Minutes

Board of Commissioners
August 13, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, August 13, 2009, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.
Commissioner Hearn offered the Invocation
Pledge of Allegiance.

ACCEPTANCE OF AGENDA:

Commissioner Horgan made a motion to approve the agenda as presented. Commissioner Hearn seconded the motion. Chairman Smith requested consent agenda item #6 be removed from the consent agenda because the intergovernmental agreement for this item had not been completed. Commissioner Horgan amended the motion to approve the agenda as presented with the exception of consent agenda item #6. Commissioner Hearn seconded the amended motion. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. RECOGNITION OF ROSS KING OF THE ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA:

The Board recognized Ross King of the Association of County Commissioners of Georgia as being selected as the next Executive Director for A.C.C.G. The Board also presented Mr. King with a framed Resolution in his honor. A copy of the Resolution recognizing Mr. King, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. A local business leader and friend Dan Davis also spoke in recognition of Mr. King. He said Fayette County should be proud of Ross and he pointed out that he was an advocate for this State, land conservation, and the environment. Mr. King thanked the Board for recognizing him with the Resolution and said he would accept it with honor. He said he would embrace this experience and never forget his roots. He said he would also like to thank his wife who had built his foundation and someone that he loved dearly.

PUBLIC HEARING:

B. CONSIDERATION OF A PACKAGED BEER AND WINE LICENSE FOR DUAA EXPRESS, INC. D/B/A SHELL FOOD MART, 1183 SR 54 EAST, FAYETTEVILLE, GEORGIA, MUNIRA SAMNANI, OWNER/APPLICANT. THIS PROPERTY IS LOCATED IN LAND LOT 137 OF THE 5TH DISTRICT, FRONTS ON SR 54 EAST AND MCDONOUGH ROAD, AND IS ZONED C-H:

Chairman Smith asked if the petitioner or representative was present to speak and there was none. He asked if anyone in the audience wished to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition to this application and there was none. He asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the packaged beer and wine license for Duaa Express, Inc. d/b/a Shell Food Mart, 1183 SR 54 East, Fayetteville, Georgia, Munira Samnani, Owner/Applicant for property located in land lot 137 of the 5th District and fronting on SR 54 East and McDonough Road and zoned C-H. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

DENNIS CHASE: Dennis Chase said he was representing the Line Creek Association of Fayette County. He remarked that he was gathering information from State and Federal agencies for his lawsuit against the County regarding the West Fayetteville Bypass. He said he and a group of approximately 100 citizens would be taking upon themselves to vote against the S.P.L.O.S.T. and would campaign to address as many citizens as possible to support their anti S.P.L.O.S.T. movement.

BOB ROSS: Bob Ross commented on Commissioner Horgan's conduct on May 23, 2009 and his scope of duties as a Commissioner. He presented the Board with a copy of his comments, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He remarked that personal actions did matter to the citizens of this County and they expect Commissioners to lead by example, uphold values, have a sense of right and wrong and to build and maintain trust in government. He asked Commissioner Horgan to step down as a member of the Board of Commissioners.

JOSEPH KREHEL: Joseph Krehel remarked that some of his friends also wanted to attend tonight's meeting but had already left for college. He commented on Commissioner Horgan's necessity to accept accountability for his actions. He said integrity and morality must be upheld not only in someone's personal life but in their business life. He said he would be leaving for college soon and the war against drugs was an ever present conflict in his life. He said it was not only acceptable but was a norm. He said if government leaders do not uphold the fight against such corrupting temptations, then why should anyone else.

TOM WALLER: Tom Waller commented on Commissioner Horgan remaining as a member of the Board of Commissioners. He said he had no college degrees of any kind and no academic background. He also noted that Commissioner Horgan had no military service to his Country. He said Commissioner Horgan was hiding in open site and the citizens did not need this man as a Commissioner.

CONSENT AGENDA: Commissioner Frady made a motion to approve the consent agenda as presented with the exception of item #6 that was removed. Commissioner Hearn seconded the motion. Commissioner Maxwell requested that the minutes for the Special Called Meeting held on July 29th be removed for a separate vote since Chairman Smith and Commissioner Horgan were not present at that meeting. Commissioner Frady amended his motion to also include removal of these minutes. Commissioner Hearn seconded the amended motion. The motion carried 5-0.

911 COMMUNICATIONS CENTER - QUALITY RECORDING SOLUTIONS, LLC CONTRACT:
Approval of staff's request to acquire new recording equipment for the 911 Communications Center from Quality Recording Solutions, LLC, at cost of $59,820 and to authorize the Chairman to execute the purchase agreement. A copy of the request and the contract, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - ANNUAL FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION:
Approval of a request from the Sheriff that the Chairman be authorized to execute the annual Federal Equitable Sharing Agreement and Certification between Fayette County and the U. S. Departments of Justice and Treasury for the period of July 1, 2008 through June 30, 2009. A copy of the request and the Agreement, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - OVERTIME BUDGET ACCOUNT AMENDED:
Approval of the Sheriff's Office request to amend the Overtime Budget Account for the Criminal Investigations Division by $1,258.70 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

INFORMATION SYSTEMS - RFP #P711 AWARDED TO DELTACOM, INC.:
Approval of staff's recommendation to award RFP #P711 to Deltacom, Inc. for the replacement of and service agreement for two PRI (Primary Rate Interlace) Telecommunications Circuits located at the Jail and Justice Center. A copy of the request, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

FAMILY AND CHILDREN SERVICES BOARD - KAREN SPANGLER APPOINTED:
Approval of reappointment of Karen Spangler to the Fayette County Family and Children Services Board for a term commencing July 1, 2009 and ending June 30, 2014. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

ITEM #6 WAS REMOVED FROM THE CONSENT AGENDA:
6. Approval of Water Committee's recommendation for approval of a Memorandum of Understanding between Fayette County and Peachtree City for the purpose of allowing Peachtree City's Dive Team to train at Lake Horton and Lake Kedron.

Chairman Smith remarked that the Memorandum of Understanding was not finalized at this time and would be removed from the agenda.

STORMWATER UTILITY FEASIBILITY STUDY - REQUEST FOR PROPOSALS TO BE ISSUED:
Approval of staff's recommendation that a request for proposals be issued for the performance of a Stornwater Utility Feasibility Study. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

MINUTES:
Approval of minutes for Board of Commissioners' meetings held on July 23, 2009 and Special Called Meeting held on July 29, 2009.

Chairman Smith remarked that since he and Commissioner Horgan were absent from the Special Called Meeting held on July 29, 2009, these minutes would be voted on separately and they both would abstain from the vote.

Commissioner Frady made a motion to approve the minutes for the Special Called Meeting held on July 29, 2009. Commissioner Maxwell seconded the motion. The motion carried 3-0-2 with Chairman Smith and Commissioner Horgan abstaining from the vote.

OLD BUSINESS:

C. RESOLUTION NO. 2009-11 - CONSIDERATION OF INTERGOVERNMENTAL AGREEMENTS WITH THE COUNTY'S MUNICIPALITIES FOR THE DISTRIBUTION OF SPECIAL PURPOSE LOCAL OPTION SALES TAX PROCEEDS, IF APPROVED BY REFERENDUM ON NOVEMBER 3, 2009:

County Attorney Scott Bennett discussed the distribution of the special purpose local option sales tax proceeds with the Board. He said the County actually had two different levels of projects that it could allocate funds for. He said the level one County-wide project was the acquisition of the existing Justice Center which was currently leased by the County from the Public Facilities Authority. He pointed out that under the S.P.L.O.S.T. the County would allocate $55 million to retire that debt and the County would own the Justice Center in approximately four years. He commented on the level two County-wide projects that amount to $18 million dollars which include an Emergency Operations Center, Road, street and bridge purposes, and acquisition of land and improvements for proposed university campus. He noted that the total for both levels was $73 million that would come to the County in annual installments specified in Section 10 each year of the six years of the S.P.L.O.S.T. before any other monies in each year were disbursed to the County and the cities for other projects. He further remarked that the disbursement, as agreed to by the County and the cities, would be done by the population according to the census of 2000. He said this would come to 0.61% to the Town of Brooks; 12.21% to the City of Fayetteville; 34.60% to the City of Peachtree City; 4.29% to the Town of Tyrone; 0.19% to the Town of Woolsey and 48.10% to the County. He said all of the cities had approved the Intergovernmental Agreement and he had received all of the signatures on the Agreement. He said this would call for a special election on November 3, 2009. He pointed out that the money from this S.P.L.O.S.T. could not be used on the West Fayetteville Bypass. He said the money in the current S.P.L.O.S.T. was allocated for that project. He said it had been a very successful process in working with the cities and he was very pleased in working with the city attorneys in getting this Intergovernmental Agreement accomplished.

Commissioner Maxwell confirmed that a legal notice would be published in the newspaper listing all of the projects that had just been verbalized. Attorney Bennett replied that the referendum resolution would call for that advertisement. He said this was a contract between the County and all of the municipalities that if the S.P.L.O.S.T. was passed by the voters, this was the agreement as to the distribution of funds and how the project lists were going to be spelled out. He pointed out that the ballot would list every one of these capital projects and these would be the only projects that the money could be spent for.

Commissioner Maxwell asked for clarification on the Level I and Level II projects as listed with the retirement of the debt for the Justice Center in the amount of $55 million being the Level I project. Attorney Bennett noted that the Justice Center was prioritized in the agreement as the only Level I project. Attorney Bennett said he would like to clarify this. He said he wanted to be clear that under this agreement in the first year on April 1, 2010 money would be collected from that date through March 31st, 2011. He said out of those proceeds $10,632,570 would come to the County to be spent on the Level I project to go toward the $55 million of debt on the Justice Center. He said the rest of the money in excess of that would be divided among the cities and the County for the rest of the specifically stated projects. He said in the second year $11,057,872 would come to the County first to go toward the Level I project and the remainder of the money would be dispersed. He pointed out if only $10,000,000 of S.P.L.O.S.T. money was collected in the first year, then all of that money would go toward the Justice Center but if $14,000,000 was collected then $4,000,000 of that money would be dispersed to the cities to be spent on the specified projects.

Commissioner Maxwell pointed out that this was a negotiated S.P.L.O.S.T. and it would be a six year S.P.L.O.S.T. as opposed to a five year S.P.L.O.S.T. that was currently in place. He said there had been some prior discussion on possibly increasing homeowner's exemption.

Chairman Smith remarked that when the Board was originally discussing the S.P.L.O.S.T. the Board felt it might be a good idea, if the County was going to be able to save the almost $4 million a year from the pay off of the Justice Center debt, that would allow the County to increase the Homestead Exemption. He said it was his intent to pass this on the homeowners and give them some relief. He said the number he had discussed was possibly doubling the Homestead exemption. He said this step in reducing the annual expenditures for lease payments for the Justice Center by paying it off with S.P.L.O.S.T. dollars was simply a mechanism that the Board could use to better manage the resources that are under the Board's control.

Commissioner Frady interjected that the vehicle inspection survey that had been done a couple of years ago in the shopping centers indicated that almost half of the cars were out-of-county vehicles. Commissioner Maxwell agreed and said this would help redistribute the burden of taxes on out-of-county people and this would be a decision that the voters could make in November.

Commissioner Frady made a motion to approve Resolution No. 2009-11 which approves the Intergovernmental Agreement and also authorize the Chairman to execute the Intergovernmental Agreement with the County's municipalities for the distribution of special purpose local option sales tax proceeds, if approved by referendum on November 3, 2009. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of Resolution No. 2009-11 and the Intergovernmental Agreement, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

D. CONSIDERATION OF RESOLUTION NO. 2009-12 WHICH PROVIDES FOR THE IMPOSITION OF A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES TAX AND REQUESTS THE CALL FOR AN ELECTION TO BE HELD ON NOVEMBER 3, 2009:

County Attorney Scott Bennett noted that this item was Resolution No. 2009-12 and he discussed this Resolution with the Board. He pointed out that this Resolution would call for the election and directs the Superintendent of Elections to notify the public of the election, what they would be voting on and also to conduct the election.

Commissioner Horgan made a motion to approve Resolution No. 2009-12 and to also authorize the Chairman to execute said Resolution which provides for the imposition of a one percent special purpose local option sales tax and requests the call for an election to be held on November 3, 2009 and notification to the public of this election. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of Resolution NO. 2009-12, identified as "Attachment No.11", follows these minutes and is made an official part hereof.

NEW BUSINESS:

E. CONSIDERATION OF A REQUEST FROM THE FAYETTE COUNTY SHERIFF'S OFFICE FOR ASSISTANCE IN APPLYING FOR A GRANT FROM THE UNITED STATES JUSTICE DEPARTMENT'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM IN THE AMOUNT OF $17,367:

Major Bryan Woodie of the Fayette County Sheriff's Office remarked that Sheriff Wayne Hannah had determined that he would like to employ a computer based license plate recognition technology software program whereby camera systems would be installed in certain patrol cars. He said this would allow those patrol cars to automatically scan license plates through an electronic means. He said this would alert the Sheriff's Department to possible stolen vehicles or

vehicles involved in other types of crime. He said these systems were fairly expensive with an estimated cost of $76,000. He said through research and information from the Justice Department it was discovered that Fayette County was eligible for approximately $17,367 that could be used to support this technology based program. He said the acceptance of the award was contingent on the fact that the Commissioners will endorse this grant application which is a non-matching grant. He said in addition to asking for a Federal Grant to pay for part of this project, the Sheriff intends to use Federal asset forfeiture funding that has been taken in from drug dealers and others who have committed crimes.

Chairman Smith clarified that this would cost the County nothing and the County would actually be getting something back. Major Woodie replied that was correct and said this was a unique Fayette County situation in terms of law enforcement for a Federal Grant.

Commissioner Frady made a motion to approve the Fayette County Sheriff's Office request for assistance in applying for a grant from the United States Justice Department's Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program in the amount of $17,367. Commissioner Horgan seconded the motion, discussion followed.

County Administrator Jack Krakeel questioned the cost for monthly maintenance expense that the Sheriff's Office would incur as well as the cost of service for the software program that runs the system. Captain Woodie replied that the initial purchase of the system includes a three year maintenance in the initial purchase price. He said it was the Sheriff's Office's intention not to increase the cost to the taxpayers or increase it as little as possible if anything. He said if necessary the Sheriff's Office would make budget concessions and also use the Federal funding mechanism provides access to that funding as well.

The motion carried 5-0. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

F. APPROVAL OF STAFF'S RECOMMENDATION TO AWARD MISCELLANEOUS CONCRETE PROPOSAL #P713 TO LOW BIDDER, CURB SPECIALIST, INC. IN THE AMOUNT OF $183,182.75, FOR INSTALLATION OF CURBING, CATCH BASINS AND OTHER CONCRETE WORK FOR THE WEST FAYETTEVILLE PARKWAY PROJECT:

Director of Public Works Phil Mallon asked for the Board's consideration to award the miscellaneous concrete proposal #P713 to low bidder Curb Specialist, Inc. in the amount of $183,182.75 for installation of curbing, catch basins and other concrete work for the West Fayetteville Parkway Project. He said this project would begin sometime in mid September and take approximately three weeks to complete. He said he would like to commend his staff including Carlos Christian particularly who single handedly prepared the specifications and worked with the Purchasing Department to get this bid package put together.

Commissioner Hearn made a motion to approve staff's recommendation to award miscellaneous concrete proposal #P713 to low bidder, Curb Specialist, Inc. in the amount of $188,182.75, for installation of curbing, catch basins and other concrete work for the West Fayetteville Parkway Project. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:

MILLAGE RATE TO BE DECIDED AT THE AUGUST 27, 2009 COMMISSION MEETING: County Administrator Jack Krakeel remarked that the Board would be setting the millage rate for property taxes in Fayette County at the Thursday, August 27th meeting. He noted that the advertisement had been published in the newspaper. He pointed out that there would be no increase in the millage rate.

ATTORNEY'S REPORT:

RENEWAL AGREEMENT WITH UNDERWRITERS SAFETY & CLAIMS: County Attorney Scott Bennett asked for the Board's consideration to authorize approval of the renewal Agreement in the amount of $8,000 annually with Underwriters Safety & Claims and Fayette County to handle workers compensation claims and also authorize the Chairman to execute this Agreement.

Commissioner Horgan made a motion to approve the renewal Agreement with Underwriters Safety & Claims in the amount of $8,000 annually to handle the County's Workers Compensation claims and authorize the Chairman to execute this Agreement. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

STAFF REPORTS:

PUBLIC WORKS DIRECTOR PHIL MALLON: Public Works Director Phil Mallon commented on the ongoing preparation of the County's Comprehensive Transportation Plan and remarked that the County was approaching the final phase of the project. He remarked that there would be a public meeting next week on Tuesday, August 18th at 6:30 p.m. at the Peachtree City Hall Council Chambers. He said the purpose of the meeting was to present draft policies and projects that have surfaced from public input as well as the project team. He said everyone was welcome to attend that meeting.

BOARD REPORTS:

WELCOME TO NEW EMPLOYEE ANDY ADAMS AT THE ROAD DEPARTMENT: Commissioner Hearn said he would like to welcome Andy Adams as the new Road Superintendent at the Road Department. He said Andy comes with 25 years of experience with Clayton County. He said he personally had worked with Andy at the Atlanta Regional Commission on some of the regional issues and he said Andy would be a tremendous asset to the Road Department.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:30 p.m.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of August, 2009.

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Karen Morley, Chief Deputy Clerk