Minutes

Board of Commissioners
March 22, 2012
7:00 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 Official Session on March 22, 2012 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

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the March 22, 2012 Board of Commissioners meeting to order at 7:03 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Chairman Frady asked to amend the Agenda by moving New Business Item 18 to the first topic of consideration in Old Business, and then to swap the order of Old Business Items 13 and 14. Commissioner Hearn moved to accept the agenda with the requested changes. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING:

1. **Consideration of staff's request to adopt Resolution 2012-07 pertaining to the "Fayette County 2011 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2012 - FY2016)", and authorization to transmit said document to the Atlanta Regional Commission.**

Community Development Director Pete Frisina informed the Board that the Annual Report for Fire Services Impact Fees was due, and that what was before the Board was the County's submittal and it's Transmittal Resolution that needs to be sent to Atlanta for review by both the Atlanta Regional Commission (ARC) and Georgia Department of Community Affairs (DCA). He stated that once ARC and DCA have completed their reviews, the final document would once again be brought to the Board for adoption in June. He said the report includes information obtained from the County's municipalities since this is an intergovernmental program, and he spoke briefly about the money collected from those municipalities and the unincorporated county for Fire Services Impact Fees. Mr. Frisina then informed the Board of two minor changes to the report located on pages 11 and 13.

No one spoke in favor of or in opposition to this request.

Commissioner Horgan moved to approve staff's request to adopt Resolution 2012-07 pertaining to the Fayette County 2011 Annual Report on Fire Services Impact Fees, Including Comprehensive Plan Amendments for Updates to the Capital Improvements Elements and Short-Term Work Program (FY2012 - FY2016) including the required changes, and to authorize the transmission of the said document to the Atlanta Regional Commission for coordination of Regional and State review prior to adoption. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2012-07, identified at "Attachment 1", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

David Rice Hall: Mr. Hall proposed that Fayette County should return to its priorities by funding the East Fayetteville Bypass. He suggested that if his proposition were enacted there would be less traffic and less debt while the best interests of Fayette County would have been served. He noted that those who represent the County are less likely to lose elections that those who do not. He closed saying the people do not want the West Fayetteville Bypass, that the Board should stop its construction, and that the bypass should even be destroyed.

Dennis Chase: Mr. Chase spoke about New Business Item 15, and he said he had heard comments that abandoning Phase III of the West Fayetteville Bypass and constructing the East Fayetteville Bypass would "pass more traffic." He stated that he was "mystified about where that logic comes from" because there was no source in the County that could demonstrate how much traffic would be relieved in the City of Fayetteville by either the East or West Fayetteville Bypasses. He continued that the Board would be spending massive amounts of the people's money on projects nobody knows about. After emphasizing these points, Mr. Chase then stated that constructing the East Fayetteville Bypass would be even worse since the Board would be violating its own Fayette County Comprehensive Plan. He explained that the West Fayetteville Bypass already violates twelve "sections" of the Comprehensive Plan, and that the East Fayetteville Bypass would violate at least eleven of them. He asked why the Comprehensive Plan is applied to Fayette's citizens but not to the Fayette County government. Mr. Chase provided additional examples of what to expect with construction of the East Fayetteville Bypass and then closed his remarks saying the construction made no sense and "that it is not a funny joke, but it was ironic."

Randy Ognio: Mr. Ognio informed the Board that when he received the Agenda he first questioned the Public Hearing section, since it had not been announced. He asked how the Board expected people to comment during Public Hearing when so little information was presented pertaining to issues the people knew very little about. He said the citizens wanted their government to be transparent and "up front" with them. Mr. Ognio then spoke about the various ordinances on the agenda saying he was concerned that nobody was questioning them, and he was concerned that the Commissioners had not even read the ordinances. He told the Board that there were "issues" in all of the ordinances

that the citizens would have to live with once they are passed. As an example, he noted that one ordinance changed the word "improper" to "illegal", and no one said anything about it. Next, Mr. Ognio spoke about the "West Fayetteville neighborhood" issue that was recently discussed in the Board's Retreat held in March 2012. He said that during that discussion, a bothersome comment was made that the neighborhood could move forward with "public-private participation." He suggested that if private citizens could not build the neighborhood that it should not be built, and that no public funds should go to the proposal since it would only give the Board another reason to begin "raising my taxes again."

Chairman Frady asked if the information related to the Public Hearing had been made available to the public. Community Development Director Pete Frisina replied that the information was available and that no one had come to him to look at the information. Commissioner Frady replied that he wanted to ensure that the information was available for anyone who wanted to see it.

CONSENT AGENDA:

Commissioner Brown moved to approve Consent Agenda Items 2-12. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of staff's request to adopt Resolution 2012-05 for the purpose of discontinuing Fayette County's role in receiving customer complaints from subscribers of Comcast Cable. A copy of the request and Resolution 2012-05, identified as "Attachment 2", follow these minutes and are made an official part hereof.**

3. **Approval of staff's request to adopt policies and procedures for purchases that use federal grant funds. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of staff's recommendation to adopt Ordinance 2012-01 approving proposed amendments to the Fayette County Code of Ordinances, Chapter 8. Development Regulations, by amending Article II. Nonresidential Construction Permit and Compliance Procedures. A copy of this request and Ordinance 2012-01, identified as "Attachment 4", follow these minutes and are made an official part hereof.**

5. **Approval of staff's recommendation to adopt Ordinance 2012-02 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article VI, Tree Retention, Protection and Replacement. A copy of the request and Ordinance 2012-02, identified as "Attachment 5", follow these minutes and are made an official part hereof.**

6. **Approval of staff's recommendation to adopt Ordinance 2012-03, approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article X, Dam and Impoundment Design Specifications and Permit Requirements. A copy of the request and Ordinance 2012-03, identified as "Attachment 6", follow these minutes and are made an official part hereof.**

7. **Approval of staff's recommendation to adopt Ordinance 2012-04 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XI, Groundwater Recharge Area Protection. A copy of the request and Ordinance 2012-04, identified as "Attachment 7", follow these minutes and are made an official part hereof.**

8. Approval of staff's recommendation to adopt Ordinance 2012-05 approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Article XIII, Illicit Discharge and Illegal Connections. A copy of the request and Ordinance 2012-05, identified as "Attachment 8", follow these minutes and are made an official part hereof.

9. Approval of the disposition of tax refunds as recommended by the Tax Assessors' Office. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

10. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $11,783.60 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

11. Approval of the Sheriff's Office request to amend the Gasoline Vendor Budgeting Category for the Criminal Investigations Division by $950.00 for reimbursement received from the US Marshals Service for gasoline incurred for the vehicle which was purchased for Fayette County. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

12. Approval of the February 23, 2012 Board of Commissioners Minutes.

OLD BUSINESS:

13. Consideration of staff's request for authorization to engage the Benefits Law Group for legal work requirements associated with the implementation of the Early Retirement Plan, and to authorize the Chairman to sign the Engagement Letter.

County Administrator Jack Krakeel informed the Board that the amount of work required for the Early Retirement Plan included complex legal work for crafting plan amendments to the County's current retirement plan. He explained that this complex work included Employee Retirement Income Security Act (ERISA) requirements and a "hose of others issues that have to be addressed from a legal perspective." He informed the Board that Benefits Law Group specializes in this type of work, that they did the legal work for Fayette County's current benefits administrator- GebCorp, and that they have come highly recommended. He continued that after having conversations with the group that he was requested the Board's authorization to engage Benefit Law Group to conduct the legal work. He added that the estimated cost for the work would be between $10,000 to $12,000, but he emphasized that the estimated cost was difficult to finalize since the work is billed on an hourly rate and the amount of time needed was dependent upon the number of employees who chose to take advantage of the early retirement plan. He also asked that the Board authorize the Chairman to sign any of the appropriate documents that may be necessary.

Commissioner Horgan moved to authorize the County Administrator to engage the Benefits Law Group for legal work requirements associated with the implementation of the Early Retirement Plan, and to authorize the Chairman to sign all appropriate and necessary documents associated with this effort. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Engagement Letter, identified as "Attachment 12", follow these minutes and are made an official part hereof.

14. Consideration of staff's request to adopt Resolution 2012-08 modifying the County's Defined Benefit Retirement Plan to accommodate the proposed Early Retirement Incentive Program; and authorization for the Chairman to sign any associated agreements contingent upon review by the County Attorney.

County Administrator Jack Krakeel reminded the Board that it directed staff at its recent Retreat to pursue the Early Retirement option as one of the strategies for helping to balance the County's Fiscal Year 2013 budget. He explained that in order for staff to move forward and present information to the eligible participants, staff would need the Board to formally adopt a Resolution to allow staff to work further in that direction and to hold formal meeting with affected parties.

Commissioner Horgan moved to approve staff's request to adopt Resolution 2012-08 modifying the County's Defined Benefit Retirement Plan to accommodate the proposed Early Retirement Incentive Program, and to authorize the Chairman to sign any associated agreements contingent upon review of the County Attorney. Commissioner Hearn seconded the motion.

Commissioner Brown commented that he had nothing against the Early Retirement option or in initiating it, but he would have "loved to have had a little more discussion earlier on about the components of the plan and maybe see if there were some options that were available that could increase the efficiency" by reducing the county's cost. He understood why this issue was put on the fast-burner, but said he would have liked to have more discussion about it. Commissioner Horgan replied that this issue was "vetted pretty well [at the Retreat] and the information that was provided was enough for me to have the decision." He thought it was a good strategy that would help save the County money.

Commissioner Hearn asked Mr. Krakeel if, should all 44 employees retire, the net savings to Fayette County on an annual basis would be about $1.6 million. Mr. Krakeel replied that the $1.6 million savings would only be realized in the General Fund since 33 of the 44 eligible employees are budgeted in that fund. Commissioner Hearn noted that if half of the General Fund employees took the option, there would be a potential savings of about $800,000 to Fayette County on an annual basis. Mr. Krakeel agreed that was correct. Commissioner Hearn explained that this effort could save Fayette County a substantial amount of money, and thanked staff for their work in the matter. Mr. Krakeel clarified that the potential savings are generated in two ways: through a reduction in salaries for those who retire early and a reduction in salaries for employees who replace critical positions. He explained that it was recognized that not all of the affected positions could be eliminated, but those individuals who take fill critical positions will be starting at a lower salary. He emphasized, however, that incumbent with the Board's decision; some of the positions currently held by eligible employees would be eliminated. He then summarized that with a combination of eliminations of positions and the salary differentials of replacement employees, Fayette County would realize savings, however, the actual savings are unknown since it is based on the number of individuals who chose to take advantage of the program.

The motion to approve staff's request to adopt Resolution 2012-08 modifying the County's Defined Benefit Retirement Plan to accommodate the proposed Early Retirement Incentive Program, and to authorize the Chairman to sign any associated agreements contingent upon review of the County Attorney passed unanimously. A copy of the request and Resolution 2012-08, identified as "Attachment 13", follow these minutes and are made an official part hereof.

NEW BUSINESS:

15. Consideration of Connie Biemiller Thomas' request that Fayette County transmit a letter to the Fulton County Board of Commissioners urging Fulton County to take every measure possible to not renew Philip Service Corporation's permit that would allow use of Futon County's sewer system for discharged wastewater.

County Administrator Jack Krakeel informed the Board that Board and the audience that he information had come to staff earlier in the afternoon and that he had provided that information to the Board and to Mrs. Thomas.

Mrs. Thomas reminded the Board that Fayette County had a "major atrocity in the summer of 2006 that affected both south Fulton County and Fayette County because a wastewater treatment plant took in a toxic substance that poisoned many, many residents." She informed the Board that due to this problem Philip Services Corporation (PSC) decided to pull their permit in 2006 with an agreement that they could not reapply for that permit for another six years. She told the Board that PSC would be able to reapply for the permit very soon since the six years were about to expire, and that was the reason she was appearing before the Board in order to ensure that both Fayette County and Fulton County would be on the same page and not allow PSC to reapply for a permit because of the harm they brought upon the citizens, because of the subsequent lawsuit, and because of other ongoing issues. Mrs. Thomas found it "very interesting" that Mr. Azose of PSC called Chief Deputy Clerk Floyd Jones saying he did not believe there was a need for public discussion since the plan was closed; however, she mentioned that she had driven by the plant on the way to the meeting and found tanker trucks coming to the plant with unknown chemicals. She agreed that PSC has been in the process of closing down their solid waste site, and a "plug" was installed preventing the plant from dumping its waste into the Fulton County sewer system, but she repeated that the plant was, to some extent, still in operation. She stressed that the members of the South Fulton / Fayette County Community Task Force will not be satisfied until PSC is completely closed down. After Mrs. Thomas described the events of 2006, she referred to a letter from Fulton County's Department of Environment & Community Development to PSC, written during October 2011 that indicated ongoing concerns with groundwater contamination. She informed the Board that this was new information and that it should be a "huge concern" to the Board since a stream runs by the plant and into Fayette County. She understood that the Board was unaware of this issue as well, and asked about what have the citizens been exposed to since 2006.

County Administrator Jack Krakeel said it was important to understand that the Georgia Environmental Protection Division (EPD) is the agency in charge of the closure process, and that PSC had to satisfy all the requirements imposed by the EPD– including groundwater issues. He explained that Fayette County does not have any authority to require any type of action with regard to the plant, so all it could really do is stay engaged in the discussion and make sure it could do everything that could be done in order to protect its citizens. He added that the fundamental legal authority to deal with the issues resided with both Fulton County and the EPD. He clarified that the letter from Fulton County indicated that PSC had complied with all of the closure requirements from Fulton County's perspective, but that their approval of the closure process did not negate the authority of the EPD or that agency's requirements associated with groundwater.

Emergency Management Coordinator, Captain Pete Nelms, recalled that this issue was a very "emotionally charged incident" that affected the quality of life for Fayette County's citizens. He added that this incident provided "some very unique challenges for Fayette County and Public Safety because the plant is literally a

stone's throw away from the county line and not in the County's jurisdiction." He closed saying this issue needed to be handled correctly and that Fayette County's Public Safety would be glad to work with the EPD to prevent similar type incidents from occurring.

Chairman Frady reminded everyone that Fayette County was limited with what it could do, but that the County could write a letter and take other appropriate steps to encourage the proper authorities to continue monitoring the plant in order to ensure that this issue will not occur again.

Commissioner Brown moved that Fayette County transmits a letter to the Fulton County Board of Commissioners and Georgia Environmental Protection Division urging that they take every measure necessary not to renew Philip Service Corporation's permit that would allow the use of Fulton County's sewer system for discharge of their wastewater, and to request full disclosure in regard to the groundwater contamination which would affect the citizens of Fayette County who are downstream. Commissioner McCarty seconded the motion.

Chairman Frady suggested that the letter should be written by the County Administrator and reviewed by the County Attorney before the Commissioners would sign it.

The motion that Fayette County transmits a letter to the Fulton County Board of Commissioners and Georgia Environmental Protection Division urging that they take every measure necessary not to renew Philip Service Corporation's permit that would allow the use of Fulton County's sewer system for discharge of their wastewater, and to request full disclosure in regard to the groundwater contamination which would affect the citizens of Fayette County who are downstream passed unanimously. A copy of the request and the letter from Fulton County, identified as "Attachment 14", follow these minutes and are made an official part hereof.

16. Consideration of Commissioner Allen McCarty's request to halt plans for construction of Phase III of the West Fayetteville Bypass and to begin construction of the East Fayetteville Bypass.

Commissioner McCarty began his discussion by explaining that both the West Fayetteville Bypass and the East Fayetteville Bypass have long been issues of contention in Fayette County. He stated that, based on his research, the number one priority of the Special Purpose Local Option Sales Tax (SPLOST) referendum was the East Fayetteville Bypass and that West Fayetteville Bypass was the third priority. He proposed that Fayette County should return to its original plans and use the SPLOST funds as the "citizens thought they were voting for". He understood that this proposal involved "complications" and that it would "take time to do", but in the meantime he further proposed that Fayette County would no longer proceed constructing Phase III of the West Fayetteville Bypass. He mentioned that the East Fayetteville Bypass has already started, that so far up to $600,000 had been spent on the project and that if the East Fayetteville Bypass were not completed then that $600,000 would "be lost". He added that Fayette County could get assistance from other agencies for completing the East Fayetteville Bypass while similar assistance is not obtainable for the West Fayetteville Bypass.

Commissioner McCarty moved that Fayette County cease the third phase of the West Fayetteville Bypass and make plans on starting the construction of the East Fayetteville Bypass. Commissioner Brown seconded the motion.

Commissioner Hearn stated that the most current traffic study available for Phase II of the West Fayetteville indicated that around 8,000 vehicles a day would use the "northern segments" of the bypass. He then asked Public Works Director Phil Mallon if a similar traffic study had been conducted within the last three years, in

terms of estimates, on expected traffic use on Phase I of the East Fayetteville Bypass and Phase III of the West Fayetteville Bypass. Mr. Mallon replied that there was an updated traffic study that was designed and prepared primarily for determining the appropriate intersection controls on the East Fayetteville Bypass, that it would include information on expected traffic volumes, but that he did not have the study with him. Commissioner Hearn asked, should the Board chose to transfer monies that are currently allocated for Phase III of the West Fayetteville Bypass to Phase I of the East Fayetteville Bypass, would Phase III of the West Fayetteville Bypass be part of the upcoming Transportation Investment Act (TIA) referendum. Mr. Mallon answered that Phase III of the West Fayetteville Bypass was not part of the TIA referendum, but that it did have "long range federal dollars programmed for it." Commissioner Hearn then informed the Board that he was not ready to vote on the motion, and he asked if the Board would consider tabling the item until the May 2012 Board of Commissioners Workshop meeting. He noted that this motion was certainly due consideration, and that Commissioner McCarty had a memo that he wrote in 2004 with a priority list of SPLOST projects. He closed saying when that memo was written the cost to construct the East Fayetteville Bypass was estimated to be $67 million, and that there is not $67 million available in SPLOST funds today.

Commissioner McCarty asked Mr. Mallon what was the estimated cost to construct Phase III of the West Fayetteville Bypass. Mr. Mallon replied that staff had identified several alignments of Phase III, but since those alignments had not yet been decided upon, the estimated cost ranged from between $8 million to $12 million. Commissioner McCarty then asked how much had been spent on Phases I and II of the West Fayetteville Bypass. Mr. Mallon answered that Phase I of the West Fayetteville Bypass had approximately $8.3 million spent for it, and that Phase II had approximately $4 million spent on it for engineering, right-of-way, and construction. Commissioner Hearn noted that there are different options and different ways that the County could approach as they relate to Phase III of the West Fayetteville Bypass. He then briefly spoke about some options before repeating his request to table the issue until the May Workshop meeting. Commissioner McCarty noted that one option would be to delay the "whole process" so that even the East Fayetteville Bypass would be voted down and cancelled so that the remaining SPLOST money could be used to repair all necessary roads and bridges in the county.

Commissioner McCarty agreed to withdraw his motion and Commissioner Brown withdrew his second. The item was tabled until the May 2012 Board of Commissioners Workshop meeting.

Chairman Frady requested that staff prepare the figures on Phase III of the West Fayetteville Bypass, to look at options similar to those that Commissioner Hearn spoke about, and to look at the possibility of roundabouts with those options.

Commissioner Brown added that he and many of Fayette County's citizens would be "exceptionally" disappointed if the Board continued with the construction of Phase III of the West Fayetteville Bypass, since those citizens are still looking for a decent explanation of both Phases I and II. Chairman Frady replied that constructing the East Fayetteville Bypass would not make people happy either. Commissioner McCarty responded that the Board should consider cancelling the East Fayetteville Bypass as well in order to avoid unhappy people from all over the county. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

17. Consideration of reappointment of Darryl Hicks to Post 4 of the Fayette County Recreation Commission to a four-year term that will commence on April 1, 2012 and will expire on March 31, 2016.

Commissioner McCarty moved to reappoint Darryl Hicks to Post 4 of the Fayette County Recreation Commission for a four-year term that will commence on April 1, 2012 and will expire on March 31, 2016. Chairman Frady seconded the motion.

Commissioner Brown asked if this position was advertised. Executive Assistant Carol Chandler replied it had not been advertised.

Commissioner Hearn pointed out that Mr. Hicks serves on the Elections Board as the Democratic Party's appointment. Commissioner Horgan added that Mr. Hicks does a great job and that he was in favor of the appointment. Commissioner Brown said he would take his traditional approach and vote against the motion because he needed to be consistent with his belief that the County needs to advertise public positions to the public so that they could be able to apply for those positions. He added that public positions should not be called "public positions" if they are not made available to the public. He then spoke about another concern that people like Mr. Hicks hold several positions on boards or committees or other similar bodies, and that he thought Fayette County was doing itself a "huge disservice" by ignoring its "human capital" by using the same people to double up positions that are not advertised.

The motion to reappoint Darryl Hicks to Post 4 of the Fayette County Recreation Commission for a four-year term that will commence on April 1, 2012 and will expire on March 31, 2016 passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, bond resolution, and other related documents, identified as "Attachment 16", follows these minutes and is made an official part hereof.

18. Consideration of a resolution to provide for the issuance of Fayette County, Georgia Water Revenue Bonds, Series 2012A, and Fayette County, Georgia Water Revenue Refunding Bonds, Series 2012B, and for other related purposes.

County Administrator Jack Krakeel introduced Attorney Ken Pollack, who has worked with Fayette County on several prior accessions as the County's legal counsel with respect to the issuance of both new bonds and the refinancing of existing bonds.

Mr. Pollack mentioned that Mr. Jamie Wilson of Merchant Capital was in the audience, and that Mr. Wilson had worked throughout the day to get all of the County's bonds priced and sold. He further informed the Board that he was bringing forward a bond resolution that covers two series of bonds that were being issues. He explained that the first series was Series A Water Revenue Bond, and that the Series A Water Revenue Bonds had a principle amount of $8,000,070 whose proceeds would be applied to the improvements and upgrades to two water treatment plants. He informed the Board that the Series A bonds were sold in conjunction with an engineering report produced by Mallett Consulting and the county's engineers. He also informed the Board that the Series A bonds would be issued next month, specifically; they were scheduled for April 17, 2012.

Mr. Pollack continued that the second series of bonds, the Series 2012B bonds, have a principle amount of $15,590,000, and that their proceeds would be applied to refinance the Series 2002 Bonds. He explained that in October 2012, there would be an effort to pay off all of the outstanding 2002 bonds, which are just over $17

million dollars. Mr. Pollack continued that the 2012B Bonds were scheduled to be closed during July 2012 since there was a restriction on when the 2002 bonds can be paid off. He stated that the new bonds that are refunding the old bonds have to be issued within 90 days of October 1, 2012 payoff date.

Mr. Pollack asked the Board to approve the Series 2012 Bond Resolution that authorizes the issuance of both of those Series A and B bonds, and he stated that the Resolution also authorizes the Chairman to execute the bond purchase agreement for the sale of the bonds to the underwriter, Merchant Capital.

Commissioner Hearn asked Mr. Krakeel if this resolution was an effort designed to save the county money, or if it was only a "housekeeping item." Mr. Krakeel replied that the Board had previously authorized the Magnetic Ion Exchange (MIEX) project, which is an improvement in the County's treatment capabilities at both of its water treatment plants. He stated that, in conjunction with issuing the new bonds for the MIEX expenditure, which is approximately $9 million for that treatment upgrade, the County had the opportunity to refinance or refund the Series 2002 bonds from the Water System that would result in savings due to lower interest rates. He added that the differential between the two rates and the savings they produced would be applied to the debt structure of the new "money piece". He summarized that, for the citizens of Fayette County, this effort would alleviate the anticipation of a water rate increase in order to fund the improvements at both of the treatment plans based on the savings achieved by refunding of the 2002 Series bonds. Commissioner Hearn asked if he understood correctly that the estimated amount of the present value savings was about $1.5 million. Mr. Krakeel replied that Mr. Jamie Wilson would provide that answer.

Mr. Wilson passed information to both the Board and to staff before giving a brief presentation. He informed the Board that the County's gross savings because this work would be $2.86 million, and on a present value basis, the savings were just over $2.3 million.

Chairman Frady moved to adopt a resolution to provide for the issuance of Fayette County, Georgia Water Revenue Bonds, Series 2012A, and Fayette County, Georgia Water Revenue Refunding Bonds, Series 2012B, and for other related purposes, and authorization for the Chairman to sign other related documents. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, Bond Purchase Agreement, Series 2012 Bond Resolution, Engineering Report on Water System Improvements for Fayette County, Georgia, and Mr. Wilson's presentation, identified as "Attachment 17", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

There was no Administrator's Report.

STAFF REPORT:

19. Public Works Director Phil Mallon will update the Board concerning Transportation SPLOST projects in Fayette County.

Public Works Director Phil Mallon updated the Board concerning many of the Transportation SPLOST projects in Fayette County.

As part of his presentation, Mr. Mallon spoke about the McIntosh Road Bridge Project and he said it was a "pretty significant issue" since Fayette County is still trying to get a formal written commitment from Spalding County as it pertains to a cost-sharing formula, and that this issue may be coming to the Board at a future time. After discussing issues concerning the bridge, the need for cost sharing with Spalding County, and existing tangible problems with the bridge, Chairman Frady requested that County Administrator Jack Krakeel reach out to Spalding County's Manager in order to determine the status of the bridge project from that county's perspective.

Commissioner Hearn asked if this was a project on the Transportation Investment Act (TIA) referendum list, should TIA be approved. Mr. Mallon and Mr. Krakeel both answered that it was not on the list.

COMMISSIONERS' REPORTS:

Commissioner Steve Brown: Commissioner Brown first commented that at a previous time, he had raised the possibility to use House Bill 240 (HB240) as a way to fund vital needs in Fayette County, and he suggested that the Board still needed to look to that bill. He explained that there is a "significant roof situation" in the Administrative Complex that needed substantial repairs, that the old jail was in "severe disrepair", and that a new EMS building needed to be built in order to get public safety staff off some "two-story retail-class building with glass walls". He worried that if a natural disaster or some other disaster occurred in Fayette County, public safety staff could be "sucked out of the building, and no one will be here to lead." Commissioner Brown expressed his disappointment that during the Board's Retreat, that the County decided to continue paving gravel roads when larger, pressing issues need to be addressed such as providing equipment to the Public Works Department and the Fire Department. He repeated that readdressing HB240 could provide SPLOST funds to pay for some of these needs. Secondly, Commissioner Brown also agreed with Mr. Ognio's position that if a Public Hearing is to be held that information needs to be provided to the public as soon as possible, or at least up to 1 ½ weeks prior to the hearing. As his last item, Commissioner Brown spoke about the "West Fayetteville Bypass" neighborhoods by saying this issue had been brought to his attention several times already. He continued that the Fayette County Chamber of Commerce and the Development Authority are having discussions pertaining to this issue, and that one person from one of those organizations had stated, "those neighborhoods are inevitable." Commissioner Brown countered that nothing is inevitable in terms with what is going on with that situation. He stated that the public should take a serious look at the issue and at what is "being sold behind the scenes." He repeated that the issue needed to be "aired out in the public" and that the Fayette County Board of Commissioners needed to stand with the type of land planning that has made Fayette County what it is today with lower density, slower growth, and a quality lifestyle. He felt that the West Fayetteville Bypass would do nothing but exacerbate the problem since it opens up many of the parcels in question to "that type of development." He asked the Board to "be vigilant in order to make sure that whatever happens there is in the best interest of Fayette County and not for those who may make substantial profits off of the real estate or the building of homes."

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 22, 2012 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned their March 22, 2012 meeting at 8:23 p.m.

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 12th day of April 2012.

Floyd L. Jones, Chief Deputy Clerk