



Action Agenda

Board of Commissioners
November 13, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, November 13, 2008, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice-Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

Staff Present:

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

Chairman Smith called the meeting to order.
Commissioner Pfeifer led the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA: COMMISSIONER FRADY MADE A MOTION TO ACCEPT THE AGENDA AS PRESENTED. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

REZONING RULES:

Director of Community Development Pete Frisina read the rules for rezoning hearings.

PUBLIC HEARING:

- A. Consideration of Petition No. 1211-08, J. Neil and T. Kay Davis, Owners/Agents, request to rezone 2.469 acres from R-70 to O-I to develop uses allowed under the O-I zoning district. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West. Staff recommended denial. The Planning Commission recommended denial (5-0). Petitioner requested postponement from the October 23, 2008 Commission meeting because of the lack of a full Board being present.

CHAIRMAN SMITH ANNOUNCED THAT THE PETITIONER HAD REQUESTED TO WITHDRAW THIS ITEM FROM THE AGENDA.

COMMISSIONER MAXWELL MADE A MOTION TO ACCEPT THE PETITIONERS' REQUEST TO WITHDRAW THIS ITEM FROM THE AGENDA. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

- B. Consideration of Petition No. 1212-08, J. Neil and T. Kay Davis, Owners/Agents, request to rezone 4.437 acres from C-C Conditional to C-C to lift the current conditions; also to use the Old Mill structure for a corn grist mill in its historical context; and to allow the uses in the C-C Zoning District; and consideration of Petition No. RP-043-08 to change the use of Lot 1 of Crystal Lake Estates consisting of 2.334 acres (part of the 4.437 acres) from a single-family dwelling to the uses allowed in the C-C Zoning District. This property is located in Land Lot 127 of the 5th District and fronts on S.R. 54 West and Old Mill Court. Staff recommended approval with three (3) conditions. The Planning Commission voted to approve subject to recommended condition #1 being amended to exclude more uses and recommended conditions #2 and #3 as submitted by staff (3-2). No action was taken on RP-043-08 based on recommended condition #3 which maintains the use of single-family dwelling on lot 1 of Crystal Lake Estates. Petitioner requested postponement from the October 23, 2008 Commission meeting because of the lack of a full Board being present.

COMMISSIONER MAXWELL MADE A MOTION TO DENY PETITION NO. 1212-08. COMMISSIONER PFEIFER SECONDED THE MOTION. THE MOTION CARRIED 5-0.

PUBLIC COMMENT:

KAY DAVIS: Kay Davis thanked the Board for listening to her rezoning request tonight but strongly disagreed and expressed concern with the Board's decision to deny her request.

DENNIS CHASE: Dennis Chase, President of the Line Creek Association of Fayette County, expressed concern with necessary documents for the West Fayetteville Bypass including a full blown environmental statement and also a Section 404 Permit under the Clean Water Act that were not included in the files. He remarked that he would be using his expertise and would be helping the property owners affected in the Phase II of the Bypass and preparing an environmental evaluation for them. He said this report including photographs would be forwarded to the Army Corps of Engineers, the Environmental Protection Agency, U.S. Fish and Wildlife Service and Georgia Environmental Protection Division as a basis for objection to at least Phase II of the Bypass. He suggested the Board go back and review everything involved with the West Fayetteville Bypass including the environmental issues.

PAT HINCHEY: Pat Hinchey commented on the defined benefit plan for Fayette County employees and felt there would be an unlimited liability for the County.

STEVE SMITHFIELD: Steve Smithfield said he represented a group of property owners who would be impacted by the West Fayetteville Bypass. He expressed concern and voiced his opposition to the Bypass.

BOB FUHRMAN: Bob Fuhrman commented on the defined benefits program for Fayette County employees. He felt this was not the best thing for Fayette County employees and he asked for the Board to vote this program down.

DAVID CREE: David Cree commented on the defined benefits program for Fayette County employees. He said the employees were very well paid and they needed to be the masters of their own finances. He asked for the Board not to pursue the defined benefits program for County employees.

DAVID WINSLET: David Winslet commented on the West Fayetteville Bypass and remarked that he did not understand the proposed route for the Bypass.

ELLEN MORLEY: Ellen Morley commented on the West Fayetteville Bypass. She said no one had ever discussed this with her and she heard through the grapevine that the Bypass would cut through her front yard.

BOB LOEY: Bob Loey commented on the defined benefits program for Fayette County employees. He felt there would be undefined long term liabilities to the taxpayers and the employees who might have a potential loss. He asked for the Board's consideration not to proceed with this plan.

PAUL PARCHERT: Paul Parchert commented on the West Fayetteville Bypass. He noted that the Bypass would be approximately 60 feet from his property in McClenney Estates. He expressed concern with the environmental impact on the wetlands and 200 year old trees in an area where the road would cut through that would be impacted.

MICHELLE VIA: Michelle Via remarked that she was opposed to the defined benefits plan for Fayette County employees. She urged the Board to make a motion at their next meeting to deny this plan.

JAMES WINGO: James Wingo said he was the Co-Chairman for Fayette Citizens for Open Government (FAYCOG) whose mission was to organize citizens independent of their political affiliation to raise awareness of the need for open government and to spread the word about issues that could have an impact on their lives. He commented that this group looked forward to working with local government officials to open the doors of government to all that seek knowledge concerning their local government.

SHERRI GREENE: Sherri Greene commented on the West Fayetteville Bypass. She remarked that she and her husband had purchased their home here approximately seven months ago and neither their realtor or the seller of the property had any knowledge about a proposed Bypass. She asked the Board to take a detailed look at the approach of the Bypass.

HAROLD BOST: Harold Bost said he was the Co-Chairman for the Fayette Citizens for Open Government (FAYCOG) along with James Wingo. He spoke in opposition to the defined benefits plan being proposed for Fayette County employees. He noted the failure of these type of plans recently in the City of Atlanta as well as Henry County. He urged the Board to stop the defined benefits plan now and keep the current plan in place.

JOE ROVANG: Joe Rovang voiced opposition to the West Fayetteville Bypass and also stated that he was opposed to the defined benefits plan for Fayette County employees. He asked for the Board's consideration to take this issue off the table and felt there would be a lot of risk as well as the benefits being ill defined and speculative.

PAT EARNEST: Pat Earnest expressed concern over the West Fayetteville Bypass and she noted that she would be included in the Phase III of the project. She said it appeared the Bypass would greatly increase traffic in her area. She remarked that her interest in the Bypass was a very personal one. She said approximately twenty years ago her daughter was hit and killed by a car traveling on Redwine Road. She urged the Board to take a second look at the proposed Bypass.

GORDON FURR: Gordon Furr commented on West Fayetteville Bypass going through to West Bridge and the possible high density that would result in pollution of streams and septic tank failures.

DONALD FOWLER: Donald Fowler spoke in opposition to the West Fayetteville Bypass. He felt the Bypass did not improve anything in the County and he asked the Board to review the guidelines in spending taxpayers' money.

CONNIE BIEMILLER: Connie Biemiller expressed concern with the West Fayetteville Bypass. She said she was the Chair of the South Fulton Fayette Community Task Force. She said this was a group of citizens concerned with issues having an environmental impact on the community. She said this group would be looking at the impact of this Bypass on the area and would be involved in any discussions. She said she had a problem with the impact of wetlands as well as peoples' lives as a result of the Bypass.

DOUG BURCHER: Doug Burcher spoke in opposition to the West Fayetteville Bypass. He noted that the Bypass was projected to go directly through a subdivision with conservancy greenspace that would be impacted as well as a large creek. He asked the Board to reconsider the Bypass and uphold the decision to keep this greenspace. He commended the Board for upholding the ruling of a County Commission that was done approximately 25 years ago for the zoning of the Old Mill on S.R. 54.

EVAN STITT: Evan Stitt voiced opposition to the defined benefits plan for County employees. He remarked that most of the plans are costly and the burden would fall on the taxpayers. He encouraged the Board to reconsider this plan and keep the current plan in place.

J.D. HOLMES: J.D. Holmes commended the Board for denying the rezoning request tonight and said he was very proud of the Commissioners for their action. He also commented on the defined benefits plan for County employees and felt these type of plans were very questionable. He questioned the figures that were proposed for this plan and asked the Board to take another look at it.

ANDREA LYLE: Andrea Lyle remarked on the defined benefits plan and asked the Board not to take any action on this plan right now in light of the current down turn in the economy.

Commissioner Frady exited the meeting at this time.

BARRY LYLE: Barry Lyle expressed concern with the spending of taxpayers' money and asked the Board to really think about how they are spending money. He commented on the increased development in the County in recent years and how this had impacted schools and roads.

Commissioner Frady re-entered the meeting at this time.

CAPTAIN DENNIS BENSON : Captain Dennis Benson commented on the defined benefits plan and said he would like to see full disclosure from the Board on this plan. He asked the Board to reconsider the proposed plan for the County employees.

JANE GALLO: Jane Gallo asked the Board to reconsider the proposed defined benefits plan for the County employees. She expressed concern with a long term financial risk. She asked the Board to think about the problems in Henry County as well as in the City of Atlanta. She urged the Board to deny this

TOM WALLER: Tom Waller commented on the West Fayetteville Bypass and said he was in opposition to Phase I, Phase II and Phase III of the Bypass. He said he has never seen a study for this Bypass that would indicate a demand for it. He also discussed the downsizing of portfolios and loss of jobs. He recommended the Board look at out years and pointed out that the current recession was not going to be settled within the next year or two. He asked the Board to look at the funds coming in and determine how much money was coming in from outside of the County and what would occur when this money was reduced.

CONSENT AGENDA: CHAIRMAN SMITH REQUESTED ITEM NO. 2 BE REMOVED FOR DISCUSSION. COMMISSIONER HORGAN MADE A MOTION TO APPROVE THE CONSENT AGENDA ITEMS, 1, 3, 4, 5, 6 AND 7 AS PRESENTED. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

1. Approval of staff's recommendation to award Bid #687 Folder/Inserter and Postage Meter to the low bidder, Alternative Mailing Systems, for a three year lease in the amount of \$37,812 for the Fayette County Water System.
2. Approval of staff's recommendation that specified streets in the Longboat Subdivision including Boatwater Bend, Woodcanoe Court and Dockstreet Alley be authorized for the use of motorized cart travel in accordance with Ordinance No. 95-10.

AFTER A BRIEF DISCUSSION, CHAIRMAN SMITH MADE A MOTION TO APPROVE CONSENT AGENDA ITEM NO. 2. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

3. Approval of Sheriff's Department request to amend Overtime Budget Account for the Criminal Investigation Division by \$4,942.76 for reimbursement for employees' assigned to work with various federal agencies.
4. Approval of request from the Sheriff's Department that a 2004 Ford Explorer be disposed of in accordance with information from the County's insurance carrier that the vehicle is considered a total loss and that proceeds from the insurance company be returned to the Sheriff's Department Federal Seizures Account.
5. Approval of staff's recommendation to award surveying and engineering design services for the 2009 Special Local Option Sales Tax intersection improvements for Antioch Road at McBride Road (1-12) and Antioch Road at Goza Road (1-13) to New Dimension Engineering for the amount of \$32,750.
6. Approval of staff's recommendation to award surveying and engineering design services for 2009 Special Local Option Sales Tax intersection improvements for Brooks-Woolsey Road at Highway 85 Connector (1-14) to Integrated Science & Engineering for the amount of \$27,260.
7. Approval of staff's recommendation to award surveying and engineering design services for 2009 Special Local Option Sales Tax intersection improvements for Kenwood Road at New Hope Road (R-6), Jenkins Road at Sandy Creek Road (R-4), and Lees Mill Road at Sandy Creek & Lake Road (R-4) to Hovey & Associates for the amount of \$37,810.

NEW BUSINESS:

- C. Consideration of a proposal by staff that the County consider the use of mast-arm structures in lieu of traditional strain poles and wires for signalization of intersections in the unincorporated County.

IT WAS THE CONSENSUS OF THE BOARD TO ADDRESS THE USE OF MAST-ARM STRUCTURES ON A PROJECT BY PROJECT BASIS.

- D. Consideration of staff's recommendation to award Proposal #P688 to low bidder Ozburn Electric for Kiwanis Park Baseball Field #7 Sports Lighting in the amount of \$106,963 and McCurry Park Softball Field #3 sports Lighting in the amount of \$72,893.

COMMISSIONER HORGAN MADE A MOTION TO AWARD PROPOSAL #P688 TO LOW BIDDER OZBURN ELECTRIC FOR KIWANIS PARK BASEBALL FIELD #7 SPORTS LIGHTING IN THE AMOUNT OF \$106,963 AND McCURRY PARK SOFTBALL FIELD #3 SPORTS LIGHTING IN THE AMOUNT OF \$72,893. COMMISSIONER MAXWELL SECONDED THE MOTION. THE MOTION CARRIED 5-0.

- E. Consideration of staff's recommendation to award contract for construction of four Special Local Option Sales Tax intersection improvements to R.J. Haynie & Associates in the amount of \$925,504.59.

COMMISSIONER FRADY MADE A MOTION TO AWARD CONTRACT FOR CONSTRUCTION OF FOUR SPECIAL LOCAL OPTION SALES TAX INTERSECTION IMPROVEMENTS TO R.J. HAYNIE & ASSOCIATES IN THE AMOUNT OF \$925,504.59. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

- F. Consideration of staff's recommendation to award Proposal #P689 for Storm Pipe and Structures for the West Fayetteville Bypass Phase I to STRACK, Inc. in the amount of \$246,044.

COMMISSIONER HORGAN MADE A MOTION TO AWARD PROPOSAL #P689 FOR STORM PIPE AND STRUCTURES FOR THE WEST FAYETTEVILLE BYPASS PHASE I TO STRACK, INC. IN THE AMOUNT OF \$246,044. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ADMINISTRATOR'S REPORT:

UPDATE ON ACQUIRED RIGHT-OF-WAY FOR SNEAD ROAD: County Administrator Jack Krakeel stated that as of this week the County had now acquired or had under contract all of the necessary right-of-way for Snead Road.

ALLEN McCULLOUGH APPOINTED EMERGENCY MANAGEMENT DIRECTOR: County Administrator Jack Krakeel asked for the Board's consideration to authorize the Chairman to execute two letters to the Georgia Emergency Management Agency appointment Allen McCullough as the new Public Safety Director of Fayette County and also acting Emergency Management Association Director for Fayette County.

CHAIRMAN SMITH MADE A MOTION TO APPOINT ALLEN McCULLOUGH AS PUBLIC SAFETY DIRECTOR OF FAYETTE COUNTY AND ALSO NOMINATE MR. McCULLOUGH AS THE PERMANENT SEAT AS EMERGENCY MANAGEMENT ASSOCIATION DIRECTOR OF FAYETTE COUNTY. COMMISSIONER PFEIFER SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ATTORNEY'S REPORT:

NONE.

STAFF REPORTS: Director of Community Development Pete Frisina briefly updated the Board on the grant application that he and Vanessa Birrell of the Engineering Department had discussed with the Board at the November 5th meeting regarding the Safe Routes to Schools Program. He asked for the Board's permission to proceed and also noted that he would provide further information at the Board's December 3rd Workshop meeting.

IT WAS THE CONSENSUS OF THE BOARD THAT STAFF PROCEED ON THIS MATTER AND PROVIDE AN UPDATE AT THE DECEMBER 3RD WORKSHOP MEETING.

Bryan Keller of the Engineering Department asked for the Board's permission to proceed with a 319 grant for landscaping at the old courthouse. He said the Cooperative Extension Office and the Master Gardeners would be assisting in this project.

IT WAS THE CONSENSUS OF THE BOARD THAT STAFF PROCEED WITH THIS 319 GRANT FOR LANDSCAPING AT THE OLD COURTHOUSE.

BOARD REPORTS:

CHAIRMAN SMITH: Chairman Smith recognized Allen McCullough as being appointed Fayette County Public Safety Director.

COMMISSIONER FRADY: Commissioner Frady asked for staff to look into a possible decel lane at Flat Creek Trail and S.R. 54.

CHAIRMAN SMITH: Chairman Smith remarked briefly on the remarks made under the Public Comment section of the agenda tonight regarding the West Fayetteville Bypass and the proposed defined benefits plan for Fayette County employees. He suggested a summary of pros and cons of the retirement plan to be placed on the County website for the citizens to view and the Board agreed with this suggestion.

EXECUTIVE SESSION: County Administrator Jack Krakeel requested an Executive Session to discuss a real estate acquisition matter.

Chairman Smith requested an Executive Session to discuss legal and personnel matters.

COMMISSIONER FRADY MADE A MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS REAL ESTATE ACQUISITION, LEGAL AND PERSONNEL MATTERS. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

COMMISSIONER HORGAN MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION AND RETURN TO OPEN SESSION. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

COMMISSIONER FRADY MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE EXECUTIVE SESSION AFFIDAVIT AFFIRMING THAT REAL ESTATE ACQUISITION, LEGAL AND PERSONNEL MATTERS WERE DISCUSSED IN EXECUTIVE SESSION. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

CHAIRMAN SMITH ANNOUNCED THAT THERE WAS NO ACTION TO BE FORTHCOMING FROM THE EXECUTIVE SESSION.

ADJOURNMENT: COMMISSIONER FRADY MADE A MOTION TO ADJOURN THE MEETING AT 11:25 P.M. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

Karen Morley, Chief Deputy Clerk