Workshop Minutes

Board of Commissioners
July 6, 2011
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in an Official Workshop Session on Wednesday, July 6, 2011, at 3:30 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

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Call to Order.

Chairman Frady called the July 6, 2011 Board of Commissioners Workshop Meeting to order at 3:32 p.m.

Acceptance of Agenda.

Commissioner Brown moved to Accept the Agenda as presented by staff. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

1. **Consideration of a proposed Ordinance which addresses the procedures, decorum and rules of order used for conducting County Commission meetings.**

   Chairman Frady mentioned that the Board had asked County Attorney Scott Bennett to consolidate the County's current practices in relation to conducting county meetings, and he asked for the County Attorney to give a brief description of the proposed ordinance. The County Attorney explained that the proposed ordinance was based upon a model ordinance from the Association of County Commissioners of Georgia (ACCG), and

he stated that the Rules of Order listed under Section 2-44 are verbatim with the County's current Rules of Order. He said this section was inserted in lieu of adopting *Robert's Rules of Order* or other suggestions provided by the ACCG.

Commissioner McCarty asked what were the differences from the original procedures adhered to by the Board. Mr. Bennett replied that with regard to the Rules of Order there were no changes, but other additions had been made to the proposed ordinance such as sections that regulate decorum, how rules could be suspended, and how to call emergency or special called meetings. He added that these changes comply with Georgia State Law, but this effort was intended to put the current practices into an ordinance form.

Commissioner Hearn questioned the redundancy of Section 2-44(e) *Special motions- Continuance*, and he said he did not see the need to have a continuance and an option of tabling an item. He recommended that the Board approve the removal of Section 2-44(e). The Board concurred with Commissioner Hearn's request.

Commissioner Hearn stated that he was in favor of keeping the Public Comment section near the beginning of the Agenda and to be listed after the Public Hearing section. He said it was appropriate for the public to have an opportunity to comment on items that are actually on the agenda. Chairman Frady and Commissioner Horgan expressed their agreement with Commissioner Hearn. Commissioner Horgan added that he liked the idea of pre-registering speakers who desire to be heard during Public Comment. He noted that in recent meetings there had been some confusion during Public Comment, and that pre-registering would allow all to speak who wanted to speak, and that it would smooth out the process.

Commissioner Brown thanked the members of the public for their comments on the matter, and he felt that their voices helped sway the opinions of others on the Board concerning where Public Comments should be allowed during a meeting. Commissioner Brown then read the following:

The preamble to the ordinance declares: "Public participation and access to the governmental decision-making process is a key element of our democratic system." I agree with the statement; however, there are certain components of this ordinance that I believe infringe upon the First Amendment rights of our citizens through mechanisms that are both arbitrary and capricious. And I also have a problem with some of the awkward structure and syntax used throughout the document.

Commissioner Brown then cited and commented upon certain sections of the proposed ordinance. Discussion followed after most sections, respectively, between the Board and the County Attorney after which the Board consented to either make changes or not make changes.

The following bullet points detail the sections cited, Commissioner Brown's opening comments, and the Board's decision for each section:

- **Section 2-44 Rules of Order, (b) , subsection (6)(e).** ***"The annual election of the chairman and vice-chairman of the board of commissioners shall be conducted by any legal voting method which shall be agreed upon prior to the election."*** What exactly is the definition of "legal voting method" in our ordinance and how is the process "legal" if it is agreed upon (taking the term "agreed upon" to mean not voted upon) prior to holding the public meeting which is illegal.

The Board designated the County Attorney to call the first annual meeting to order and for the first order of business to be a calling for nominations for the position of chairman, after which the chairman will preside over the remainder of the meeting.

- **Section 2-44 Rules of Order, (b), subsection (i)(b).** ***"The right of a member of the public to discuss a matter before the board shall be limited to three (3) minutes per topic, unless as otherwise granted by special permission of the chairman."*** This is in conflict with Section 2-54 (b) granting individuals five minutes to make comments. What is the distinction between the allowance of three minutes of "public discussion" and five minutes of "public comment"?

  The Board made no change to this section.

- **Section 2-48 Order of Business:** ***"All regular board meetings shall substantially follow an established order of business."*** The terms "shall" and "substantially" do not belong next to one another. An imperative command in "shall" conflicts with "substantially", an adverb, referring to being largely but not wholly. You either follow the established order of business via the use of "shall" or you do not.

  The Board made no change to this section.

- **Section 2-51 Decorum.** ***"The purpose of the meetings of the board of commissioners is to conduct the county's business."*** Georgia House of Representatives Ethics Chairman Joe Wilkinson, a Republican from Sandy Springs, wisely told the *Atlanta Journal and Constitution* (AJC) in the July 3 edition, *"The public officials should never forget that they work for the citizens. They are our bosses and they should know what we are doing."* Therefore, I am in agreement with Representative Wilkinson, the words "county business" should be changed to "the business of the citizens of Fayette County."

  The Board made no change to this section.

- **Section 2-51 Decorum.** ***"They [meetings] are not a forum to belittle, ridicule or embarrass county commissioners, other county officials, county employees, or others."*** This is arbitrary and there are no specific definitions of the terms "belittle," "ridicule", or "embarrass" within our ordinance. For example, if a local citizen approaches the Board of Commissioners and expresses disappointment in an elected official for being convicted of a crime while holding office, the comments could embarrass the official in question. However, the statement is factual, a matter of judicial public record and a legitimate concern for the voting public. Such restrictions on the First Amendment of the U.S. Constitution are an abuse of power with the official(s) suppressing free speech. Our great statesman President Harry Truman said it best, "If you can't stand the heat, get out of the kitchen."

  The Board made no change to this section.

- **Section 2-51 (a) subsection (4) Decorum.** ***"Commissioners should not . . . check . . . other internet sites during a meeting."*** We have had two recent examples where the county attorney and a citizen in the audience have looked up material relevant to an agenda item on the Internet during a meeting which is cited in the public record. We do not need to be censoring the activities of the commissioners. If someone wants to look up a reference, let them do it.

The Board made no change to this section.

- **Section 2-51 (a) subsection (10) Decorum.** ***"Personal attacks and inappropriate remarks shall be ruled out of order by the Chair. Commissioners may not use commission meetings to make derogatory comments about particular employees or to air their personal grievances with other commissioners".*** What is the definition of "personal attacks, inappropriate remarks, derogatory comments and personal grievances" in our ordinance? This is arbitrary and capricious. An example is two members of this board made false statements about me in the public forum claiming I had reneged on a position concerning a matter before the board. However, when I attempted to cite the extensive public record proving them incorrect, I was censored by the Chair merely because he did not want the issue exposed. Any person who cannot stand to have the truth revealed in public, especially meeting minutes and official records, does not need to be holding public office.

  The Board made no change to this section.

- **Section 2-51 (a) subsection (13) Decorum.** ***"Commissioners shall not confront other board members, department heads, employees or other officials in an accusatory manner."*** This is another attempt at controlling free speech. What is the definition of "accusatory manner" in this ordinance? If a commissioner has evidence or other knowledge of a breach of county policy and procedure or unlawful acts, that person is duty bound to bring that information to the public forum. For example, when the board members of the Smith administration conducted an illegal board meeting and discussed county business, I had no choice but to accuse the offenders of wrong doing. That act would now be covered up. Besides, if a commissioner, department head or employee feels the particular comments amount to slander or libel, they can pursue the matter in the courts.

  The Board made no change to this section.

- **Section 2-51 (a) subsection (14) Decorum.** In regard to raising a point of order, ***"The Chair may rule on the question or may allow the board to debate the issue and decide by majority vote of those members present."*** This section is in direct conflict with Section 2-54 (b) stating, ***"Any point of order raised by a commissioner other than the Chair shall be ruled on by majority vote of the board."*** Section 2-54 (b) continues, ***" An individual violating the rules of decorum may be removed from the meeting at the direction of the Chair."*** Now this is troubling because the county attorney opined at the June 9 meeting that interpretation of the ordinances and procedures is so arbitrary, as I have pointed out,, that whatever a majority decides goes. Thus, literally anything could be determined as a violation.

  The Board consented to make the procedures pertaining to raising a point of order "to match". The procedure agreed upon was that the Chairman could rule a person out of order, and that ruling would stand unless challenged by another Commissioner objects by raising a point of order. If the ruling is challenged, a motion would be made to override the Chairman, a second would be needed, and then the Board would vote. A majority decision could override the Chairman's ruling.

- **Section 2-51 (a) subsection (15) Decorum.** ***"While commissioners may not agree with all decisions of the board, all commissioners shall recognize the validity of any action approved by the board."*** We are using the word "shall" again. What about any actions of the board that may

be unlawful, in violation of policy or procedure, and I am going to refuse to validate the passage of items not officially approved on an agenda. I also refuse to validate no-bid contracts for services meeting the bid requirements of the county.

The Board agreed to add the word "lawful" to the wording so that it reads: "While commissioners may not agree with all decisions of the board, all commissioners shall recognize the validity of any *lawful* action approved by the board."

- **Section 2-51 (a) subsection (16) Decorum.** ***"Commissioners shall keep an open mind on all issues coming before the board."*** First of all, unless the mind police have telepathy and clairvoyant powers, this is totally frivolous and totally unenforceable.

  The Board consented to change the wording to: "Commissioners *should* keep an open mind on all issues coming before the board."

- **Section 2-51 (b) subsection (2) Conduct of the Chair or President Officer.** ***"The Chair or presiding officer shall rule out of order any discussion on topics other than the motion being discussed."*** On two separate occasions, I have been called out of order by the Chairman for using traditional rhetorical devices, specifically analogies, compares two things, which are alike in several respects, for the purpose of explaining or clarifying idea or process. If the Chairman fails to grasp these devices, do we really want him ruling on such things?

  The Board made no change to this section.

- **Subsection 2-51 (b) subsection (4) Conduct of the Chair or Presiding Officer.** It is fascinating that ***"personal attacks, breaches of the rules of decorum and inappropriate remarks,"*** – whatever those are – ***from the Chairman shall only be ruled out of order by the Chairman*** himself. That seems corrupt to me.

  The Board agreed to change the wording to read: Personal attacks, breaches of the rules of decorum and inappropriate remarks shall be ruled out of order by the *Vice* Chairman or presiding officer.

- **Section 2-51 (b) subsections (5), (6), (7) and (8) Conduct of the Chair or Presiding Officer.** All of these are weak and unsound for several reasons I mentioned above.

  The Board made no changes to these sections.

- **Section 2-51 (c) subsection (6) Conduct of Members of the Public in Meetings Generally.** The very title of the subsection using the term "generally" means not always the case. ***"Personal attacks and derogatory or inappropriate remarks are not permitted."*** The definition of what constitutes a personal attack, or derogatory remark is left solely up to the personal whims of the Chairman. This arbitrary control of free speech can be used as a weapon by the Chairman against public opposition as he can deem anything he likes as a personal attack or derogatory comment.

  The Board made no change to this section.

- **Section 2-54 (b) Public Participation.** ***"All members wishing to address the board shall submit their name and the topic of their comments to the county clerk at least fifteen minutes before the beginning of the meeting."*** I have to ask why this is necessary? This is just another technique to limit free speech at public meetings with the people not making it in time not being allowed to express themselves. People currently have to record their name prior to speaking and that is fine. I oppose restricting free speech.

  The Board made no change to this section.

- **Section 2-56 (a) Minutes.** ***"In the case of a roll call vote . . . "*** There is no provision for a roll call vote in the ordinance.

  The County Administrator replied that the wording would be changed to better reflect current practice since each member's vote is recorded in the official minutes.

- **Section 2-56 (b) Minutes.** ***". . . once approved as official by the board but in no case later than immediately following the next regular meeting to the board."*** Horrible syntax. The next sentence needs work too.

  The Board made no change to this section.

- **Section 2-58 Committees.** Instead of a ***"concurrence of the board"*** which can be inaccurate and misinterpreted, the Chairman should act upon a motion including the specific purpose of the committee and any limitations after receiving a majority vote of the board.

  The Board made no changes to this section.

The Board consented to place the proposed Ordinance, with the specified changes, on the July 28, 2011 Agenda for further consideration. Chairman Brown dissented by asking that the proposed changes be placed on the August 3, 2011 Workshop Agenda. A copy of the request and Commissioner Brown's notes, identified as "Attachment 1", follow these minutes and are made an official part hereof.

2. Consideration of further information related to the relocation of the Office of Women, Infants, and Children (WIC).

County Administrator Jack Krakeel introduced District Four Nutrition Service Director Ms. Blanche DeLoach Moreman to the Board before he gave a brief report on the topic at hand. He reported that during the course of the past years, and at various times, this issue of relocating the Office of Women, Infants, and Children (WIC) has been discussed, and the availability of potential locations for a future WIC site has been researched. He verified that the issue has been "in limbo" for some time, but with Commissioner Horgan sitting on the Board of Health, the discussion had returned and was discussed by that board. He explained that Fayette County's current Public Health Department has contained within it the traditional public health department, as well as the WIC clinic which began operations approximately two years ago. He informed the Board that the WIC program recently acquired a modular unit that was used in Coweta County, and that WIC has been judicious in trying to research any available funding, and that it has had some success at the state level. He encouraged Ms. DeLoach to speak to the Board directly about WIC's needs, and he told the Board that staff was seeking direction on how to proceed with the issue.

Ms. DeLoach gave the Board a brief history of the work and importance of the WIC program in Fayette County before she spoke to the specific issue at hand. She explained that the current WIC clinic is too small to serve the Fayette populace, that it is not in compliance, and that it has been "written up" by the federal government two times for not meeting confidentiality requirements. She continued that there is no running water in the WIC clinic and that questions are raised by clients and patients who are concerned about hygienic practices. She noted a couple of other similar concerns pertaining to the size and inadequacy of the clinic, and the need for a better location. She felt strongly that the WIC clinic needed to be in proximity of the Public Health Department, and that this arrangement is practiced throughout nearly the entire State of Georgia. She informed the Board that Coweta County had just constructed a large facility for its Public Health Department, and that 4,000 square feet of the facility was provided to its WIC clinic. She explained that Coweta County had vacated a "fairly nice, commercially constructed" 2,000 square-feet modular building, and the WIC program has requested funds to move the modular building from Coweta County to Fayette County and to brick in the bottom to make "it look nice." She concluded that, based on her previous experiences with other counties who faced similar problems, she would need Fayette County's help in the matter.

Mr. Krakeel then reported that several sites had been considered for relocating the WIC office from its current location. He said the first site considered was located off First Manassas Mile Road, that staff and other relevant personnel had considered the location, but that the conclusion was that the location was not suitable for WIC's needs. He said he had conversations with an individual concerning the use of commercial space, but this approach was not possible from a financial perspective– even though WIC rents space in other counties. Ms. DeLoach corrected Mr. Krakeel saying that only one WIC clinic is rented in the State of Georgia, that it is located in Spalding County, and that the WIC clinic does not actually rent the location since the lease is technically by the United States Department of Agriculture (USDA). Mr. Krakeel told of two other locations that had been considered, including property located on McDonough Road that would require a soil analysis since much of the area was previously a landfill and there may be percolation issues at the site. He concluded that this parcel of property is the only county property available that he is familiar with that could accommodate the WIC clinic's needs. Discussion followed about the need and possibility to relocate the WIC clinic.

Commissioner Brown suggested that the WIC clinic could be located in one of the vacant retail spaces in Fayette County. He suggested it would be beneficial to Fayette County since it would put money back into the local economy, it could be centrally located, and it would be an ideal solution at least on a temporary basis. Mr. Krakeel asked if the Commissioner was suggesting funding the idea. Commissioner Brown said that was not his recommendation, but since Ms. DeLoach had explained how Spalding County handled the situation, he thought Fayette County could "create a scenario where temporarily it could get WIC into a space like that". He added that the long term goal should be to eventually place the WIC clinic in the same refurbished building as the Public Health Department.

Mr. Krakeel asked Ms. DeLoach if he understood her to say that if Fayette County pursued a similar action as Spalding County, that the WIC program would no longer reside in the Public Health Department. Ms. DeLoach answered that Fayette County, if it took Spalding County's approach, would basically be saying it would no longer be interested in the support of a WIC program, and at that point the county would no longer be affiliated with the program. She said the WIC clinic would then be completely federally funded. When Mr. Krakeel asked who would administer the program, Ms. DeLoach replied that its administration would be handled locally but its funding would be federal funds that would be filtered through the State to the local office. Commissioner Horgan replied that he would hate to be in a position to abandon WIC, and that the county was not at the point of that last-ditch effort. Further discussion followed that concerned the proposed location, funding availability for grading and preparing the site if it is feasible, and other options.

The Board directed staff to study a potential location on McDonough Road for relocating the WIC office to that location, and to return to the Board later with its findings. Commissioner Brown asked the Board to also consider researching the steps Spalding County took in the event that the McDonough Road location was found to be unsuitable for the WIC clinic. The Board did not agree to Commissioner Brown's request. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. Consideration of a request from Community Development Director Pete Frisina to send a letter to the Georgia Department of Community Affairs (DCA) requesting deferral of deadlines for updates of the County's Comprehensive Plan and Solid Waste Management Plan, as allowed by DCA.

Director of Community Development Pete Frisina reported to the Board that filing deadline rules are being "reworked" and the Georgia Department of Community Affairs (DCA) has to report to the Georgia State Legislature next year on recommendations for change. He said that during this "flux", the DCA has given jurisdictions the option to defer the deadlines until such time that new rules are put into place. He told the Board that wanted to exercise the option.

Commissioner Brown moved to allow the Community Development Director to send a letter to the Georgia Department of Community Affairs requesting a deferral of deadlines for updates of the County's Comprehensive Plan and the Solid Waste Management Plan, as allowed by DCA, and for authorization for the Chairman to sign the letter. Commissioners Horgan and McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and letter, identified as "Attachment 3", follow these minutes and are made an official part hereof.

4. Consideration of staff's recommendations related to funding the costs of stormwater management.

Stormwater Management Director Vanessa Birrell and Environmental Program Engineer Bryan Keller presented staff's recommendations to establish a dedicated stormwater fund, based on user fees, that associates demand placed on the system directly proportional to the user. She told the Board that the recommendation aligned with the majority consensus of the Stormwater Advisory Committee as well as hundreds of communities across the United States who are faced with the same stormwater funding shortfalls. She explained that the recommendation is based on current and future escalating needs that have been brought to the Board's attention since 2003, that the needs are systematic and maintenance operational needs which are based on state and federal regulatory requirements that mandate Fayette County's participation. She noted that most of Fayette County's corrugated metal pipe infrastructure was installed in the late 1980s and early 1990s, and those structures are approaching or have reached the end of their lifespans, and stated that if the county acts now it can detour greater costs than will be realized with reactive replacements after a road collapses. She pressed her case saying that the funding solution was equitable and fair for all Fayette County residents, but particularly so with citizens of the City of Fayetteville and the City of Peachtree City who already pay a stormwater fee and then pay, through their millage rate, for the County's stormwater fee that is budgeted in the annual general fund. She reminded the Board that it had previously authorized Integrated Science & Engineering to collect all impervious area data needed to construct a rate model that would be used to calculate user fees, and based on the data, staff has concluded that a dedicated fund can sustain a long-term management program. She continued that the program's first three years would finish the state's and federal's mandated required permit work that is still unfinished that includes: future conditions floodplain mapping, inventory and inspections, initiating a systematic operations and maintenance program, and repaying Fayette County for capital improvements that were approved in the Fiscal Year 2012 budget. She further explained that in years four and five staff proposes to increase the level of service through additional service programs and

to increase maintenance and capital projects. In order to pay for this work, she told the Board that the average homeowner with approximately 6,400 square-feet of impervious area on their land could expect to pay a fee of approximately $50 annually for the first two years, and that the fee would increase by the third year to approximately $54 annually. She emphasized that every customer's bill would vary since the user fee is based on the measured impervious area on their own property. She noted that the proposed rate model would be placed on all users, regardless of their tax-exempt status, and that the top 12% of landowners that have the most impervious property in the county and that place the most demand on the stormwater system, currently do not pay property taxes and therefore do not contribute to the county's general fund that pays for the current stormwater maintenance system. She also informed that the proposed ordinance refers to available credits based on stormwater management practices, and she noted that those owners who have more than two acres of property, or users who have on-site stormwater management systems already in place that provide water quality channel protection and flood protection, and users who participate in stormwater management education could be eligible for credits.

Commissioner Brown noted that he had been involved with stormwater utility issues during a previous political situation, that he understood the needs, and that he appreciated what staff was working to accomplish. He added that no one would dispute that there are stormwater problems in Fayette County and that this issue was of paramount importance. He thought that the primary problems existed beneath the roads in Fayette County, and that from a cost-efficiency standpoint it would be better for the Road Department to perform the work of stormwater maintenance through their maintenance schedule. He explained that one reason he supported House Bill 240 (HB240) was because the county could have funded every one of the existing problems without raising taxes or imposing fees. He also mentioned that he did not want the county to tax or impose fees on churches or other houses of worship. He conceded that it the problem were "more global" meaning the county was looking to retention facilities and entering upon church property for the maintenance of the property he would be more open to the prospect of charging churches a fee, but repeated that if the county is not doing anything on the church's property he did not want to them to be charged a fee. Chairman Frady asked if churches in Peachtree City and Fayetteville pay fees to those municipalities for stormwater maintenance. He was told they are paying stormwater fees, but Commissioner Brown added that they were receiving a "much broader service" than was currently being offered in the county's proposed ordinance.

Commissioner McCarty questioned previous county practices related to ongoing stormwater maintenance, questioned the expenditure of funds that he thought could have been used for stormwater maintenance needs, and questioned the need to hire additional employees and spend funds for additional equipment to do work that could be done with the Road Department's existing equipment and employees. He said it was not the fault of the citizens of Fayette County that ongoing stormwater maintenance had not been accomplished and he did not want to penalize the citizens with a fee. When he was informed by Mr. Keller that funding had been spent in order to comply with the State's mandate, Commissioner McCarty replied that the Board could vote to not follow the mandate and not do the work as directed by the state since there was no money available. A lengthy discussion followed between Commissioner McCarty, County Attorney Scott Bennett, County Administrator Jack Krakeel, and other Board members concerning the legal implications of ignoring a state mandate and concerning if SPLOST funds could be utilized for stormwater maintenance since the ballot presented to voters in 2004 only spoke of "road, street, and bridge purposes."

Commissioner Hearn told staff he wanted the county to look at the proposed rate schedule and he wanted information given to him that would calculate the average fee expected from an average business such as those located in Kenwood Park. He also wanted the proposed average fee for someone who lives in an average house with average impervious areas. He further asked for information on how churches of various

sizes would be impacted by the proposed fees. He agreed that it was unfair for the citizens of Peachtree City and Fayetteville to fund stormwater maintenance through their city taxes or fees and then to fund the county's maintenance fees through the millage taxes. He continued that he did not want to put an undue burden on the citizens, particularly in this economic climate, and he noted that often those entities that are the "big impacters" on the system are also responsible for maintaining a retention pond with a particular design that would match the status of the land before it was developed. He said if he were running a business, he would want to get the "best bang for his buck", and implied that those who pay should at least know what they are getting. He also asked for cost comparisons between Fayette County's proposed rates and those of Peachtree City, Fayetteville and similar counties such as Henry County. He concluded his thoughts by saying the county should endeavor to maintain accurate floodplain mapping since it works to protect the citizens of the county.

After much further discussion, the Board consented to table the discussion until the August 3, 2011 Workshop Meeting. The Board directed staff to provide a proposed rate structure for the various entities as requested by Commissioner Hearn. Chairman Frady also asked staff to provide information pertaining to the consequences and potential impact of ignoring a mandate from the State of Georgia in order to gain a better perspective on the issue. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

NEW BUSINESS:

5. Consideration of a request from Commissioner McCarty that the Board consider establishing a formal set of standards to be used whenever the County acquires privately-owned property for the construction of a public facility.

Commissioner McCarty informed the Board that he wanted to establish standards that comply with State law but are specific to Fayette County's practices as they pertain to acquiring private property for a county project, and to put those standards into a written format that would be made available both online and in a published booklet in order to be easily provided to Fayette citizens He stated that after consulting with County Attorney Scott Bennett, he understood that Fayette County followed the State's practices, but if the county adhered exactly to the State that it would be somewhat detrimental to the citizens of Fayette County who could be affected by county projects. He said that there are efforts that can be made that exceed the state's practices while simultaneously keeping the county in compliance with the state on these matters, and that the county's practices once written and provided to the citizens would help to clarify the work and expectations between the citizens and the county on these matters. Mr. Bennett then explained the state's procedures on acquiring property for state purposes, and how Fayette County both meets and exceeds those procedures. He stated that the state is notoriously harsh with the citizens it must work with, and that Fayette County tries to be more flexible in similar situations with its citizens. He clarified that the changes under consideration are minor when compared to the state's practices, and that this effort would be helpful to all, both for current and future Fayette projects and those impacted by them.

Commissioner Hearn added that there needs to be some flexibility in the policy, and he gave an example of acquiring property for an intersection improvement many years ago, and had the county been going by the state's requirement, it would have cost more to get the appraisal than the property was worth. He said by negotiating with the property owner, the county was able to come up with an agreed upon price without having to do an appraisal.

The Board directed that the County Attorney establish a formal set of standards, as requested, and to provide a draft of the proposed standards to the Board at the August 3, 2011 Workshop Meeting. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

ADMINISTRATORS' REPORTS:

There was no Administrator's Report given.

COMMISSIONERS REPORTS:

No Commissioner gave a report.

EXECUTIVE SESSION:

Real Estate Acquisition: Commissioner Brown moved to recess into Executive Session to discuss Real Estate Acquisition. Commissioner McCarty seconded the motion. The motion passed unanimously.

The Board recessed into Executive Session at 6:26 p.m. and returned to Official Session at 6:33 p.m.

Chairman Frady asked for the record to reflect that the Board discussed one item of Real Estate Acquisition and that the Board took no action on the item.

ADJOURNMENT

Commissioner Brown moved to adjourn the July 6, 2011 Workshop Meeting. Commissioners Horgan and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned at 6:33 p.m.

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Floyd L. Jones, Chief Deputy Clerk Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of July 2011.

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Floyd L. Jones, Chief Deputy Clerk