Minutes

Board of Commissioners
May 24, 2012
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 May 24, 2012 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd Jones, Chief Deputy Clerk

---

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the May 24, 2012 Board of Commissioners' meeting to order at 7:05 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

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

Introduction to Public Hearings: Community Development Director Pete Frisina read the Introduction to Public Hearings before opening the meeting to the first item for hearing. A copy of the Introduction to Public Hearings, identified at "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

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

Attorney Phillip Bubb represented the Alegria's in their petition. He told the Board that the Alegria's purchased the property a few years ago, but that it appeared that the property had been out of compliance since around 1980. He said this request was an effort to correct that problem. He acknowledged that while the problem would not be entirely corrected by the rezoning albeit the Planning Commission unanimously recommended rezoning with one condition. He reported that the neighbors do not have a problem with the request, and that the neighbors have been actively supporting the rezoning effort.

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

Commissioner Horgan moved to approve Petition Number 1223-13, with one condition, as requested by Ricardo Alegria and Landria Toogood Alegria, Owners, Richard A. Diment, Esq., Agent, request to rezone 1.36 acres from R-70 to R-20 to bring a Single-Family Dwelling Lot into compliance, with said property being located in Land Lot 74 of the 7th District, fronting on Ellison Road and Tyrone Road, and being Lot 2 of the Ramonaland Subdivision. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof. A copy of Ordinance No. 1223-12 and Resolution 1223-12, identified as "Attachment 3", follow these minutes and are made an official part hereof.

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

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

No one spoke in favor of the proposed amendments.

Mr. Randy Ognio spoke in opposition to Ordinance No. 2012 saying no "strike-through" version of the ordinance had been provided from the County's website, and therefore the people would not be able to compare the proposed amendments to the current ordinance. The Board and staff replied that this issue had been ongoing for approximately two years, and throughout the process red-line versions of the ordinance had been provided to the Board and to the public. *(It should be noted that the Agenda Request Form for this request informs all that a "strike-through" version of the proposed changes to the Ordinance is available upon request. No request was received by either staff or the Board.)*

Commissioner Horgan moved to adopt Ordinance Number 2012-09 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 20, Zoning Ordinance regarding Articles 3, 4, 5, 6, 7, 9 and 11. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, two additional changes, and Ordinance 2012-09, identified as "Attachment 4", follow these minutes and are made an official part hereof.

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

Community Development Director Pete Frisina briefly spoke about the proposed amendments reflected in Resolution 2012-11.

No one spoke in favor of or in opposition to Resolution 2012-11.

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

Commissioner Brown reminded the Board that as this consideration had arisen throughout the previous months, he had expressed the "exact same complaint" each time. He thought that the County was taking on something that the government should not be taking on, and that the Board was in a position of having to resolve personal property disputes which the owner should be rectifying with the person they bought the property from. He said government should not be the go-between or the arbiter in a situation that is really a subject of a civil suit. He said he would not vote for the resolution although he understood the burden it would place on some people.

Mr. Frisina agreed there were problems and that the problems had been ongoing for many years. He said the rezoning request that occurred earlier was a perfect example of when the system works. He said this resolution was an attempt to find a way "not to breach the Land Use Plan" while at the same time recognize some hardships and try to give relief when possible. Discussion followed.

The motion to adopt Resolution 2012-11 approving proposed amendments to the Fayette County Comprehensive Plan, Land Use Element, and Future Land Use and Narrative by providing for the consideration of rezoning of an Illegal Nonconforming Lot to a Legal Nonconforming Lot Status (LNS) subcategory of the same zoning district based on certain factors passed 4-1 with Commissioner Brown voting in opposition. A copy of the request and Resolution 2012-11, identified as "Attachment 5", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Randy Ognio: Mr. Ognio commented on New Business Item 19, Old Business 15 and Old Business 16. Concerning the bridge project at McIntosh Road, he stated that Spalding County should be responsible for its share of the engineering costs even if it meant that Fayette County filed suit against Spalding County. Next, Mr. Ognio spoke about the request saying the County ought to specify at least two different screen systems for the Flint River Pump Station, since it ran the risk of having "ten different bids for ten different systems." He said the County should do "some research ahead of time and pick out an economical filter . . . and find out reliability and everything else before you put it out for bid." He concluded his remarks by speaking about Old Business Item 16 and about Mallett Consulting. He suggested that Mallett Consulting "must know everything because no matter what it is, we use Mallett Consulting to specify the bid package." He wondered how Mallett Consulting could be that well versed. He said the request concerned data acquisition, and not a building, so there are companies available who are much more qualified in certain areas than Mallett Consulting.

CONSENT AGENDA:

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

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

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

Commissioner Hearn moved to approve staff's recommendation to modify the award of Bid #823 by rescinding the award to clean the E-911 Communications Center to American Facility Services, Inc., by awarding the bid to clean the E-911 Center to Tribond, LLC; and to authorize the Chairman to sign any contracts or documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

5. Approval of a request from the Sheriff's Office to amend the State Confiscated Revenue Budget Account by $1,188.69 for abandoned monies which have been ordered retained for law enforcement as required by law. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

6. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $541.62 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

7. Approval of the Sheriff's Office request to declare 20 cellular telephones, wireless internet cards, and related ancillary equipment as unserviceable, and to dispose of said items. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to award Bid # 832 for dust control on gravel roads to South Eastern Road Treatment, for the application of calcium chloride, in the amount of $2,912 per mile for 15.648 miles, in an amount not to exceed $45,600, and to authorize the Chairman to sign any contract or document contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

9. Approval of staff's recommendation to award Bid #826 Water Bills and Envelopes Printing to both If Its Printed! in the amount of $4,991.25 for water bill forms, and to Mac Paper Converters in the amount of $13,340.13 for envelopes, at an aggregate amount of $18,331.38, and to authorize the Chairman to sign any agreements contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

10. Approval of the Water System's request to authorize the Chairman to sign a Release for Construction Agreement, an Underground Distribution Agreement, and an Easement Agreement between Fayette County and Georgia Power for electrical service to be supplied to the Lake McIntosh Raw Water Pump Station, contingent upon the County Attorney's review. A copy of the request, the Release for Construction Agreement, the Underground Distribution Agreement, and the Easement Agreement between Fayette County and Georgia Power, identified as "Attachment 12", follow these minutes and are made an official part hereof.

11. Approval of the April 26, 2012 Board of Commissioners Minutes and the May 2, 2012 Board of Commissioners Workshop Minutes.

OLD BUSINESS:

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

County Administrator Jack Krakeel reminded the Board that over the last several months, both he and the city manager of Fayetteville (along with their individual staffs) have been meeting to determine the feasibility of merging their two water systems. He reported that this work had stalled due to issues associated with the city's current outstanding bond indebtedness, and that based on the covenants of their bond instruments it is unlikely a merger could occur. He reported that the only perceivable way to move forward with this issue was to learn from the Board if it had interest in purchasing the city's water system through a direct sale. He told the Board that the city manager had learned from his city council that they have interest in selling their water system so long as the county had similar interests. Mr. Krakeel informed the Board that since the dynamics of the discussion have changed, it would be necessary to determine the value of the city's water system including in-ground and above-ground assets, their customer base, and other components. He said the city manager had already done some preliminary work by contacting professional firms that are capable of doing the type of evaluation work that is needed, and that the cost of the evaluation work was approximately $15,000. He reported that the city was asking if the County had any interest in sharing the cost for the evaluation work, and that the cost Fayette County would not exceed $7,500. Mr. Krakeel then explained the ramifications of purchasing a water system as opposed to a merger with a water system before asking if the Board had any interest in pursuing a direct purchase of the water system, and , if so, for the Board to authorize the expenditure of up to $7,500 from the Enterprise Fund for the valuation of the City of Fayetteville's Water System. Discussion followed.

Commissioner Hearn moved to authorize the County Administrator to spend up to $7,500 from the Enterprise Fund for the engagement of a consultant for the evaluation of the City of Fayetteville's Water Department. Commissioner Horgan seconded the motion. The motion passed 4-1 with Commissioner McCarty voting in opposition. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

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

Community Development Director Pete Frisina explained that both Old Business 13 and Old Business 14 are related issues, and that they both related to the amendments the Board just passed under Ordinance 2012-09 (Public Hearing #2). He specified that this issue request related to the tower amendments where the County would engage an independent expert to review the independent expert to review the planned inventory and existing planned tower sites inventory. He recommended that the County use Diversified Electronics since they are the company that currently works with the County's 911 system and maintains the system. He said that the current fee would be $1,000 on an "as needed" basis, when there is a public hearing. Mr. Frisina continue that Old Business 14 was intended to change the County's fee structure for the application for public hearing in order to cover the $1,000 cost to the county. Discussion followed.

Commissioner Horgan moved to approve staff's request to enter into a contract with Diversified Electronics, Inc. for a $1,000 fee on an as needed basis, to review the inventory of Existing or Planned Tower Sites as required by Fayette County Zoning Ordinance, Article V., 5-44, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of this request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

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

Community Development Director Pete Frisina reminded the Board that this request was to set the fee schedule, and he explained how the fee schedule worked.

Commissioner Horgan moved to adopt Resolution 2012-12 for establishing fees, as required by the Fayette County Zoning Ordinance, for costs associated with the administration of certain requirements of the Fayette County Development Regulations, Subdivision Regulations, and the Sign Ordinance. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of this request and Resolution No. 2012-12, identified as "Attachment 15", follows these minutes and is made an official part hereof.

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

Water System Director Tony Parrott informed the Board that the Flint River Pump Station is the station used to pump additional water into the Lake Horton reservoir. He told the Board that when pumping first began, the County pumped approximately eight million gallons per day from the Flint River, but now the County pumps about 14 million gallons a day. He explained that since the county is pumping more water it is also pulling out more "trash" that can damage the pumps. He continued explaining that the pump station had a manual screen that was in use, but that it is simply not sufficient for what is being pulled out of the Flint River. He said staff has looked at different ways of removing the trash from the water pumped from the Flint River, that one system is being recommended, that the bid will be designed to meet that one system, and that the bid will have an

option for someone to bid for another type of system. In other words, he explained that the bid would give a bidder the opportunity to demonstrate another way to removed trash effectively. He clarified, however, that staff is proposing one system with the recommended design. He mentioned that Mallett Consulting would have to have the agreed upon design to be further approved by the Georgia Department of Natural Resources (DNR) Drinking Water program since the pump station cannot be modified with the DNR's approval.

Commissioner Hearn asked what the estimated life was on the "trash rack". Mr. Parrott replied that, other than the chain drive, the system was made of stainless steel so it would last a long time. Commissioner Hearn asked if the system would continuously operate alongside the pump. Mr. Parrott replied that it would. Commissioner Hearn asked how many hours per day would the system and the pump operate. Mr. Parrott replied that the answer largely depended on whether or not it rained.

Commissioner Brown noted that staff was producing a model that it liked while also accepting other concepts if bidders thought there was something better to be had, and he asked Mr. Parrott if he had a set of metrics that would be used to grade the various systems in order to determine which designs are better. Mr. Parrott replied that if bidders had a different system available, then that system would have to be able to "fit in this building we have so they are also limited, but no, we don't have a set of metrics for it." Commissioner Brown asked how it would be determined if one design is better than another. Mr. Parrott replied that he did not know the answer to that question since it was not even known if somebody would even recommend a different design.

Commissioner McCarty explained that the requested expenditure of $19,750 is not the cost of the filter or the pump, but is the cost for Mallett Consulting to issue the bids with specifications and receive the bids on behalf of Fayette County.

Commissioner Horgan asked how long Mallett Consulting had worked with Fayette County's Water System. Mr. Parrott replied that Mallett Consulting had worked with the Fayette County Water System for more than thirty years. Commissioner Horgan asked if Mr. Parrott would agree that Mallett Consulting has an intimate relationship with the water system and that they know all of the ins and outs. Mr. Parrott answered that they had "done most of the major construction we've had with this system over the years." Chairman Frady added that there was no telling how much money Mallett Consulting had saved the County over the years due to their knowledge of the County.

Commissioner Horgan moved to approve staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River Pump Station at a cost of $19,750. Commissioner Hearn seconded the motion.

Commissioner Brown stated that, based on a continuing principle that he has stood on pertaining to the fact that Fayette County had never bid out these engineering and design services in many years, he did not know if Fayette County had a competitive price on this request or not, and he thought Fayette County should at least bid out these services every two or three years in order to ensure that it was receiving competitive pricing. He then told th Board that he would oppose this request. Chairman Frady replied that he flew airplanes for 43 years, and if he had a pilot who flew the plane for 30 years, he would not hire someone cheaper to fly it for him.

The motion to approve staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River Pump Station at a cost of $19,750 passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

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

Water System Director Tony Parrott reminded the Board that the computer system used by the Water System that controls the values and reads the water tanks and operates portions of the water plants and that connects the two plants together is obsolete due to technological changes. He said the Water System has reached the point where it needs to upgrade it computer system and to upgrade from analog to digital radios. He explained that the computer system is tied in with everything that the Water System does, and that if the system goes down then it would result in putting a person in a truck to travel across the county in order to read the water in a tank. He said the system also needed to be secure enough to prevent someone from hacking into it and then draining the water tank. He said this system was important to the Water System, and it needed to be upgraded.

Commissioner Horgan moved to approve staff's recommendation to allow Mallett Consulting to develop the specification package to issue bids for the replacement of the Supervisory Control and Data Acquisitions, or SCADA, System at a cost of $12,900. Commissioner Hearn seconded the motion.

The motion to approve staff's recommendation to allow Mallett Consulting to develop the specification package to issue bids for the replacement of the Supervisory Control and Data Acquisitions, or SCADA, System at a cost of $12,900 passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

NEW BUSINESS:

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

Commissioner Hearn began his remarks by thanking County Administrator Jack Krakeel for his service to Fayette County, and while he recognized that Mr. Krakeel is irreplaceable, it was time to begin the process of hiring a new County Administrator. He suggested that Fayette County begin the process as soon as possible by utilizing the Georgia Local Government Access (GLGA) website, and to determine a date for the position to close in order for Human Resources staff to begin running background checks and screening work. He also suggested that it would be helpful for Mr. Krakeel to remain with Fayette County as Interim County Administrator until the position was permanently filled.

Chairman Frady agreed that the position would have to be filled, but that he did not want to hurry the process along since he wanted to wait until after the July mid-term elections. He explained that by taking a longer approach to the hiring process it would allow potential Commissioner(s)-elect to have input on the hiring process. Commissioner Brown agreed with Commissioner Hearn's position by saying the hiring process needed to begin as soon as possible due to the new Local Option Sales Tax (LOST) renegotiation, new people coming to Fayette County, and a potentially new Board of Commissioners, and he did not want to start a new year by "trying to reorganize and reshuffle the deck." He concluded that the effort to hire a new County Administrator needed to start soon since the county would be in a state of transition at the end of the year. Commissioner Horgan agreed with Commissioners Hearn and Brown saying the process needed to begin soon, and Commissioner McCarty added that he wanted to start the process as soon as possible but wait until after the elections occur before anyone interviewed for the position.

Mr. Krakeel informed the Board that staff was prepared to move forward with the process, that they had already prepared an ad for the GLGA website, and that the position's qualifications had already been identified. He clarified that the Board needed to establish what its anticipated close date for the position would be so that potential candidates would have a good idea of the start date. He further asked the Board if it wanted to expand the advertisement of the position to other recognized websites, and if so, how long did they want to advertise the position and how much did they want to spend for the advertisement. Mr. Krakeel noted that the University of Georgia's Carl Vinson Institute of Government provides a service that assists counties by screening potential applicants, performing background checks, and other necessities, but that those services would cost Fayette County approximately $10,000 and that they did not include advertisement costs. He added that if the Board chose to extend it search regionally, instead of from the State of Georgia alone, then there would be an expectation of the Board to pay for interview expenses such as travel and lodging.

Commissioner Brown suggested that the Board should conduct a broad search for a County Administrator. He added that he had "a key problem [namely' that we've slated the replacement to be at the lowest end of the pay scale, and I think we need to take a serious look at that as a Board and determine if that is really where we want the successor to be on, the lowest end of the pay scale." Chairman Frady suggested that the Board consider candidates from the State of Georgia since other applicants coming from other states would experience a learning curve since they were unfamiliar with Georgia's laws. Commissioner Hearn suggested that the advertisement of the position could take place within four to six weeks, and that he favored advertising on the Association of County Commissioners Georgia (ACCG) website.

After being asked about lead times required to advertise for positions, Assistant Human Resources Director Lewis Patterson stated that the advertisement of the position could be posted to the GLGA website immediately but that there were various lead times to advertise on other websites. Mr. Krakeel suggested that the Board should post the position to the ACCG website immediately with an agreed upon closure date, and that by doing so the Board would have a fairly good indication of how many applications it will receive and how diverse the pool of applicants would be. Commissioner Hearn suggested that the position be advertised as "Open Until Filled" on the GLGA website, and that further discussion could take place at the June Workshop on where else to advertise. Discussion followed.

The Board's consensus was to advertise the position of the County Administration on the Georgia Local Government Access (GLGA) Marketplace website, to post the position as opened until filled with salary based on commensurate experience, to review other advertising sources, and to readdress this issue at the June Workshop. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

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

Public Works Director Phil Mallon briefly explained the request to the Board. He told the Board that the County received three responses to the bid, and the low bidder was being recommended. He mentioned that the Merrydale Lane Project had existing corrogated metal pipe that was in pretty poor shape, that Public Works had been monitoring it for a while, and the replacement of the pipe was budgeted in the Fiscal Year 2012 budget. He stated that the utilities in the area would be the biggest problem. Chairman Frady noted that part of the request was for the West Fayetteville Bypass and the other part went to the Merrydale Lane Project.

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

Commissioner Brown commented that he had been steadfast on not voting in favor of anything for the West Fayetteville Bypass, and he would continue to not vote for the West Fayetteville Bypass.

The motion to approve staff's request to award Bid #833 Culvert Pipe Material, for the West Fayetteville Bypass Project (SPLOST), and the Merrydale Lane Project, to the low bidder Foley Products Company, in the total amount of $35,973.44, and to authorize the Chairman to sign a forthcoming contract and related documents contingent upon the County Attorney's review passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 19", follows these minutes and is made an official part hereof.

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

Public Works Director Phil Mallon reported to the Board that this request was a followup to a recent Board of Commissioners meeting that pertained to the McIntosh Bridge Replacement Project. He reminded the Board that at that meeting there was discussion associated with fully funding the project alongside Spalding County and the Georgia Department of Transportation (GDOT), and he reminded the Board that it directed staff to move forward with signing the Project Framework Agreement (PFA). He explained that the PFA is essentially the County's contract with GDOT determining who does what with the project. He said the PFA would fully commit Fayette County to doing 100% of the design work, meaning GDOT would not pay for it, and it "lays out anticipated construction funding levels". He added that subsequent agreements will be required to finalize the funding levels. Chairman Frady asked if the PFA was an attempt to have the GDOT contribute more money, or was this effort only confirming the agreement with GDOT. Mr. Mallon replied that the PFA was only confirming the agreement with GDOT, and that the GDOT has been very patient with the County by allowing the project to progress for as long as it has without having the document executed. Chairman Frady asked about the current status of the design work for the project, and Mr. Mallon replied that the consultant has submitted preliminary plans to GDOT and are awaiting their review results. Discussion followed.

Commissioner Brown moved to approve staff's request to approve the proposed Project Framework Agreement between Fayette County and the Georgia Department of Transportation, or GDOT, for the replacement of the McIntosh Road bridge over the Flint River (SPLOST Project No. B-6), and authorization for the Chairman to sign the agreement contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and the Project Framework Agreement, identified as "Attachment 20", follow these minutes and are made an official part hereof.

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

Public Works Director Phil Mallon informed the Board that one aspect of the Transportation Referendum that will be voted upon July 31, 2012, is that 15% of the collected taxes will be returned to local governments for discretionary projects. He said the regulations on how the money is spent are very broad, so long as the money is spent on transportation issues. He reminded the Board that he had spoken to it several times in the pasts and had received quite a bit of feedback, and therefore he was presenting a proposed breakdown of Fayette County's money into five categories with a range of money being distributed to each category. He explained that the advantage of his proposal was that it would not lock future boards into how to spend money. He briefly explained each of the categories as: 1) New Capacity and Paving Projects with a funding level of 10-20%; 2) Safety and Operational Improvements with a funding level of 35-45%; 3) Road and Bridge Operations and Maintenance with a funding level of 25-35%; 4) Equipment Replacement with a funding level of 5-10%; and 5) Contingency and Administration with a funding level of 5-15%. Discussion followed.

Commissioner Hearn moved to approve of the proposed funding categories for the Transportation Referendum discretionary money. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 21", follows these minutes and is made an official part hereof.

Mr. Mallon informed the Board that a fairly comprehensive packet concerning the transportation referendum was available on the County's website, and it will include links for a "wireside chat" that will be sponsored by the Atlanta Regional Commission in early June.

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

Public Works Director Phil Mallon said this request pertains to good news since the Atlanta Regional Commission (ARC) believes they have some additional federal funding to use on new projects. To that end, he reported that the ARC is having what they call a "Limited Call for Projects" that is associated with a limited update to PLAN 2040. He spoke about four program areas under consideration, and that there is a very limited amount of money available that will be divided among the counties in the region. He said the approach that the ARC staff has taken is for each of the counties to coordinate with each of their cities and then to provide the top three projects, in priority order, to the ARC in order to get some funding for at least one of the projects. Mr. Mallon reported that he has met with staff from Peachtree City, Tyrone, and Fayetteville several times, and that he was recommending a list of three projects. He told the Board that he has to submit the list to the ARCon May 25, 2012, and while he did not like to submit something and ask for an immediate action, in this case there is little choice. He spoke about the three recommended projects and answered questions from the Board about them.

Chairman Frady noticed that each of the projects would require local matching funds, and he asked if the County would have enough money to fund the local match. Commissioner Hearn suggested that Special Purpose Local Option Sales Tax (SPLOST) funds could be used for some of the matching funds, Commissioner Brown added that the upcoming Transportation Investment Act (TIA) vote would also influence the answer to that question. Discussion followed.

Commissioner Brown suggested that the Starrs Mill Path Connection Project should be the first priority project that is presented since it would benefit Fayette County, the City of Fayetteville, the City of Peachtree City, and the Fayette County Board of Education. He added that it was rare that a project like the Starr's Mill Connection Project would benefit four jurisdictions who have been involved in segments of a single project. He continued that there is a lot of pent up demand from affected subdivisions in both Peachtree City and unincorporated Fayette County who want their children to access the path as they go to school. He concluded that the odds of getting the project approved by the ARC were good since four jurisdictions have participated in the project and "have skin in the game". Commissioner Hearn agreed with Commissioner Brown's suggestion that the Starr's Mill Connection Project be made the top priority, that the resurfacing project be the second priority, and make the Lafayette Avenue Extension and Signal project the third priority. The Board agreed with Commissioner Hearn's suggestion.

The Board consented to allow staff to submit the following priorities projects to the Atlanta Regional Commission's PLAN 2040 Limited Update / Transportation Improvement Program (TIP) Project Solicitation: 1) Starr's Mill Path Connection Project [TR-14]; 2) Resurfacing [NA]; and 3) Lafayette Avenue Extension and Signal [R-14]. A copy of the request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

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

Public Works Director Phil Mallon quickly briefed the Board on current Special Purpose Local Option Sales Tax (SPLOST) projects including: 1)West Bridge Road Bridge Replacement project; 2) Phase II of the West Fayetteville Bypass; 3) the East Fayetteville Bypass; 4) the McIntosh Road Bridge project; 5) Inman Road, Goza Road and State Route 92; and 6) the Kenwood Road Bridge Replacement. The Board did not discuss the projects, took no action, and gave no direction.

ADMINISTRATOR'S REPORTS:

No Administrator's Report was given.

ATTORNEY'S REPORTS:

Submission of Two Preclearance Requests: County Attorney Scott Bennett reported that next week he will submit two requests for preclearance to the Justice Department. He said the first request will be related to the Referendum to allow Package Sales on Sunday's by Retailers in Unincorporated Fayette County that will be on the July 2012 ballot, and the second request will be related to the Transportation Investment Act, or TIA. He continued that earlier in the day he received a call from Cobb County who believe, along with several other counties in the Atlanta Regional Commission, that the State of Georgia has already received preclearance from the TIA, but there is wording the preclearance that makes them believe each individual county has to submit for preclearance as well. He said this issue was "kind of on the cusp", but he explained that there was a statute that reads that the superintendent [of elections] is required to put it on a ballot. He told the Board that unless that requirement is invalidated by a judge, Fayette County's Superintendent of the Board of Elections is required to "do it." He suggested that it prudent to obtain the preclearance, and that the Justice Department has sixty days to respond; meaning there should be an answer prior to the July elections. Chairman Frady said he spoke to representatives from Henry County earlier in the day and they are taking the same approach. Mr. Bennett agreed saying that Henry, Cobb, Gwinnett, Fulton, Dekalb and Douglas Counties are submitting requests for preclearance.

COMMISSIONERS' REPORTS:

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

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

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

EXECUTIVE SESSION:

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

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

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating on personnel item was discussed during Executive Session. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 24", follows these minutes and is made an official part hereof.

The Board took no action pertaining to the personnel discussion.

ADJOURNMENT:

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

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

_____ _____

Floyd L. Jones ,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 28th day of June 2012.

_____

Floyd L. Jones, Chief Deputy Clerk