Minutes

Board of Commissioners
January 27, 2011
7:00 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 Thursday, January 13, 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 Allen McCarty
Commissioner Absent:	Lee Hearn
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the January 27, 2011 Board of Commissioners Meeting to Order.
Deputy Clerk Floyd Jones gave the Invocation.
Chairman Frady led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Chairman Frady asked for Old Business Item 11 to be removed from the current agenda at Mr. Wimmer's request, and for the item to be placed on the Wednesday, February 2, 2011 agenda. The Board consented to the Chairman's request.

Commissioner Brown asked for an item to be placed under the Reports section of the agenda. Chairman Frady replied that Commissioner Brown's issue was determined not to be a report but rather a rebuttal, and that a rebuttal was not a part of the agenda. Chairman Frady asked Commissioner Brown if he wanted to make a motion adding his topic to the agenda. Commissioner Brown responded that he was not informed that his request was not on the agenda. Chairman Frady replied that he was not informed about what would be discussed. Commissioner Brown then stated he had three items pertaining to the West Fayetteville Bypass that he wanted to bring up at the end of the meeting. Chairman Frady

replied that it was not on the agenda as part of county business. Commissioner Brown retorted that the West Fayetteville Bypass is county business. Chairman Frady replied that Commissioner Brown should place it on the agenda so that the Board could be informed about what is going on at least 24 hours in advance. Commissioner Brown replied that he sent his request to Executive Assistant Carol Chandler in accordance to procedure, that he gave the notice and it was properly filed. Chairman Frady replied that it was on file, but it was determined that the issue was not an agenda item because it was not county business that can be debated. Commissioner Brown insisted that he did not want to debate the issues, but that he wanted to talk about three items related to the West Fayetteville Bypass, that he submitted his items in accordance with County procedure, and that he was not notified by anyone that those items were not on the agenda. Chairman Frady explained that he notified Commissioner Brown before the meeting, that he had made efforts to find Commissioner Brown earlier in the day to inform him, and that he had left a message for him to call in order to discuss the issue. Commissioner Frady added that if Commissioner Brown wanted to put his items on another agenda that would be fine, but they could not be discussed tonight since the items were not proper as a "report". Commissioner Brown suggested he would be favorable to a motion to remove his items and place them under the Old Business section of the Agenda. Chairman Frady replied that could not be done since there was not a 24 hour advance notice. Commissioner Brown repeated that his items were on the agenda, that they were submitted according to procedure two weeks in advance. Chairman Frady stated that this would not be discussed much further, that the items were not on the Reports section of the agenda since they were taken off the agenda. Commissioner Brown retorted that he was concerned about censorship on the Board. He explained that for the first two meetings the staff report section was gone altogether, and that he asked where it was. Chairman Frady informed Commissioner Brown that he was out of order and that if he did not want to make a motion then the meeting would proceed.

Commissioner Brown moved to leave his items on the Commissioner's Report section of the agenda because he submitted his items according to the county's procedures to the letter, submitted it to county personnel, and was not informed of any alteration, movements, or amendments on that item that he placed on the agenda, by either staff or the Chairman, until fifteen minutes before the meeting. He said he considered the actions censorship, and he asked for the items to be left on the agenda, and said that was his motion. Commissioner McCarty seconded the motion. No further discussion followed.

The motion to leave Commissioner Brown's items on the agenda under the Reports Section failed in a 2-2-0 vote with Commissioners Brown and McCarty voting in favor of the motion, and Chairman Frady and Vice Chairman Horgan voting in opposition. Commissioner Hearn was not present for the vote.

PRESENTATION/RECOGNITION:

1. The County's auditing firm, Nichols, Cauley & Associates, LLC., will be presenting the results of the Fiscal Year 2010 audit to the Board of Commissioners.

Assistant Finance Director Toni Jo Howard introduced Mr. William Sammons, a partner with the County's auditing firm Nichols, Cauley & Associates, LLC. to the Board.

Mr. Sammons detailed the financial aspects, policies, and practices subjected to the audit and he informed the Board that the auditing firm found no problems. He explained that his firm is qualified for this work and briefly described the standards to which the firm must adhere. He added that the auditing firm did not have any problems with County management or staff. He noted that this is a first year engagement between Fayette County and his firm, and based on his experience there are not many first year engagements that worked as

smoothly as this audit did. Mr. Sammons then discussed the findings in further detail and concluded that Fayette County is "in pretty good shape considering what you see in going on out there in the state [of Georgia]".

Commmissioner Brown asked about how other local governments are trending and what could be expected next year. Mr. Sammons replied that the property tax digest is continuing to erode so tax collections will be on the forefront of this consideration. He concluded that while it is difficult to predict the future economic climate, he personally thought the nation was on the back end of the recession and was coming out of it. A copy of the request and auditor's presentation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Chairman Frady reminded the audience that some unfortunate events occurred at the last Commissioners meeting during public comment, and he instructed all in attendance not to participate in name calling for either the staff, for individual Board members, or anyone else in the audience since the Board would not tolerate such actions

David Barlow: Mr. David Barlow, a resident of Tyrone, informed the Board that when he spoke at the January 1,2011 meeting during Public Comment, he allowed his passion for Fayette County's future to get in the way of his professionalism. He acknowledged that his remarks about County Attorney Scott Bennett were inappropriate, and he apologized to Mr. Bennett and the Commissioners. He added that his zeal for the County's future is real, and that he will continue to strive to be an intrical part of its success. Chairman Frady thanked Mr. Barlow for his remarks and agreed with Mr. Barlow about having zeal for Fayette County.

Donald Fowler: Mr. Donald Fowler, a resident of Fayetteville, spoke against the construction of the West Fayetteville Bypass which was recently renamed "Veterans Parkway". He stated that the bypass's new name is an insult to veterans throughout the county as it is the most controversial road in Fayette County's history. He said the bypass has caused heartaches and headaches for Fayette's residents, and that it causes the residents to have less trust in the government. He added that the bypass is viewed as unwanted spending of taxpayers' money without reasonable justification. He explained that Tillman Road was going to be bulldozed and that trees that are older than World War II veterans would be cut down, and that it was an insult to connect veterans to that unnecessary destruction. He concluded with remarks about the dangers at the intersection of Sandy Creek Road and the West Fayetteville Bypass by speaking about the stop sign that had been "wiped out" a number of times at that intersection.

Steve Smithfield: Mr. Steve Smithfield, a resident of Fayetteville, reminded the Board of his resolution to follow up on unanswered questions about open government. He noted that he did not receive an adequate answer from the County or Chairman Frady in response to an email sent to the Board earlier in January. Mr. Smithfield then read the email he sent to Chairman Frady and to the Board . He closed his remarks by saying there was an appearance, due to the lack of public records, that one person "directed the shifting of millions of taxpayer dollars", and he asked Chairman Frady to respond to the email and to "clear the air". A copy of Mr. Smithfield's letter to the Board, which he read in public comment, identified as "Attachment 2", follows these minute and is made an official part hereof.

Bob Ross: Mr. Bob Ross, a resident of Peachtree City, thanked Commissioner Horgan for his comments in the *Fayette Daily News*, dated on January 22, 2011, concerning the possible reconsideration of Resolution No. 2010-22 which was passed on December 9, 2010. He then presented a letter with his comments about his concerns about the West Fayetteville Bypass to the Board members and he read his comments for the public record. A copy of Mr. Ross's letter to the Board, which he read in public comment, identified as "Attachment 3", follows these minutes and is made an official part hereof.

Ray Wyatt: Mr. Ray Wyatt, a resident of Peachtree City, spoke in opposition to the West Fayetteville Bypass. He stated that the 2004 SPLOST referendum passed with a narrow margin in 2004 when Fayette's economy was much better, and he said the narrow margin indicated that the SPLOST was fairly unpopular back in those days. He asked, based on his research, when the Board's focus moved from the East Fayetteville Bypass, to the West Fayetteville Bypass, and he hinted that the change began with the election of two commissioners. He added that the voters would never have voted for the bypasses if they knew that property would be confiscated. He suggested that the Board should meet in a retreat, decide to end the West Fayetteville Bypass, admit a mistake, and say "times are different". He concluded that he wanted five independent thinkers on the Board, and called for the Board to end its 3-2 voting. He concluded his remarks by asking for transparency from the government, for the government to do the right thing, and for the Commissioners to not assume they are elite and that the people are happy with them just because they won an election.

Ginga Smithfield: Mrs. Ginga Smithfield, a resident of Fayetteville, gave copies of the October 28, 2003 minutes of a joint meeting discussing the Transportation Plan Update to the Board. She then read comments regarding her findings, spoke in opposition to the West Fayetteville Bypass, and asked when the Board's priorities changed from the East Fayetteville Bypass to the West Fayetteville Bypass. A copy of Mrs. Smithfield's letter and supplemental information, which she read in public comment, identified as "Attachment 4", follow these minutes and are made an official part hereof.

Carol Galimore: Ms. Carol Galimore, a resident of Fayetteville, informed the Board that she lives on Tillman Road, a quiet, gravel road that will be made into Phase II of the West Fayetteville Bypass. She spoke of her family's history in the vicinity of Tillman and Eastin Roads, about the quality of life she family and her neighbors enjoy, the sacrifices made to live on their land, and the wildlife in the area. She stated that all of that would be destroyed by construction of the West Fayetteville Bypass. She continued saying it was insulting to name the West Fayetteville Bypass "Veterans Parkway", and she told the Commissioners that address changes had already been sent to a financial company without her knowledge. Ms. Galimore explained that she and her neighbors do not appreciate being threatened by five Commissioners who were supposed to represent them, that it was uncomfortable but necessary to fight for their lives, wildlife and trees, and that the people are waking up and realizing that being complacent in Fayette County is no longer an option. She closed her remarks saying Fayette County's politicians must understand they have created a new environment of distrust and disgust with local government.

Betty Jo Morris: Mrs. Betty Jo Morris, a resident of Harp Road, spoke against the West Fayetteville Bypass. She told of how she and her husband searched throughout Fayette County looking for small acreage to which to build their home and raise their children. She recalled that in 1975 they found a 10-acre tract of land located on Redwine Road, and they cleared the land with swing blades. She said on Thanksgiving Day 1975, her family broke ground on the property, and they ate Thanksgiving dinner on planks. She told of how they moved to the property in 1976, and seven years later her husband became ill with Alzheimer's disease at age fifty. She said he was sick for 16 years, that for the last five years of his life he required around the clock assistance, and that he passed away 11 years ago. She added that during his last two years of life, her mother contracted Alzheimer's and was moved into their home where she died. Later, her daughter passed away with cancer. She told the Board that her land now has a small memorial garden to her husband, and a beautiful memory garden for her daughter. She said that she works hours on her land in organic gardens, that she

raises her own vegetables, and that the wildlife in the area are her pets. She noted that her land also has one of the largest oak trees in the State of Georgia. She said that the Board may call the road "Veterans Parkway" but that the citizens knew it was the "Road to Nowhere". She concluded that she is now 74 years old and has lived on the land for 35 years.

Tom Halpin: Mr. Tom Halpin, a resident of Fayetteville, noted that of all the issues being presented he saw the main problem with the Commissioners was a lack of transparency concerning how issues are presented to the residents of Fayette County. He said the message received by the residents is "Just show up and we will see what is going on in our meetings", and he noted that is not the way to conduct county business. He said citizens need to know what is going to happen in the meetings, they need time to form opinions, and then have the ability to come and speak to the issues. He explained that certain topics have been voted on by the Board that had no input from the public and with no one able to talk about it, particularly the renaming of the West Fayetteville Bypass to "Veterans Parkway". He said this type of practice occurs again and again in Fayette County. He continued that if an emergency meeting needs to be called to accept a grant, then something is wrong in county operations since grants just do not happen. He then spoke about his opposition to the West Fayetteville Bypass, and about the repeated message that constructing it was the "best bang for the buck". He told the Board that he conducted his own research, and could not verify that statement since he could not find comparison documents for the East Fayetteville Bypass. He noted that finding information on the county's website is difficult since important documents are buried and a person would need to know where to look. He closed by reiterating his concern for the Board and county government to be more transparent.

David Hall: Mr. David Hall, a resident of Peachtree City, said it was obvious people in Fayette County are angry over various issues. He told the Board that government gets its authority from the American people. He spoke about the problems at the federal government as it is bankrupting the nation and destroying the quality of life of the common citizen. He continued that there are many problems in life around the world, and that the people have more than enough problems without millions of tax dollars in Fayette County being spent on the West Fayetteville Bypass. He pointed out that crime in Fayette County is increasing, cited the incident at the PeachMac store in Peachtree City, and asked if the West Fayetteville Bypass would extend to Union City where those criminals fled. He said the Board is not working the way it was designated to do, and that he was tired of the complete dismissal and disregard of the will of the American people. He closed saying he sees the following for the county if things continue as they are: 1) the commissioners will be peacefully replaced in upcoming elections or 2) the Commissioners will begin listening to the voters.

Denise Ogino: Ms. Denise Ogino, a resident of Fayetteville, said she had not planned to speak, but her heart would not let her keep silence. She told the Board that she had lived too long in Fayette County without getting involved in local politics, but she has finally decided to get involved after learning of some discussions from the commissioners that made it to the public. She said she is proud to have worked to remove the last two commissioners from office, and that she is watching all five commissioners. She hoped that the commissioners would work together to plan the best course of action for the people, and she thought if the Board would work together it could form a great team. She said it was sad to hear people laugh at the beginning of the meeting and for other people to walk out. She called on Chairman Frady to apologize to Commissioner Brown if in fact Commissioner Brown was correct. She called on Commissioner Brown to apologize to Chairman Frady if in fact Chairman Frady was correct. She then spoke to Chairman Frady, telling him that he had seemingly censored information to the citizens who have taken the time to come to the meetings. She said that she will not stay away from Commission meetings any longer since "there is much going on that needs to be taken care of". She said the citizens are taking notice, and hopefully they will reelect each Commissioner as long as they choose to work with the people. She asked for the beginning of this meeting to be well publicized so that others who cannot attend commission meetings will know what is going on.

Dennis Chase: Mr. Dennis Chase, a resident of Fayetteville, spoke to the Board and said he reviewed the Fayette County Land Use Plan. He pointed out that the Land Use Plan has goals and proposals to protect the county's natural areas, stream corridors, and green spaces. He continued that the West Fayetteville Bypass and the East Fayetteville Bypass were now under consideration, and that the West Bypass would disrupt Whitewater Creek and that the East Bypass would disrupt Morning Creek. He suggested that both bypasses could have alternatives that would completely avoid all of the natural areas thereby limiting the environmental impact, and that he was at a loss to understand why the County would violate its own Land Use Plan. He closed by saying he is a Vietnam veteran, that he spent a year in that country, and that he is offended that the West Fayetteville Bypass is now called "Veterans Parkway". He said if the Board felt the need to honor Fayette's veterans, he could assure it that a great number of veterans would get together and provide help in doing so. He said naming the West Fayetteville Bypass "Veterans Parkway" was one of the worst things the County could do for its veterans, and he asked the Board to reconsider that idea.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 2-10. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

2. Approval of staff's request to advertise Proposal #P741 for the purchase of a Computer Aided Dispatch (CAD) System for use by the County's consolidated Emergency Communications Center. A copy of the request, identified at "Attachment 5", follows these minutes and is made an official part hereof.

3. Authorization for the Chairman to execute documents allowing the readings from a restraint control module (black box) to be taken from a Sheriff's Office vehicle involved in an accident. A copy of the request, identified ast "Attachment 6", follows these minutes and is made an official part hereof.

4. Approval of the Sheriff's Office request to amend the Sheriff's State Confiscated Revenue Technical Services Account by $21.78 to recognize abandoned monies required to be used for law enforcement enhancement. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

5. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $10,836.91 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

6. Approval of the Sheriff's Office request to amend the Field Operations Division FY 2011 Safety Supply Budget Account by $810.00 to recognize donations received from Fayette County citizens for the training, supplies and purchase of a replacement canine officer. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

7. Approval of staff's recommendation to adjust the county's mileage expense reimbursement rate from 41 cents per mile to 41.82 cents per mile, effective January 1, 2011, in accordance with the County's established Travel Policy. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to award annual Bid #767 Water Distribution Parts to six companies which were the low bidders on items used by the Water System for water distribution system installation and repair, in an aggregate budgeted amount not to exceed $295,182. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

9. Approval of staff's request to allow Fayetteville Main Street to insert an information flyer in the County's water bills mailed from the middle of February through the middle of March, and from the middle of June through the middle of July. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

10. Approval of the January 5, 2011 Board of Commissioners Minutes and the January 13, 2011 Board of Commissioners Minutes.

OLD BUSINESS:

11. Mr. David Wimmer would like to provide input concerning the proposed East Fayetteville Bypass Project.

This item was removed from the agenda, and was placed on the February 2, 2011 Workshop Agenda. A copy of the request, identified as "Attachment 13", follows these minutes and is made an offical part hereof.

NEW BUSINESS:

12. Discussion of staff's recommendation to approve Amendment No. 3 to the Fayette County Employee Health Insurance Plan to clarify the level of benefit regarding Participating Providers, Routine Well Care procedures, and Durable Medical Equipment.

Assistant Director of Human Resources Lewis Patterson informed the Board that Amendment 3 addressed some proposed changes to the employees' health benefit plan in the areas of Participating Providers, Routine Wellcare, and Durable Medical Equipment. He explained that during the County's transition from a fully-insured health insurance plan to a self-insured health insurance plan, the county identified some items in these three areas that staff felt warranted this amendment. He introduced Ms. Jackie Turner, representing Pacific General, who spoke about the need for the proposed changes.

Commissioner Brown asked if any additional cost would be accrued due to the proposed changes. Ms. Turner replied that over the next four months, using very conservative estimates, the additional cost to the County would be, at most, $27,000.

Commissioner Horgan asked if any other changes would be forthcoming. Ms. Turner answered that she hoped not, but reminded the Board that June 1, 2011 was just around the corner. County Administrator Jack Krakeel added that the federal healthcare regulationspassed by the federal government would start becoming effective for Fayette County when with the change of health insurance plans beginning June 1, 2011. He then briefly explained the ramifications of the upcoming changes. Ms. Turner informed the Board that Pacific General would be consulting with the Human Resources Department and the Finance Department, and that a report would be brought to the Board prior to June 1, 2011.

Commissioner Horgan moved to approve Amendment 3 to the Fayette County Employee Health Insurance Plan to clarify the level of benefit regarding Participating Providers, Routine Well Care, and Durable Medical Equipment. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request and Attachment 3, identified as "Attachment 14", follows these minutes and is made an official part hereof.

REPORTS

No report was given.

ADJOURNMENT:

Chairman Frady announced there was no other business being brought before the Board, and he declared the meeting adjourned.

County Administrator Jack Krakeel requested the Board take a vote on adjournment.

Chairman Frady moved to adjourn the January 27, 2011 Board of Commissioners meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed 3-1 with Commissioner Brown voting in opposition.

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Floyd L. Jones, 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 24th day of February, 2011.

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Floyd L. Jones, Deputy Clerk