



Action Agenda

Board of Commissioners
October 27, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 27, 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 Jones, Chief Deputy Clerk

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the October 27, 2011 Board of Commissioners Meeting to Order at 7:00 p.m.
Commissioner Hearn gave the Invocation and led the Audience in the Pledge of Allegiance

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as presented to the Board. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

1. Proclamation of November 2011 as "Retired Educators Month in Fayette County."

Vice-Chairman Horgan gave the proclamation designating November 2011 as "Retired Educators Month in Fayette County".

PUBLIC COMMENT:

B. Ann Wright: Ms. Ann Wright said she was just made aware that the Board was going to be evaluating whether or not to withdraw from the Fling River Regional Library System, and that she had concerns about that. As an author, she expressed thankfulness for the ability to use the libraries several times a week throughout the county. She urged the Board to treat this matter with a great deal of respect for the citizens of Fayette County.

Chairman Frady asked Ms. Wright if she would reveal where she heard her information. Ms. Wright replied that several people at the Peachtree City Library had given her the information.

Steve Smithfield: Mr. Smithfield complimented the Board, the Public Works Division, and all other County employees who were involved with the recent placement of signs along Sandy Creek Road. He explained that there was a dangerous curve on Sandy Creek, that his wife contacted the County about it, and that the next day there were huge, flashing, safety signs placed on the road. Mr. Smithfield also complimented the County who responded to his calls about trespassers on his property. He said in both cases the County acted properly in the interest of the safety of its citizens, and he wanted to compliment the County for its work.

Denise Ognio: Mrs. Ognio began by explaining that the Wednesday Workshop Meeting is designed to be a time where the individual Commissioners' expertise is brought to the table in order to address the needs and concerns of the community. She noted that the Board is comprised of five men who each have different talents and abilities, and that they were put into their position to work as a team. She continued that the citizens who address the Board do so, not out of anger, but out of concern for the County. She spoke about her husband, Randy, who makes a practice of reviewing the agenda and provides his ideas to the Board, based on his own experience. She said Randy was recently questioned about why he was so negative, and she suggested that once the citizens are heard and taken care of, there would be no need to give the Board anything but compliments. She closed by asking the Board to listen to its citizens.

Gordon Furr: Mr. Furr reminded the Board that he did not appreciate the requirement to register before speaking during Public Comment to the Board. He then transitioned to speaking about Fire Station 3 in Tyrone, about the septic issues at the fire station, and about his concerns with the county overspending for an unwarranted location at the corner of Jenkins Road. Mr. Furr then commented on the West Fayetteville Bypass saying there were no traffic or environmental studies conducted that justified the road.

David Hall: Mr. Hall noted that the West Fayetteville Bypass had been criticized by most of the citizens who attend public meetings, and that it had been criticized in the local newspapers. He said, despite the criticism, the majority of the Board continues to approve the construction of the West Fayetteville Bypass which only seems to serve the purposes of developers. He explained that the people are watching the Board, and that he agreed with Mr. Randy Ognio's statement, "If it isn't about the developers, then I don't know what it is about." He said the Board would lose its current benefits with the developers after the next election. He concluded that the 2004 SPLOST Referendum ballot did not mention the West Fayetteville Bypass, that those who put the interest of the County first should hold the position of Commissioner, but that the people believed there were special interests behind building the Bypass.

Randy Ognio: Mr. Ognio commented on a number of items on the current agenda. He asked about Consent Agenda 8, and he asked if, during a depressed economy and a tight economy, if now was the time to spend money on the Parks and Recreation Project. He noticed that several Agenda requests did not have three or more bids associated with them, but he focused on Consent Agenda 9 by asking how hard was it to get three bids on a fencing project. He added that New Business Items 17 and 18 did include many invitations to bid, but that only two of the invitations were sent to qualified companies who could do the work. He next questioned Old Business Item 12 by asking why the starting salary was so high. He suggested that the salary was out of range, and that it did not include benefits and additional costs to Fayette County, and he asked where the funds for the new position would come from. He closed his comments by questioning New Business Item 16 with the opinion that Jack Smith was on the

Public Facilities Authority because he was a Commissioner at the time he was appointed. He was concerned that a sitting Commissioner was not on the Authority, and was concerned about the information and work coming from that Authority.

Thomas (Tom) Waller: Mr. Waller first thanked the Public Works Division for putting signs along Sandy Creek Road informing drivers of the dangerous curve. He said he did not know who wrote the "efficiency report for the guy who approves the layout of these roads" but that the signs were an effort to clean up that person's mistake. He said the one who approved the dangerous curve was putting citizens at risk, and that it should be noted on that person's evaluation. He then said that he supports the County obtaining bids from vendors for its contracts, and that while he understood that there might be cause to remain with a particular vendor, it appeared Fayette County had fallen into a "good old boy" system, and he thought the County could do a better job.

Tom Halpin: Mr. Halpin said that while it was important for the County to look to the far future and plan for things to come, it was also necessary to look at the near future to see areas of concern. He pointed out all of the development that has occurred in Fayette County, and how there are thousands of vacant lots within the subdivisions, and he asked how the County intended to rectify the issue. He said that the County should work with the School Board, and instead of continually saying the School Board is its own body, that the School Board and the County should work together to address the common needs of the County. Next, he spoke about the "McDuff Bypass" and how the citizens are cautious since "any initiative for a road in Fayette County cannot be trusted." He closed by commenting on the Invocation and how the prayer is often for unity and trust among the Board members. He said the prayer should be for a fostering of unity and trust between the Board and its citizens, and that the Board often appears to be creating disunity and distrust among the citizens.

CONSENT AGENDA:

Commissioner Brown asked to remove Items 2, 6, 7, 8 and 9 from the Consent Agenda for consideration.

Commissioner McCarty moved to approve the Consent Agenda excluding Items 2, 6, 7, 8 and 9. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of staff's recommendation that the County renew its Employee Assistance Program (EAP) services with One Source Counseling & Employee Assistance Services at a revised rate of \$1.45 per employee per month for six months beginning January 1, 2012; and authorization for the Chairman to sign the agreement and other related documents contingent upon the County Attorney's review.**

Commissioner Brown moved to approve Consent Agenda Item 2. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

3. **Approval of staff's recommendation to change the established shared cost allocations of the Fire Services Fund and the Emergency Medical Service Fund to reflect the reassignment of an ambulance from Fire Station 2 to Station 1.**
4. **Approval of staff's request to use remaining grant funds to purchase Adobe software, Visio software and one media projector, in an amount not to exceed \$1,282.72 for the Department of Fire and Emergency Services.**

5. **Approval of staff's request to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by \$286.16 for reimbursement for employees assigned to work with various Federal agencies.**
6. **Approval of staff's recommendation that the County enter into an Agreement with Transcontinental Gas Pipeline Company, LLC, allowing the County to work within their easement during construction of the West Fayetteville Bypass, including a payment of \$10,000 by the County to reimburse the cost of the Company's on-site engineer; and authorization for the Chairman to execute said Agreement.**

Commissioner Horgan moved to approve Consent Agenda Item 6. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

7. **Approval of staff's recommendation that the County enter into an agreement with Georgia Transmission Corporation which will allow the County to work within the power easements owned by said company during construction of the West Fayetteville Bypass Project, Phase II; and authorization for the Chairman to execute said Agreement.**

Commissioner Horgan moved to approve Consent Agenda Item 7. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

8. **Approval to enter into a contract with Executive Evolution to conduct the Parks and Recreation Needs Assessment Survey in the amount of \$7,000; and authorization for the Chairman to execute said agreement.**

Commissioner Brown moved to approve Consent Agenda Item 8. Commissioner McCarty seconded the motion. The motion passed unanimously.

9. **Approval of staff's request to award a bid to Trammell Horton for fence repair at a mitigation site in the amount of \$20,290 utilizing funds from the Lake McIntosh project; and authorization for the Chairman to sign the contract contingent upon the County Attorney's review.**

Commissioner Hearn moved to approve Consent Agenda Item 9. Commissioner Horgan seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

10. **Approval of the Water Committee's recommendation to construct a bridge on the relocated Southern Conservation Trail in the amount of \$3,500 utilizing funds from the Lake McIntosh project.**
11. **Approval of the October 5, 2011 Board of Commissioners Workshop Minutes.**

OLD BUSINESS:

12. Consideration of staff's recommendations concerning the establishment of the position of Director of Library Services within the County's Compensation and Classification System.

Commissioner Brown moved to delay the consideration of creating the position of Director of Library Services, to study the possibility of reorganizing the library's staffing, to appoint an Interim Director until the study is completed, and to determine what the County can do in order to operate the library in an efficient manner that will not add to the County's debt. The motion failed for lack of a second.

Commissioner Hearn moved to approve the establishment of the position of Director of Library Services with the County's Compensation and Classification System at Grade 23 with a salary range from \$67,100 to \$102,000. Commissioner Horgan seconded the motion. Discussion followed. The motion passed 4-1 with Commissioners Brown voting in opposition.

13. Consideration of staff's recommended Fiscal Year 2012 Budget Amendments for the four tax-supported funds, including the General Fund, the Fire Fund, the EMS, and the E-911 Fund.

Commissioner Brown moved to approve staff's recommended Fiscal Year 2012 Budget Amendments for the four tax-supported funds, including the General Fund, the Fire Fund, the EMS Fund, and the E911 Fund. Commissioner Horgan seconded the motion. The motion passed unanimously.

14. Consideration of a request from the Sheriff's Department Jail Division for funding the cost for removal of mold and repairs to the inmate shower areas in the Jail.

Chairman Frady moved to approve the \$11,163 to complete the recommended project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Jack Krakeel informed the Board it would need to specifically authorize the utilization of Fund Balance funds. Chief Financial Officer Mary Holland clarified that she needed the Board to authorize the utilization of \$77,837 from Project 0326A, to authorize the approval to close the project, and authority to utilize \$11,163 from the General Fund's Fund Balance, in order to pay for the Sheriff's request.

Chairman Frady amended his motion by moving to approve the request from the Sheriff's Department Jail Division to remove mold and make repairs to the inmate shower areas in the Jail, to authorize the utilization of \$77,837 from Project 0326A, to approve the closing Project 0326A, and to authorize staff to utilize up to \$11,163 from the General Fund's Fund Balance in order to fund the Sheriff's request. Commissioner Horgan amended his second to the motion. No further discussion followed. The motion passed unanimously.

15. **Consideration of the appointment of Steve Cole to fill an unexpired term on the Fayette County Hospital Authority which will expire on May 31, 2012; and to an additional four-year term which will commence on June 1, 2012, and will expire May 31, 2016.**

Commissioner Horgan moved to appoint Steve Cole to fill an unexpired term on the Fayette County Hospital Authority, which will expire on May 31, 2012; and to an additional four-year term, which will commence on June 1, 2012, and will expire May 31, 2016. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition.

NEW BUSINESS:

16. **Consideration of reappointment of Jack Smith, Mary Shaver, and Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2011, and ending October 31, 2012.**

Commissioner Horgan moved to reappoint Jack Smith, Mary Shaver, and Brian Cardoza to the Fayette County Public Works Authority for another one-year term commencing November 1, 2011, and ending October 31, 2012. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition.

17. **Consideration of staff's recommendation to reprioritize the Stormwater Capital Projects 2012 budget by swapping the 150 Hall Place Capital Improvement Project with the Kari Glen Drive Drainage Capital Improvement Project, and to increase the Stormwater Capital Projects budget by transferring \$7,980 from Project #9220A- Road- Dust Control, for the Kari Glen Capital Improvement Project.**

Commissioner Hearn moved to approve staff's recommendation to reprioritize the Stormwater Capital Projects 2012 budget by replacing the 150 Hall Place Capital Project with the Kari Glen Drainage Improvement Project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

18. **Consideration of staff's recommendation to award Bid #796-Centrifugally Cast Concrete Pipe to the low-bidder, Utility Asset Management, in the amount of \$47,980 for repair work at Kari Glen Drive, and to authorize the Chairman to sign said contract upon review by the County Attorney.**

Commissioner Hearn moved to approve staff's recommendation to award Bid #796- Centrifugally Cast Concrete Pipe to low-bidder, Utility Asset Management, for \$47,980, to authorize the Chairman to sign said contract upon review by the County Attorney, and to transfer \$7,980 from Project #9220A- Road- Dust Control, for the Kari Glen Capital Improvement Project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

ADMINISTRATOR'S REPORTS:

Executive Session Request: County Administrator Jack Krakeel informed the Board that a personnel matter needed to be addressed in Executive Session.

NAACP Lawsuit: County Attorney Scott Bennett reported about the filed lawsuit from the NAACP concerning redistricting Fayette County. He said Fayette County has retained Strickland Brockington Lewis, LLP, since they are a niche-practice firm that represents governments in similar lawsuits. He said that the lawsuit is very specialized one, and that the County has retained demographers to look at the available data to determine if the NAACP's contention is correct that the County could draw a map with a majority minority district. He closed saying there is a lot of work involved in the process, that the County is actively evaluating the case, and that this would be time-consuming work.

COMMISSIONERS' REPORTS:

Commissioner Allen McCarty: Commissioner McCarty reported that his mother-in-law fell down last night, and since there was concern that she had broken her hip, he called Fayette County's 911 service for help. He observed that Fayette County has a fantastic emergency response system as they responded within minutes, as they took "exquisite" care of his mother-in-law, and made her feel as comfortable as possible as they went to the hospital without incident. He thanked Public Safety employees for their work and care.

Commissioner Steve Brown: Commissioner Brown reported that Fayetteville Mayor Ken Steele has stated on two occasions that he (in his capacity as mayor of Peachtree City) and the Peachtree City Council had approved the Transportation SPLOST list and the West Fayetteville Bypass. He continued that Mayor Steele was inferring that he was being somewhat hypocritical about his current opposition to the West Fayetteville Bypass. He informed the Board that he called the City of Peachtree City about this issue, that the city provided him with correspondence from May 21, 2004, and that the correspondence it was addressed to the Honorable Chairman Greg Dunn of the Fayette County Commission. He read the letter into the record and the letter clarified that there: "was no record of agreement by Peachtree City concerning a Special Purpose Local Option Sales Tax, and that in no way should the Fayette County Commissioners infer that the correspondence or project list obligates the City of Peachtree City to an agreement of any kind regarding the Fayette County Transportation Plan or the Special Purpose Local Option Sales Tax". Commissioner Brown emphasized there was no agreement from Peachtree City, that the city never agreed to the West Fayetteville Bypass or the SPLOST list, and that the letter (signed by him as mayor) was copied to all the city's council members and was provided to all the mayors— including Fayetteville Mayor Ken Steele. He said he did not know what Mayor Steele was finding all of his information, but that he was "blatantly wrong".

Chairman Herb Frady: Chairman Frady said he had a question for Commissioner Brown since Commissioner Brown had asked him a question last week. He said that Councilman Eric Imker wrote an article for the paper approximately four months ago concerning a purchase Steve Brown made, when he was mayor of Peachtree City, for \$800,000 to build a bridge at Wynnmmeade Parkway. He said the article had claimed that Mayor Brown called a meeting "one day with some other Council members, and had the meeting the next day to purchase the property without giving the public reasonable knowledge". Chairman Frady asked Commissioner Brown to explain that action. Commissioner Brown said he had not read Mr. Imker's letter, but if he could be provided a copy of the letter he would be glad to read it and comment on it afterwards. Discussion followed.

EXECUTIVE SESSION:

Personnel: Commission Horgan moved to recess into Executive Session to discuss a personnel matter. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:22 p.m. and returned to Official Session at 8:35 p.m.

Executive Session Affidavit and Adjournment: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating personnel was discussed in Executive Session, and to adjourn the October 27, 2011 Board of Commissioners Meeting. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously.

Floyd L. Jones, Chief Deputy Clerk