



Action Agenda

Board of Commissioners
September 22, 2011
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, September 22, 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

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

Acceptance of Agenda: Commissioner Hearn made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Public Comment:

David Hall: David Hall expressed concern with some of the Board's actions regarding the West Fayetteville Bypass, public comment and taxes. He felt this Board has conspired to pass its wants and not the wants of the Fayette County citizens. He said the Fayette County government was employed by the Fayette County citizens. He said the Constitution was crafted to expand and allow free speech and taxation with representation. He said this Board has had Fayette County dependent on its actions but God was in control. He said there was no place for this kind of behavior in this Country. He asked that the Board correct these concerns shared by himself and many citizens of Fayette County.

Dennis Chase: Dennis Chase expressed his continuing concerns with the proposed Stormwater Ordinance and Management Program that is on the agenda for consideration tonight. He pointed out that the public input on this issue has been close to zero from the very beginning. He said the proposed ordinance for consideration tonight was not the same ordinance that was discussed during prior meetings. He said this was a very different project before the Board tonight for consideration. He said this proposal was for a three year plan and there was nothing in this plan that addressed the serious issue of replacement of culverts. He asked where the 16 projects regarding these culverts went. He said staff had presented information regarding \$18 million worth of projects that are required. He asked what had happened to this. He said this plan was for a three year study to determine where those issues are. He said there had

been absolutely zero public input into what is going into this ordinance. He asked for the Board to discuss this issue further and allow the citizens to have input. He said he had discussed many issues and concerns that he has with this plan. He said when he questioned staff about a plan, he was informed that there was no plan and this information was in their heads. He said he found it unbelievable that there was an office in Fayette County that cannot tell anyone what they do, why they do it, how they do it, where they do it, and when they do it. He also questioned some of the figures presented by staff regarding minor operation and maintenance. He said there were so many mistakes in this proposed ordinance that if the Board approved this tonight it would be a huge mistake. He said approval of this ordinance would take the citizens of this county in the wrong direction.

Bob Ross: Bob Ross commented on the West Fayetteville Bypass project. He said he really had not spoken in favor or in opposition to this project but preferred to look at the various studies that define the need for this Bypass. He said he had completed a review of that and presented the Board with a report on his findings. He said he had also done an examination of U.S. Census data regarding traffic for the West Fayetteville Bypass. He said the data indicated a need for the West Fayetteville Bypass project but there was not an urgency for it now or by the year 2020. He noted that unfortunately neither G.D.O.T. or Street Smarts looked at the traffic counts on Gingercake Road to see what role that would play. He said he concluded that current economic malaise would continue to slow growth and the need for future traffic capacity.

Gordon Furr: Gordon Furr questioned the need for the West Fayetteville Bypass and the funds being spent on the project. He asked why nothing had been done on the straightening of the curve on S.R. 92 and Peters Road or the bridge on Westbridge Road. He asked where the money would come from for these projects. He suggested money be spent on these projects before it goes toward construction of the Bypass. He said he also disagreed with the requirement to sign in before a meeting in order to speak under public comment. He said he was concerned with people speeding to get here in order to sign in and possibly causing an accident. He said he still had not seen anything done on Kirkley Road. He said he would also like to see the Commissioners be held to same standards as the County employees for using illegal drugs. He said if a County employee is caught with illegal drugs, they are terminated. He said he loved Fayette County and had grown up here but three of the Commissioners were making it almost impossible to live here.

Chairman Frady suggested Mr. Furr speak with Public Works Director Phil Mallon on the work being done on the bridge on Westbridge Road.

Vic Remeneski: Vic Remeneski said he had comments to make tonight regarding the continued waste of taxpayers' money, funding the West Fayetteville Bypass and future waste of taxpayers' money regarding the transportation SPLOST. He said he had practiced his comments at home talking to a wall and at that time he realized that addressing his comments here would get the same results. He said he would save his breath and allow other citizens to speak.

Randy Ognio: Randy Ognio commented on the September 7th Workshop meeting. He noted that the new Ordinance No. 2011-06 which addressed the decorum, procedures and rules of order for conducting County Commission meetings does not recognize workshop meetings. He said there was no reference to such a meeting and no rules for such a meeting, and therefore there could not be such a meeting. He said everything that was done and voted on at the September 7th Workshop meeting could not legally happen. He said if the Board wanted to call that meeting a regularly scheduled Commission meeting, there was nothing posted about it being rescheduled or proper notification posted. He said the Agenda read Workshop Agenda. He commented on some of the Commissioners' comments during the discussion of the tax increase. He commented on consent agenda item #2 and questioned if the replacement price included lightning or surge protection to keep this from happening again. He also commented on agenda item #7 and

said he felt the County tax increase was larger than this Board wants the citizens to realize. He said if the Board approves the stormwater tax, it was clear that the Commissioners do not care about the citizens of Fayette County.

Nancy Giertych: Nancy Giertych commented that she had spoken at the last Commission meeting about the E-911 tax. She said as a Peachtree City resident she felt she was being triple taxed. She questioned consent agenda item #4 regarding an Automatic and Mutual Aid Agreement with Clayton County. She said her main reason for being at the meeting tonight was the West Fayetteville Bypass. She felt construction of the Bypass was very unreasonable in these bad economic times and disagreed with spending taxpayers' money in that way. She also commented on consent agenda item #3 and the issue of transferring budgeted funds from asphalt projects to go to technical services in the Road Department budget. She remarked that the West Fayetteville Bypass was a huge controversy. She called the Board's attention to a map that she presented indicating some alternative routes for the West Fayetteville Bypass. She said if the Board is determined to continue with the Bypass, that the Board save whatever taxpayers' money it could and repurpose it to things that do need to be paid for. She pointed out that a lot of the rural roads were not designed to handle tractor trailer usage. She also said the Board had named this highway Veterans Parkway and it really was the Fulton County to Fayette County crime alley.

Tom Halpin: Tom Halpin commented on bidding out County projects. He said the Board of Commissioners are the stewards of taxpayers' money. He said this Board did not know for sure what money was saved or wasted on County projects and could not tell the citizens if the correct amount was paid. He said a lot of projects are not bid out and this Board could not say for sure that the lowest price was paid to a company.

Consent Agenda: Commissioner Brown requested consent agenda items No. 2 and No. 4 be removed for discussion. Commissioner Brown made a motion to remove consent agenda items No. 2 and No. 4 from 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 Nos. 1 - 6 with the exception of No. 2 and No. 4. Commissioner Hearn seconded the motion. The motion carried 5-0.

1. Consideration of staff's recommendation to adopt an Amended Agreement between Fayette County and the University of Georgia Cooperative Extension; and authorization for the Chairman to execute the Amended Agreement.
2. Consideration of staff's recommendation to approve the replacement of an ASCO controller for an ATS (Automatic Transfer Switch) located at the Justice Center by Yancey Power Systems in the amount of \$5,358.87.

Commissioner Brown questioned if anything was being done in terms of lightning protection so this would not occur in the future. Building and Grounds Director Greg Ownby stated that the Judicial Center has lightning rods and resters but this was not a guarantee of protection from lightning He also discussed the surge protection for the Judicial Center.

Commissioner Brown made a motion to approve staff's recommendation to approve the replacement of an ASCO controller for an ATS (Automatic Transfer Switch) located at the Justice Center by Yancey Power Systems in the amount of \$5,358.87. Commissioner McCarty seconded the motion. The motion carried 5-0.

3. Consideration of staff's recommendation for approval to transfer adopted budgeted funds in the amount of \$80,852 from the asphalt and mowing projects salary line items to technical services within the Road Department budget.

4. Consideration of staff's recommendation to approve an Automatic and Mutual Aid Agreement between Fayette County and Clayton County Fire and Emergency Services; and authorization for the Chairman to execute said Agreement.

Commissioner Brown remarked that in the past Clayton County had an Agreement with Fayette County for mutual aid. He asked when the previous Agreement was in effect, what was the significance of the call load. Chief Tom Bartlett replied Clayton County did have stations positioned in areas where response times for Clayton County would be faster than Fayette County sending units.

Commissioner Brown made a motion to approve an Automatic and Mutual Aid Agreement between Fayette County and Clayton County Fire and Emergency Services; and authorization for the Chairman to execute said Agreement. Commissioner McCarty seconded the motion. The motion carried 5-0.

5. Consideration of staff's recommendation to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by \$2,525.09 for reimbursement for employees assigned to work with various Federal agencies.
6. Approval of minutes for the Board of Commissioners' meetings held on August 25, 2011 and September 7, 2011.

Old Business:

7. Consideration of staff's recommendation to adopt Ordinance No. 2011-08 authorizing Fayette County to establish a Stormwater Utility that will be funded by user fees.

Director of Stormwater Management Vanessa Birrell and Engineer Bryan Keller discussed this item.

After some discussion, Commissioner Horgan made a motion to approve staff's recommendation to adopt Ordinance No. 2011-08 authorizing Fayette County to establish a Stormwater Utility that will be funded by user fees with an effective date of January 1, 2012. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

New Business:

8. Consideration to approve staff's recommendation to award a contract for construction of Veterans Parkway, Phase II, Section 2 (SPLOST Project No. R-5) to E. R. Snell Contractor, Inc. in the amount of \$3,405,810.75.

Commissioner Hearn made a motion to approve staff's recommendation to award a contract for construction of Veterans Parkway, Phase II, Section 2 (SPLOST Project No. R-5) to E. R. Snell Contractor, Inc. in the amount of \$3,405,810.75, discussion followed.

Commissioner Brown read a statement into the record at this time and remarked that he would be voting in opposition to this contract.

Public Works Director Phil Mallon discussed this agenda request with the Board and after further discussion, Chairman Frady called for the vote. Mr. Mallon interjected that authorization would also be required for authorization for the Chairman to execute the contract.

Commissioner Hearn said he would amend the motion to include authorization for the Chairman to execute the contract and Commissioner Horgan said he would amend his second to include authorization for the Chairman to execute the contract. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition.

Administrator's reports:

Commission Meetings Schedule: County Administrator Jack Krakeel remarked that the schedule for County Commission meetings for 2011 is posted and published on the County's website. He said that schedule was adopted by the Board at its organizational meeting held in January, 2011. He clarified that there were only two Commission meetings scheduled for the months of November and December because of the Holidays.

Closure of Kirkley Road: County Administrator Jack Krakeel remarked that Kirkley Road would be closed effective Monday, September 26th, for an indefinite period of time. He said there was a substantial problem associated with the culverts underneath Kirkley Road with some deterioration to the point to where staff believes it prudent to shut this road down until staff can properly mitigate this matter. He said this year the Board had approved a capital improvement project specific to the Kirkley Road stormwater infrastructure. He said staff has been in the process of preparing an RFP for the design work with completion anticipated shortly. He said staff was also preparing a detour plan and appropriate signage directing the traveling public around this particular closure. He said staff was also looking at developing an interim plan with a temporary remedy to the problem while design work was being done and right-of-way was being acquired. He said at this juncture it was not known how long this first closure would be, but it was anticipated to be at least a period of two to three weeks while staff prepares for an intermediate fix. He said once the contract was awarded, it was anticipated to take two or three months.

Commissioners reports:

Commissioner McCarty: Commissioner McCarty said he loved roads and the only complaint he had was with the West Fayetteville Bypass. He said this Bypass doesn't really take anyone anywhere. He said he sees the need for roads in Fayette County and pointed out that if there were no roads then Fayette County would end up with mass transit like Atlanta has. He said Fayette County needs roads to help move citizens around and keep the need for MARTA out of Fayette County.

Commissioner Brown: Commissioner Brown remarked that Board of Education member Sam Tolbert had passed away today from a long battle with cancer. He said Mr. Tolbert was a man of great intellect, college professor esteemed in his field. He said Mr. Tolbert was a very compassionate man who cared deeply about Fayette County. He said Mr. Tolbert had his utmost admiration. He said Mr. Tolbert had every reason to drop out of the School Board and look at other things in his life and he stayed with the School Board, attended meetings, did the background work and necessary research and Mr. Tolbert had his utmost admiration and was very sorry for his passing.

Commissioner Brown also commented on the Transportation Investment Act meeting held here on Tuesday evening. He said the referendum would be coming up in July of 2012 and it was a very serious issue and citizens needed to pay attention to it. He noted that one of the items that had come up was a \$17 million call center for senior citizens to be able to call a center that would handle all ten counties and then the center would call one of the counties and try and arrange a ride. He felt this was an incredible waste of money and just another layer of bureaucracy. He said the one thing that really alarmed him was that this project had come out of nowhere and the City of Fayetteville had passed this on their own. He said this project was not a project listed on Fayette County's list. He said the other problem he had was with a comment made by Mayor Steele at the meeting that he was looking at doing a public/private partnership in terms of senior transportation in Fayette County. He said he was sure Mayor Steele meant that he was planning to spend Fayette County's money and not the City of Fayetteville's money as the public part of that public/private partnership. He felt the

\$17 million would be better spent to distribute it on a per capita basis amongst the counties and allow Senior Services Director Debbie Britt to purchase the vehicles that she needed and hire the personnel that she needed and create an organization to embellish what she has already done. He said he was not in favor of public/private partnerships.

Adjournment: Hearing no further business to come before the Board, Commissioner Hearn made a motion to adjourn the meeting at 8:35 p.m. Commissioner McCarty seconded the motion. The motion carried 5-0.

Karen Morley, Chief Deputy Clerk