



Action Agenda

Board of Commissioners
January 28, 2010
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, January 28, 2010, at 7:00 p.m. in the Commissioners' Chambers, Suite 100, of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice Chairman
Lee Hearn
Robert Horgan
Eric Maxwell

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Call to Order by Chairman, Invocation, and Pledge to the Flag.

Chairman Smith called the Board of Commissioners to order at 7:03 p.m.
Commissioner Hearn offered the invocation.
Chairman Smith led the Board and audience in the pledge of allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to accept the agenda as published. Commissioner Hearn seconded the motion. The motion passed unanimously.

PUBLIC HEARING:

- A. Consideration of Petition Number 1218-09, Southern Pine Plantations Commercial Group, LLC., Owners, and Seyfarth Shaw, LLP, Agent, request to rezone 27.46 acres from O-I, A-R, and C-C to C-C to develop Commercial Uses, and consideration of Petition Number 1219-09, request to rezone 5.37 acres from O-I, A-R and C-C to O-I to develop Office Uses. These properties are located in Land Lots 17 and 18 of the 6th District and front on SR 74 South. These petitions were tabled at the Public Hearing held on December 10, 2009.**

Commissioner Horgan moved to approve Petition Number 1218-09 subject to the two recommended conditions. Commissioner Hearn seconded the motion. The motion passed unanimously.

Commissioner Horgan moved to approve Petition Number 1219-09 subject to the one recommended condition. Commissioner Hearn seconded the motion. The motion passed unanimously.

- B. Consideration of Petition Number RP-047-09, Amos and Marcia Grimes, Owners, and Randy Boyd, Agent, request approval to revise a recorded plat for Lot 8 Block D of Fayette Village (1.031 acres), by adding Lot 117 of the Landings, (1.030 acres), for development of a single-family residential lot totaling 2.061 acres. This R-40 property is located in Land Lot 71, 7th District and fronts on Oak Ridge Drive.**

Commissioner Frady moved to approve Petition Number RP-047-09. Commissioner Horgan seconded the motion. The motion passed unanimously.

PUBLIC COMMENT:

Jacqueline Peoples: Ms. Peoples told the Board that Barnes & Noble Bookstore is closing in May due to losing their lease, and asked if the Board would be able to help prevent the closing. She said she is also going to the City of Fayetteville with the same concern. She appealed to the Board to foster community involvement in order to save the store.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-6. Commissioner Frady seconded the motion. The motion passed unanimously.

- 1. Approval of Resolution Number 2010-04 establishing qualifying fees for 2010 Elections in Fayette County.**
- 2. Approval of recommendations by the Tax Assessor's Office regarding requests for tax refunds.**
- 3. Approval of staff's request to acquire training material for 911 Communications personnel from Professional Pride, Inc., at a cost of \$8,800.**
- 4. Approval of Fayette County Water Committee's 2010 meeting schedule.**
- 5. Ratification of contract between Brad Cole Construction Company, Inc. and Fayette County for the construction of Lake McIntosh Dam and Reservoir in the amount of \$8,233,255.12.**
- 6. Approval of January 6, 2010 Board of Commissioners minutes.**

NEW BUSINESS:

- C. Consideration of appointment to the Fayette County Board of Elections for a four-year term beginning February 1, 2010 and ending January 31, 2014.**

Chairman Smith moved to postpone the appointment until a future meeting. Commissioner Frady seconded the motion. The motion passed unanimously.

ADMINISTRATOR'S REPORT

2010 Board Retreat: County Administrator Jack Krakeel reminded the Commissioners that their retreat would begin at 8:30 a.m. in the Commissioners' Conference Room at the Stonewall Complex.

ATTORNEY'S REPORT

MBIA Capital Management Corporation Contract: County Attorney Scott Bennett reminded the Board of its previous agreement to engage MBIA Capital Management Corporation. He explained that MBIA would be an investment advisor for Fayette County who would advise the county on where to deposit and invest county funds in order to increase its return on investment. He concluded by asking the Board to authorize the Chairman to sign the contract with MBIA to engage their services.

Commissioner Horgan moved to authorize the Chairman to sign a contract with MBIA Capital Management Corporation engaging their services. Commissioner Hearn seconded the motion. The motion passed unanimously.

Contract with Piedmont Paving Corporation: County Attorney Scott Bennett recalled that the Board awarded a bid in the amount of \$540,000 to Piedmont Paving Incorporated for multiple intersection improvements; particularly at the intersection of Goza and Antioch Roads. He stated that he had the contract, had reviewed the payment, performance, and insurance bonds, and that the contract was ready for the Chairman's signature should the Board give its authorization.

Commissioner Horgan moved to authorize the Chairman to sign a contract with Piedmont Paving Incorporated for \$540,000. Commissioner Hearn seconded the motion. The motion passed unanimously.

Resolution Numbers 2010-05, 2010-06, 2010-07 and 2010-08: County Attorney Scott Bennett presented four resolutions to the Board of Commissioners for their approval. He explained that they were based on ongoing negotiations between Fayette County, who is trying to obtain needed right-of-way for improvements to the intersections of Antioch and Goza Roads and Antioch and McBride Roads, and the landowners who are unwilling to provide the needed land. He said the resolutions would authorize the County Attorney to either negotiate for the right-of-way by contract or to condemn the land if it becomes necessary. He added that these resolutions were needed in order to continue the intersection improvement projects:

The four resolutions are as follows:

- **Resolution 2010-05:** Resolution to authorize the acquisition of 3,634 square feet of land, more or less, and 8,731 square feet of temporary construction easement, more or less, in Land Lot 7 of the 5th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of the O.C.G.A. Section 32-3-4 through Section 32-3-19 for road construction or improvement at the intersection of Antioch and McBride Roads.

Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-05. Commissioner Hearn seconded the motion. The motion passed unanimously.

- **Resolution 2010-06:** Resolution to authorize the acquisition of 8,810 square feet of temporary construction easement, more or less, in Land Lot 7 of the 5th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for intersection improvement plans for the intersection of Antioch Road and McBride Road.

Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-06. Commissioner Hearn seconded the motion. The motion passed unanimously.

- **Resolution 2010-07:** Resolution to authorize the acquisition of 1,385 square feet of land, more or less, and 13,510 square feet of temporary construction easement, more or less, in Land Lots 249 and 250 of the 4th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for the intersection improvement located at the Antioch and McBride Roads.

Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-07. Commissioner Hearn seconded the motion. The motion passed unanimously.

- **Resolution 2010-08:** Resolution to authorize the acquisition of 2,366 square feet of temporary construction easement, more or less, in Land Lot 232 of the 4th District, Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 for intersection improvement plans for the intersection at Antioch and Goza Roads.

Commissioner Horgan moved to authorize the Chairman to sign Resolution 2010-08. Commissioner Hearn seconded the motion. The motion passed unanimously.

STAFF REPORTS

There were no Staff Reports.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

Litigation: County Attorney Scott Bennett informed the Board of litigation to be discussed in Executive Session.

Commissioner Hearn moved to adjourn into Executive Session for the purpose of discussing litigation. Commissioner Horgan seconded the motion. The motion passed unanimously.

The Board adjourned into Executive Session at 7:45 p.m. and returned to Official Session at 8:03 p.m.

EXECUTIVE SESSION AFFIDAVIT

Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating litigation was discussed. Commissioner Hearn seconded the motion. The motion passed unanimously.

ADJOURNMENT

No further business came before the Board and Chairman Smith adjourned the January 28, 2010 Board of Commissioner's meeting at 8:03 p.m.

Floyd L. Jones, Deputy Clerk