Minutes

Board of Commissioners
March 24, 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, March 24, 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 Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk
Staff Absent:	Scott Bennett, County Attorney

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the March 24, 2011 Board of Commissioners 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 Brown moved to amend the Agenda by adding an Agenda Item under New Business: Authorization for county staff to restore transportation priorities due to severe budget constraints, restricting spending on lower priority projects, ensuring completion of the number one priority T-SPLOST project (East Fayetteville Bypass). Commissioner Brown commented that these issues had been discussed in previous meetings. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

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

PRESENTATION/RECOGNITION:

1. Presentation of Resolution recognizing the birthday of the American Legion.

Commissioner Horgan read information about the American Legion concerning its founding and purpose, before he presented a resolution to American Legion Posts 50 and 105 recognizing the 92nd birthday of the American Legion. A copy of the request and resolution, identified as "Attachment 1", follow these minutes and are made an official part hereof.

2. Presentation of Proclamation for Healthcare Decisions Day on April 16, 2011.

Ms. Pam Young explained that National Healthcare Decision Day is a day when an effort is made to educate the community about placing their advance directives in order so that one day when an emergency or medical crisis comes, a person will have already made decisions that will not be left up to the family. Commissioner Horgan presented the proclamation for Healthcare Decisions Day on April 16, 2011. A copy of the request and proclamation, identified as "Attachment 2", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Dennis Chase: Mr. Dennis Chase spoke about how both the East and West Fayetteville Bypasses are not consistent with Fayette County's Comprehensive Land Use Plan, about his concerns about the environmental impacts caused by the bypasses, and how he continued to be opposed to the bypasses in their current projection. He ended his comments saying both the East and West Fayetteville Bypasses have "clear alternatives" that will not have impact the environment as severely.

Stephen Costello: Mr. Stephen Costello asked for the Board to help him get a couple of commercial properties cleaned that are in a residential neighborhood. He said the properties were originally zoned Commercial in approximately 1978, and he had lived in the area since 1985. He explained that there have been no issues until recently when the current property owners have forgotten about County ordinances. He told the Board that he has been trying for about two years to get help to get the properties cleaned, and that the problems have only grown worse. He provided pictures to the Board of the properties under discussion. He informed the Board that the problem areas were detracting from the value of his home. Commissioner Brown suggested that Mr. Costello write a letter to each of the Commissioners and to provide details.

Ginga Smithfield: Mrs. Ginger Smithfield spoke about how the County shifted its priority from the construction of the East Fayetteville Bypass to the West Fayetteville Bypass. She said that former Chairman Jack Smith, in 2008, informed citizens that the West Fayetteville Bypass was approved in the 2004 SPLOST referendum and that was why it was being constructed. She noted that the East Fayetteville Bypass was also voted upon by the citizens in the 2004 SPLOST referendum as the number one priority project. She continued that Commissioners Frady, Hearn and Brown, as members of the Association of Fayette County Governments (AFCG), designated the East Fayetteville Bypass as the number one priority project, at the October 28, 2003 AFCG meeting. She said she is asked by a number of citizens if the reprioritization of the bypasses could be a misappropriation of County funds since Fayette County's taxpayers are not getting what they paid for. She requested that the Board stop spending all SPLOST funds currently designated for the West Fayetteville Bypass and reallocate the funds to the East Fayetteville Bypass.

Steve Smithfield: Mr. Steve Smithfield said he wanted his comments to be primarily directed to Chairman Frady and Commissioners Hearn and Horgan who support the construction of the West Fayetteville Bypass recently named "Veterans Parkway". He said the citizens are now being told that the bypass was never intended to be a bypass but a parkway. He reminded the Board that for over two years the Commissioners have heard negative comments and read negative articles about the West Fayetteville Bypass, and that while there have not been any positive comments and there is no proof is available justifying the bypass, the Board continues to support its construction. He told the Board that the platforms that defeated the two previous commissioners were stopping the West Fayetteville Bypass, the defeat of the SPLOST referendum, and mass transit issues. He said commissioners were to work for the people and when a majority of the people vote against issues the Board supports they show they do not approve of the way "things are going", and yet the citizens are getting more of the same results. He said the Board was essentially telling the voters that they were wrong and that the West Fayetteville Bypass will not be stopped. He then spoke about how the priorities shifted from the East Fayetteville Bypass to the West Fayetteville Bypass. He said justice would be served to the voters of the 2004 SPLOST if the Board suspended work on Phase II of the West Fayetteville Bypass and transferred the bypass funding to the East Fayetteville Bypass where it rightfully should be.

Mrs. Stuart Barnes: Mrs. Stuart Barnes stated she was against three items: 1) the West Fayetteville Bypass, 2) Mass Transit, and 3) Fayette County's participation in the City of Fayetteville's Tax Allocation District (TAD). She explained her third item first, saying she was opposed to it since the two downtown areas that want to be developed by the City of Fayetteville have one area that is vacant where taxes are not being paid. She said that vacant area can be rented. She continued that there are many places for senior citizens to go to without providing more areas. She did not feel tax funds should be utilized for redevelopment purposes. She closed speaking briefly about her opposition to mass transit and said the best solution is to get out of the regional mass transit plan.

Denise Ogino: Ms. Denise Ogino told the Board she had questions related to Old Business 9 listed on the Agenda. She asked if the public was provided full information on the item. She asked why the public was not given full information. She understood that there are ten-counties in the Atlanta Regional Commission (ARC), and if six of them vote for Fayette County to have rail service, then Fayette County will have rail service. She asked for clarification on that issue. She further asked that the Commission would ensure that the East Fayetteville Bypass is fully funded before construction on Phase II of the West Fayetteville Bypass or before any other 2004 SPLOST projects begin.

Andrea Lyle: Ms. Andrea Lyle informed the Board that last time she spoke to it she had announced she found a new job at Goodwill, however, since then she left her employment due to a nepotism conflict. She suggested that the Board reserve funding in its Fiscal Year 2012 budget to hire her to work in the Office of the Board of Commissioners. She further spoke against the East and West Fayetteville Bypasses and requested that the current roads be maintained.

Tom Halpin: Mr. Tom Halpin first spoke about the school bus accident at the intersection of Harp and Redwine Roads, and that there will not be a traffic light installed there should Phase III of the West Fayetteville Bypass be constructed. He mentioned that a school resource officer had been recently struck by a vehicle in front of Whitewater Middle School, and again suggested that if the West Fayetteville Bypass is constructed there would be no traffic light available to control traffic while funneling "much more traffic in front of our schools which is already a dangerous situation." He then stated that the main reason he was speaking was because "actions will speak louder than your words", that he heard "a bunch of words" coming from different Commissioners about how they are not for mass transportation in Fayette County, but when it came time "for action they voted for it." He said the situation now exists where there is a possibility for mass transit in Fayette County and numerous Board members have expressed in various ways that it is not going to happen since they are against it, but when the time comes to vote they vote in favor of mass transit. He next spoke about the naming of Veterans Parkway, and referenced the February 24, 2011 minutes and Chairman Frady's comments and actions regarding the name "Veterans Parkway."

David Hall: Mr. David Hall said the citizens at tonight's meeting were well spoken, and he reminded the Board that the citizens were there to help the Board perform its job even better. He said the citizens have been supplying arguments on many issues that are "overwhelming", and it is known to both the Board and the citizens that the West Fayetteville Bypass is a faulty idea since it "does not work." He said he was pleased with Mr. Halpin's comments that actions speak far more than words. He said the people in Fayette County are largely informed. He continued that he is happy with what has been happening in the past several months since people have been brought to the "cause of liberty because many things have been happening which have not been happening in a way they are happening properly." He said some of the "judgment seats" in the room had not been operating properly "which the people of the county have bestowed upon them, trusting them to bring this county to a better tomorrow." He mentioned that the media was a fourth "check-and-balance" and he said he was thankful for the involvement they have had in seeing truth being published. He said he trusted in God, and that God would see the county turn to a better direction. He concluded that the East Fayetteville Bypass should "be an agenda item that should be funded before the West Fayetteville Bypass", and that the West Fayetteville Bypass should never be funded. He said the West Fayetteville Bypass leads to nowhere and crime will increase.

Tom Waller: Mr. Tom Waller began by saying he is not an impacted property owner for the West Fayetteville Bypass. He said he has attended Board meetings for the approximately 1½ years, in order to learn what the Board is doing. He said he was recently surprised to learn that the County had shifted funding from the East Fayetteville Bypass, which was first priority, to the West Fayetteville Bypass. He continued that in all of the meetings he attended, there was nothing presented that the shifting of funds would be executed and why the funds would be shifted. He explained that previously he had asked to see the demand data telling why the West Fayetteville Bypass was needed, but the information was never supplied. He said if the County's treasure would be spent on "roads to nowhere", then the Board is in the wrong business since it is "misconstruing what the taxpayers' want." He spoke about his property that he and his family have been living on since after the Civil War, and have been paying taxes on it "since taxes were due." He said he did not expect his elected Commissioners to spend the County's treasure "in such a wanton and wasteful manner as funding of the West Fayetteville Bypass."

Pat Earnest: Ms. Pat Earnest, who lives at the intersection of Redwine Road and Ebenezer Church Road, told the Board that she will obviously be personally and heavily impacted by the West Fayetteville Bypass. She told the Board that her family calls Redwine Road "Redwine International Raceway" because there is so much traffic on Redwine Road and Ebenezer Church Road. She told the Board that "many years ago, when there was much less traffic and many fewer people, my daughter was struck by a car and killed on Redwine Road." She mentioned that there is a lot more children now, that there is a lot more traffic now, and that she wished the Board would take that into consideration when "you funnel that much more traffic down that intersection and down that part of the county."

CONSENT AGENDA:

Chairman Frady asked for Item 7 to be removed from the Consent Agenda.

Commissioner Brown asked for Items 3 and 5 to be removed from the Consent Agenda.

Commissioner Hearn moved to approve Consent Agenda Items 4 and 6. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

3. Approval of staff's recommendation to extend Bids # 709 and 749, Grass Mowing, to SSFW Landscape Management and Star Valley Landscape for an additional year, beginning July 1, 2011, at an aggregate cost of $61,521.00.

Commissioner Brown told the Board that he was noticing a trend, and while he had not had an opportunity to speak to staff about it, it appeared to him that the County was carrying a lot of bids over from a previous bidding cycle. He said he wanted to know why the County was not bidding out the projects a second time for the upcoming fiscal year.

County Administrator Jack Krakeel informed the Board that the history of some of the projects, such as cleaning projects and grass mowing projects, has involved the quality of service the County has experienced in the past with vendors. He explained that the County currently has a number of vendors it does business with who do an outstanding job; some of whom are willing to commit to the same rates as they initially quoted in 2007. He explained that staff thought this was "a cost effective way to move forward, knowing that we've got good quality people that are providing these services." He noted that the cost of fuel is continuing to increase and that is one of the reasons staff believed one of the vendors actually pulled out of the contract and did not want to renew a contract. He closed saying the two primary factors that motivated staff to pursue these contracts in this matter were: 1) the level of quality of work that the County has received, and 2) the vendors have maintained their prices for the past three to four years [withount an increase].

Commissioner Brown asked why the projects would not be bidded out as one lump package in an attempt to get a better deal since they are getting "a volume business from us."

Mr. Krakeel replied that the County had bidded for one lump package in the past, but it has learned that in bidding in an individual manner instead of collective total bids that it actually receives better pricing. Discussion followed.

Commissioner Horgan moved to approve Consent Item 3 as presented. Commissioner Hearn seconded the motion.

Commissioner Brown informed the Board that he would oppose the request, that his opposition was not a reflection on any of the vendors that are currently doing work for the County, but that he thought the County should bid out the work.

The motion to approve Consent Agenda item 3 as presented passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Approval of staff's request to award Proposal #P781 to Sivad Business Solutions for the purchase of Imaging Software and three Fujitsu scanners, at a total cost of $10,550.00, for use by the Elections Department, including $2,865 to come from the County's Contingency Account. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to enter into a three-year agreement with Deltacom for Primary Rate Interface (PRI) telecommunication circuit service at four county locations, and authorization for the Chairman to execute said agreement.

Commissioner Brown spoke about an email that he and the Board received that he felt "had merit to it." He explained that the County "was rolling the contracts into one", that he "saw it was probably the right thing to do from an accounting standpoint", but that according to the email he received it appeared that if the older contracts were rolled into newer contracts, that the County will actually be paying a higher rate on the existing contract.

County Administrator replied that if one considers only the Justice Center and the Sheriff's Complex, the email would make a plausible argument, but he said the problem is that the County would have to continue at the current rates established for the Stonewall Complex and the McDonough Road Complex which are currently expired. He explained that by bundling all the contracts, the actual net savings over the next 18 months is $2,311.84, because by bundling all four of the complexes together the County was able to obtain a better rate structure for the complexes at Stonewall and McDonough Road. He concluded that by bundling the contracts the rates slightly increased for the Justice Center and Sheriff's complexes, but the savings realized for the Stonewall and McDonough complexes were so significant that they offset the slight increases and actually caused a net savings.

Commissioner Horgan moved to approve Consent Agenda Item 5 as presented. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and agreement, identified as "Attachment 5", follow these minutes and are made an official part hereof.

6. Approval of the Sheriff's request to authorize the Chairman to execute title documents and all other required documents related to the disposal of a totaled patrol vehicle assigned to the Fayette County Sheriff's Department- Field Operations Division, and for funds rendered to Fayette County to be placed in the General Funds- Insurance Recovery Line Item. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

7. Approval of February 24, 2011 Board of Commissioners Minutes, the March 2, 2011 Board of Commissioners Workshop Minutes, and the March 10, 2011 Board of Commissioners Minutes.

Commissioner Horgan moved to approve the February 24, 2011 Board of Commissioners Minutes and the March 2, 2011 Board of Commissioners Workshop Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Horgan moved to approve the March 10, 2011 Board of Commissioners Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Brown abstaining from the vote.

OLD BUSINESS:

8. Consideration of Resolution No. 2011-06 which withdraws support for local legislation associated with Resolution 2010-22 which related to introducing legislation to amend certain provisions of the local act creating the Fayette County Board of Elections, specifically how the process for appointment of its members occurs.

Commissioner Horgan told the Board that he asked for this to be placed on the agenda, and he asked for a formal action from the Board signifying that it was withdrawing support for the decision the Board made in December 2010 regarding local legislation that would affect how Board of Elections members are appointed. He added that with the new member from the Democratic Party as well as one other new member from the Republican Party, and with the commitment from the Chairman of the Board of Elections, that the Elections Board was going "in a great direction" and he did not feel there was a further need for the Board of Elections to operate under the method prescribed by the Board.

Chairman Frady clarified that what the Board was essentially doing was confirming that it did not pursue its previous December 2010 resolution, and that this new Resolution would completely "kill" the previous resolution.

Commissioner Horgan moved to adopt Resolution 2011-06 to withdraw support of legislation that would have altered the process for how appointments to the Fayette County Board of Elections must occur. Chairman Frady seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the request and Resolution 2011-06, identified as "Attachment 7", follow these minutes and are made an official part hereof.

9. Consideration of a "Joint Resolution to Support the Transportation Investment Act of 2010 Project Submittal".

Director of Public Works Phil Mallon distributed a report to the Board entitled *Fayette County Project Submittals-Transportation Investment Act of 2010: DRAFT- Pending Review by the BOC.* The report listed 37 separate projects and five suggested letters of support. County Administrator Jack Krakeel and Mr. Mallon then discussed this report with the Board.

Mr. Krakeel explained that this agenda item concerned a followup to the Board's meeting that was held several weeks ago with the Association of Fayette County Governments (AFCG) to authorize the Chairman to sign a joint resolution. He explained that all the municipalities in Fayette County have already signed the joint resolution. Mr. Mallon discussed the list of project submittals with the Board. He explained that the listed projects were agreed upon by consensus at the AFCG meeting held on March 8, 2011. He said the list was compiled after discussion with Fayetteville and Peachtree City, as well as the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC).

Commissioner Brown asked if the list was an exact duplicate of what was discussed at the ACFG meeting, and if there were any changes on the list since that time. He said he was concerned that the list had not been publically disclosed prior to the Board's vote and since the public would not have the ability to make comments. Mr. Mallon answered that the provided list was not an exact duplicate, and he told what changes had been made to it.

Among the changes added to the list was a Regional Mobility Management Call Center, and considerable discussion took place about this project, its purpose, and related funding concerns. Commissioner Brown stated that he could not support the project due to lack of information and since it could be funding a regional project. Mr. Krakeel recommended removing the project from the list for the time being and that staff would attempt to get as much information to the Board concerning the project at a later date. Commissioner Horgan added that transportation for senior citizens is very important and asked for further information on this project to be provided at a later date.

Commissioner Brown also spoke the State Route 54 Widening Project from McDonough Road to Tara Boulevard, and spoke about his belief that it could be part of the ARC's Outer Loop project. Chairman Frady replied that the ARC did not refer to the widening as "the Outer Loop", that the road structure is already in place, and that the widening of State Route 54 has "been on the books" for the past 20 years. He summarized that the widening project was not "dreamed up" by the ARC to make an Outer Loop, and he recommended the project remain on the list of projects.

Chairman Frady recommended that the projected list be adopted by the Board, that it be sent to the ARC, and that it be posted on the County's website. Commissioner Brown told the Board he would have a hard time voting for the list due to his concerns about the outer loop plan, and he said unless Fayette County offered the ARC a "viable alternative" he would assume that the 2007 diagram provided by the ARC is what they have planned for Fayette County.

Commissioner Horgan moved to adopt the "Joint Resolution Supporting the Transportation Investment Act of 2010 Project Submittal" and to remove Project Number 11- Regional Mobility Management Call Center from the Project Submittals list. Commissioner Hearn seconded the motion. Discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request and Joint Resolution, identified as "Attachment 8", follow these minutes and are made an official part hereof.

10. Consideration of a resolution approving an Agreement of Sale with the Fayette County Public Facilities Authority and a Bond Purchase Agreement with the Authority and Merchant Capital, L.L.C. relating to the issuance by the Authority of its Refunding Revenue Bonds, Series 2011, for the Justice Center and Jail, and for other related purposes.

Commissioner Brown moved to table Old Business Item 10 to the April 6, 2011 Board of Commissioners Workshop Meeting. He explained that a Public Facilities Authority meeting took place earlier in the morning that he was unaware of and there was information forthcoming that he had no way of reviewing due to time constraints. Chairman Frady replied that the issue was time sensitive, and he did not believe the agenda item could be tabled. Commissioner McCarty replied that he had the same objection as Commissioner Brown, and he seconded the motion. No discussion followed. The motion failed 2-3 with Chairman Frady, Commissioner Hearn, and Commissioner Horgan voting in opposition.

Finance Director Mary Holland informed the Board that she was before them to provide an update on the cost-savings for refunding the Criminal Justice Center's 2001 Bonds, and also to ask for the Board's approval to adopt a resolution for the sale of those bonds as well as purchasing new bonds for 2011. She introduced Mr. Jamie Wilson who represented Merchant Capital– the firm that "underwrote the transaction". She also introduced Attorney Ken Pollack representing McKenna, Long, and Aldridge, who served as Bond Counsel for the transaction. Ms. Holland, Mr. Wilson, and Mr. Pollack then made presentations to the Board.

Mr. Wilson explained that bonds were issued for the Justice Center facility in 2000, that they were refunded in 2001, and that they are again callable on June 1, 2011. He said the bonds were issued at an interest rate of 4.98%, that they project for 20 years, and there are $47,985,000 of those bonds outstanding. He added that there is about $27,000,000 of interest that remains on those bonds for a total payout of about $75,000,000. He said the bonds are callable, and the current market environment allows for them to be reissued at an interest rate of about 3.88%. He said there are certain surplus funds, in the amount of approximately $8,000,000 that were held over from the 2000 bond issue that were being planned for finishing the third floor of the Justice Center, and those funds have been incorporated in the proposed plan of refinance. He explained that the proposed refunding bonds aggregate $40,300,000 with about $20,000,000 worth of interest, so the total payout is $60,646,000 as compared to $75,000,000. He continued that the numbers indicate a total reduction in debt service to the County of approximately $15,018,000. He further commented that on a present value basis and by "discounting the cash-flow stream back to the closing date that would generate about $11,552,000 of savings to the County on present value basis." He added, however, the contribution of the County's money would have to be subtracted, which is $8,180,000, and that generates a net-present value savings to the County of $3,327,000 after all transaction costs. He concluded that the savings have been structured so that there are $2.6 million dollars in savings to the County on June 1, 2011, "approximately $1,015,000 for the next three fiscal years", and then approximately $580,000 of savings each year for the remaining term through the year 2030.

Mr. Wilson continued explaining that this current work began in Fall 2010, but the bonds could not be refunded until now due to some federal tax rules that require the bonds to be refunded no earlier than 90 days to the call date. He said bonds were offered earlier in the week for sale to investors, that they were committed for by investors, and the rates that are being proposed and the savings being proposed are firm numbers, subject to the Board's approval. He concluded that the transaction was ready for the Board's action.

Mr. Pollack informed the Board during the discussions that he was directed that the County "would like to hold title to the facility [Justice Center]", so he advised County staff to structure the transaction not as a continuance of the lease-structure but to structure it as a sale of the facility to the County. He said what was being proposed was that the Public Facilities Authority would issue the refunding bonds in the amount of about $40,300,000 that will be applied to pay off the old bonds. He said once the old bonds are paid off, the lease, by its terms, would terminate. He said that the Public Facilities Authority would then sell the facility that they currently hold title to the County under an Agreement of Sale which the Board was being asked to approve. He said the Agreement of Sale document would no longer require the County to make lease payments to repay its outstanding debt, but instead the County would make installment purchase payments. He added that from a legal standpoint, the only real difference would be that the title to the Justice Center will vest in the County itself and that the County will no longer have "just the leasehold interest, you will have full fee-simple title in the facility but have the obligation, as you did before, to make payments sufficient to pay the outstanding debt." Discussion followed during which Mr. Pollack and Mr. Wilson answered various questions from the Board.

Commissioner McCarty summarized that what was being considered was that the County "has a note that we have been paying on at the interest rate of 4.98% called bonds, and we have been paying it in the form of a lease payment for these facilities. And what you are saying is now, we will be making a 3.88% loan for the purchase of these facilities, that will actually go for the purchase of them rather than a lease on them". Mr. Pollack agreed with Commissioner McCarty and added that the original lease was in fact a lease-purchase;

meaning after the bonds were paid off the County would have the option to purchase the facility for $100. He explained that under the new structure currently under consideration, the title would go to Fayette County immediately with no lease.

Commissioner Horgan moved to adopt a resolution approving an Agreement of Sale with the Fayette County Public Facilities Authority and a Bond Purchase Agreement with the Authority and Merchant Capital, L.L.C. relating to the issuance by the Public Facilities Authority of its Refunding Revenue Bonds, Series 2011, for the Justice Center and Jail, and for other related purposes, and authorization for the Chairman to execute those documents on behalf of Fayette County and to take all necessary steps in furtherance of the 2011 Bonds. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, Agreement of Sale, and Bond Purchase Agreement, identified as "Attachment 9", follow these minutes and are made an official part hereof.

11. Consideration of the Water Committee's recommendation for Mallett Consulting to design engineering plans and to oversee the subsequent bidding process pertaining to the Magnetic Ion Exchange (MIEX) process for removal of Total Organic Carbons at the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant.

Water System Director Tony Parrott explained that technology has increased for water testing, and that the Environmental Protection Agency (EPA) is "raising the test level once again to nanograms". He told the Board that there is a treatment technique to remove 35% of Total Organic Carbons (TOC) drinking water. He continued that the EPA is going to place and enforce new rules next year that, with its current technology and practices, the County will not in pass future water tests. He reminded the Board that he received its approval to conduct two pilot tests last year for two different types of additional treatment, and, based on the results, staff agreed that the MIEX treatment would meet the regulations in order to be in compliance in the future and it would give the County a certain degree of assurance that when the EPA increases the regulations again that the County would remain in compliance. He recommended the ability to treat 50% of the water at each plant. He suggested the County should continue to utilize Mallett Consulting to facilitate this upgrade. He asked the Board to authorize Mallett Consulting to design the facilities and to oversee the bidding process, and for the Chairman to be authorized to sign the contract with Mallett Consulting. He suggested that the bid price would be approximately $9.3 million for construction and inspection, and the resin used in the process would cost approximately $700,000. Mr. Parrott added that he would return to the Board at a later date to discuss the impact that would be felt by the water customers, and he anticipated a 4-7% water rate increase for water customers.

Commissioner Hearn moved to approve the Water Committee's recommendation to authorize Mallett Consulting to design engineering plans and to oversee its subsequent bidding process pertaining to the Magnetic Ion Exchange process for removal of Total Organic Carbons at the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant; and to authorize the Chairman to sign the necessary contract with Mallett Consulting contingent on the County Attorney's review. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

NEW BUSINESS

12. Authorization for county staff to restore transportation priorities due to severe budget constraints, restricting spending on lower priority projects, ensuring completion of the number one priority T-SPLOST project (East Fayetteville Bypass).

Prior to the start of the Commission Meeting, Commissioner Brown distributed a report entitled *Fayette County Transportation SPLOST-321 Recommendations* to the Board in which Projects were highlighted in either red, yellow, or green colors. He also informed all present that this item was not placed on the agenda due to a clerical error.

Commissioner Brown read a prepared statement which follows:

> *The priorities were clearly set by the Fayette County Board of Commissioners heading into the 2004 SPLOST referendum. In fact, an official county memorandum dated January 15, 2004 by Fayette County Public Works Director Lee Hearn entitled "Priority list of transportation project[s] with cost estimates" unmistakably says "Priority #1 East Fayetteville Bypass" and calls for engineering design to occur in 2006, right-of-way acquisition in 2008 and construction in 2010. That schedule was created based on the research of the County's contracted engineering firm URS Corporation and significant input from all the governmental jurisdictions within Fayette County, officially accepted by the Board of Commissioners including Commissioner Herb Frady.*
>
> *The citizen voters of Fayette County went to the voting booths in 2004 believing we had a legitimate set of transportation priorities, agreed upon in official meetings and announced in the local news media.*
>
> *Much to the credit of the Dunn administration, they had begun the process of designing and building the East Fayetteville Bypass with funding to see the project through. However, in 2007, the Smith administration with no public input, no public announcement and no public vote changed the priorities of our citizens, deciding instead to build the developer welfare project known as the West Fayetteville Bypass or the Road to Nowhere.*
>
> *Critical SPLOST funds have been wasted on many low priority projects. The previous Board of Commissioners decided to sacrifice, in their words, "priority #1" for a project list of marginal importance which could be performed in the future.*
>
> *The reason the County enlisted the use of the SPLOST methodology was it gave us the only means to accumulate a significant amount of funding to actually build a large-scale project like the East Fayetteville Bypass, but most of the funding has been squandered on lesser projects.*
>
> ***Facts**: The East Fayetteville Bypass (S. Jeff Davis to 85), costing $39,387,388, is the total responsibility of the County Government and has had funding appropriated for engineering. This project is eligible for matching federal funds for right-of-way acquisition*

and construction which would be lost if the project does not move forward. The cost of this large project will never be lower than our current figures because of the depressed real estate market.

Nearly three times the amount of funding needed to build this project has been collected by the additional one-percent tax, so ample funds have been available to build the citizens' top priority project.

In an attempt to bring some fiscal legitimacy back to Fayette County and a sense of order, I make a motion to halt any SPLOST funding directed to the lower priority red highlighted projects on the attached list and also move that any spending on the lower priority yellow highlighted projects be frozen along with any projects dropped by the county or municipalities until the East Fayetteville Bypass, the number one priority project of the county, is completed.

Commissioner Brown moved to halt any SPLOST funding directed to the lower priority red highlighted projects on the attached list and that any spending on the lower priority yellow highlighted projects be frozen along with any projects dropped by the county or municipalities until the East Fayetteville Bypass, the number one priority project of the county is completed. Commissioner McCarty seconded the motion.

Commissioner Hearn informed Commissioner Brown that this was the first he had been notified of this item, and that he had not had sufficient time to read and study the issue under discussion. He asked for the item to be tabled until the April 6, 2011 Board of Commissioners Workshop Meeting.

Commissioner Brown agreed to table the item until April 6, 2011 and withdrew his motion. Commissioner McCarty withdrew his second. The item was tabled until the April 6, 2011 Board of Commissioners Workshop Meeting.

Commissioner Hearn moved to place the item on the April 6, 2011 Board of Commissioners Workshop Agenda. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

REPORTS:

ADMINISTRATOR'S REPORTS

There was no Administrator's Report.

COMMISSIONERS REPORTS

Commissioner Allen McCarty: Commissioner McCarty commented about World War I and about some facts he had learned about the war that he had hoped to share earlier during the recognition of the American Legion. He spoke about how slugs were valuable commodities in World War I, about the federal government paying as much

as a nickel a piece for them, and about how the chemical gasses used against the troops was a strong irritant to slugs. He said that the slugs were about 45 minutes quicker at discerning minute traces of the gas and were the best detectors of gas that the federal government had.

Commissioner Lee Hearn: Commissioner Hearn addressed Ms. Ogino's concern about public rail transportation coming into Fayette County, and her concern that if six counties out of ten voted for public rail transportation then was Fayette County obligated to take it. He answered that Fayette County would not be obligated to take public rail transportation and he gave an explanation of the issue. He also spoke about the East and West Fayetteville Bypasses and how, at the Commissioners' Retreat Meeting in January 2009, an open discussion with media present took place during which the Board reached a consensus to move forward with the West Fayetteville Bypass and not the East Fayetteville Bypass. He said the reason consensus was reached on this matter was because more people would be able to use the West Fayetteville Bypass at that time than would be able to use the East Fayetteville Bypass. He emphasized there were no backroom deals and nothing inappropriate was done. He sympathized with the Smithfield family and other families that would be negatively impacted by the West Fayetteville Bypass, and he challenged the citizens to look at the bigger picture with respect to the West Fayetteville Bypass.

Commissioner Steve Brown: Commissioner Brown spoke about the Georgia Regional Transportation Authority (GRTA) and how they are a great example of regional authority since the legislation establishing it allows it to do whatever it wants to do. He said when he was mayor of Peachtree City, there were two instances when GRTA "told" Peachtree City it was going to build two roads, and it culminated in a face-to-face contest in Atlanta with the GRTA's attorney and several GRTA members. He said at that time Fayette County joined with Peachtree City to "fight GRTA off." He noted that GRTA was not set up for mass transit and that is why they have not had success in that arena. He stated that in next year's legislative session there would be the creation of a regional transit authority, and that regional transit authority will have some of the same type of authority that GRTA has, and they will be in a position to tell jurisdictions what to do. He said if someone looked at the ten counties in the metropolitan Atlanta area, that person would understand those counties do not really resemble Fayette County, and what the other nine counties may want and may think is beneficial to them could be extremely detrimental to Fayette County. He said when Commissioner Hearn tells you about a local jurisdiction being able to say it does not want to participate in a plan, the Commissioner is correct – until the legislative session creates a regional transit authority. He continued this is the reason he was trying to get Fayette County out of the regional mass transportation plans, because once the County is in the plan, and that authority is created, and they have those types of powers, it is not a matter of "Fayette County will you please do this" but its going to be "Fayette County here is what you are going to do." He also spoke about comments concerning Peachtree City Mayor Don Haddix and the concept of "changing regions" and how the mayor's comments caused the city to lose funding at the regional level. He said he had personally corresponded with the public relations person at the Atlanta Regional Commission (ARC) who handles transportation issues, and that person told him that was absolutely not the reason why the city lost funding. Instead, he reported that Peachtree City lost funding because they did not build their projects.

Chairman Herb Frady: Chairman Frady replied to Commissioner Brown by saying GRTA does not have "very much teeth" to start with and provided some examples of their weakness. He stated that GRTA does not have any power at all with concerns to zoning since they cannot zone, and that the counties have the power to zone property based on legislation passed in 1957, and that power has not been given to GRTA. He said the counties' power keeps "a lot of things outside of the county", and said that Fayette County has zoned to keep mass transportation out of Fayette County. He concluded that not one person has come to the Board and stated that Fayette County is a bad place to live, and that he had been a part of county politics for 23 years.

EXECUTIVE SESSION

Real Estate Acquisition and Personnel: County Administrator Jack Krakeel announced he had items concerning Real Estate Acquisition and Personnel to discuss in Executive Session.

Commissioner McCarty moved to recess into Executive Session to discuss items concerning Real Estate Acquisition and Personnel. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:16 p.m. and returned to Official Session at 9:36 p.m.

Executive Session Affidavit: Chairman Frady asked for the record to reflect that the Board discussed one Real Estate item and the Board had no consensus to pursue it, and that the Board discussed one Personnel problem and the Board gave the County Administrator direction on how to proceed with the issue.

Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating that items of Real Estate Acquisition and Personnel were discussed in Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 12", follows these minutes and is made an official part hereof.

ADJOURNMENT

Commissioner McCarty moved to adjourn the March 24, 2011 Board of Commissioners meeting. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned their March 24, 2011 Meeting at 9:37 p.m.

_____ _____

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 14th day of April 2011.

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Floyd L. Jones, Deputy Clerk