Minutes

Board of Commissioners
January 5, 2011
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, January 5, 2011, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady Lee Hearn Robert Horgan Steve Brown 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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County Administrator Jack Krakeel remarked that by mutual consent the Board had requested that he conduct the meeting until such time as the Board has selected a Chairman for the coming year. He asked Commissioner Hearn to offer the Invocation.

Pledge of Allegiance.

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

ORGANIZATIONAL SESSION:

1. ELECTION OF BOARD CHAIRMAN FOR THE YEAR 2011:

Commissioner Brown nominated Commissioner Horgan for Chairman of the Board of Commissioners for 2011. The vote on Commissioner Brown's nomination of Commissioner Horgan for Chairman failed 2-3 with Commissioners Frady, Hearn and Horgan voting in opposition.

Commissioner Horgan nominated Commissioner Frady for Chairman of the Board of Commissioners for 2011. The vote on Commissioner Horgan's nomination of Commissioner Frady for Chairman carried 3-2 with Commissioners Brown and McCarty voting in opposition.

2. ELECTION OF BOARD VICE CHAIRMAN FOR THE YEAR 2011:

Chairman Frady asked for the Board's consideration for the election of the Vice Chairman for the Board of Commissioners for the year 2011.

Commissioner Hearn nominated Commissioner Horgan for Vice Chairman of the Board of Commissioners for 2011. The vote on Commissioner Hearn's nomination of Commissioner Horgan for Vice Chairman carried 5-0.

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda item nos. 3-7 as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

AUTHORIZATION TO SIGN CHECKS EXCEEDING $5,000:

3. Approval of authorization to sign checks combining any of the following two signatures for transactions exceeding $5,000: Chairman, Vice-Chairman, County Administrator. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

AUTHORIZATION TO SIGN CHECKS $4,999 OR LESS:

4. Approval of authorization to sign checks for transactions $4,999 or less: Chairman, Vice-Chairman, County Administrator. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

AUTHORIZATION TO EXECUTE CONTRACTS, RESOLUTIONS, AGREEMENTS, ETC.:

5. Approval of the Chairman, Vice-Chairman and the County Administrator to execute contracts, resolutions, agreements and other documents approved by and on behalf of the Board of Commissioners. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

2011 MEETING SCHEDULE FOR BOARD OF COMMISSIONERS:

6. Approval of proposed Board of Commissioners meeting schedule for 2011. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

RESOLUTION NO. 2011-01 - LEASE PAYMENT ON THE JAIL EXPANSION AND JUSTICE CENTER:

7. Approval of Resolution No. 2011-01 appropriating funds necessary for the annual lease payment on the Jail Expansion and Justice Center. A copy of the request and Resolution No. 2011-01, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

NEW BUSINESS:

8. CONSIDERATION OF A REQUEST FROM CHIEF MAGISTRATE JUDGE BOB RUPPENTHAL:

Chief Magistrate Judge Robert Ruppenthal asked for the Board's consideration in supporting changes to the local legislation concerning the Fayette County Magistrate Court. He said the changes included (1) salary structure for Magistrate Judges; (2) qualifications of Magistrate Judges; and (3) vacancies in the Chief Magistrate's position and would require changes in the County's local legislation. He said he had met with all of the Magistrate Judges and

considered several options and there was a consensus to remain with the current system of four part time judges. He felt this was not only a good system for the County but also financially prudent way for the citizens.

Commissioner Brown questioned item #2 stating each Magistrate Judge in Fayette County shall be compensated at the rate of 18% of the existing Superior Court Judge base salary. He asked if there was any knowledge of where that falls from a budgetary standpoint.

County Administrator Jack Krakeel responded that he felt it was fairly close but was not sure of the exact figure. He said in his initial discussions with Judge Ruppenthal the issue was more of doing an equivalent percentage between current salary as a percentage of the Superior Court Judges base salary.

Commissioner Brown questioned item #3 regarding the selection of the Chief Magistrate. He said he would agree with the Chief Superior Court Judge to make the selection from whomever he chooses because he is making it from a ultimately qualified pool if item #1 was enacted. He said if the Chief Superior Court Judge's authority was recognized to make the appointment then his authority should be recognized to pick whomever he chooses from a qualified pool of candidates. He said in item #1 was approved then he saw no need for item #3.

Judge Ruppenthal replied that he agreed with Commissioner Brown. He said item #3 was just allowing the Chief Superior Court Judge to pick someone that the citizens had elected. He said Commissioner Brown was absolutely correct. He said the concern of the Court was a lot less if item #1 was instituted.

Commissioner Horgan commented that these were really good ideas and he agreed with them.

It was the consensus of the Board that this item be placed on the January 13th agenda for further discussion. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

9. CONSIDERATION OF STAFF'S REQUEST FOR TWO AMENDMENTS TO THE ROAD DEPARTMENT'S BUDGET AND THE WATER SYSTEM'S BUDGET FOR FY 2011 TOTALING $169,045:

Chief financial Officer Mary Holland asked for the Board's consideration for approval of two amendments to the Road Department's budget and the Water System's budget for FY 2011. She remarked that the Road Department request was for repairs to a 1988 Caterpillar 963 Loader in the amount of $24,371.12. She said it was staff's recommendation to increase the Road Department's line item budget for operating equipment repair so there would be enough money for them to operate for the last half of the year.

Ms. Holland remarked that the second amendment recommendation was for the Water System in the amount of $144,045 that had been incurred for the relocation of waterline at S.R. 92 at Hilo Road. She said this was actually a S.P.L.O.S.T. project for the intersection itself. She said there were some extensive changes made by D.O.T. in regard to turn lanes. She said the recommendation was to have the S.P.L.O.S.T. funds actually reimburse the Water System for the costs that they incurred in actually doing that work to accomplish that particular project. She asked for the Board's consideration to place these two requests on January 13th Board of Commissioners Consent Agenda.

It was the consensus of the Board that this item be placed on the January 13th agenda for consideration. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

10. DISCUSSION OF THE EAST FAYETTEVILLE BYPASS (SPLOST PROJECT NO. R-8) AND ITS PROJECT SCOPE, STATUS AND OPTIONS:

Consulting Engineer David Jaeger and Public Works Director Phil Mallon discussed several options with the Board regarding the East Fayetteville Bypass. A copy of their presentation, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Commissioner Brown expressed concern with the northern most end of the roadway where it will meet Georgia Highway 85. He noted the future development in that area could create a huge traffic situation. He questioned if there could be a turn lane added to allow traffic to access Highway 85. Mr. Jaeger replied that he felt the engineering plans would take this situation into account.

Commissioner Brown remarked that this had been the #1 priority project of the County for a substantial length of time. He said he was present at the meetings when the S.P.L.O.S.T. was being proposed and this was the only project that every jurisdiction in the County agreed on building and he was disappointed that it had not yet started. He remarked on design option #3 or alignment "D". He said he would like to see what the impacts would be on the residential roads. Including McElroy Road and County Line Road. He would not want to create a situation where citizens could not get out of their subdivisions during peak driving hours.

Mr. Mallon said he would provide the same kind of summary to the Board for the East Fayetteville Bypass as he had done previously for the West Fayetteville Bypass.

Staff was directed to provide the Board with additional information including funding and design options.

11. CONSIDERATION OF TERM LIMITATIONS FOR THE BOARD OF COMMISSIONERS OF NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS:

Commissioner Brown remarked that he and Commissioner McCarty had requested this item to be placed on the agenda. A copy of the agenda request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. He said their request was for consideration for term limits for the Board of Commissioners for no more than two consecutive four-year terms beginning in the year 2012. Commissioner Brown asked if Commissioner McCarty wanted to put this in the form of a motion and Commissioner McCarty said he would be glad to.

Commissioner Frady interjected that there did not need to be a motion but a consensus to put this item on the January 13th Board Agenda for further discussion. Commissioner Frady said the Board would need more information about this request.

Commissioner McCarty remarked his thought was if there was a Commissioner in office for more than two terms , that Commissioner might become too comfortable with the way things are going. He felt keeping new blood coming in keeps new interests and newer views of what the citizens of the County want.

Commissioner Brown stated that voters in most National polls overwhelmingly favor term limits. He said term limits increase competition, encourage new challenges, build citizen led government and drives out career politicians. He said it also improves the tendency to vote on principle, introduces fresh thinking and new ideas and eliminates "the way we have always done it", it reduces the power of staff and bureaucracy and special interests, creates less time to establish pork barrel appropriations and it encourages lower taxes, smaller government, and greater voter participation in elections. He felt there were more reasons to favor term limits than to oppose it.

Commissioner Frady said he felt the citizens had done a good job in rotating Commissioners. He said he would be in favor of the citizens voting on a Chairman of the Board and say that two terms would be enough for that person. He said he did not know if Commissioners needed this and noted that citizens of Fayette County had moved Commissioners in and out of office for years. He said he did not recall any Commissioner other than himself who had more than two terms in office during his eighteen years on the Board. He said he did not support this request.

Commissioner Hearn said he was not in favor of term limits and felt elections take care of this.

Commissioner Horgan remarked that the citizens are given the opportunity to elect who they want in office and he was not in favor of term limits. He felt the current system worked well for the County.

Chairman Frady said the consensus of the Board was that this item would not go forward.

12. CONSIDERATION OF POLICY THAT PROHIBITS A VOTE OF THE BOARD OF COMMISSIONERS FOR ANY ITEM NOT ON A MEETING AGENDA AVAILABLE TO THE PUBLIC AND THE NEWS MEDIA AT LEAST 24-HOURS IN ADVANCE:

Commissioner Brown said he would like to see the Board agree on a policy that prohibits a vote of the Board of Commissioners on any item not on a meeting agenda available to the public and the news media at least 24-hours in advance. A copy of the agenda request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof. He said government should always err on the side of openness. He felt it was the Board of Commissioners' duty to provide complete and accurate information prior to taking an action especially on items that have a fiduciary component to them. He said this had occurred in the past where there have been some items that have come up with dollar figures associated with them and this Board needs to make sure that it was taking care of business in front of a public that has been fully educated and the information made available to them so they can come and make comments. He felt anything else was just blind siding the public.

Commissioner Horgan said there had been several situations where staff has needed an answer right away for an item for the Board to take a vote on. He said he did not feel this suggestion would work for the Board and he felt this Board could make decisions as it needed to in these kinds of situations.

Chairman Frady said he agreed with Commissioner Horgan. He said he would hate have 24-hour notice to call a meeting for an emergency of some sort. He suggested Commissioner Brown to wait and see what happens with the current Board. He felt this Board did not intend to do such things as that and was not trying to block the public out.

Commissioner Hearn remarked that during his term as Commissioner there had been several incidences where the Board actually took a vote to proceed with applying for a grant or something of this nature. He said he would hate to slow down anything of that nature and he felt the citizens expected the Board to carry on with County business. He said he did agree with Commissioner Brown regarding how the County's money is spent and to have it open and fair. He said he did not see the point of having a special called meeting to be able to handle something like a grant request from Fire and Emergency Services. He said he could not support this request at this time.

Commissioner McCarty said his only concern was items that affect the citizens directly.

Commissioner Horgan suggested waiting to see how things go for the next several months. He said the Board could always look at this issue in the future.

Chairman Frady said there would be some changes made as to how staff gets on an agenda. He said items would be listed on the agenda and not under any kind of report section. He said if this Board was going to spend $2 million that it would need to go on an agenda and not under any report section.

Chairman Frady said there was a consensus that this item not be moved forward at this time.

13. APPROVAL OF MINUTES FOR THE BOARD OF COMMISSIONERS' MEETINGS HELD ON DECEMBER 1, 2010, DECEMBER 9, 2010 AND THE SPECIAL CALLED MEETING HELD ON DECEMBER 29, 2010. COMMISSIONER BROWN AND COMMISSIONER MCCARTY WERE NOT ON THE BOARD AT THAT TIME:

Commissioner Horgan made a motion to approve the Board of Commissioners' minutes for meetings held on December 1, 2010, December 9, 2010 and the Special Called Meeting held on December 29, 2010. Commissioner Hearn seconded the motion. The motion carried 3-0-2 with Commissioners Brown and McCarty abstaining from the vote.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Frady adjourned the meeting at 4:58 p.m.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of January, 2011.

Karen Morley, Chief Deputy Clerk