Minutes

Board of Commissioners
June 6, 2012
3:30 P.M.

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on June 6, 2012, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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Chairman Frady called the meeting to order. He called for a moment of silence to remember D-Day June 6, 1944 which was the invasion of Normandy, France and the beginning of the end of World War II. He asked everyone to stand in a moment of silent prayer to honor those veterans and everyone involved in that invasion.

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

Old Business:

1. Discussion of proposed revisions to the County's building permit fee schedule:

Director of Permits and Inspections Joe Scarborough presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 1", follow these minutes and are made an official part hereof. He said this was a followup to the Board's Retreat Meeting held on March 10th where he had presented the Board with a comparison of surrounding jurisdictions basically pointing out that the County was seriously lagging in the current fees that were being charged. He said he had been directed by the Board at that time to meet with the Finance Department staff and revise the current fee schedule to meet the department's operating costs. He discussed the proposed fees as well as departmental costs.

Commissioner Hearn asked how much additional revenue was expected due to the new fee schedule. Mr. Scarborough replied that the 2011 revenue not including impact fees was $201,000 and the new fee schedule would double that amount to $402,000.

Commissioner Brown questioned the work load percentage in this department from 2006 through 2012. Mr. Scarborough replied that through attrition over the last five years his department staff had gone from 12 people down to 7 people currently and also down from 7 inspectors down to 3 inspectors currently. He said his department is adequately staffed for the number of annual inspections per day. Commissioner Brown asked if there was an increase of inspections over last year's inspections. Mr. Scarborough replied yes and said he felt there was also a lot of optimism throughout the industry.

There was a consensus of the Board that a proposed schedule of fees be presented for adoption at the June 28, 2012 Board of Commissioners' meeting.

2. Discussion of the status of the Fayette County Code of Ordinances update:

Executive Assistant Carol Chandler updated the Board on the status of the Fayette County Code of Ordinances. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. She noted that there were several minor ordinances remaining that will come to the Board in the next two meetings for approval to send to the Municipal Code Corporation.

3. Discussion of staff's recommendation that the Animal Shelter be tied into the Peachtree City sewer system.

Public Safety Director Allen McCullough, Director of Building and Grounds Maintenance Greg Ownby and Animal Shelter Director Fred Sisson presented this item to the Board. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. Mr. McCullough noted that this septic problem had been going on for quite some time and repairs have been made multiple times costing approximately $9,000 over the last few years. He said the system was in need of repair at this point and staff has taken two approaches to the situation. He said they would try and salvage the existing system with an approximate cost estimate of $5,600. He said they had decided to investigate the possibility of tying on to the Peachtree City sewer system and what those costs might entail. He said staff estimated that it would cost approximately $30,000 to accomplish that. He said there were obviously not enough funds in their budget to cover this expense and staff would like to ask the board for consideration to approve the use of funds from the contingency fund and that was staff's recommendation. He said there really was no guarantee if another $6,000 was put into this project it might only last a few months or a few years. He asked Director of Building and Grounds Maintenance Greg Ownby to provide the Board more detail and specifics and seek direction from the Board on this situation.

Mr. Ownby briefed the Board on several of the issues that staff has experienced at the Animal Shelter. He said there were more issues now than what occurred in 2009. He said in 2009 the old drain field had become saturated and it became necessary to put in the new drain field. He said the only location to place that was on the hill which required a pump and a separate tank. He said at the same time, a diverter valve had been installed just in case they had to go back to the old system once it dried out. He said staff had done exploratory digging and it was determined that the drain field was saturated to where it could not be used. He pointed out that there was a sewer manhole in the front just past the Rite Aid Pharmacy which is approximately 330 feet away from the property boundary, and there would have to be a six inch main connecting these. He said it was estimated that the cost to accomplish this wold be within $30,000. He said he had spoken to Peachtree City Water and Sewer and they are not opposed to this, but want to review the plans

before moving forward. He said the other issue regarding entrance to the manhole would require crossing Rite Aid property which would require getting an easement from Rite Aid. He pointed out that the $5,600 would only temporarily cure the problem.

Chairman Frady felt over time the $30,000 cost would be the cheaper route and Mr. Ownby agreed. Mr. Ownby discussed the routing of the pipe and how this would work and Commissioner Brown said he would like to see a diagram showing this process as well as any concept plans for future development.

Commissioner McCarty asked what the ongoing cost would be for Peachtree City billing for use of their sewer. Mr. Ownby replied that he did not know the current cost for use of Peachtree City sewer. Commissioner McCarty felt the County might be better off just fixing the problem and save the $30,000 and not have to pay Peachtree City for their sewer fee. Mr. Ownby said the problem was that there were already two drain fields and now a third one and they were running out of property. He said a survey would have to be done as well as a topo that will provide elevations to see if there would be gravity feed. He said he would have to provide all of that information to present Peachtree City in order to get approval.

Commissioner Hearn said staff would have to know the cost of a tap on fee as well as the cost for monthly water usage.

Commissioner Horgan said he would also like something showing where the original septic tank system was located, the new system and the possible third system.

County Administrator Jack Krakeel asked for clarification on what the Board was requesting. He asked if the request was to conduct surveying and engineering work to determine total cost of the project. He also asked if the Board was authorizing the expenditure of those funds to accomplish that objective because without that he was not sure the cost of designing a system could be determined. He expressed concern with not knowing the cost of the easement potentially may be from Rite Aid, not sure if boring under the property would have to be done, or can the Rite Aid property be disturbed via a trench. He said these were questions that needed to be incorporated into how this was designed.

Commissioner Brown said the County did not know at this time if Peachtree City would grant an easement and this was a moot point to do anything else.

Chairman Frady said it was his understanding that this was what staff would do first and then come back to the Board. He said he had not heard anyone refuse consideration for the not to exceed $30,000 figure if it was feasible and could be done. Mr. Ownby remarked that approaching Rite Aid would be the logical step to make sure this could even be done. Commissioner Brown said he would also agree with Commissioner Hearn that a larger pipe might be necessary.

Mr. McCullough said the purpose of staff presenting this to the Board today was only for informational purposes and they will come back to the Board at a future meeting with a formal proposal.

4. <u>Update on the County's proposed FY 2013 annual budget with changes resulting from the Board of Commissioners' Budget Workshop held on May 24, 2012</u>.

County Administrator Jack Krakeel updated the Board on the County's proposed FY 2013 annual budget. A copy of the request and backup, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. He said he had one budget request that had come in from the Magistrate Judge regarding the Constable position. He said the Board had approved to budget that position to be added back into the budget at the beginning salary. He said the

Magistrate Judge was requesting a slightly higher beginning salary adjusting that by 10% which would be an additional $3,500.

Commissioner Brown asked what the rationale had been for that request. Mr. Krakeel replied that staff had someone who was qualified and that individual was currently making more than the starting salary for the Constable position and this would be approximately mid point between that individual's current salary and what the starting salary for the position would be. He said staff was requesting the 10% increase in order to get a person who was currently experienced and qualified to come in. He said this information was not included in the Board's packet and he had just received it late yesterday afternoon.

Commissioner Brown asked for the balance between the County's revenues and expenditures. Chief Finance Officer Mary Holland remarked that this particular issue lies within the general fund. She said the total projected revenues are in the amount of $42,358,812 and the recommended expenditures are in the amount of $45,200,684 of which the difference from cash reserves would be $2,841,872. She said this did not include any type of impact from the early retirement plan if the Board is basically going to move forward with that. Commissioner Brown clarified that the budget was $2.8 million in the plus column without the early retirement figures and Ms. Holland agreed.

Commissioner Horgan asked when the Board would have the final figures for the early retirement and Mr. Krakeel said the close out was June 8th with a one week recision period and there should be fairly accurate numbers by the June 14th Board meeting. He noted that as of today there were 30 employees signed up out of the 44 employees who were eligible.

Mr. Krakeel remarked that there would be public hearings held on June 14th and June 28th, 2012 for discussion and adoption of the FY 2013 budget.

New Business:

1. Discussion of Memorandum of Agreement with the Town of Tyrone that establishes cost sharing and data consistency between Fayette County and Town of Tyrone for floodplain mapping of tributaries of Line Creek and upper Whitewater Creek:

Director of Stormwater Management Vanessa Birrell presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. She said the Memorandum of Agreement that she was presenting was similar to the Agreement that was used in 2008 with Coweta County and Peachtree City to share the cost of floodplain mapping that was required by the North Georgia Metropolitan Water District. She said this Memorandum of Agreement was with the Town of Tyrone to share in the completion of floodplain mapping of the tributaries of Line Creek and upper Whitewater Creek.

Commissioner Brown remarked that he saw no down side to this and Ms. Birrell agreed. Hearing no further comments or questions, there was a consensus of the Board to place this item on the June 14th Board of Commissioners' meeting agenda for consideration.

2. Update of compliance issues associated with Kozisek Lake Dam on Neely Road and Phillips Lake Dam on Longview Road:

Director of Public Works Phil Mallon presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. He remarked that several years ago Fayette County had revised ordinances to get out of owning any sort of dam other than those needed by the

Water System. He said there were several dams throughout the County that were still partially or largely within the County's right-of-way and he was just updating the Board on three of those dams.

Commissioner Brown asked Mr. Mallon what the difference was between being in the County's right-of-way and the County owning it. Mr. Mallon replied that when he refers to a dam being partially in the County's right-of-way he was saying that the County does not own this 100% and pointed out that it was not easily determined. He said it was likely that Fayette County has an interest in those three structures but he was not sure of the percentage.

Mr. Mallon further remarked that the reason he was before the Board today was a result of staff sorting out who was in charge of impoundments and dams meaning the Road Department versus the Stormwater Utility. He said staff had concluded that the Stormwater Utility would take the lead on everything except for those that are partially or fully within County right-of-way and those would come under the Road Department's responsibility. He said staff had determined if it was in right-of-way traditionally the Road Department was responsible for the right-of-way He remarked that staff had received a somewhat stern letter from the Safe Dams Program indicating some compliance deadlines that must be met. He said one of those deadlines was to get an engineer of record and one that has been pre-approved by the Safe Dams Program under contract by mid July and for that engineer to prepare a report by mid October.

Mr. Mallon remarked that staff was recommending approval to advertise, interview and select an engineer not for just one but for all three of the structures. He said those included the Kozisek Lake Dam on Neely Road, Phillips Lake Dam on Longview Road and the dam located in The Woodlands Subdivision on Emerald Lake Drive. He commented that the Neely Road project might be the simplest one in that the majority of the structure was not in the County right-of-way, and preliminary discussions have occurred with the property owner who is willing to work with the County. He noted that the Phillips Lake Dam on Longview Road is much more complicated and noted that this structure needs attention and was in bad condition and the majority of the dam was located in the County's right-of-way. He discussed several options with the Board.

Commissioner Brown stated his position on this issue and that would be to reduce the expense and reduce the liability to the County and whatever it would take to accomplish both of those. He suggested using creative alternatives such as natural areas and leave something that might actually have some aesthetic appeal.

Commissioner McCarty asked at what point in time would the Board know exactly how much of this was County property and Mr. Mallon replied that a lot of the land was County property but the engineer would make that determination in the next couple of months.

Mr. Mallon discussed the dam in The Woodlands Subdivision and remarked that currently this structure was in good shape except for some erosion around the pipes. He said it does need attention and the Board had discussed this and authorized money for this project last year. He said the lake was an amenity to the subdivision and constructed by the developer.

Commissioner Brown felt the homeowners there should have some financial responsibility for this because it was their amenity and the homeowners were receiving all of the benefit from that. He said the County's best interest would be to put in a culvert.

Mr. Mallon said he would come back to the Board at a future meeting with a recommendation for an engineer and further discussion.

3. Discussion of possible changes to funding and implementation schedules of Fayette County transportation projects in PLAN 2040:

Director of Public Works Phil Mallon presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 7"", follow these minutes and are made an official part hereof. He remarked that the vote on the transportation referendum will be on July 31st. He said the A.R.C. staff would like to have draft plans ready for August 1st regardless of the vote and they are looking for Counties' input on "what if" scenarios. He said they were particularly interested in Fayette County's East Fayetteville Bypass and Phase III of the West Fayetteville Bypass. He said A.R.C staff was hearing mixed support from Fayette County regarding Phase III of the West Fayetteville Bypass and they feel if the County is not supportive of that project, then it should be taken out to free up money.

Commissioner Brown asked if the A.R.C. was saying if the T.I.A. passes that the money was going away. Mr. Mallon replied that the A.R.C. was not saying that but they want clear direction. He said they are hearing mixed support from Fayette County on Phase III of the Bypass and if there is no support for this project , then the project can be removed and the money freed up. He said the A.R.C. was asking for verification as to what Fayette County's top priority was going to be.

Chairman Frady recalled the Board wanting to wait until after the vote on the T.I.A. to make this decision. Mr. Mallon said the A.R.C. wanted direction as to how to proceed if the T.I.A. passes and direction if the T.I.A. did not pass.

Mr. Mallon reviewed the print out of the current R.T.P. and noted that one project related to funds for transit. He said this was an urbanized funding formula and it was Federal money that was available mostly for transit capital and maintenance operations although it could be used for other types of transit planning studies. He said there was a potential that some of these funds might be relevant to Fayette County. He said staff has been working with Fayette Senior Services so they can tap into this as a funding source to help their shuttle service.

Commissioner Brown expressed concern with getting them access to these funds and they begin elevating their level of service and then the next year the funds might not be available or drastically lower, then the County would be on the hook for making up the balance. He asked what the County would be assured of year after year with regard to these funds. Mr. Mallon responded that he would need to verify that but it was his understanding that the number was fairly consistent and what comes from the Feds to the Atlanta region is divided up based on population. He said over time the A.R.C. is aware of who uses this money and if it is not used the money goes back into the pot and reallocated to the other counties. He said the amount of money that Fayette Senior Services has obtained in the past and is looking to obtain is below the amount available.

County Administrator Jack Krakeel interjected that this has been escalating every single year in terms of the amount of funding available for the program that the Senior Services staff was interested in which was to provide additional shuttle service capability for seniors. He said the latest numbers that he had seen were in the range of $350,000 a year and there was bi-annual allocation that occurs with respect to that funding and it was about $150,000 to $175,000 every six months. He said that money had traditionally been going back to be redistributed. He said Senior Services actually developed a proposal that would need Board concurrence to move forward with respect to that funding initiative.

Commissioner Brown asked if those funds could be used for path infrastructure because it was a non road use. Mr. Mallon replied that he did not think so but he would check on that. Commissioner Brown said it would be a good idea to finish off the Starr's Mill section. Mr. Mallon felt this more in line with purchasing new buses.

Chairman Frady interjected that the A.R.C. gives Senior Services $432,000 for their meals on wheels plus the road funds which comes to approximately $700,000.

Mr. Mallon briefly discussed the list of projects which included the widening project of Highway 85, West Fayetteville Bypass Phase III, two phases of the East Fayetteville Bypass, McIntosh Road Bridge project, the long range Ebenezer Church Road Bridge replacement, as well as a City of Fayetteville Sidewalk/Bike project that he thought would begin in November of 2013. He said there was still the question if the West Fayetteville Bypass Phase III project would be included in the R.T.P. depending upon passage of the T.I.A. He said if the Board would like to keep this included, there would be the question for a plan regarding a County match at a $12.8 million Federal level. He said that was $3.2 million of local match. He said there was also the question of what impacts in terms of Phase III to the East Fayetteville Bypass.

Commissioner Brown remarked that if the money was not in the existing S.P.L.O.S.T. funds, he did not anticipate getting those types of funds any time soon in the near future. He felt the County needed to be highly selective in terms of these local matches. He pointed out that there were a couple of bridges that were in dire need of repair with major safety issues that he felt needed to be given priority. He said the West Fayetteville Bypass Phase III could be number three even with the Board members disagreeing on this and no outcry from the citizens showing support. He said with the other projects left in for the East Fayetteville Bypass, the County would still come up short unless the T.I.A. passes.

Mr. Mallon said in talking with the A.R.C. he did not sense that they were even talking about the bridges. He said these were relatively small projects and the McIntosh Road Bridge project was already committed to and the Ebenezer Church Road Bridge was long range and less than a million dollars.

Commissioner Hearn commented on the West Fayetteville Bypass Phase III and possibly having a phased down version of it where there could be intersection improvements and keeping it on the current alignment and possibly putting a roundabout at Lester Road and Ebenezer Church Road. He said he did not think the West Fayetteville Bypass Phase III could be taken entirely off the list in terms of the Federal dollars until the vote on the T.I.A. was known. He felt it should be kept on the list because the bridge at Ebenezer Church Road was not on the County's bridge list in the 2003 transportation update. He said in order for that bridge to be updated and for the County to receive matching money, he felt it would have to be part of the improvements on the West Fayetteville Bypass Phase III. He said if the County could at least go ahead and buy the needed right-of-way for the East Fayetteville Bypass, then in the future that road would be built. Mr. Mallon remarked that he did not sense the East Fayetteville Bypass as being seriously looked at for removal out of the R.T.P. He said the A.R.C. and the D.O.T. both recognize this as an important project.

Commissioner McCarty questioned the replacement of the bridge on Westbridge Road and if it was included. Mr. Mallon replied that the bridge on Westbridge Road was 100% local S.P.L.O.S.T. dollars. He said it was locally funded and not considered a project that impacts air quality.

Commissioner Brown said the Ebenezer Church Road bridge was programmed for 2030 and there were some funds in the T.I.P. and the R.T.P. He asked if this project could be moved up in the program. Mr. Mallon said it was his understanding that the only way to move money into the T.I.P. is at the expense of another project. Commissioner Brown said the problem was that the County had nothing to take from. He said the project list was incredibly limited and if money was freed up as a result of another County not needing it, then Fayette County should receive that money right away and move projects up.

Mr. Mallon said he wanted to mention some of the ideas from staff's perspective. He said currently there was $6 million in the T.I.P. available for the Corinth Road North phase of the East Fayetteville Bypass. He felt if staff was aggressive, the design of a very limited impact, limited intersection improvements, safety improvements including the Ebenezer

Church Road Bridge project and get it ready for construction by 2018 and use the T.I.P. money immediately to make these minimal improvements. He said at the same time staff could tell A.R.C. that $12.8 million that was programmed for Phase III could be shifted to the East Fayetteville Bypass.

Commissioner Hearn asked if there would be enough money left for operational improvements on Phase III of the West Fayetteville Bypass. He said he would not be in favor of shifting money if there was not enough S.P.L.O.S.T. money available to be able to make those operational improvements as well as the bridge improvements. He said he would have to know the costs before he could make a decision.

Commissioner Brown said Mr. Mallon had the inherit problem of dealing with a Board that was divided on several key issues. He said he did not think either side was going to be moving much on some of these issues and this was realty.

Commissioner Hearn said he had no problem with Mr. Mallon's scenario in taking the $6 million from the East Fayetteville Bypass in the short term and adding matching money and doing operational improvements and also considering the bridge project. He said then the County could lobby hard to get the $12.5 million long range put on the East Fayetteville Bypass and that would turn into a fully funded project.

Chairman Frady felt Phase III could be done a lot cheaper than $12.5 million and make it work. Commissioner Hearn agreed and also stated it could be made operationally good and not offensive and such a large problem for as many of the neighbors. Commissioner Brown said he disagreed and said the Board can agree to disagree.

Hearing no further comments or questions, Chairman Frady thanked Mr. Mallon for his presentation**.**

4. <u>Discussion of staff's recommendation to quitclaim the landscape island at entrance of Lodge Trail in The Chimneys subdivision to the homeowners association</u>:

Director of Public Works Phil Mallon presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 8"", follow these minutes and are made an official part hereof. He said recently in the past four or five years, staff had tightened up to try and restrict what was in the right-of-way. He said new subdivisions would typically have their landscaped entrance owned by the H.O.A. and not the County. He said the Chimneys entrance had gotten modified quite a bit because of the widening project and they would like to restore their entrance. He said they are unable to do what they want because their entrance is covered by the old system regarding County property. He said he had spoken with the H.O.A. President Jim Nelson about this issue. He said staff was asking the Board if there was any interest in quit claiming or selling to the subdivision the amount of land delineated on the map.

Commissioner Brown said he had no problem with that request and Chairman Frady agreed that he had no problem.

County Attorney Scott Bennett said the property could not just be quit claimed but would have to be abandoned first because it was right-of-way. He said if the Board wanted him to he would begin the process of abandonment and then bring it back to the Board for a vote.

The Board agreed with Attorney Bennett to start the process and bring it back to the Board in the near future for a vote.

5. <u>Todd Brooks wishes to discuss the possibility that the Board of Commissioners would consider amending the County's Land Use Plan near Highways 138, 279 and 314 near the Clayton and Fayette County line</u>:

Todd Brooks presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof. Mr. Brooks stated that his family has owned 85 acres near the County line for a century. He said three months ago his family had been approached by Alvin Williams regarding purchase of this land. He pointed out that there were approximately 12 acres that touch Highway 138 and he was informed that he would have to begin discussions on changing the Land Use Plan. He said there was already a strip of land from the Catholic School all the way over to Highway 314 with a Land Use Plan of only office. He said he was asking for the Board's consideration to change the Land Use Plan to bring this back 740 feet all the way to the commercial on Highway 314 and then consider commercial if the Board chooses to do so. He introduced Mr. Williams to the Board and said he would explain his proposed use for this property.

Alvin Williams said the goal for the 12 acres of land would be to build a film/television studio. He said he and his wife had been in the entertainment industry for the last eight years with his wife being in the industry for over 20 years. He said they would like to build a 50,000 square foot family television studio enclosure with no back lot. He said all of the activity would be self-contained within the building. He said there was a road that divides the property and he and his wife would live on the other side of the road. He pointed out that he and his wife had lived in Fayetteville for the last 7 years and married 7 years as well. He said he was also involved in a new company that is in partnership with Google/YouTube and they will be launching two of the company's original 100 channels. He said some of the production where she is providing the production facilities and services for what will be needed. He said he would not be able to say the name of his company since they would not be doing a press release until July. He said this was the purpose for the land use and he asked for the Board's consideration.

Chairman Frady asked Mr. Brooks if he had spoken with County staff regarding this request and Mr. Brooks replied yes. He said he had been speaking with Pete Frisina since 2004 and then the 2008 crisis hit and they decided to wait.

Zoning Director Dennis Dutton remarked that Todd and Pete have been in discussions about this issue. He said basically staff was trying to get direction from the Board on whether to prepare amendments to the Land Use Plan and bring this back to the Board on a future Thursday evening meeting for consideration and vote.

Commissioner Brown pointed out that this property was adjacent to a school and staff would have to be sensitive of that issue. He said he did not have a problem with building a design studio but expressed concerned with a commercial zoning format being located next to a school. He was concerned if these plans fell through and the property sold to someone else, there might be some type of undesirable commercial that would be located next to the school.

Commercial Horgan expressed concern with all of the surrounding residential property. He questioned if this facility would be tapping into Clayton County sewer system on Highway 138 or what was being proposed. Mr. Brooks replied that he thought it would be a large community septic system. He pointed out that surrounding landowners have advertised their property for sale and indicated that it could be used as commercial.

Commissioner Brown interjected that there would have to be a significant buffering requirement next to the school. He said he would like to see a special zoning designation so the County would not be trapped into a commercial zoning situation.

Mr. Dutton remarked that staff would have to begin the process of amending the Land Use Plan and a revision to the Zoning Ordinance.

Commissioner Brown said as long as the property was buffered and protect the school he would have no problem in doing a specific designation for this to lock it in.

Mr. Dutton asked for the Board's direction in order for staff to move forward and get the Planning Commission to review the Land Use Plan. He said if the Board wants staff to look at this from another zoning designation, then staff would proceed with that as well.

There was a consensus of the Board for staff to proceed forward through the required process and bring this back to the Board at a later date.

6. Discussion of input from the Planning Commission regarding the Land Use Plan and the expansion and improvements at the intersection of State Routes 85 and 74 South:

Zoning Administrator Dennis Dutton presented this item to the Board for discussion. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof. He remarked that staff as well as the Planning Commission was charged with a revision of the Comprehensive Land Use Plan dealing with the future Land Use Plan and the S.R. 85 and S.R. 74 intersection, the widening project and the realignment of Padgett Road. He said the Planning Commission had dealt with reviewing the direction that they wanted to go with a lighter mixed use in that area to preserve the historic content of the Starr's Mill. He said Planning Commission members Doug Powell and Tim Thoms were present to discuss this issue.

Planning Commission Chairman Tim Thoms asked for the Board's input as to which direction should be taken on this issue. He said the Planning Commission had heard from a lot of citizens who wanted to preserve this area as historic and build around it.

Planning Commission member Doug Powell said there had been a lot of public comment against putting in zoning with a lot of buildings. He said if the Starr's Mill area could be preserved as a park setting, people would be encouraged to stay and not move. He said the Planning Commission was suggesting the creation of a special use area that would limit the amount of commercial that goes in. He said this section was the gateway entrance to Fayette County and if focus could be on Starr's Mill, it would be a gem for the County.

Commissioner Brown said there certainly was not a majority on this Board to zone that area of the County commercial. He suggested that staff contact Historical Concepts in Peachtree City to speak at the Planning Commission meeting tomorrow night. He said they have done many of these type of communities and were well versed in the historical rural type aesthetic.

There was a consensus for staff to move this item forward through the required process.

7. Discussion of staff's upcoming request to accept a donation of $8,000 from a private citizen to be used to purchase two laptop computers and software for Animal Control vehicles:

Public Safety Director Allen McCullough and Animal Shelter Director Fred Sisson presented this item to the Board for discussion. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof. Chief McCullough remarked that the Animal Shelter had received a donation of $8,000 from a very generous citizen that the funds be used for the benefit of the Animal Control Department. He said the funds would be used for two laptop computers and software for Animal Control vehicles. He said this would allow staff to share information with E-91, communicate calls via computer, and to see history of specific addresses for response to calls. He noted that this system is currently being used by the Sheriff's Department and is in progress in the Fire and Emergency Services Department.

There was a consensus of the Board to place this on the June 14th Board of Commissioners' agenda for consideration.

8. Update by the Water System Director concerning potential action needed in regard to imposing water restrictions due to drought conditions:

Water System Director Tony Parrott briefly updated the Board on potential action needed in regard to imposing water restrictions due to drought conditions. A copy of the request and backup, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

Administrator's Reports: County Administrator Jack Krakeel remarked that the Director of Solid Waste Management Vanessa Birrell had an item that she would like to bring before the Board at this time.

Vanessa Birrell: Director of Solid Waste Management Vanessa Birrell briefed the Board on proposed rule changes to the inert landfill operations that EPD has proposed under their comprehensive solid waste management authority. She presented the Board with a synopsis of proposed amendments to the rules of the Department of Natural Resources Environmental Protection Division relating to Solid Waste Management, Chapter 391-3-4. A copy of the report, identified as "Attachment No. 13", follows these minutes and is made an official part hereof. She noted that this could have significant impact to the County regarding the way the County disposes of inert waste such as concrete, asphalt, unfiltered dirt and so forth. She said the EPD was now proposing that all inert landfills must be permitted as a municipal solid waste landfill which was quite expensive. She said there would a meeting tomorrow at the EPD regarding this issue and she would be attending that meeting. She said she just wanted the Board to be aware of these changes because they would have an impact on County budgets.

County Administrator Jack Krakeel: County Administrator Jack Krakeel remarked that within the last few days an agreement had been generally reached between the Fayetteville City Manager, County Manager and staff with respect to the consolidation of fire services. He said they had worked through all of those issues and were prepared to present to the Board and the Fayetteville City Council the analysis that had been done including financial implications, operational issues and all of the elements that have been discussed during the last two months. He said in having that discussion with the City Manager Joe Morton, it was felt that the best approach would be to have a joint City Council and Board of Commissioners meeting at which time all of the information can be presented collectively. He asked if the Board would be willing to meet in a Special Called Meeting with the City Council members at 5:30 p.m. on June 14th just prior to the regularly scheduled 7:00 p.m. Board meeting and there was a consensus by the Board for the meeting. (Note: Mr. Krakeel informed staff on the morning of June 7th that the City Council asked to delay this meeting to a later date.)

County Administrator Jack Krakeel: County Administrator Jack Krakeel remarked that last week Tony Parrott along with other staff members from the Water System, Water Committee member Chip Connor and himself had met with Peachtree City residents at the Peachtree City Library and provided them with an update on Lake McIntosh. He said this was a question and answer session for the residents. He noted that there were approximately 75 citizens in attendance along with the Mayor and several Peachtree City Council members. He said a lot of questions related to the buffer surrounding the lake were asked. He felt the meeting had gone quite well and he wanted to update the Board.

County Administrator Jack Krakeel: County Administrator Jack Krakeel remarked that the Board had previously approved funding in the amount of $7,500 for a split cost approach to the valuation of the City water system. He said he had provided the Board with a memorandum that he had received this afternoon from the City in which they had contacted various engineering firms. He said the City was recommending a joint effort between ISE and Mallett and Associates as the solution to the engagement of an engineering firm. He said they were the low cost on the proposals and there had also been one more bid. He asked the Board for direction and there was a consensus to move this forward.

County Administrator Jack Krakeel: County Administrator Jack Krakeel asked for direction from the Board regarding the Constable position for the Magistrate Court. He said the starting salary for this position was less than what the previous position was paid even with the requested increase and there is funding in their budget to move forward. He said entry level would be $35,000 and staff was asking to increase that 10%. Commissioner Brown said the Chief Magistrate Judge had assured the Board that he could train somebody very quickly for this position and he was inclined to leave this where it is. He said the Chief Magistrate Judge could find someone at this price even though it might require a little more training and the Board concurred that no change would be authorized.

Attorney's Reports: County Attorney Scott Bennett said he wanted to comment on an article that he had seen in the newspaper regarding the School Board. He remarked the School Board had said in this article that the Board of Commissioners had interfered with the settlement of the School Board costing the School Board money. He said the County's position has always been that the Board of Commissioners did not care what the School Board does. He said the School Board had admitted to a liability that he did not believe exists. He said the School Board was trying to admit that there was a Section 2 violation of the Voting Rights Act that the County felt might prejudice our defense that the County has not violated anything in the Voting Rights Act. He said there was an opt out provision in the Voting Rights Act where Fayette County was currently eligible to avail itself of and opt out but if the School Board admits to a violation, that would make the County ineligible. He said the reason for the County's objection to the settlement was because the School Board was admitting to something that the County did not think was a violation. He said the Court had determined that the remedy that the School Board was proposing did not create a violation but created a different circumstance. He said he just wanted to make it clear that the Board of Commissioners has not instructed him or any of the County's attorneys to try and interfere with the School Board's operations. He said the County's legal position has to be protected and that was what had been done and the Judge had agreed. He said the case moves forward but without an admission of a Section 2 violation and this was important for the public and the Board to understand.

Commissioners Reports: Commissioner Hearn said he and Public Works Director Phil Mallon had met with the Spalding County Board of Commissioners to discuss the McIntosh Road Bridge and he updated the Board on this meeting. He said they had stated to Spalding County Commissioners that Fayette County would need direction as this proceeds in terms of how the matching funds would be cost shared.

Chairman Frady: Chairman Frady said he just wanted to comment on D-Day and remarked that his first cousin, who was still alive at 92 years old, was in that invasion. He said his cousin was also in North Africa, Sicily and also the Far East and never received a scratch.

Adjournment: Hearing no further business to come before the Board, Commissioner Brown made a motion to adjourn the meeting at 6:05 p.m. Commissioner Horgan seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of June, 2012.

Karen Morley, Chief Deputy Clerk