



## *Action Agenda*

Board of Commissioners  
February 10, 2011  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, February 10, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Herb Frady, Chairman  
Robert Horgan, Vice Chairman  
Steve Brown  
Lee Hearn  
Allen McCarty

**Staff Present:**

Jack Krakeel, County Administrator  
Scott Bennett, County Attorney  
Carol Chandler, Executive Assistant  
Karen Morley, Chief Deputy Clerk

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

**ACCEPTANCE OF AGENDA:** Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

**PRESENTATION/RECOGNITION:**

1. Recognition of Gene Godfrey who retired from the Fayette County Road Department after 38 years of public service.

**The Board congratulated Gene Godfrey on his 38 years of public service with the Fayette County Road Department and presented him with a rocking chair.**

2. Proclamation Recognizing Severe Weather Awareness Week as February 7-11, 2011.

**Public Safety Director Allen McCullough read a Proclamation Recognizing Severe Weather Awareness Week as February 7-11, 2011 and the Board presented a Proclamation to Emergency Management Coordinator Pete Nelms as well as the Director of Operations for the State Office of Emergency Management Charlie Dawson and Chief Meteorologist Lans Rothfusz with the National Weather Service.**

**PUBLIC COMMENT:**

**Tim Powers:** Tim Powers commented on the Building Department and the issuance of almost two to one stop work orders and condemnations issued during the last year. He remarked there were seven employees in this department and the figures posted on line indicating 50 permits per year equated to one permit issued per week per employee. He said Building Department personnel had come onto his private property and said they had the right to do so. He said he told them to leave and he had to go to jail because he told them no. He felt the County had created another police department who had personnel out hunting taxpaying citizens to find violations.

**Marilyn Watts:** Marilyn Watts remarked that she has been one of the members of the three member Board of Elections since 1998 and during that time there had never been any complaints filed with the Secretary of State's Office or the Department of Justice. She remarked that the Board of Elections was charged with training and selecting poll workers and hiring a staff what was paid for by County money. She said there were three separate members and each was appointed by three different entities. She reminded Chairman Frady that he was the person who had nominated her to the Board of Elections in 1998 and she appreciated that very much. She said she would like to continue as a member of the Board of Elections and asked for the Board's consideration to nominate her to continue her service.

**Steve Smithfield:** Steve Smithfield commented that he had appeared before this Board two weeks ago at which time he commented about an e-mail he had sent to Chairman Frady ten days prior and had not received an answer. He said in that e-mail he had requested information relating to how the West Fayetteville Bypass received funding that had been transferred from funds attached to the East Fayetteville Bypass. He said he had received information from County staff indicating that a Notice to Proceed for the West Fayetteville Bypass was issued by the County on September 7, 2005 but he found no documentation indicating that the West Fayetteville Bypass had ever been officially declared as a third priority item. He remarked that in the minutes of a special called meeting held on October 28, 2003 consisting of officials of the County and the Cities to discuss the transportation plan update. He said this document indicated that the East Fayetteville Bypass and the widening of S.R. 54 East were the #1 and #2 priorities respectfully but the #3 priority was never determined. He felt this indicated that the priority of the West Fayetteville Bypass might have been approved without any official public notification. He said there had been no support from the citizens for the West Fayetteville Bypass and he asked the Board to adhere to the will of the citizens, stop the West Fayetteville Bypass and resume activity on the East Bypass.

**Paul Parchert:** Paul Parchert said he was addressing the three Commissioners who have been on the Board previously and their continuance to have a 3-2 vote on every issue. He felt this Board of Commissioners was by definition in his opinion a totalitarian state. He asked this Board not to underestimate the ability and determination of the citizens of Fayette County. He said he has not forgotten the "slap on the hand" that Commissioner Horgan received for his arrest for possession of illegal drugs. He also commented on the West Fayetteville Bypass and its impact on the area.

**Mrs. Stuart Barnes:** Mrs. Stuart Barnes expressed concern with property within subdivisions being taken and used for commercial. She also stated that she was against the West Fayetteville Bypass and did not want to hear anymore about bypassing businesses located in the City of Fayetteville. She said she when she leaves her business during the hours of 4:30 p.m. and 6:00 p.m. she has no problem getting through Fayetteville whatsoever. She felt the Bypass should be stopped now.

**Andrea Lyle:** Andrea Lyle remarked that she is against the West Fayetteville Bypass and the East Fayetteville Bypass. She also commented on a Congressional Report regarding climate geo-engineering or as some call it Chemtrails. She said this was currently occurring over Fayette County and she asked for the Board's help with looking into this spraying of chemicals over cities.

**Tom Halpin:** Tom Halpin said he had appeared before this Board two weeks ago and talked about the importance of transparency. He noted that there was no map of the proposed phase 3 of the West Fayetteville Bypass on the County's website. He said staff had provided a map to the public at one of the meetings indicating phase 3 but there was still nothing on the website. He remarked that it was very important that the citizens of Fayette County be told the truth and not political mumbo jumbo. He said after a few years, of being told that the West Fayetteville Bypass had to be built, it was determined that it did not have to be built and the County was going to spend all of the money until it ran out. He said citizens were also told that the County would not buy property until the alignment was made for phase 2 but citizens found out later that the County had purchased property. He said the Commissioners told citizens to come to the Board meetings to keep up to date on what was going on in the County. He said from the looks of the turnout tonight, the citizens were doing just that and would keep coming.

**David Hall:** David Hall said he felt the West Fayetteville Bypass was similar to a stimulus package. He said the needs of this County were not being funded sufficiently and the money was coming off the backs of taxpayers. He said if this continues, Commissioners would be voted out in the next election.

**Edwin Lee, Jr.:** Edwin Lee, Jr. said he felt there was no transparency on what goes on here. He said the citizens of Fayette County deserve more. He said he was reading in the newspaper the other day and saw information indicating that the homeowners and landowners were notified of what was going on as far as acquisition of land was concerned. He said he had not been notified at all about anything. He said most of the things he had heard about the Bypass came from a friend. He said from the indication on the map, his property had a mark on it and he would be totally thrown out in the streets.

**Randy Ognio:** Randy Ognio commented on some known facts including that the East Fayetteville Bypass was the #1 project and there was funding for it; the East Fayetteville Bypass was a true bypass; it was voted on and passed to do the East Fayetteville Bypass; somewhere behind closed doors the East Fayetteville Bypass was moved to the last position and the West Fayetteville Bypass was moved to the first; the County already has a West Fayetteville Bypass and it is called Highway 74; the East Fayetteville Bypass qualified for Federal and State funds; looking at the funding requirements on the County website regarding the Fayette Forward Plan recommendation the local share expected for the West Fayetteville Bypass Phase 2 was \$11.5 million for Phase 3 it was \$11.725 million and the local share expected for the East Fayetteville Bypass for Phase 1 was \$5.7 million and Phase 2 was \$6.6 million. He also commented on the two school zones that would affect traffic during peak times. He said the two new Commissioners were doing what the citizens elected them to do.

**Ellen Morley:** Ellen Morley said it was heartbreaking hearing all of the citizen comments tonight regarding the impact of the West Fayetteville Bypass. She said as a result of the Bypass, she has no driveway and she has no way of getting out of her property. She remarked that she was meeting with County officials tomorrow and they are supposed to tell her how she will get out of her property. She said the County would also be taking her well, and she would have no water. She said she has a small business at her home and she had no idea of what was going to happen. She said regardless of the mechanical drawings of the West Fayetteville Bypass, there were tremendous mistakes and drawings were not correct.

Commissioner McCarty interjected that he had a question for Ms. Morley and Chairman Frady said Commissioners cannot be asked questions under public comment and only under a regular item on the agenda. Commissioner McCarty said this was not the way he read the rules but he would yield to Chairman Frady this time.

**Ray Wyatt:** Ray Wyatt commented on the transparency of the Board and said he wished the Commissioners would get out from behind their desk and answer questions.

**Gordon Furr:** Gordon Furr said he was against the East Fayetteville Bypass and the West Fayetteville Bypass . He said when he saw the gentleman in the audience whose farm had been in his family since 1823 and was being split in two by the Bypass, he wondered what was going on with the "three amigos".

**Calvin Appling:** Calvin Appling said he was a neighbor to the family whose farm was being split in two by the Bypass. He said County was not rolling in money and he felt the West Fayetteville Bypass was a terrible idea.

**CONSENT AGENDA:** Commissioner Brown made a motion to remove items 6 and 7 on the consent agenda for discussion. Commissioner McCarty seconded the motion. The motion carried 5-0. Commissioner Horgan made a motion to approve consent agenda items 3, 4, 5, 8, 9, 10 and 11 as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

3. Approval of the Sheriff's Office request to amend the Vehicle Budgeting Category for the Criminal Investigations Division by \$4,912.69 for reimbursement received from U.S. Marshals Service for expenses incurred for the retrofit of emergency equipment for the vehicle which was purchased for Fayette County.
4. Approval of the Sheriff's Office request to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by \$732.14 for reimbursement for employees assigned to work with various Federal Agencies.
5. Approval of staff's recommendation to transfer the Fiscal Year 2011 balance of \$26,488.85 from the Tax Assessor's Office to the Clerk of Superior Court for support of the Boards of Equalization, in compliance with State legislation.
6. Approval of staff's recommendation to award Bid #780 CRS-2h to Blacklidge Emulsions, Inc. as the secondary supplier for CRS-2h Liquid Asphalt Emulsion to be used in roadway resurfacing projects for the remainder of calendar year 2011 at a cost not to exceed \$45,000.

Commissioner Brown asked staff if any of the items awarded in Bid #780 CRS-2h would go toward the West Fayetteville Bypass project. Public Works Director Phil Mallon replied that yes, there was a chance that they would. Commissioner Brown said he would vote against it.

Chairman Frady called for a vote to approve staff's recommendation to award Bid #780 CRS-2h to Blacklidge Emulsions, Inc. as the secondary supplier for CRS-2h Liquid Asphalt Emulsion to be used in roadway resurfacing projects for the remainder of calendar year 2011 at a cost not to exceed \$45,000. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

7. Approval of staff's recommendation to provide \$14,882 from the County Contingency Fund for two (2) temporary seasonal employee positions for the Road Department to assist with roadside mowing operations to begin no sooner than March 10, 2011 and terminating June 30, 2011.

Commissioner Brown asked staff if this was in the budget for FY 2011. He said he had determined that the Board did the exact same thing the year prior. County Administrator Jack Krakeel replied that those positions were budgeted through the Fall mowing schedule and did not include them for the Spring mowing schedule.

He felt like a lot of money was continually being pulled out of the contingency fund. He said he would like this type of thing included in the budget process for next year.

**Commissioner Horgan made a motion to approve staff's recommendation to provide \$14,882 from the County Contingency Fund for two (2) temporary seasonal employee positions for the Road Department to assist with roadside mowing operations to begin no sooner than March 10, 2011 and terminating June 30, 2011. Commissioner Brown seconded the motion. The motion carried 5-0.**

8. Approval of the Water Committee's 2011 meeting schedule.
9. Approval of Ordinance No. 2011-02 amending the Fayette County Code of Ordinances regarding Chapter 3 Alcoholic Beverages, which enacts distance requirements as related to child care facilities.
10. Approval of request from Chairman Frady that Commissioner McCarty replace him on the Retirement Committee.
11. Approval of staff's request to purchase additional computer hardware to accommodate the planned upgrade of the County's Munis and Tyler Content Manager Software in an amount not to exceed \$11,100 with the cost being divided equally between the Water System and the General Fund.

**OLD BUSINESS:**

12. Further discussion of an appointment to the Board of Elections.

**Commissioner Hearn thanked Marilyn Watts for her service on the Board of Elections but he felt changes needed to be made. He nominated Addison Lester to this position on the Elections Board.**

**Commissioner Brown said he would like to nominate Marilyn Watts to this position on the Elections Board.**

**Commissioner Hearn made a motion to nominate Addison Lester to the Elections Board. Commissioner Horgan seconded the motion, discussion followed. After some discussion, there was a consensus to place this item on the February 24<sup>th</sup> Board of Commissioners Agenda for further discussion. Commissioner Hearn withdrew his motion and Commissioner Horgan withdrew his second.**

**NEW BUSINESS:**

13. Consideration of staff's recommendation to adopt Resolution No. 2011-04 "Partner with the Georgia Department of Revenue in an Effort to Ensure Proper Payment of Sales Tax".

**Commissioner Brown made a motion to adopt Resolution No. 2011-04 "Partner with the Georgia Department of Revenue in an Effort to Ensure Proper Payment of Sales Tax". Commissioner Horgan seconded the motion. The motion carried 5-0.**

**REPORTS:**

Commissioner Brown to speak on matters related to the West Fayetteville Bypass, a project of legitimate County business and discussed in many prior meetings.

**Commissioner Brown remarked that three issues that had come to his attention including: (1) Acquisition of property for the West Fayetteville Bypass; (2) Open Record Requests not being returned in the allotted time allowed by law; and (3) a quote in one of the local newspapers relating to the West Fayetteville Bypass.**

**Commissioner McCarty:** Commissioner McCarty interjected that he would also like to make a report at this time and it would only take about four or five minutes. After a brief discussion, Chairman Frady said Commissioner McCarty could proceed.

Commissioner McCarty said he had come into possession of some documents today that had greatly affected him. He said he had copies of letters from Joe Beckum, Agent to one of the citizens. He said he was not sure who Joe Beckum worked for but he prepared letters on Fayette County Letterhead stationery. He questioned who had authorized Fayette County stationery to be used by a consultant, contractor or anyone else who was not an employee or direct representative of Fayette County. He said this disturbed him greatly. He also remarked that in his interpretation that this was a letter of intimidation. He said he would also like to state that he was against the West Fayetteville Bypass as it is currently structured. He said he wholeheartedly supported the East Fayetteville Bypass he would do everything in his power to cease the West Fayetteville Bypass. He said he realizes the Board cannot actually stop the project but it can be altered and moved. He said he wanted to finish the East Fayetteville Bypass which was the first priority.

**ADJOURNMENT: Hearing no further business to come before the Board, Commissioner Hearn made a motion to adjourn the meeting at 8:28 p.m. Commissioner Horgan seconded the motion. The motion carried 5-0.**

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Karen Morley Chief Deputy Clerk