



Action Agenda

Board of Commissioners
June 9, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, June 9, 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 meeting to order at 7:01 p.m.
Commissioner Hearn gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan moved to Accept the Agenda as published. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING

1. Public Hearing on the County's proposed annual budget for fiscal year beginning July 1, 2011 and ending June 30, 2012.

Finance Director Mary Holland spoke about the proposed annual budget for fiscal year beginning July 1, 2011 and ending June 30, 2012. She noted that two adjustments had been added to the proposed budget since the Board last met to discuss it at the June 1, 2011 Workshop meeting.

No one spoke in favor of or in opposition to the budget as printed and discussed.

The Board took no action, had no discussion, and gave no direction on this issue since the final public hearing and adoption of the budget is scheduled for June 23, 2011.

PUBLIC COMMENT

Donald Fowler: Mr. Fowler supported the continuance of public speaking during the Commissioner's meeting, and he suggested that the sign-in sheet be placed in a separate location in the room so that, while one is actually speaking, another can sign-up to speak. Mr. Fowler also spoke about not raising taxes, and about his support for House Bill 240, also known as HB240. He asked the Board to also support HB240 and allow the issue to be sent to the voters for their decision on transportation issues. He closed by asking the Board not to discourage beekeeping but, instead, to encourage the beekeeping hobby throughout the County.

Steve Smithfield: Mr. Smithfield spoke about an email he sent to each Commissioner concerning the financial difficulty faced in Fayette County and how HB240 could be utilized to relieve the financial pressure. He said for several years the citizens had been at odds with the Commissioners about the County's Special Purpose Local Option Sales Tax, or SPLOST, projects, and he urged the Board to consider HB240 as a solution to the County's problems.

Vic Remeneski: Mr. Remeneski noted that tax revenues are declining due to a drop in property values and businesses permanently closing, and that some were of the opinion that the way to curtail the decline was to increase the millage rate. He suggested that HB240, signed by Governor Deal, presented Fayette County with another option. He asked the Board to support HB240, and in so doing, enable the people to decide how to spend SPLOST funds. He closed by asking that Fayette County no longer send money to the regional authorities only to hope that the funds would be returned by the regional authorities to the county, and he suggested that Fayette County keep its own money for its own purposes.

David Hall: Mr. Hall spoke in favor of keeping public comment at the beginning of the agenda. He also stated that the Board, the Sheriff, and law enforcement officers should abide by the United States Constitution above every other law. He closed saying the country and the county cannot operate properly without input from its citizens.

Claude Key: Mr. Key reminded the Board that Governor Deal had signed HB240, and that the bill allows the citizens of Fayette County to have the opportunity to vote whether or not they want to continue the current road SPLOST projects in the county or if the voters want to utilize the SPLOST money to shore up declining funds and relieve the taxpayers of additional burden. He asked the Board to allow the citizens to vote on this issue.

Jane Gallo: Ms. Gallo spoke about two articles she read in local county papers, one of which she found "disturbing". The first article was about a possible change to the way the public is allowed to speak to the Board. She felt that some of the Commissioners were tired of listening to the people speak, and she asked the Commissioners who felt that way to resign. She said the second article was a "brilliant article" written by Commissioner Brown that advocated allowing the people of Fayette County to vote on what should be done with SPLOST money, which is really taxpayer's money.

Tom Halpin: Mr. Halpin began by quoting President Abraham Lincoln, and by doing so reminded all present that the government is "of the people, by the people, and for the people." He stated that the public should continue to be allowed to comment at the meeting, and that he was offended when the suggestion was made to move the suggestions because Boy Scouts could be in the audience. He said parents should decide whether or not they want their children to see their government in action, not the government itself.

David Barlow: Mr. David Barlow reminded the audience of the Biblical story of Moses and his confrontation with the Pharaoh of Egypt. He said he did not feel called or anointed like Moses was, but like Moses, he was calling on the Board to "let my people go." He continued that the Hebrew nation wandered in the desert for forty years due to "corrupt leadership". He then spoke about David and Goliath, and stated that the citizens of Fayette County are going to "slay

the corrupt, inept leadership of the County Board of Commissioners.” He reminded all to “not be deceived, God is not mocked. For whatsoever a man soweth, so shall he reap.” He closed saying all would stand before the Judge in the final judgment and would give an account for every idle word and deed.

Angela Hinton Fonda: Ms. Fonda spoke about her concerns with the proposed changes to local legislation pertaining to the procurement procedures for Fayette County. She asked the Board not to approve the proposed changes to the local legislation. She said the United States is a nation born of dissent, and that while she may not like or agree with others, she would stand forever to defend the people’s right to say it. She asked the Board to “please treat the citizens of Fayette County, in their dissent, carefully [and] thoughtfully”.

Paul Parchert: Mr. Parchert supported the previous comments concerning HB270. He said he often sees politicians running for office by telling their constituents what they want to hear, but as soon as they get into office they begin listening to special interest groups and people that can buy influence. He said it was time for the Commissioners to listen to citizens who do not want the West Fayetteville Bypass and who want their money spent “smartly and efficiently.” He acknowledged that the Commissioners were put into office by the citizens, but he was disappointed that public officials cannot be fired as quickly as employees in the private sector.

Darwin Edwards: Mr. Edwards said he was hearing charges of corruption and that the Board does not want to listen to the citizens. He said it made him sick to think that in Fayette County, and in the United States, that the government will not listen to the people. He said corruption and allowing the people to speak are two issues that were very important to him.

J.D. Holmes: Mr. Holmes spoke about the distinction between the Jeffersonian and Jacksonian political philosophies. He said the Jeffersonian philosophy is a British, elitist philosophy that leads to the perception, if not the reality, of conflicts of interest, payoffs, and backroom deals. He said the Jacksonian philosophy is the more egalitarian and democratic philosophy. He thought each Commissioner loves Fayette County as much as everyone in the room, but some of the Commissioners have been acting like Jeffersonian politicians by ignoring the will of the people. He implored the Commissioners to lay aside its personal agendas, adopt the provisions of HB240, and allow the taxpayers to guide them.

Bob Ross: Mr. Bob Ross agreed with Chairman Frady that there needed to be order and decorum in the County’s meetings, and that the citizens should demonstrate their respective positions by becoming involved with the County. He thanked County staff, including Finance Director Mary Holland, for her professional work on the budget. He said it was important to recognize the “positive aspects” occurring in the county, and that Ms. Holland, County Administrator Jack Krakeel, and the County engineer demonstrated those positive aspects. He spoke of a few “missteps” that had occurred recently, and how efforts had been made to correct them. He reminded the Board that the primary business of Fayette County was its citizens. He said HB240 should be supported since it gives everybody the ability to “step back”, to reassess the changes that have occurred since 2004, and to possibly redirect current efforts. He said if a referendum were to be forthcoming, the citizens would vote as a body politic, that they would be informed, that they would make a decision, and then the citizens would support the outcome.

Pat Earnest: Ms. Earnest supported HB240 and she said it sounds like an excellent opportunity for the County to help offset what looks like an extremely dire situation with the budget. She said reallocating SPLOST funds would be “a huge hit for the County”, and it would also give the citizens the opportunity to do the right thing and do something that would benefit everybody in the county.

J.D. Dierkschneider: Ms. Dierkschneider asked "What would a prudent man do?" She said if any of the Commissioners have hung around a courthouse for any length of time, they would know that many of the judicial decisions hinge on that question. She said that through apathy or ignorance, the citizens of Fayette County opened the door to the West Fayetteville Bypass, and she did not understand why some of the Commissioners are not hearing the citizens regret that decision. She said the State of Georgia had given the citizens a blessing by allowing them to have a second chance. She asked the Commissioners to be prudent, to be reasonable, and to allow the citizens to understand the issues and vote with some type of intelligence.

Denise Ognio: Ms. Denise Ognio stated to Chairman Frady that she understood that he is trying to give speakers their five minutes to speak, and that sometimes those in the audience disrupt the speaker. She said if anyone behind her agreed with the speakers that have come to speak, would they please stand and clap, and use her five minutes to do so. A large majority of those in the room stood and clapped.

CONSENT AGENDA

Commissioner Horgan moved to accept Consent Agenda Items 2-16. Commissioner Hearn seconded the motion.

Commissioner Brown asked to remove Consent Agenda Items 8, 10, 12 and 15.

Commissioner Horgan revised his motion to accept the Consent Agenda Item with the exception of Consent Agenda Items 8, 10, 12 and 15. Commissioner Hearn seconded the motion. No further discussion followed. The motion passed unanimously.

- 2. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney.**
- 3. Approval of staff's request that the County enter into an Intergovernmental Agreement with the City of Fayetteville allowing the Fayette County Board of elections to act as Superintendent of Elections for all elections held in Fayetteville in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney.**
- 4. Approval of staff's request that the County enter into an Intergovernmental Agreement with the City of Peachtree City allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney.**
- 5. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Tyrone allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held n Tyrone in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney.**
- 6. Approval of staff's request that the County enter into an Intergovernmental Agreement with the Town of Woolsey allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2011; and authorization for the Chairman to execute said agreement following its review by the County Attorney.**

7. **Approval of staff's recommendation to declare ten county vehicles as unserviceable, to sell the vehicles utilizing the GovDeals internet website, and for all sales proceeds to be returned to the Vehicle Replacement Fund.**
8. **Consideration of staff's request to enter into a contract with AT&T for T-1 communications service, for 35 months at a cost of \$4,557.15 per month; and authorization for the Chairman to sign said contract contingent upon the County Attorney's review.**

Commissioner Brown asked staff if this request could be bid out and if there are competitors that the work could be bid to. Communications Director Cheryl Rogers answered Commissioner Brown's questions. Commissioner McCarty also spoke about his experience in broadcasting and how AT&T was a very good company for this type of service.

Commissioner Horgan moved to accept Consent Agenda Item 8 as presented by staff. Commissioner McCarty seconded the motion. No further discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition.

9. **Approval of staff's recommendation to continue the maintenance agreement between Fayette County and Motorola for the 800 MHZ ASTRO Simulcast System; and to authorize the Chairman to sign the renewal contract, pending the County Attorney's review, in the amount of \$483,625.52, for a term beginning July 1, 2011 and ending June 30, 2012.**
10. **Approval of the Sheriff's Office request to declare 379 cellular telephones, wireless internet cards, and related ancillary equipment as unserviceable, and authorization to dispose of said items.**

Commissioner Brown asked if the phones were "turned in for cash" or were they simply destroyed. He noted that as PTO President of Booth Middle School, the children were asked to bring in unused cell phones and the school made about \$4,000 from them. Sheriff Wayne Hannah answered saying the concern was with the security of information on the phones, and he gave explanation of what would occur with the phones.

Commissioner Brown moved to approve Consent Agenda Item 10 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

11. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by \$2,316.92 for reimbursement for employees assigned to work with various Federal Agencies.**
12. **Approval of the Sheriff's Office request to authorize the Chairman to execute title documents and all other required documents related to the acquisition of a 2011 Chevrolet Tahoe which has been purchased and assigned to the Sheriff's Office Field Operations Division.**

Commissioner Brown informed the Sheriff that one of the most common complaints that he hears is from citizens who question why County staff and the Sheriff have to drive such large vehicles, and he asked what was the reason to purchase a Chevrolet Tahoe. Sheriff Hannah answered the Commissioner's concerns by explaining the needs and specialty of the Tahoe.

Commissioner Brown moved to approve Consent Agenda Item 12 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

13. **Approval of the Water Committee's request to insert a mailer addressing septic tank maintenance in water bills mailed to customers in unincorporated Fayette County.**
14. **Approval of a request from the Sheriff's Office for authorization to dispose of uniforms and equipment no longer of use to the Department.**
15. **Approval of the Water Committee's recommendation that the County continue the Metropolitan North Georgia Water Planning District Toilet Rebate Program, including an additional \$25,000.00 in funding.**

Commissioner Brown said he was disturbed about this issue since a person would get a \$50 rebate but it costs \$10 for the district to process it. He asked why it costs \$10 to process the rebate. Water System Director Tony Parrott answered Commissioner Brown's question, and he explained the program at Commissioner Hearn's request.

Commissioner Brown moved to approve Consent Agenda Item 15 as presented. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

16. **Approval of the May 26, 2011 Board of Commissioners Minutes.**

OLD BUSINESS

17. **Consideration of Resolution 2011-09 which amends local legislation pertaining to Fayette County's authority to establish rules and regulations related to the purchase of goods and services for the County. This action is being taken primarily to expedite the purchase of fuel, which can result in a savings to the County.**

County Attorney Scott Bennett spoke about this issue and answered questions from the Board.

Commissioner McCarty moved to approve Resolution 2011-09. Commissioner Horgan seconded the motion. Discussion followed. The motion passed unanimously.

18. **Consideration of staff's request to award Bid #782 to Spillman Technologies, Inc. in the amount of \$179,854 for the purchase of a Computer Aided Dispatch (CAD); to authorize staff to utilize \$149,650 for related hardware costs and the installation of a new electrical circuit; and to authorize the Chairman to execute subsequent related contracts and documents contingent upon the County Attorney's review.**

Communications Director Cheryl Rogers spoke about her request and answered questions from the Board.

Commissioner Horgan moved to approve staff's request to award Proposal #P782 to Spillman Technologies, Inc. in the amount of \$179,854 for the purchase of a Computer Aided Dispatch (CAD), to authorize use of \$149,650 for related hardware costs and the installation of a new electrical circuit, and to authorize the Chairman to execute the forthcoming contract upon the County Attorney's review. Commissioners Hearn and Brown seconded the motion. No discussion followed. The motion passed unanimously.

TEMPORARY RECESS

The Board entered into a temporary recess at due to an electrical storm and power outage. The recess took place during New Business 19 and began at 8:17 p.m. and ended at 8:21 p.m.

NEW BUSINESS

19. **Consideration of staff's request to reimburse the Water System's Fiscal Year 2011 Revenue Budget Account and to increase its Fiscal Year 2011 Intergovernmental Transfer Budget Account, utilizing Special Purpose Local Option Sales Tax funds in the aggregate amount of \$105,131, for relocating waterlines at two intersections.**

Water System Director Tony Parrott and Finance Director Mary Holland spoke about the request and answered questions from the Board.

Commissioner Hearn moved to approve staff's request to reimburse the Water System's Fiscal Year 2011 Revenue Budget and to increase its Fiscal Year 2011 Intergovernmental Transfer Budget Account, utilizing Special Purpose Local Option Sales Tax (SPLOST) funds in the aggregate amount of \$105,131, for relocating waterlines at two intersections. Commissioner Horgan seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

20. **Consideration of a contract with Mallett Consulting, Inc. for engineering services, including design, plans, specifications, bid documents and contract administration, and project management of the Magnetic Ion Exchange Treatment Process Upgrade Project at the Crosstown and South Fayette Water Treatment Plants at a cost not to exceed \$540,000.**

Water System Director Tony Parrott explained this request and answered questions from the Board. County Administrator Jack Krakeel provided information about this request to the Board.

Commissioner Hearn moved to approve a contract with Mallett Consulting, Inc. for engineering services, including design, plans, specifications, bid documents and contract administration, and project management of the Magnetic Ion Exchange Treatment Process Upgrade for the Crosstown and South Fayette Treatment Plant for a cost not to exceed \$540,000. Commissioner Horgan seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

21. **Commissioner Brown would like to discuss "reassessing Transportation Special Purpose Local Option Sales Tax projects in a difficult budgeting environment when governmental expenses are climbing and revenues continue to drop."**

Chairman Frady noted that he had not seen information provided by Commissioner Brown shortly before the meeting, that he did not know what was in the information provided, and since information was not allowed to be presented at the last minute he wanted to table the request until the next meeting so that all the Commissioners would have the ability to review the material. He also informed Commissioner Brown that presenting the material was not in keeping with the County's policy.

Commissioner Brown moved to “override the Chairman’s unauthorized use of power and that the Board continue with the presentation as I followed procedure and presented according to the regulations as listed by the County.” Commissioner McCarty seconded the motion. The motion failed 2-3 with Chairman Frady and Commissioners Hearn and Horgan voting in opposition. Further discussion followed.

Chairman Frady announced that a vote had already occurred on this matter and that the Board would continue with the remainder of the agenda.

The Board decided not to proceed further with this request and discussion.

ADMINISTRATOR’S REPORTS

There was no Administrator’s Report.

COMMISSIONERS’ REPORTS

Commissioner Allen McCarty: Commissioner McCarty spoke about the finances of the County and the citizens of Fayette County. He referenced the newspaper and stated that he had counted 121 legal notices concerning home foreclosures in the County. He said every time he looks at the paper, the number of foreclosures is sizeable. He said it is discouraging to the citizens of Fayette County, and he thought the Board needed to look at every way it could to save money and do whatever it takes to help the people keep their homes and stay in the county. Chairman Frady agreed with Commissioner McCarty.

Commissioner Lee Hearn: Commissioner Hearn stated he had one question but was interrupted by Commissioner Brown who asked if the Commissioner had submitted the materials he was about to speak about before now.

Commissioner Brown protested the question and left the Board of Commissioners meeting at 8:42 p.m. Commissioner Hearn deferred his question to a later date.

EXECUTIVE SESSION

Real Estate Acquisition: Commissioner Horgan moved to recess into Executive Session to discuss Real Estate Acquisition. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0. Commissioner Brown was not present for the vote.

The Board recessed at 8:52 p.m. and returned to Official Session at 9:14 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition was discussed in Executive Session. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0. Commissioner Brown was not present for the vote.

ADJOURNMENT

Commissioner Hearn moved to Adjourn the June 9, 2011 Board of Commissioners meeting. Commissioner seconded Horgan seconded the motion. No discussion followed. The motion passed 4-0. Commissioner Brown was not present for the vote.

The Board adjourned at 9:15 p.m.

Floyd L. Jones, Deputy Clerk