding those two amendments.

Chairman Frady asked Mr. Frisina for clarification regarding hunting on this property and Mr. Frisina replied that hunting was not regulated by the zoning but was included in the County Code and was based on lot size.

Commissioner Brown interjected that the easement did allow for hunting on the site. He said with the uses proposed, he felt hunting was inappropriate and said he would like to see this withdrawn as any possibility on this property.

Commissioner Horgan said he would also disagree with Commissioner Brown on number 5 of his proposed amendments regarding maximum capacity. He said the County did not require this of anybody else in the County including churches or any other gatherings whatsoever and he did not feel this was appropriate for this rezoning to be included as an amendment.

Commissioner Brown remarked that the 375 number was not a cap but just a number that would alert the County to review it. He noted that entities such as churches, nonprofit organizations, retail outlet stores or anything of that nature was subject to the International Fire Code Chapter IV. He said this was just something that the County would do ordinarily anyway. He said he just wanted to list this as a condition just so the audience as well as the neighbors would know that the County was committing to enforcing the International Fire Code Chapter IV.

Chairman Frady said the Board of Commissioners were interested in taking care of the citizens of Fayette County and if anything occurred on this property that was not supposed to go on would be addressed.

Commissioner Hearn pointed out that if this 500 acre tract was developed A-R there would probably be 92 homes built on the property. He said with two vehicles per household generating 184 trips with only one trip per day. He said he also wanted to point out that Zac Brown does not live in Malibu or anywhere else in the Country but he lives in Fayette County on Ebenezer Church Road. He said this was Zac Brown's home. He said he was impressed that someone who could afford to put almost anything on this piece of land was committed to having something that would help those less fortunate. He thanked Zac Brown for presenting this project and said he was in full support of it.

Commissioner McCarty remarked that one of his concerns was high density housing and he sees this area as one that does not get high density housing in this County. He said he sees the proposed camp as a big positive. He pointed out that a high density project would really take the County's water levels down and also reduce sewer capacity. He noted that the County water would have no impact on the local wells. He stated that the sewer system that the camp would use was thoroughly regulated not only by the County but the State of Georgia and must consistently meet all codes and standards.

Chairman Frady said he was happy to see a project like this one to come into Fayette County. He said the kids in this area deserved a place like this and it would make this County a better place to live.

The motion carried 5-0. A copy of the Ordinance and Resolution approving Petition No. 1222-11, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Chairman Frady called for a brief recess at this time.

After a short recess, Chairman Frady reconvened the meeting.

4. Consideration of Petition No. RP-050-11 Spotty Merle, LLC, Owner, and Ken Ward, Agent, a revision to the recorded Final Plat of Rountree Place Subdivision to add approximately 10+/- acres to Tract 9 (10.12) acres) and reconfigure into two (2) single-family dwelling lots (shown as Tract 5 and Tract 6 on the Development Plan for Petition No. 1222-11). This property is located in Land Lot 1 of the 7th District, fronts on Green Meadow Lane, and is under consideration for rezoning from A-R to PUD-PRL:

Director of Community Development Pete Frisina read the petition and Chairman Frady asked if the agent for this application was present.

Ken Ward said he was the agent for the applicant and owner of the property. He asked if there were any questions for him regarding this request and he would be open to respond to any rebuttal.

Chairman Frady asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition. There were no comments in opposition and Chairman Frady asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve Petition No. RP-050-11 for a revision to the recorded Final Plat of Rountree Place Subdivision to add approximately 10+/- acres to Tract 9 (10.12) acres and reconfiguring into two (2) single-family dwelling lots (shown as Tract 5 and Tract 6 on the Development Plan for Petition No. 1222-11. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown said he had read all of the rezoning documentation when this petition was filed and he had also read all of the Planning and Zoning minutes. He said he would like to make one correction that he felt needed to be made on the Planning Commission minutes where it stated that a home could be developed on Lot 9.

Mr. Frisina clarified that Lot 9 still stands and was never platted. He said the applicant never reconfigured it so it still stands as Lot 9.

The motion carried 5-0. (The backup information for this item is included in Attachment No. 5 regarding Petition No. 1222-11).

Public Comment:

Dennis Chase: Dennis Chase stated he was the President of the Line Creek Association of Fayette County. He said he had joined the West Fayetteville Bypass Coalition from the beginning and had assisted them in compiling documents against the construction of the West Fayetteville Bypass. He said he was also one of the principal funders of the action taken to possibly put this into Federal Court as a violation of the Clean Water Act. He said that did not come to completion. He said he had spoken with several attorneys related to the Southern Environmental Law Center to review the entire package to determine if he had credible documentation confirming that his information was accurate. He said these two environmental law firms indicated that he was correct in stating that there were two primary violations of the Clean Water Act in this case. He said he had been contacted by a staff member from the Corps of Engineers asking the Association to proceed with this lawsuit. He said Fayette County was technically in violation of the Federal Clean Water Act on two different counts. He said he was disappointed that funds could not be collected for this lawsuit because the Association would have won the lawsuit. He urged this Board to listen to the citizens a little bit more than had been done in the past. He said the Board's actions have hurt citizens living along the West Fayetteville Bypass. He said the Board had not answered citizens' questions or respond to their concerns. He said the same thing had occurred tonight with the Camp Southern Ground petition. He said citizens who spoke tonight had some serious concerns and questions and they had received no answers. He urged the Board to listen to the citizens of Fayette County.

Randy Ognio: Randy Ognio talked about the down turn in the economy and the increase in taxes and other services and the burden that this has put on citizens. He said regardless of the economy, the government keeps on spending money. He said a new E-911 tax had even been added as well as the creation of a new storm water fee. He said the government continues with unnecessary spending including the construction of the Veterans Parkway. He remarked that there had also been park surveys and park lighting that could have been postponed until next year. He also commented on the creation of the newly created Director of Library Services position with a salary from $67,000 to $102,000 plus benefits. He said this position had not been budgeted. He also remarked that he did not think there was any competition in government. He also commented on Ordinance No. 2011-06 which he felt made it harder for citizens to speak during public comment at Board of Commissioners' meetings.

Executive Assistant Carol Chandler noted for the record that Jim Sams, Pam Young, Charles Whitlock, John Byrd, and Kenny Wallace had also signed up to speak under Public Comment but were not present at this time.

Consent Agenda: Commissioner Brown requested item nos. 6, 9, 11 and 12 be removed for discussion. Commissioner Brown made a motion to approve the consent agenda item nos. 6 - 18 with the exception of 6, 9, 11 and 12 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Fire and Emergency Services - Donations Account:

5. Approval of staff's request to accept donations from various sources, to the Department of Fire and Emergency Services to increase Fire Fund's Donations/Miscellaneous Revenue Account by $600 and to increase Fire Fund's Food/Catered Meals Expense Account by $524 and Other Supplies Expense Account by $76 in order to account for the donations. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

RFP #800 - Stormwater Pipe Replacement Design and Engineering Services Kirkley Road over Trickum Creek:

6. Approval of staff's recommendation to award RFP #800 for stormwater pipe replacement design and engineering services at Kirkley Road over Trickum Creek in an amount not to exceed $37,991.25 to Clark Patterson Lee Design Professionals; and authorization for the Chairman to execute the contract, pending review by the County Attorney. A copy of the request, backup and contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

Commissioner Brown questioned why this bid was awarded to a company that was listed as fourth on the bid list. Director of Stormwater Management Vanessa Birrell replied that the other bidders did not meet the criteria the County required in the RFP.

Commissioner Brown made a motion to approve consent agenda item no. 6 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Road Department - Bid #803 - Globe Trailer Manufacturing, Inc.

7. Approval of staff's recommendations to award Bid #803 to Globe Trailer Manufacturing, Inc. for a 50 ton lowboy trailer in the amount of $52,629.71 for the Road Department: A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

RFP #805 - Awarded to Yancey Brothers Caterpillar:

8. Approval of staff's recommendation to award RFP #805 to Yancey Brothers Caterpillar for a 2006 Caterpillar 953CAC Track Loader including a two year warranty in the amount of $139,460. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

Bid #807 - Awarded to Naser Heavy Equipment, Inc.

9. Approval of staff's recommendation to award Bid #807 to Naser Heavy Equipment, Inc. for Heavy Equipment Rental in the apparent low bid in the amount of $52,650 for the 8 month rental of a CAT D4 or equal Dozer and a CAT 330 or equal Track Hoe. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition. He felt the West Fayetteville Bypass was a waste of taxpayers' dollars.

Commissioner Hearn made a motion to approve consent agenda no. 9 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Bid #808 - Awarded to GE Analytical Instruments for a TOC Analyzer:

10. Approval of staff's recommendation to award Bid #808 Total Organic Carbons Analyzer, to GE Analytical Instruments for a Sievers 5310 C Series TOC Analyzer, in the amount of $29,943 to be used at the lab at the Crosstown Water Treatment Plant. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

Bid #809 - Awarded to Faultless Business Center, Inc., Liberty Truck Hauling, LLC and C & J Carriers LLC:

11. Approval of staff's recommendation to award annual Bid #809 to Faultless Business Center, Inc. as the primary vendor and to Liberty Truck Hauling, LLC and C&J Carriers LLC as secondary vendors for dump truck hauling services for calendar year 2012, in an aggregate amount not to exceed $150,000. A copy of the request and backup, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition.

Commissioner Hearn made a motion to approve consent agenda item no. 11 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Bid #811 - Awarded to Curb Specialist, Inc.:

12. Approval of staff's recommendation to award Bid #811 to Curb Specialist, Inc. for an annual contract for miscellaneous concrete work to be used in various construction and road maintenance projects, in an aggregate amount not to exceed $50,000. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

Commissioner Brown remarked that because this related to the West Fayetteville Bypass, he would be voting in opposition.

Commissioner Hearn made a motion to approve consent agenda item no. 12 as presented. Commissioner Horgan seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Fayette County Transfer Station - Sale of Excess Mulch Ground at Yard Waste Area:

13. Approval of staff's request for authorization to proceed with selling excess mulch ground at yard waste area at the Fayette County Transfer Station in increments of 5,000 cubic yards either through the County's bid process or by using www.govdeals.com or a combination thereof. A copy of the request, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

Sheriff's Office - Overtime Budget Account Amended for Criminal Investigations Division:

14. Approval of a request from the Sheriff's Office to amend the Overtime Budget Account for the Criminal Investigations Division by $3,229.01 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

Sheriff's Office - Acquisition of Two Vehicles Using Equitable Sharing Funds:

15. Approval of a request from the Sheriff's Office for authorization for the appropriate Fayette County officials to execute the necessary tag and title paperwork for the acquisition of two vehicles using Equitable Sharing Funds. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

County's Strategic Technology Plan - Purchase of IBM SAN Storage Equipment:

16. Approval of staff's request for authorization to purchase IBM SAN Storage equipment as part of the County's Strategic Technology Plan with said purchases to come from Georgia State Contract SWC90813-02 for IBM products, in an amount not to exceed $77,700. A copy of the request and backup, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

E-911 Center - Authorization to Purchase Computer Aided Dispatch System Project #8215C:

17. Approval of staff's request for authorization to purchase computer equipment for the 911 Center's new Computer Aided Dispatch System Project #8215C. The IBM equipment will be purchased off the Georgia State Contract #SWC90813-02 for IBM products, in an amount not to exceed $92,556. A copy of the request and backup, identified as "Attachment No. 18", follow these minutes and are made an official part hereof.

Minutes:

18. Approval of minutes for the Board of Commissioners' meeting held on November 10, 2011.

New Business:

19. Consideration of staff's recommendation to reaffirm the official name of "Brooks Woolsey Road"/ "Woolsey Brooks Road" as Brooks Woolsey Road:

Director of Public Works Phil Mallon presented this item for discussion. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof. He said this was a request to officially change the name of "Brooks Woolsey Road/ Woolsey Brooks Road" to Brooks Woolsey Road. He said this would impact some of the property owners. He said Planning and Zoning and Permits and Inspections took a survey and it was almost 50/50 and the street signs were all Brooks Woolsey Road.

Chairman Frady asked if this had been discussed with the Post Office and Mr. Mallon replied that he was not sure for certain if it has but staff would certainly give them notice of this change.

Commissioner Hearn made a motion to reaffirm the official name of "Brooks Woolsey Road"/Woolsey Brooks Road" as Brooks Woolsey Road. Commissioner Horgan seconded the motion. The motion carried 5-0.

20. Consideration of staff's request for authorization to transfer $18,100 from reserve fund to the Road Department's Heavy Equipment Repair Budget Account and $17,000 from the reserve fund to the Road Department's Vehicle Repair Budget Account to pay for repairs to two critical pieces of heavy equipment:

Director of Public Works Phil Mallon presented this item for discussion. A copy of the request, identified as "Attachment No. 20", follows these minutes and is made an official part hereof. He said during last year's budget planning he felt there was general agreement that there was a good chance that some of the larger dollar repairs would be necessary.

Commissioner Hearn made a motion to approve staff's request for authorization to transfer $18,000 from reserve fund to the Road Department's Heavy Equipment Repair Budget Account and $17,000 from the reserve fund to the Road Department's Vehicle Repair Budget Account to pay for repairs to two critical pieces of heavy equipment. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Brown questioned from a technical standpoint why this was not included in the capital plan and why are they being pulled from the reserve funds.

Mr. Mallon replied that he could not address the idea of why it was being taken out of capital, but he discussed this issue with the Finance Department staff and the answer was since this work was not a guarantee, staff felt it should not be budgeted on a "what if" scenario.

County Administrator Jack Krakeel interjected that at the time this work was not definitive and the direction given to staff at that point was to wait and see if there was a need and if there was a need, the money could be taken from the reserve fund if necessary.

Commissioner Brown questioned the prognosis for the vehicle with 252,000 miles and how it would be kept and Mr. Mallon replied that there were no plans to replace the dump trucks at this time.

Director of Fleet Maintenance Bill Lackey interjected that there were no plans to replace this unit at this time. He noted the cost of a new dump truck would be in the range of $120,000. He said this particular truck has a lot of useful life in terms of years left in it.

The motion carried 5-0.

21. Consideration of staff's recommendation to award Bid #804 for Storm Drainage Pipe & Structures Supply for the West Fayetteville Bypass Project - Phase II, Section I to the following suppliers in the amounts denoted: Foley Products Co. in the amount of $28,137.60; HD Supply Waterworks, LTD in the amount of $5,402.60 and Vellano Bros., Inc. in the amount of $1,930:

Director of Public Works Phil Mallon presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 21", follow these minutes and are made an official part hereof. He asked for the Board's consideration to award Bid #804 relating to the West Fayetteville Bypass Phase II. He said staff was recommending an award to three different vendors including Foley Products Co., HD Supply Waterworks, LTD and Vellano Bros., Inc.

Commissioner Hearn made a motion to approve staff's recommendation to award Bid #804 for Storm Drainage Pipe & Structures Supply for the West Fayetteville Bypass Project - Phase II, Section I to the following suppliers in the amounts denoted; Foley Products Co. in the amount of $28,137.60; HD Supply Waterworks, LTD in the amount of $5,402.60 and Vellano Bros., Inc. in the amount of $1,930. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Brown said he could not support this motion because it related to the West Fayetteville Bypass and he sees that project as a waste of taxpayers' dollars.

The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

22. Consideration of the reappointment of Doug Powell to the Fayette County Planning Commission for an additional three year term commencing January 1, 2012 and expiring December 31, 2014:

Executive Assistant Carol Chandler remarked that this was the Post 5 recommendation for the reappointment of Doug Powell on the Fayette County Planning Commission. A copy of the request and backup, identified as "Attachment No. 22", follows these minutes and are made an official part hereof.

Commissioner McCarty made a motion to reappoint Doug Powell to the Fayette County Planning Commission for an additional three year term commencing January 1, 2012 and expiring December 31, 2014. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Brown said because this position was not publicly advertised, he could not support it.

The motion carried 4-1 with Commissioner Brown voting in opposition.

23. Consideration of the reappointment of Vic Bolton to the Fayette County Zoning Board of Appeals for an additional three year term commencing January 1, 2012 and expiring December 31, 2014:

Commissioner Horgan made a motion to reappoint Vic Bolton to the Fayette County Zoning Board of Appeals for an additional three year term commencing January 1, 2012 and expiring December 31, 2014. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown said he would stand by his principles that these positions should be publically advertised and allow citizens to have the ability to apply for these positions in order to generate the best quality people possible for the positions.

The motion carried 4-1 with Commissioner Brown voting in opposition. A copy of the request and backup, identified as "Attachment No. 23", follows these minutes and are made an official part hereof.

24. Consideration of the appointment of Elizabeth Grindrod to the Fayette County Library Board for a four year term commencing January 1, 2012 and expiring December 31, 2016:

Commissioner Horgan made a motion to appoint Elizabeth Grindrod to the Fayette County Library Board for a four year term commencing January 1, 2012 and expiring December 31, 2016. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown interjected that because this position had not been advertised, he could not support the motion.

The motion carried 4-1 with Commissioner Brown voting in opposition. A copy of the request and backup, identified as "Attachment No. 24", follows these minutes and is made an official part hereof.

Administrator's Reports: County Administrator Jack Krakeel updated the Board on the names of two individuals for consideration by the Board for mediation services associated with Local Option Sales Tax. He said he would be forwarding the hourly rates for these two individuals tomorrow. He asked for the Board's consideration to review that information and provide recommendations as to how to proceed. He said he had spoken with the three other City Managers in respect to this issue and they concur with the two individuals and all agree to submit those names to their elected bodies for consideration.

Commissioners' Reports:

Commissioner Brown: Commissioner Brown commented on the Camp Southern Ground issue. He said he wanted to acknowledge that the neighbors of the Camp did have some legitimate concerns. He said he had met with these individuals several times as well as the Camp Southern Ground representatives and he would like to commend these representatives for personally taking every one of the concerns that they had been given and meeting with the homeowners personally to resolve each and every one of those problems. He said it was his hope that the Camp would connect to County water. He said he would like to pledge that he would donate the first $200 toward that effort in order to resolve potential well problems.

Commissioner McCarty: Commissioner McCarty said he had been accused of not responding to a certain person's phone calls and e-mails. He said there were quite a few e-mails and he responded to almost all of those but he had several doctors appointments and might have missed some.

Chairman Frady: Chairman Frady said he responded to almost everyone in one way or another. He said he had tried to meet with anyone who might have questions, but it would be hard for him to give his opinion on a rezoning until the case was heard by the Board. He said he would have to hear all of the information first before making a decision and he did not want to give anyone wrong information before a hearing was held.

Attorney's Report: County Attorney Scott Bennett requested an Executive Session to discuss litigation and property acquisition in Executive Session.

Commissioner McCarty made a motion to adjourn to Executive Session to discuss litigation and property acquisition. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman Frady called the meeting back to open session.

Commissioner McCarty made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that litigation and property acquisition were discussed in Executive Session. Commissioner Brown seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 25", follows these minutes and is made an official part hereof.

Adjournment: Hearing no further business to come before the Board, Chairman Frady adjourned the meeting at 9:25 p.m.

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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.

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Karen Morley, Chief Deputy Clerk