Minutes

Board of Commissioners
August 23, 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 August 23, 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, Interim County Administrator Scott Bennett, County Attorney Floyd Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the August 23, 2012 Board of Commissioners' meeting to order at 7:01 p.m. Commissioner Hearn offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING:

Reading of *Introduction to Public Hearings*

Community Development Director Pete Frisina read the *Introduction to Public Hearings* and introduced the first item under Public Hearing. A copy of the *Introduction to Public Hearings*, identified as "Attachment 1, follows these minutes and are made an official part hereof.

1. Consideration of Petition No. 1224-12, James L. Dixon and Maria Dixon, Owner / Agent, request to rezone 0.93 acres from A-R to C-H. This property is located in Land Lot 154 of the 7th District and fronts on 349 Senoia Road.

Mr. James L. Dixon and Mrs. Maria Dixon presented their petition to the Board. They stated that this request had been previously approved by the Planning Commission, and that they thought their request would bring additional revenue to Fayette County by establishing a "mom and pop garage repair business" at 349 Senoia Road.

Gordon Furr: Mr. Gordon Furr stated he was unsure about his position concerning Petition 1224-12 and asked if the property would be on a septic tank since the property has to be at least one acre if it is going to be on a septic tank.

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

Commissioner Brown asked Community Development Director Pete Frisina asked in the property would require a septic tank, and asked about the compliance history for the lot under consideration. Mr. Frisina replied that the lot is a legal, nonconforming lot since it was platted prior to the 1980 zoning ordinance was first adopted, and he briefed the Board on the history of the property since that time. Concerning the septic tank, Mr. Frisina stated that the discussion really lay with the Environmental Health Department, but that he speculated that new drain lines would have to be installed on the property. Discussion followed.

Commissioner Brown moved to approve Petition No. 1224-12, James L. Dixon and Maria Dixon, Owner / Agent, request to rezone 0.93 acres from A-R to C-H, with two conditions as recommended by the Planning Commission, with said property being located in Land Lot 154 of the 7th District and fronting on 349 Senoia Road. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the request, Ordinance Number 1224-12, and Resolution Number 1224-12, identified as "Attachment 2", follow these minutes and are made an official part hereof.

2. Public Hearing and submission of Resolution 2012-18 for the adoption of the proposed 2012 Property Tax Millage Rates.

Chief Financial Officer Mary Holland presented the recommended 2012 Property Tax Millage Rates, she noted that there would be no changes to any of the millage rates with the exception of the Fire Services Millage Rate, which would increase from 2.50 mils to 3.03 mils, and she explained the impact the proposed millage rates would have on various areas and households in Fayette County.

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

Commissioner Horgan moved to adopt Resolution 2012-18 establishing the proposed 2012 millage rates. Commissioner Hearn seconded the motion.

At Commissioner Hearn's request, Public Safety Director Allen McCullough explained the benefits Public Safety, and Fayette County, would receive due to the increase of the Fire Services Millage Rate.

The motion to adopt Resolution 2012-18 establishing the proposed 2012 millage rates passed 4-1 with Commissioner Brown voting in opposition. A copy of the request and Resolution 2012-18, identified as "Attachment 3", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Linda McCullough: Ms. McCullough said she was disappointed with the Board's action [pertaining to the West Fayetteville Bypass] since it has direct impact on her property and her house.

Don MacKerer, Jr.: Mr. MacKerer explained that Ms. McCullough was attempting to say that everyone was opposed to the West Fayetteville Bypass, and that was the reason the T-SPLOST referendum recently failed and that the incumbent Commissioners were replaced with new Commissioners. He asked the Board to stop building the West Fayetteville Bypass.

Jim Richter: Mr. Richter congratulated the Commissioners-elect for their recent wins. He noted that this past election saw a number of newly elected persons at the Sheriff's Office, the Board of Education, and the Board of Commissioners. He thought they would do a good job for the County, and he again congratulated Mr. Randy Ognio, Mr. David Barlow, and Mr. Charles Oddo for their election to the County Board of Commissioners.

Gordon Furr: Mr. Furr commented that the SPLOST money that was spent on the West Fayetteville Bypass could have been used to bail out the Fayette County Board of Education. He congratulated Mr. Randy Ognio, Mr. David Barlow, and Mr. Charles "Chuck" Oddo for their recent election to the Fayette County Board of Commissioners. He also congratulated Mr. Barry Babb for his election as Fayette County Sheriff. He closed asking the Board to no longer continue with the West Fayetteville Bypass.

Randy Ognio: Mr. Ognio asked questions and commented about Consent Agenda Items 4, 7, 8, and 10.

Chairman Herb Frady: Chairman Frady commented on the reason the Board has proceeded and taken its actions on the West Fayetteville Bypass.

CONSENT AGENDA:

Commissioner Brown asked to remove Consent Agenda Items 4, 10 and 11 for discussion.

Commissioner Brown moved to approve Consent Agenda Items 1-11 with the exception of Consent Agenda Items 4, 10 and 11. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of the disposition of tax refunds as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

2. **Approval of staff's request to utilize $2,188.30 from Stormwater Management's Repair and Maintenance Service Account for the employment of a temporary intern who will perform 280 hours of infrastructure inventory and GIS data manipulation. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

3. Approval of staff's request to insert an annual septic system maintenance flyer into Stormwater Management's annual utility bills. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

4. Approval of staff's recommendation to modify the awarding of Bid #P828 Emergency Generator by adding the purchase and installation of a manual bypass switch for the Uninterrupted Power Supply (UPS) from Queen Capital Group, LLC., in the amount of $3,588.00, and to authorize the Chairman to sign the contract and related documents contingent upon the County Attorney's review.

Commissioner Brown asked about why a manual switch was desired over an automatic switch, and he asked why the manual switch was not included in the original bid package. Communications Director Cheryl Rogers explained that there is a switch in the mechanic's room of the Communications Center that she had always been told was a bypass switch, however, when Queen Capital did the assessment for starting on the generator and the Uninterrupted Power Supply (UPS), it was discovered that the switch was actually a displacement switch– not a bypass switch. She told the Board that she has to have a bypass switch, and that she preferred a manual bypass switch so that it only gets thrown when it absolutely needs to be thrown. She said it was not part of the original bid because she did not know she needed to have one. Discussion followed.

Commissioner Brown moved to approve Consent Agenda Item 4 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

5. Approval of the Sheriff's Office request to amend the Fiscal Year 2012 Overtime Budget for the Criminal Investigations Division by $992.78 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.

6. Approval of the Sheriff's Office request to amend the Fiscal Year 2013 Overtime Budget for the Criminal Investigations Division by $2,603.79 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

7. Approval of staff's request to submit an application to the Georgia Association of Emergency Medical Services for a Georgia Trauma Care Network Commission Grant, for the purchase of any equipment that will enhance the care of trauma patients, and authorization for the Chairman to sign the grant application 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.

8. Approval of a Joint Funding Agreement between Fayette County and the U.S. Geological Survey, beginning October 1, 2012 and ending September 30, 2013, in the amount of $90,600.00, to provide for the monitoring of water flow at four sites, and authorization for the Chairman to sign the agreement and related documents contingent upon the County Attorney's review. A copy of the request and Joint Funding Agreement, identified as "Attachment 11", follow these minutes and are made an official part hereof.

9. Approval of staff's request for the Board to declare 31 Trace transponders as unserviceable, to sell said items through the GovDeals website, and for the proceeds from the sales to return to the Water System's Sale of General Fixed Assets account. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

10. Approval of the Water System's request to insert a letter about payment options, and about the ENERGY STAR and WaterSense Sales Tax Holiday in October, into customers' September water bills.

Commissioner Brown asked if the ENERGY STAR and WaterSense Sales Tax Holiday applied to citizens who are not customers of the Fayette County Water System. Water System Director Tony Parrott replied that the holiday applied to everyone, but the Water System has the opportunity to put the notification on the back on an insert that would be sent out to Water System customers. Discussion followed.

Commissioner Brown moved to approve Consent Agenda Item 10 as presented. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

11. Approval of the August 1, 2012 Board of Commissioners Workshop Meeting Minutes and the August 9, 2012 Board of Commissioners Meeting Minutes.

Commissioner Brown asked for some additional wording to be added to the August 1, 2012 Board of Commissioners Workshop Minutes under Old Business Item 1.. The specific wording to be added is: "Commissioner Brown objected to the commercial zoning". County Clerk Floyd Jones said he would insert the additional wording as requested.

Commissioner Brown moved to approve Consent Agenda 11 with the additional wording to the August 1, 2012 Board of Commissioners Workshop Minutes. Commissioner McCarty seconded the motion. The motion passed unanimously.

OLD BUSINESS:

1. Consideration of staff's recommendation to adopt Ordinance 2012-11 approving proposed amendments to the Fayette County Code of Ordinances, Part II County Code, Chapter 3 Alcoholic Beverages.

Community Development Director Pete Frisina explained that a referendum occurred on July 31, 2012 to allow alcoholic sales on Sunday, that the referendum passed overwhelmingly, and that Ordinance 2012-11 was drafted to allow for the sales of alcohol on Sunday. Mr. Frisina also added that some additional changes were made to the County Code that clarified some language pertaining to alcohol sales and pouring in Fayette County.

Commissioner Horgan moved to adopt Ordinance 2012-11 approving the proposed amendments to the Fayette County Code of Ordinances, Part II County Code, Chapter 3, Alcoholic Beverages. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Ordinance 2012-11, identified as "Attachment 14", follow these minutes and are made an official part hereof.

NEW BUSINESS:

1. Peachtree City Council Member Kim Learnard would like to provide the Board with a briefing on a new initiative for Fayette County known as the "Fayette College and Career Academy."

Peachtree City Council Member Kim Learnard made a presentation to the Board concerning the "Fayette College and Career Academy" before she answered questions and took comments from the Board. The Board took no formal action on this discussion. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Georgia House Bill 386- Energy Excise Tax Local Exemption: County Administrator advised the Board on the recent passage of Georgia House Bill 386 and its potential impact on Fayette County. He further advised the Board that there are requirements in the legislation that, if there is any interest on behalf of local governments to impose a county tax on the energy, the bill requires the Board to notify the local municipalities prior to September 1, 2012 to discuss the issue. He added that if the Board chose to not notify the municipalities prior to September 1, 2012 concerning this issue, then the county would be prohibited from imposing a county tax for at least Fiscal Year 2013. Discussion followed. The consensus of the Board was to notify the Association of Fayette County Governments (AFCG) about this issue, prior to September 1, 2012, to discuss House Bill 386.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty explained the reasons why he voted for the increase to the Fire Service's Millage Rate. Chairman Frady added to Commissioner McCarty's comments and agreed with Commissioner McCarty

Commissioner Hearn: Commissioner Hearn said if he were one of the newly elected Commissioners, he would want to be involved in the process of hiring a new County Administrator. He said he had given Mr. Randy Ognio a list of the resume's that have been received for the position, and he encouraged the new Commissioners and the two remaining Commissioners to get together, go through the list of applicants, interview the applicants, and make a deal for someone to come to work for Fayette County. Commissioner Hearn also congratulated Randy Ognio, and said he would fully support Mr. Ognio and would help with engineering expertise or other aspects that come along. Commissioner Hearn then thanked the people of Fayette County for giving him the opportunity to serve.

Chairman Frady: Chairman Frady said he congratulated Randy Ognio and David Barlow before the meeting, and that he congratulated Charles Oddo at the last meeting. He again congratulated each of the Commissioners-elect, wished them good luck in the future, and said they would now be under the "big old microscope."

Commissioner Brown: Commissioner Brown informed the audience that the Fayette County Kiwanis Club is holding its fair, and that it would begin on the weekend just off of Goza Road. He encouraged everyone to go, and said all the proceeds from the fair would go to local community causes. He also congratulated the winners of the recent elections. He told Commissioners Horgan and Hearn that they ran great races, and he wished them well in their future endeavors.

He also thanked Commissioner Hearn on his comments about hiring a County Administrator saying it was very generous and it was the way it "needed to go". Chairman Frady agreed with Commissioner Hearn's comments as well and said the best thing for the Board to do was to sit tight and let the 2013 Board of Commissioners work together on hiring a County Administrator.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Commissioner Hearn moved to adjourn the August 23, 2012 Board of Commissioners' meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The August 23, 2012 Board of Commissioners meeting was adjourned at 8:13 p.m.

Floyd L. Jones, County Clerk

Herbert Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of September 2012.

Floyd L. Jones, County Clerk