



## *Action Agenda*

Board of Commissioners  
September 23, 2010  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, September 23, 2010, 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  
Lee Hearn  
Robert Horgan  
Eric Maxwell

**Staff Present:**

Jack Krakeel, County Administrator  
Scott Bennett, County Attorney  
Carol Chandler, Executive Assistant  
Floyd L. Jones, Deputy Clerk

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**Call to Order, Invocation and Pledge of Allegiance.**

Chairman Smith called the September 23, 2010 Board of Commissioners Meeting to Order at 7:02 p.m. Commissioner Hearn gave the Invocation. Chairman Smith led the Audience in the Pledge of Allegiance.

**Acceptance of Agenda.**

Commissioner Horgan moved to Accept the Agenda as printed. Commissioner Hearn seconded the motion. The motion passed unanimously.

**PRESENTATION/RECOGNITION:**

**A. Recognition of the 100<sup>th</sup> Birthday of the Boy Scouts of America.**

Chairman Smith commented on the history and accomplishments of the Boy Scouts of America, and he spoke about activities of the Boy Scouts and Eagle Scouts in Fayette County. He then read and presented a Proclamation to representatives of the Boy Scouts recognizing the organization's 100<sup>th</sup> Birthday.

**B. Presentation of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System's Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2009.**

Lynn Robinson, representing the Government Finance Officer's Association (GFOA), spoke about the history of GFOA and the criteria required to earn the Certificate of Achievement for Excellence in Financial Reporting (CAFR). She then presented the award to Assistant Finance Director Toni Jo Howard who accepted it on behalf of Fayette County and its Finance staff.

**PUBLIC COMMENT:**

**Jim Richter:** Mr. Jim Richter, a resident of Peachtree City, questioned what the Board planned to do about Commissioner Horgan's alleged ethics violations. He commented on the Commissioner's cost to the taxpayers and judicial findings related to the allegations. He concluded his remarks by saying "Fayette County residents deserve better", by calling on Commissioner Horgan to "step down" from office, and by calling on the Commissioners to "do your duty and censure Mr. Horgan and fine him".

**Darrell Hambrick:** Mr. Darrell Hambrick, a resident of Fayetteville, told the Board he is concerned about the proposed extension of Lafayette Avenue, the improvement to the park in his neighborhood, and the expected "overflow of traffic entering into the neighborhood". The Board informed Mr. Hambrick that the project was actually a City of Fayetteville project, and it suggested that he express his concerns to the City of Fayetteville.

**Steve Smithfield:** Mr. Steve Smithfield, a resident of Fayetteville, spoke against the West Fayetteville Bypass, and his perception that the Board was not listening to the citizens. He reminded the Board that the voters had spoken in 2009 when it rejected the SPLOST referendum, and then again with the recent election. He said the Board owes it to the newly elected Commissioners not to "cast stumbling-blocks in the path of the new Commissioners, as you are now doing, by moving forward with the West Fayetteville Bypass" since "it is betraying the public trust not to follow the will of the majority".

**Dennis Chase:** Mr. Dennis Chase, a resident of Fayetteville and President of the Line Creek Association of Fayette County, said he wanted to bring the Board up to date on what the Association was in the "process of doing". He said the Association has had frequent contacts with the Environmental Protection Agency and the Corp of Engineers, and that the Association had been informed there may be a "permit pending for the West Fayetteville Bypass". He speculated that the Board may have heard from attorneys and others that they would file a lawsuit, but he assured the Board "this is about to happen . . . the minute the Corp of Engineers issues a work permit". He repeated that within a week or two after Fayette County receives the permit, the permit will "be put on hold" due to the lawsuit. He urged the Board "not to think the only ones fighting the West Fayetteville Bypass are those directly in its way" and he closed his remarks by reminding the Board that this issue will still be viable for those Commissioners running for office in two years.

**Kim Hinchey:** Mrs. Kim Hinchey, a resident of Fayetteville, told the Board that both she and her husband are disappointed and frustrated with the Board's "unanimous decision to continue with the West Fayetteville Bypass". She said she has attended many Commission meetings where many citizens "voiced their opposition to this use of taxpayers' money", and she was "compelled to remind you that the Fayette County voters voiced their opposition loud and clear at the primary election where two of you were told, by being voted out of office, that you are not representing your constituents and consequently were not being asked to return." She also spoke about County employees' "pensions" saying that in spite of many citizens losing their pensions, and despite many municipalities falling short with the liabilities of their own pension plans, the Board made a decision "in the best interest of some of the citizens, but not all the taxpayers of Fayette County". She elaborated on how the Board would be "our local example of what has gone wrong with the political system". She asked the Board to "respect the voters by doing the people's will, and not the will of the developers", and closed saying a "sleeping giant had been awakened" and that it "will remember in November".

**Denise Ognio:** Ms. Denise Ognio, a resident of Fayetteville, told the Board that she does not like what she sees in the news, and she wanted the Board to "hear we the people". She continued that it reads in the paper that the Board is still "pushing" for the West Fayetteville Bypass, and she did not understand how the Board could continue to say they are willing to work for the people. She asked if the Board had "forgotten who we the people are". She said the people are willing to stand behind the Board, but the Board has to listen, since it works for the people. She added that the public office should be led and held by a higher standard, and, by so doing, it gives the County's youth and families the best leadership possible. She then asked for the Board to lead by example and for Commissioner Horgan to "take the high road and step down".

**Gordon Furr:** Mr. Gordon Furr, a resident of Tyrone, said he felt compelled to come to the meeting to ask the Board why it was "rushing to get the West Bypass through". He said he is upset about how the Board "is undermining the citizens and don't pay us any attention whatsoever". He also spoke about the "bottleneck" that would be caused on Westbridge Road and the dangers on that road.

**Tom Halpin:** Mr. Tom Halpin, a resident of Fayetteville, spoke in opposition to the West Fayetteville Bypass. He remarked on comments that he has heard both from the Board and from the local papers, and the perception that the actions taken do not conform to the comments given. He spoke about the impact of Phase III of the West Fayetteville Bypass on neighborhoods and traffic safety, and about the danger at the intersection of Harp Road. He said he has not heard one bad thing from any Commissioner about the West Fayetteville Bypass, and he assumed the Board had "no problem splitting neighborhoods in half" and had no problem with the road "going by three school zones with buses and children walking to school". He added that Corp of Engineers would possibly issue a permit for the West Fayetteville Bypass, but no one at the County seemed able to verify that possibility. He closed saying the people want to know the facts, that he wanted the facts to be made public, and that "all the people want is for the Board to be up-front" with them.

**CONSENT AGENDA:**

Commissioner Horgan moved to approve Consent Agenda Items 1-7. Commissioner Hearn seconded the motion. The motion passed unanimously.

1. **Approval of staff's request to amend the FY2010 Health Department Budget revenues and expenditures in the amount of \$1,969.00 to provide for overages in the Department's Tire and Gasoline Vendors Account.**
2. **Approval of staff's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380.**
3. **Approval of staff's recommendation to award Bid #762 to Adams Equipment Company, Inc. for the purchase of a mower for the Road Department at a cost of \$32,592.00. This request also provides for \$2,592.00 of the bid amount to come from the County's Contingency Account.**
4. **Approval of the Water Committee's recommendation to mail water bills using green envelopes, for only one month, which will contain information for Water System customers about payment options including an emphasis on electronic payment options, at a cost of \$600.00 for the special envelopes.**
5. **Consideration of the Water Committee's recommendation to install connections for standby emergency generators at three locations, including the raw water pump station at Lake Horton, the booster pump stations at the Crabapple Tank, and the Ellis Road Tank, for a cost of approximately \$40,000.**
6. **Approval of staff's recommendation to award Proposal #P759 to low bidder Southeastern Tennis Courts, Inc. in the amount of \$29,880.00 for the refurbishment of the Kiwanis Park Basketball Court.**
7. **Approval of the September 1, 2010 Board of Commissioners Workshop Minutes, the September 1, 2010 Board of Commissioners Public Hearing Minutes, and the September 9, 2010 Board of Commissioners Minutes.**

**OLD BUSINESS:**

- C. **Consideration of staff's request for authorization to proceed with the process of refinancing the Fayette County Public Facilities Authority's Series 2001 Bonds in the amount of \$47,995,000.**

Chief Financial Officer Mary Holland made her presentation and request to the Board.

Commissioner Maxwell moved to authorize staff to proceed with the process of refinancing the Fayette County Public Facilities Authority's Criminal Justice Centers (CJC) Series 2001 Bonds in the amount of \$47,995,000, and to utilize the services of Merchant Capital, L.L.C. as Underwriters; McKenna, Long, and Aldridge, L.L.P. as Bond Council; and the accounting firm Nichols, Cauley, and Associates to execute the refinancing process. Commissioner Horgan seconded the motion. The motion passed unanimously.

#### **NEW BUSINESS:**

**D. Steve Vaughn with GEBCorp will present the annual valuation report to the Board on the County's defined benefit retirement plan.**

Mr. Steve Vaughn, representing GEBCorp, presented the annual valuation report to the Board as it concerns the County's defined benefit retirement plan, and he discussed the report with the Board.

No action was taken. Commissioners Maxwell and Hearn asked Mr. Vaughn to return to the Board, either during its October or November Workshop Meetings, with updated information for further discussion.

**E. Discussion of staff's request for authorization to solicit bids for professional services associated with SPLOST Project No. FC-15 Intersection Improvements at SR 92, Inman Road, and Goza Road.**

Public Works Director Phil Mallon made his presentation and request to the Board.

Commissioner Horgan moved to authorize staff to solicit bids for professional services associated with SPLOST Project No. FC-15 using the short-list of consultants identified under RFP No. P733. Commissioner Hearn seconded the motion. The motion passed unanimously.

#### **ADMINISTRATOR'S REPORT**

There was no Administrator's Report.

#### **ATTORNEY'S REPORT**

There was no Attorney's Report.

#### **STAFF REPORTS**

There were no Staff Reports.

## **BOARD REPORTS**

There were no Board Reports.

## **EXECUTIVE SESSION**

There was no Executive Session.

## **ADJOURNMENT**

No further business came before the Board. Chairman Smith adjourned the September 23, 2010 Board of Commissioners meeting at 8:45 p.m. without an objection.

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Floyd L. Jones, Deputy Clerk