



Action Agenda

Board of Commissioners
August 11, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on August 11,, 2011, 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, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Floyd L. Jones, Chief Deputy Clerk

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the August 11, 2011 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 Horgan moved to accept the Agenda as published. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING:

1. Public Hearing on proposed 2011 Property Tax Millage Rates which are scheduled to be adopted on August 25, 2011.

Chief Financial Officer Mary Holland presented an overview of the proposed 2011 Property Tax Millage Rates.

Paul Parchert: Mr. Parchert spoke against tax increases at a time when governments at every level overspend their budgets, costs of living are rising, and incomes are stagnant. He said governments must be responsible for the money they have and needs to become more efficient in their operations. He emphasized that Fayette County, like all counties, needs to be accountable for its money and needs to stop coming to citizens for more money.

Vic Remeneski: Mr. Remeneski observed that many people are frustrated with the politicians in Washington D.C. who do not listen to the people while they continually vote against the will of the people. He was concerned that the Commissioners were following a similar track at the local level. He spoke about the E-911 tax, the stormwater fees, the proposed Transportation SPLOST, and an increase of the county's millage rate, and he told the Board that these four examples were just additional, unnecessary attempts to take money from the people during a recession. He thought that additional fees and taxes would not achieve the result of increasing the county's budget since they would drive many into foreclosure. He mentioned that during his career he had to make financial sacrifices for his company, and he suggested that all at the county should take similar measures. He urged the Board to consider the overall tax burden the people were under and asked the Board not to increase Fayette County's millage rate.

Steve Smithfield: Mr. Smithfield spoke against the stormwater "tax", and he suggested that the wording on the ballot for the 2004 SPLOST referendum allowed the use of SPLOST funds for stormwater infrastructure repairs. He read several section of the SPLOST Guide for County Commissioners that he thought bolstered his position, and he opined that the since need for the West Fayetteville Bypass was unproven, the SPLOST funds would be better used for unquestioned projects that do require funding.

Chairman Frady announced that the next Public Hearings on this issue would be at 7:00 p.m. on both August 18 and August 25, 2011.

PUBLIC COMMENT:

David Hall: Mr. David Hall spoke about Old Business Item 12. He did not agree with some of the proposals in the Ordinance since they would limit transparency and the citizens' involvement with their local government. He was concerned that the restrictions violated Article 9 of the United States Constitution. He opposed the recommendation that the people need to register 15 minutes prior to the start of the meeting in order to speak during Public Comment, and he encouraged all people to speak to their government using a variety of methods.

Ginger Smithfield: Mrs. Smithfield reminded the Board that the people of Fayette County are the county's business, and that the County's taxpayers are the County's shareholders. She said that the proposed Ordinance to regulate County Commission meetings should be fair, objective and intelligent while keeping in mind that the people are the county's business. She then spoke of the necessary work that the Women, Infants, and Children's (WIC) program in Fayette County performs, but she did not feel the county's land or tax dollars should be provided to the program. She stated that resources should go to feeding, clothing, educating those in need— not for providing land.

Bob Ross: Mr. Ross commented on the proposed Ordinance regulating County Commission meetings by referring to a meeting he attended at the Atlanta Regional Commission earlier in the day. He explained that the ARC requires speakers to sign up in order to speak, and that they are given that ability up to the start of the meeting without requiring speakers to list the topic of their concern. His implication was that Fayette County should consider a similar tactic. He also spoke about the WIC program by saying he attended the recent budget meetings and that the Board and county staff "have done a much more thorough job of scrubbing the budget than Washington D.C. has". He thought the federal government that mandates the WIC program, should be able to find the money needed to fund a local county WIC program.

Randy Ognio: Mr. Ognio spoke about several items on the agenda. He said he supported Consent Agenda Item 2. He questioned the Sheriff's request located on Consent Agenda Item 5. He observed that some of the agenda items included requests with only two bidders. He questioned the low numbers of bids, especially given the current

economic situation where business need money and work. He then gave his concerns about the proposed Ordinance related to Old Business Item 12. He reminded the Board that it was there to conduct the people's business, and he was concerned that the proposals would give too much power to any Commission Chairman. He did not agree with requiring citizens to register in order to speak. Finally, he agreed with previous comments concerning the WIC program, but he asked why– if the people have already paid for the program– they are asked to pay for it again.

CONSENT AGENDA:

Commissioner Brown asked to remove Consent Agenda Items 3 and 5 from the Consent Agenda for discussion.

Commissioner Horgan moved to move Consent Agenda Items 3 and 5 from the Consent Agenda for discussion. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Horgan moved to approve Consent Agenda Items 2-11 excluding Consent Agenda Items 3 and 5. Commissioners Brown and Hearn seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of Policy No. 200.27 which establishes a formal set of standards to be used whenever the County acquires privately-owned property for the construction of a transportation project.**
3. **Approval of staff's recommendation to adopt Policy No. 300.07 which amends the County's Reserve Fund Policy in compliance with the Governmental Accounting Standards Board (GASB) Statement No. 54.**

Commissioner Brown questioned some of language in the policy and suggested changes be made.

Commissioner Brown moved to table Consent Agenda Item 3 for reconsideration at the August 25, 2011 Board of Commissioners meeting, and for the Policy under consideration to be updated with "enhanced language on disasters". Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

4. **Approval of staff's request to declare a 2002 Hustler "Z" mower unserviceable, and approval to replace the mower at a cost of \$11,563.00.**
5. **Approval of the Sheriff's request to authorize the Chairman to sign the Questionnaire for Officials describing the Accounting Procedures and Requirements for Shared Cash, Proceeds, and Tangible Property.**

Commissioner Brown wanted to address Mr. Ognio's comments related to the accounting procedures and requirements specific to the Sheriff's Department. He asked if those procedures were still open to audit and to public inspection, and he asked for clarity on the issue. County Attorney Scott Bennett explained that the records are confidential because they have details of ongoing undercover investigations.

Commissioner Brown moved to approve Consent Agenda Item 6. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

6. **Approval of the Sheriff's request to amend the Overtime Budget for the Office Criminal Investigations Division by \$2,079.73 for reimbursement for employees assigned to work with various Federal Agencies.**
7. **Approval of the Sheriff's Department Jail Division to dispose of items of clothing and bedding from the Jail which are no longer serviceable.**
8. **Approval of the Water Committee's recommendation to authorize the Peachtree City Water and Sewerage Authority (WASA) to insert a flyer in customer's water bills during the months of September 2011 and March 2012.**
9. **Consideration of a Joint Funding Agreement between Fayette County and the U.S. Department of the Interior Geological Survey which provides the monitoring of water flow at four sites. The Agreement is for one year beginning October 1, 2011 and ending September 30, 2012 with a cost to the Water System of \$90,600.00.**
10. **Approval of the Water Committee's recommendation to reimburse a Water System customer for damaged clothing in the amount of \$103.07 with two stipulations conditioned upon the customer submitting the clothing in exchange for the check.**
11. **Approval of the July 28, 2011 Board of Commissioners Minutes.**

OLD BUSINESS:

12. **Further consideration of a proposed Ordinance which addresses the procedures, decorum, and rules of order used for conducting County Commission meetings; and consideration of an alternative Ordinance proposed by Commissioner Brown.**

Commissioner Horgan moved to adopt the proposed Ordinance that addresses the procedures, decorum, and rules of order used for conducting County Commission meetings. Commissioner Hearn seconded the motion. Discussion followed.

Commissioner Horgan amended his motion to adopt the proposed Ordinance that addresses the procedures, decorum, and rules of order used for conducting County Commission meetings, and to include the following two changes: (1) to correct a typographical error by making subsections associated with Section 2-44 (h) be delineated numerically instead of alphabetically, and (2) to allow citizens wishing to make public comments to have the ability to register to speak up until the meeting is called to order. Commissioner Hearn amended his second to the motion. Discussion followed. The motion passed unanimously.

13. **Consideration of the Water Committee's recommendation to award construction of the Lake McIntosh Raw Water Pump Station bid to the low bidder, Willow Construction, in the amount of \$1,293,600, and authorization for the Chairman to sign the contract contingent upon review by the County Attorney.**

Commissioner Horgan moved to approve the Water Committee's to award construction of the Lake McIntosh Raw Water Pump Station bid to low bidder, Willow Construction, in the amount of \$1,293,600, and authorization for the Chairman to sign the contract contingent upon review by the County Attorney. Commissioner Hearn seconded the motion. The motion passed unanimously.

- 14. Consideration of the Water Committee's recommendation to award the annual contract for Waterline Extensions for Fiscal Year 2012 to the low bidder, Lantz Construction, in the amount of \$765,355.00, and to authorize the Chairman to sign said contract, pending review by the County Attorney.**

Clerks Note: Although a unanimous vote was taken to award the annual contact to Lantz Construction, it is unclear which Commissioner made the motion and the second. For the sake of certainty, the vote on this item will be ratified at the August 25, 2011 meeting.

NEW BUSINESS:

- 15. Consideration of the Water Committee's recommendation to issue a purchase order for the purchase of all required Orion water meters, by September 1, 2011, at a total cost of \$2,018,465.78, to accept a credit of \$1,009,761.49, and approval to pay for the project during Fiscal Year 2013.**

Commissioner Horgan moved to approve the Water Committee's recommendation to issue a purchase order for the purchase of all required Orion water meters, by September 1, 2011, at a total cost of \$2,018,465.78, to accept a credit of \$1,009,761.49, and approval to pay for the project during Fiscal Year 2013. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

- 16. Consideration of Resolution No. 2011-12 which establishes a 9-1-1 charge on prepaid wireless transactions at the point of retail sale.**

Commissioner Brown moved to adopt Resolution No. 2011-12 establishing a 9-1-1 charge on prepaid wireless transactions at the point of sale. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADMINISTRATOR'S REPORTS:

County Administrator Jack Krakeel did not give an Administrator's report.

COMMISSIONERS REPORTS:

Commissioner Brown: Commissioner Brown responded to Mr. Ognio's public comments concerning the small number of bidders applying for projects in Fayette County. He said he had reviewed feedback provided to the County by potential bidders who no longer sought County contracts, and he did not like some of their comments. He asked the Chairman and the Board to consider forming a committee that included members of the public to evaluate the current system used by Fayette County in order to gain more than a few bidders. After discussion, the Board gave no direction and did not consent to Commissioner Brown's request.

Commissioner Brown also commented on Governor Nathan Deal's decision to re-examine House Bill 277 (HB277) at the behest of the Atlanta Chamber of Commerce— who is urging the change in the referendum date from July to November 2012. He said he was disappointed in the Governor's decision, and that he became angry when "people move the target around when they think their measure is going to get beaten". He urged all to go to the State Capitol on Monday, August 15 at 10:00 a.m. to speak against HB277.

EXECUTIVE SESSION:

Litigation: County Attorney Scott Bennett announced that the Board needed to discuss a litigation matter in Executive Session. Commissioner Brown moved to recess into Executive Session to discuss a matter of litigation. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:26 p.m. and returned to Official Session at 8:47 p.m.

Executive Session Affidavit: Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating litigation was discussed in Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT

Commissioner Brown moved to adjourn the August 11, 2011 Board of Commissioners meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned their August 11, 2011 meeting at 8:47 p.m.

Floyd L. Jones, Chief Deputy Clerk