



Action Agenda

Board of Commissioners
February 24, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, February 24, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

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

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Floyd L. Jones, Deputy Clerk

Call to Order, Invocation, and Pledge of Allegiance

Chairman Frady called the February 24, 2011 Board of Commissioners Official Session to Order at 7:01 p.m. Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

PRESENTATION/RECOGNITION:

1. **Recognition of members of the Starr's Mill High School Panthers Football Team who won the State Region III AAAA Championship in high school football.**

Commissioner Horgan, on behalf of the Board, congratulated the Starr's Mill High School Panthers Football Team for their 2010 accomplishments, and he read the Board's proclamation to the team. He then gave individual proclamations to each team member.

PUBLIC COMMENT:

Ray White: Mr. Ray White spoke about his support for the East Fayetteville Bypass, and his support to either stop or suspend the construction of the West Fayetteville Bypass.

Marilyn Watts: Ms. Marilyn Watts presented her case concerning why she should be allowed to remain on the Fayette County Board of Elections, and she stressed her experience, her opponent's lack of experience, and the potential consequences the County could have with an inexperienced Elections Board.

Zilsa Huston: Ms. Zilsa Huston publically supported the comments, in verbatim, given by Mr. Ray White. She said she is a citizen of Fayette County and she felt the Commission should only respect what she as a citizen thinks, not what the Board as a body would like.

Sheila McIntyre: Ms. Sheila McIntyre spoke about the “hubris” of the Board, and noted that the hubris was showing with respect to the Board’s consideration of replacing Ms. Marilyn Watts on the Board of Elections, as well as its handling of the West Fayetteville Bypass.

Latrell Burcher: Ms. Latrell Burcher spoke in opposition to the West Fayetteville Bypass, and how the Bypass is opening her property and her neighbor’s property to criminal activity. She questioned why there were no plans for fences or other landscaping that would enhance their security. She also questioned the 45 miles-per-hour speed limit on the road saying commuters would exceed the limit and travel 60 miles-per-hour. He concluded her remarks by speaking in opposition to a roundabout at the intersection of Lees Mill Road and the West Fayetteville Bypass.

Denise Ogino: Ms. Denise Ogino thanked County Administrator Jack Krakeel for his efforts to get answers to the citizens. She also thanked Commissioners McCarty, Hearn, Horgan, and Brown for attending the recent Tea Party event in order to learn where the people stand and their pressing issues. She informed Chairman Frady that the people were clapping since they were in agreement with the previous speaker. She closed saying the Public Comment section of the agenda is reserved for the people to speak, and the people should be allowed to clap.

Krystal Carnahan: Ms. Krystal Carnahan spoke in opposition to the East Fayetteville Bypass, saying that the projected plan would cause the road to be eight feet from her back door. She spoke about why it was regarded as a top priority in the County, and how it would be a “dead-end road” that would only benefit the citizens of Clayton County. She also did not understand why the County would want commuters to bypass everything in Fayetteville. She concluded that she has an autistic son whose safety would be jeopardized by the East Fayetteville Bypass.

Steve Smithfield: Mr. Steve Smithfield spoke in opposition to both the East and West Fayetteville Bypass. He commented on Mr. David Wimmer’s statements that were heard by the Board at an earlier meeting, as well as Mr. Wimmer’s comments recently given in *The Citizen* newspaper. He warned that Fayette County would make another mistake by constructing the East Fayetteville Bypass utilizing its currently projected layout, and he said he did not want “the county’s number one priority being referred to as ‘another road to nowhere’”.

Tom Halpin: Mr. Tom Halpin spoke about the lack of transparency that he is noticing in Fayette County. He explained that when the West Fayetteville Bypass was first proposed, there was a large sign at the corner of Huiet Road and Georgia Highway 54 showing Phase I of the Bypass. He noted that he has not found similar signs for Phases II and III of the Bypass. He did not want to have citizens trying to “dig through” the County’s website trying to find information, and mentioned that many people who will be affected do not have access to or knowledge about how to operate a computer and the internet. He also spoke about the danger at the intersection at Georgia Highway 85 and Harp Road, and how he had been informed that there were no plans to put a traffic light there. He asked if a major accident would have to occur before something was done to that intersection. He closed his remarks by speaking about the impact of the West Fayetteville Bypass, which would be close to his house, and how he would have to hear traffic noise in the early morning as people traveled the road.

David Hall: Mr. David Hall stated that the attempt to silence the people from clapping was “very unacceptable”. He reminded the Board that the people reserve the right to peacefully vote the Commissioners out of office, and how he perceived the Board was trying to “intimidate” the people. He spoke about the rights given to people by God, and enunciated by Thomas Jefferson, and how the Board answers to the people. He said if the Board want to “be an enemy of the people”, then the Board has lost its authority. He mentioned that the West Fayetteville Bypass was a disgrace to veterans and closed asking the Board how much they value it.

Carolyn Perdue: Ms. Carolyn Perdue spoke against the West Fayetteville Bypass. She spoke about many of the financial and economical changes that have occurred since the West Fayetteville Bypass was planned, and how rising costs on road materials, gas, oil, and other commodities will have a negative impact on the County’s budget. She suggested if the Board was comprised of good businessmen, they would tell the developers “to build their own road”. She closed saying developers will not build in today’s economy, citizens cannot afford to buy developments, and the county could potentially “spend all its money on roads.”

Andrea Lyle: Ms. Andrea Lyle announced that she had a job after four years of looking for one. She spoke about how she left Atlanta for Clayton County, then left Clayton County to come to Fayette County, and is now looking to leave Fayette County and to move out of the State of Georgia. She asked the Board to stop the frivolous spending of taxpayers’ dollars because the nation is in a recession. She added that she is against both the East and West Fayetteville Bypasses since they have a direct impact on greenspace in the county. She concluded that funds should be spent on law enforcement personnel, instead of the Bypasses, since crime is increasing, good citizens are leaving, and Fayette County will eventually become the “county of undesirables and thugs.”

Tom Waller: Mr. Tom Waller spoke against the West Fayetteville Bypass. He said the County had not presented demand data that justifies the road, and with today’s economy if this county “does not move forward on a moratorium on major capital expenditures for the next three to five years, you will wish that you had.”

CONSENT AGENDA:

Commissioner Brown asked to remove Consent Agenda Items 7, 8, 10, 11 and 12 for discussion.

Commissioner Brown moved to approve Consent Agenda Items 2-6, 9, and 13. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of a request from the Sheriff’s Department for permission to dispose of the 1971 Bell Helicopter purchased with Federal Seizure Funds which is no longer of service to the County.**
3. **Approval of the Sheriff’s Office request to amend the Overtime Budget for the Criminal Investigations Division by \$1,836.50 for reimbursement for employees assigned to work with various Federal Agencies.**
4. **Approval of staff’s request to grant a right-of-way easement to Georgia Power along State Route 74 South from Paschall Road to U.S. Post (Fayette County) Distribution Line, for the purpose of installing and maintaining two anchors, guy poles, and wires.**
5. **Approval of staff’s request for authorization to apply for an additional grant of \$5,000 from the Council of Juvenile Court Judges of Georgia for providing community alternatives to juvenile incarceration.**

6. **Approval of staff's recommendation to declare seventeen Mitel 4001 telephones and fifty Mitel power adapters as unserviceable surplus property, and to authorize staff to sell these items by utilizing the GovDeals internet web site.**

7. **Approval of an Ordinance establishing speed limits for Veterans Parkway, portions of which were formerly segments of Lester Road, Tillman Road, Sandy Creek Road and Heritage Farm Lane.**

Commissioner Horgan moved to approve Consent Agenda Item 7 as presented by staff. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

8. **Approval of Resolution No. 2011-05 abandoning and trading public road right-of-way of old Lester Road to Reynolds Development & Management Group for additional right-of-way needed along Lester Road from property within the Waterlace Subdivision.**

Commissioner Horgan moved to approve Consent Agenda Item 8 as presented by staff. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

9. **Approval of staff's request for authorization of an FY 2011 budget amendment of \$1,200 in revenue and expenditures accounts to fund the continuation of a youth program used by Juvenile Supervision personnel.**

10. **Approval of a request from the Fayette County Civitan Club for a Proclamation of Appreciation designating February 25, 2011 as "Clergy Appreciation Day".**

Commissioner Brown moved to approve the Proclamation of Appreciation designating February 25, 2011 as "Clergy Appreciation Day". Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

11. **Approval of amendments to County Policy No. 100.03 which provides guidance for the development of agendas for County Commission meetings.**

Commissioner Brown noted that County Policy No. 100.03 was provided in the Agenda Meeting packet, but a newer one that more accurately reflected the decisions reached by the Board during its recent retreat was available on the dais and obtainable from Executive Assistant Carol Chandler.

Commissioner Brown moved to approve County Policy No. 100.03 as newly provided and available on the dais. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

12. **Approval of amendments to County Policy No. 100.05 which provides guidance for the development and/or amendment of county codes, ordinances, rules or regulations and policies, including the introduction of new initiatives.**

Commissioner Horgan moved to adopt County Policy No. 100.05 as presented by staff. Commissioner Hearn seconded the motion. Commissioner Brown stated he could not vote for the policy since it presents a double standard. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

13. **Approval of the February 2, 2011 Board of Commissioners Workshop Minutes.**

OLD BUSINESS:

14. Further consideration of an appointment to the Board of Elections.

Commissioner Hearn nominated Addison Lester for appointment to the Board of Elections.

Commissioner Brown nominated Marilyn Watts for appointment to the Board of Elections.

Commissioner Horgan moved to close nominations for an appointment to the Board of Elections. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Hearn moved to appoint Mr. Addison Lester to the Board of Elections. Commissioner Horgan seconded the motion. Commissioner Brown explained why he could not vote in favor of the nomination and motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

15. Consideration of a request from the Town of Tyrone for Special Purpose Local Option Sales Tax funding of a transportation scoping study along Tyrone-Palmetto Road, identified as SPLOST Project No. R-1.

Commissioner Horgan moved to approve staff's recommendation to budget \$30,000 for the funding of a transportation scoping study along Tyrone-Palmetto Road, known as SPLOST project No. R-1, and to authorize the Chairman to execute an Intergovernmental Agreement with Tyrone upon approval by the County Attorney. Commissioner Hearn seconded the motion. The motion passed unanimously.

16. Consideration of a request from the town of Tyrone for the County Road Department to provide necessary equipment and labor for drainage and paving improvements to 1,700 feet of Valleywood Road from Senoia Road to the stream.

Commissioner Hearn suggested that the Town of Tyrone should be responsible for staking the limits of the right-of-way through a surveyor. He said he has had problems with property in his past experience, and he has learned that it is a good way to handle this type of work. Richard Newbern, Tyrone's Town Manager, spoke up and reported that the Town of Tyrone had no problem with Commissioner Horgan's suggestion.

Commissioner Horgan moved to authorize the Chairman to sign an Intergovernmental Agreement between Fayette County and the Town of Tyrone permitting the Fayette Road Department to provide necessary equipment and labor for drainage and paving improvements to 1,700 feet of Valleywood Road, from Senoia to the stream, and to require the Town of Tyrone to be responsible for staking the limits of the right-of-way through a surveyor as suggested by Commissioner Hearn. Commissioner McCarty seconded the motion. The motion passed unanimously.

17. Consideration of staff's recommended scope, alignment and funding strategy for Special Purpose Local Option Sales Tax (SPLOST) Project No. R-8, known as the East Fayetteville Bypass.

Commissioner Horgan moved to approve the conceptual East Fayetteville Bypass alignment, known as SPLOST Project No. R-8, as shown on Exhibit A, with 120-ft ROW (typical) and the allocation of transportation SPLOST dollars for engineering, right-of-way, and local matching funds as needed from state, regional SPLOST, and/or federal dollars for construction. Commissioner Hearn seconded the motion. The motion passed unanimously.

18. Consideration of staff's request that the Board of Commissioners establish the Budget Calendar and Policy for Fiscal Year 2012 which begins July 1, 2011 and ends June 30, 2012.

Commissioner Brown moved to approve the Fiscal Year 2012 Budget Calendar and Budget Policy as presented. Commissioner McCarty seconded the motion. Commissioner Hearn commented. The motion passed unanimously.

NEW BUSINESS:

19. Consideration of staff's request for authorization to proceed with having a Certified Rebuild performed on a Caterpillar D6H Dozer belonging to the Road Department at a cost estimated at \$184,324; and a request that the funding come from the County's Contingency Fund.

The Board tabled Agenda Item 19 and directed that the issue returns to the Board at the March 10, 2011 meeting.

The Board further consented to allow staff to consider researching other used equipment, to authorize staff to have the latitude to sole source the equipment in order to identify the best piece of equipment available, and to enable staff to look at other functional models or units that may be more conducive for County operations.

20. Consideration of adoption of the January 27, 2011 Board of Commissioners meeting minutes. Commissioner Hearn was not present for this meeting.

Commissioner Horgan moved to approve the January 27, 2011 Board of Commissioners Minutes. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Hearn abstaining from the vote.

REPORTS:

ADMINISTRATOR'S REPORTS

Create Community Award: County Administrator Jack Krakeel announced that Fayette County had won the Create Community Award for 2010 as given by the Atlanta Regional Commission. He explained that this award was given to recognize and honor outstanding municipalities and counties for innovation and best practices in five different local government criteria of focus. He informed the Board that Fayette County won the award in the category of Community Involvement and Collaboration. He added that the County won its award due through the efforts involved with the "Legacy Build" project. He noted that Commissioner Horgan was heavily involved with the "Legacy Build" project along with multiple community organizations. He summarized that the County was being awarded for its initiative and will receive the award at the 6th Annual Local Government Awards Breakfast to be held on March 3, 2011 at the Lauder milk Center in Atlanta. He stated that the County had received four complimentary tickets to the breakfast, and four additional tickets will cost \$75. He asked the Board who they wanted to designate to go to the breakfast to accept the award on behalf of Fayette County.

Commissioner Horgan stated he would be happy to go and accept the award on behalf of Fayette County. Commissioner McCarty also stated he wanted to attend the award ceremony.

COMMISSIONERS REPORTS

Commissioner Steve Brown: Commissioner Brown commented on the civility of the meeting with respect to agenda items that had previously been discussed at the Board Retreat held on February 11-12, 2011. He spoke about a meeting he had with Mr. David Wimmer concerning the East Fayetteville Bypass and related concerns with the project. He announced that he placed a resolution regarding mass transit on the March 2, 2011 Workshop agenda, and he encouraged citizens to write their comments to the Board. He closed his remarks speaking about the proposed “outer loop”, as planned by the Atlanta Regional Commission, and the impact it could have on Fayette County. He suggested that this concern would be placed on an upcoming agenda and that the Board “best take a position on it at some point or another.”

Vice-Chairman Robert Horgan: Vice-Chairman Horgan stated that his comments were intended for clarification purposes, and he spoke about how there was discussion about how the County notified citizens of the surveying other work associated with the West Fayetteville Bypass. He asked Public Works Director Phil Mallon to speak on the issue of the use of county letterhead to inform impacted citizens of projects associated with the West Fayetteville Bypass. Mr. Mallon explained why that decision was made and steps to how notification on these issues may take place going forward.

Commissioner Lee Hearn: Commissioner Hearn commented on the Board Retreat held on February 11-12, 2011. He thanked Commissioners Brown and McCarty, and he thought their comments were well received. He stated there was a commonality in terms of where the County wanted to go with the Commission body, and the way the budget should be put together. He stated that the Board has some tough choices to make in terms of how the budget is handled, and the way the County manages its revenues. He addressed Tom Halpin’s discussion about a traffic signal at State Route 85 and Harp Road. He explained that the ultimate decision on that traffic light belongs to the Georgia Department of Transportation, and the way the County helps with that decision is by providing updated accident counts at that intersection. He said he knew there were many accidents at that intersection, but to date the County has not been able to convince the GDOT that a traffic signal is needed at that location, even though staff is still under direction to work on that project.

Commissioner Allen McCarty: Commissioner McCarty agreed with Commissioner Hearn saying it was a very good Board Retreat, and that the meeting resulted in some accomplishments and that there are some issues that remain to be resolved. He announced that he was present with the Board and the citizens who came on the evening of his 49th anniversary. He said his wife was in the audience until she had to take her mother home, so that was an example of his dedication. He noticed that a Fayette County veteran came home this week and the Patriot Guard Riders rode alongside him on his way home. He congratulated the veteran for returning home safely, and thanked the Patriot Guards for participating. He wondered how the veteran felt coming home after he risked his life defending the country and its freedoms, only to find his county taking peoples’ lands regardless of whether they want to sell it or not; including a piece of his own property. He said he was personally offended by the name “Veterans Parkway”, and that he had spoken to many veterans who are also offended by that name. He recommended that at some point and time that the County change the name to another name.

Chairman Herb Frady: Chairman Frady replied that he is a veteran, and he is not for or against the name of Veterans Parkway. He said he wanted to name it something else, but he is a veteran and he is not offended by it being there. He stated that the Board is considering holding an open house meeting where the County can explain its ongoing projects, the reasons for them, and to provide additional information. He said people need to come to the meetings, since the Board has sat in meetings for years “with only five people sitting in the audience”. He said that was not right since Fayette County is the citizens’ county. He said the Board often has to do certain things that it is obligated to do as well, and that he knew that when the Board makes a decision at meetings it will make at least 51% of the people

angry because it is a decision that alienates people on one side or the other from time to time. He said the Board would have to do the best it could, and to make the best decisions it could make, in order to keep the County moving in a direction that is best for it. He said it was tough to do.

EXECUTIVE SESSION

Real Estate Acquisition: County Administrator Jack Krakeel announced that Real Estate Acquisition needed to be discussed in Executive Session.

Commissioner Hearn moved to recess into Executive Session to discuss matters of Real Estate Acquisition. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:08 p.m. and returned to Official Session at 9:39 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating two matters of Real Estate Acquisition were discussed in Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT

Commissioner Horgan moved to adjourn the February 24, 2011 Board of Commissioners meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

Floyd L. Jones, Deputy Clerk