



Action Agenda

Board of Commissioners

August 25 , 2011

7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, August 25, 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

Prior to the start of the Commission meeting, Legislative Director Clint Mueller for the Association of County Commissioners of Georgia recognized Senator Ronnie Chance for the outstanding job he has done representing the interests of the County Officials who are representing the interests of their constituents. He presented Senator Chance with a limited edition print of the State Capital.

**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. Presentation of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System Comprehensive Annual Financial Reports (CAFR) for the fiscal year ending June 30, 2010.

County Administrator Jack Krakeel recognized and the Board presented Chief Finance Officer Mary Holland and Assistant Finance Director Toni Jo Howard with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System Comprehensive Annual Financial Reports (CAFR) for the fiscal year ending June 30, 2010.

Public Hearing:

2. Consideration of a Packaged Beer and Wine License for Janata Enterprises, Inc. d/b/a MD Food Mart, 2400 SR 138, Fayetteville, Georgia, Mohsin Dhanani, Chotubhai Dhanani, Dilshad Dhanani, Owners, and Mohsin Dhanani, Applicant. This property is located in Land Lot 198 of the 13th District, fronts on SR 138 and SR 314, and is zoned C-C. This is for a Change of Ownership only.

Commissioner Horgan made a motion to approve the packaged beer and wine license for Janata Enterprises, Inc. d/b/a MD Food Mart, 2400 SR 138, Fayetteville, Georgia. Commissioner Brown seconded the motion. The motion carried 5-0.

3. Consideration of the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access.

Commissioner Horgan made a motion to approve the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access. Commissioner Hearn seconded the motion. The motion carried 5-0.

4. Third Public Hearing on proposed 2011 Property Tax Millage Rates. Following the conclusion of the hearing, the Board will consider the adoption of Resolution No. 2011-13 which establishes ad valorem tax millage rates for 2011.

Chief Finance Officer Mary Holland presented this item for discussion. The Board heard comments from the following citizens stating their opposition to the proposed 2011 property tax millage rates: Pat Earnest, Gordon Furr, David Hall, Ginga Smithfield, Tom Waller, Randy Ognio, Nancy Giertych, Steve Smithfield, and David Barlow.

Commissioner Horgan made a motion to adopt Resolution No. 2011-13 which establishes ad valorem tax millage rates for 2011. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Public Comment:

Roy Bishop: Mr. Bishop commented on the rumors of a new bridge on Westbridge Road. He remarked that County Administrator Jack Krakeel and Public Works Director Phil Mallon had come out to this area and discussed a different route that would eliminate two curves. He said he agreed with them and they all felt this would be a better solution. He said now the new plan would have the road within 60 feet of his front door as well as a guardrail in his front yard. He expressed concern with the new plan and asked this plan to be postponed until a later date when additional funding might be available.

Dennis Chase: Mr. Chase expressed concern with any kind of additional fees for stormwater being placed on citizens during a very difficult economy. He said Stormwater Director Vanessa Birrell had been very clear when he asked her if there was something that was not being done by the stormwater department right now and she said the County was meeting the minimum requirements of the State as set before us. He said the County was about to increase the budget of the stormwater department by 300% to 500% at a time when the citizens are facing opposite issues. He said when this issue comes before the Board, there would need to be some real solid reasons for having a stormwater utility.

David Hall: David Hall said this time reminds him of a past time when the people who held office were like the citizens in the audience. He said this Board of Commissioners could not put their interests above the interests of Fayette County. He said the citizens of Fayette County make Fayette County what it is. He said there were natural consequences to the building of the West Fayetteville Bypass and the increase in the Millage rates rather than choosing other solutions that would be far better and far safer for the fiscality of Fayette County. He asked the Board to work with the citizens so that the County could prosper and everybody be winners. He said he would support David Barlow for the Chairman's post. He said one day he also intended to run for this Board. He said he loved Fayette County and he wanted things to be done that were right. He said he was tired of citizens' rights being violated.

Randy Ognio: Randy Ognio commented on consent agenda item no. 9 regarding modification of the Backflow Containment Policy to allow testing on backflow preventers that are not performed by the owners of the backflow preventers and then bill the owners. He asked why this was being modified when some of the backflow preventors were not the County's. He also commented on consent agenda no. 11 regarding Ordinance No. 2011-06. He said it appeared that the Board was enforcing that Ordinance today when it was not properly passed at the last Board meeting. He said if it was passed at the last Board meeting, then it would not be on the agenda tonight to reaffirm. He said the Ordinance was not posted properly, not numbered and the motion was not made correctly to vote on it, and now it still has the date of the last Board meeting of August 11, 2011 on it as the adoption date. He said this Board was trying to enforce an Ordinance that was not passed properly and this Board should allow anyone who raises their hand tonight to be allowed to speak.

Tom Waller: Tom Waller commented on the paving of Sandy Creek Road and Flat Creek Trail. He said in his opinion neither of these roads needed to be repaved. He felt County money was not being spent wisely. He said he did not know the criteria for repaving but during the last year he had never seen a presentation by staff as to specific roads that were going to be paved. He said the final decision of any road should come to this Board for a decision. He said roads did not need to be repaved in order to just spend money. He said it is coming across to the citizens that this Board is just spending money.

Denese Ognio: Denese Ognio asked the Board to review Ordinance No. 2011-06 which addresses the procedures, decorum and rules of order used for conducting County Commission meetings. She said she worked in Newnan and was not able to get here 15 minutes early to sign up for public comment. She said she would appreciate the opportunity to speak especially if she was late in arriving to the Board meeting. She asked the Board to look at this Ordinance again and realize that a lot of citizens do care and would like to be able to speak up about issues. She said she had arrived at the meeting tonight at 7:01 p.m. She also commented on something she saw in the local newspaper that caused her great concern regarding a national group of atheists who have asked one of the other County organizations to not have only Christian prayers. She said she was asking this Board to be prepared because this issue will come to this Board and it was a matter of time. She said we are a Nation under God and we are a Christian Nation and she urged the Board when this comes up to be prepared to discuss this and stand behind the fact that we are one Nation under God and only have prayers and invocations of that. She also noted that there were zero people who stood up and spoke tonight in favor of the millage rate. She said she hoped Commissioner Hearn's statement that Fayette County was not a business was on the front page of the newspaper. She remarked that Fayette County was a business.

Consent Agenda: Commissioner Brown requested consent item nos. 11 and 12 be removed for discussion. Commissioner Horgan made a motion to approve consent item nos. 5-13 with the exception of consent item nos. 11 and 12. Commissioner Hearn seconded the motion. The motion carried 5-0.

5. Approval of staff's recommendation to adopt Policy No. 300.07 which amends the County's Reserve Fund Policy in compliance with the Governmental Accounting Standards Board (GASB) Statement No. 54.

6. Consideration of Sheriff's Office request to provide additional funding to complete Vehicle Replacement Project 1323A by \$8,997.
7. Approval of Memorandum of Understanding between Fayette County Emergency Management and the Fayette County Board of Education for the use of Sandy Creek High School for the Atlanta Regional Evacuation Plan Evacuee Transfer Point; and authorization for the Chairman to execute said MOU pending the County Attorney's review.
8. Approval of staff's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380.
9. Approval of the Water Committee's recommendation to approve modification of the Backflow Containment Policy.
10. Ratification of the Board's action on August 11 to award the annual contract for Waterline Extensions for Fiscal Year 2012 to the low bidder, Lantz Construction, in the amount of \$765,355; and to authorize the Chairman to execute said contract, pending review by the County Attorney.

Consent Agenda Items #11 and #12 were removed for discussion:

11. Reconsideration of Ordinance No. 2011-06 which addresses the procedures, decorum, and rules of order used for conducting County Commission meetings.
12. Approval of staff's request that the Board reaffirm adoption of Ordinance No. 2011-06 which addresses the procedures, decorum, and rules of order used for conducting County Commission meetings.

Commissioner Brown expressed concern with the sign in requirement prior to a meeting for public comment. He read into the record his concerns about Ordinance No. 2011-06. He said the only reason he would vote in favor of this Ordinance tonight was so he could bring this item back up later in order to make changes. He said if he was on the losing end of the vote, he would not have the ability to bring it back to the Board in order to make changes. He said he was voting in favor of this Ordinance even though he opposed it. He said, if he could gain a third vote, he would bring this item back to the Board and it would subsequently be changed.

Commissioner Horgan made a motion to approve consent agenda item nos. 11 and 12 as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

13. Approval of minutes for Board of Commissioners' meetings held on August 3, 2011 and August 11, 2011.

Old Business:

14. Consideration of staff's request to approve Contract Addendum No. 1 (Proposal P764) with Jacobs Engineering Group, Inc. authorizing expenditures not-to-exceed \$19,800 to complete data collection and design for the Phase I Methane Remediation Plan for the First Manassas Mile Road Southside Landfill; and authorization for the Chairman to sign said contract.

Commissioner Horgan made a motion to approve Contract Addendum No. 1 (Proposal P764) with Jacobs Engineering Group, Inc. authorizing expenditures not-to-exceed \$19,800 to complete data collection and design for the Phase I Methane Remediation Plan for the First Manassas Mile Road Southside Landfill and authorization for the Chairman to execute the contract. Commissioner Hearn seconded the motion. The motion carried 5-0.

New Business:

15. Consideration of a request for support of efforts to establish a "Certified Literate Community" Program in Fayette County; and authorization for the Chairman to execute Resolution No. 2011-14.

Commissioner Brown made a motion to adopt Resolution No. 2011-14 supporting efforts to establish a "Certified Literate Community" Program in Fayette County and authorization for the Chairman to execute the Resolution. Commissioner Horgan seconded the motion. The motion carried 5-0.

Administrator's Reports:

None.

Commissioners Reports:

Commissioner Steve Brown: Commissioner Brown remarked that the State Legislature had dropped all plans to move the date of the 2012 Transportation referendum in the Special Session. He said he wanted to thank all of the citizens who phoned, faxed, and got in touch with elected representatives who were overwhelmed by the response. He said he was proud of Fayette County for getting involved at the State level. He said he was extremely concerned about what he called the "MARTA Republicans" along with Governor Deal and Atlanta Mayor Reed and the Metro Chamber of Commerce seem to be wanting to change the rules on the 2012 Transportation referendum. He said another Legislative Session would begin in January, 2012 and the date could be changed in that Session as well. He urged everyone to be vigilant and make sure that when the Session opens in January that everyone was making those same phone calls, faxes and same requests. He said it was absolutely essential that this be done.

Chairman Herb Frady: Chairman Frady remarked that there would be a Transportation Investment Act Community Open House by representatives of the Atlanta Regional Commission here in the Public Meeting Room at the Administrative Complex Tuesday, September 20, 2011 from 6:00 p.m. to 8:00 p.m.

County Attorney Scott Bennett: County Attorney Scott Bennett requested an Executive Session to discuss a litigation matter.

Executive Session: Commissioner Horgan made a motion to adjourn to Executive Session to discuss a litigation matter. Commissioner Hearn seconded the motion. The motion carried 5-0.

Chairman Frady reconvened the meeting at this time. Commissioner Brown made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that a legal matter was discussed. Commissioner McCarty seconded the motion. The motion carried 5-0.

Adjournment: Commissioner Brown made a motion to adjourn the meeting at 8:49 p.m. Commissioner Horgan seconded the motion. The motion carried 5-0.