Minutes

Board of Commissioners
August 25, 2011
7:00P.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, August 25, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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

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

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

Presentation/Recognition:

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

County Administrator Jack Krakeel recognized and the Board presented Chief Finance Officer Mary Holland and Assistant Finance Director Toni Jo Howard with the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System Comprehensive Annual Financial Reports (CAFR) for the fiscal year ending June 30, 2010. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Public Hearing:

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

Director of Community Development Pete Frisina read the rules for public hearings. A copy of the rules, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He remarked that the applicants had contacted him and said that they would not be present for the hearing tonight.

Commissioner Brown interjected that anyone wishing to speak in favor or in opposition to item nos. 2, 3 or 4 listed under the Public Hearing section of the agenda, did not need to sign up prior to the meeting. He said anyone who wished to speak on this item could do so.

Chairman Frady asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

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

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

Director of Community Development Pete Frisina discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof. He said this item had previously been discussed with the Board regarding amendments to the Zoning Ordinance for the Planned Retreat and Lodge. He said global changes had been made to the Zoning Ordinance in December 2010 and staff was unaware that this resulted in conflicting regulations. He pointed out that a project had been presented to staff which resulted in a review of this zoning district. He said it had not been used since 1978 and needed to be updated to meet the needs of handling rezonings. He reviewed the proposed amendments with the Board. He noted that as a result of this review, staff noticed that there was a cell tower in the middle of this property that was approved and permitted under the County, and as a result staff had included that cell towers will be allowed in this zoning district under the provisions of Article V. He remarked that staff had also discussed the buffer requirement for 150 feet. He said when staff had looked at similar uses such as private schools and churches, the buffer requirement was much less. He said staff was proposing to reduce the buffer down to 75 feet as well as the provision that this buffer could be increased in certain situations relating to any PUD request that might be submitted. He said transportation vehicle paths or driveways or multi-use paths would be fine within the buffer as well. He said a minor change had been made to Article V regarding property owners association and homeowners association. He said he would be glad to answer any questions.

Commissioner Brown asked for clarification regarding the property owners association and the homeowners association. He asked if there were different business entities or nonprofit entities that were on a piece of property in relation to this ordinance, would that also include something akin to a merchants association where a developer has several merchants located on a piece of property.

Mr. Frisina replied that this would allow the construction of a private street and provide the option of gating it or controlling access but the street would still have to be maintained. He said the covenants would require everybody located within the development who are sharing the private road would be responsible through the covenants that they would be responsible for maintaining the street. He said this would include nonprofits and this was the reason property owners association was included.

Commissioner Horgan asked if the infrastructure for fire hydrants would be required and Mr. Frisina said this would be treated the same as with any other development. Mr. Frisina said a PUD would give flexibility in zoning but not flexibility in the other standards.

Commissioner Hearn clarified that a project would have to consist of a minimum of 50 acres to be considered for this and the density was one single family unit for each ten net acres of the development.

Chairman Frady asked if anyone wished to speak in favor of this petition. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VI. District Use Requirements Sec. 6-25. Planned Unit Development, F. Planned Retreat or Lodge and Article V. General Provisions, Sec. 5-8 Street Frontage for Access. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of Ordinance No. 2011-07, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

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

Chief Finance Officer Mary Holland presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. Ms. Holland said this was the third meeting for public hearings for consideration of the 2011 millage rates. She said the Board would be considering Resolution No. 2011-13 at the end of this public hearing for adoption. She said information was also included in the Board's packet in regard to counties in the Class A government size as well as a couple of other surrounding counties to Fayette County. She said every year staff prepares a comparison of what the millage rates are in those counties and do a comparison of the change from last year as well as rank those within the counties. She said there were 18 counties listed in the Class A government and last year Fayette County ranked 16 out of 18 counties in regard to the total millage rate. She said this year, depending on what Carroll County does, Fayette County could end up being 15th or 16th out of 18. She further remarked that the recommended rates for the general fund is 5.645 mills and that was an increase over last year of $0.245. She said the rate for the emergency 911 operations center is new this year and that was 0.207 mills. She remarked that there was an increase in fire services of $0.509 to bring that rate to 2.500 mills. She remarked that there was a slight reduction in EMS operations and that was -$.0908 and that would bring that rate to 0 .450 mills. She said these are the rates presented to the Board for consideration as well as included in Resolution No. 2011-13. She said the Board would need to take action in regard to setting the millage rate for the Fayette County School Board. She

said the School Board had adopted their rates and those were included in the Resolution as well. She said she would be glad to answer any questions.

Chairman Frady interjected that the Board of Commissioners did not have anything to do with the School Board's mill rate except to adopt it.

Chairman Frady asked if anyone wished to speak in favor of the proposed 2011 property tax millage rates. Hearing none, he asked if anyone wished to speak in opposition.

Pat Earnest: Pat Earnest remarked that food prices were rising as well as clothing, utility costs, healthcare costs, and gasoline prices. She said the only thing that wasn't going up was the value on her property. She said in the last three years her property value had dropped tens of thousands of dollars and yet this Board was proposing an increase in her taxes. She said she lived on a very modest fixed income and no possibility of a year end bonus or cost of living increase. She said her mother has Alzheimers and lived in a facility in Morrow and she had moved her 96 year old father in with her last October. She said she would be happy for any of the Commissioners to sit down with her and go through her check book and show her where she could make more cutbacks. She said her situation was not unique and she knew dozens of families who are struggling. She pleaded with the Board to look at this issue again before property taxes were raised. She said she could not afford a property tax increase, a 911 tax increase, or a stormwater management tax increase. She said the citizens are drowning and these citizens need a lifeline from the Board.

Gordon Furr: Gordon Furr said the last thing that should be going on would be the County raising taxes. He asked the Board why HB 240 couldn't be used to keep from raising raises. He agreed with Ms. Earnest that these are hard times and the West Fayetteville Bypass could be stopped and use that money so taxes would not have to be raised.

David Hall: David Hall said he was not in favor of Resolution No. 2011-13 adopting the millage rate and he asked the Board not to adopt it tonight. He said he did not want millage rates to be raised due to the low property values. He said he did not think the citizens should be punished for things that are not their responsibility. He said the West Fayetteville Bypass was lowering property values as it is being constructed. He felt this Board should talk to the Fayette County School Board about closing down some of the eight empty elementary schools. He said there were some easy ways to make up for the taxes that are lost. He said that would be to use HB 240 and quit spending money on the West Fayetteville Bypass which the majority of citizens do not want. He said the answer was not to raise taxes but to use the tax money already collected more wisely. He said he was opposed to the adoption of the millage rates as presented tonight for 2011.

Ginga Smithfield: Ginga Smithfield said she was sure everyone in Fayette County would agree that the economy was in very poor condition. She said when money is tight, responsible people cut back on expenses that are necessities. She said the Fayette County taxpayers have not seen any evidence of the Commissioners trying to cut expenses. She said all the citizens have seen is county officials spending millions of dollars and now they are asking for more. She remarked that spending almost $90,000 on paving a gravel road with only two homes on it was not a necessity. She said she had lived on a gravel road for almost thirty years and there were six homes located on it. She said during that time, not one homeowner on her street had ever asked the taxpayers to pave this road. She said sat in this very room and listened to the Commissioners discuss how a developer had called and said they would develop the property on this $90,000 road if the County would pave it. She said the taxpayers are not paving the road. She said the $8 million roundabout in Fayetteville was not a necessity. She said giving County pay raises at the end of 2010 was not a necessity. She said last, but by no means least when tens of millions of dollars was spent on the West Fayetteville Bypass by no stretch of the imagination could that be called a necessity. She said the West Fayetteville expenditures could be directed toward better purposes by utilizing HB 240, however some of the Commissioners have a such strong

ties to the West Fayetteville Bypass that was more important to them than balancing the county budget. She said all of these expenditures had come about as hundreds and hundreds of homes are going into foreclosure in Fayette County. She pointed out that the population in Fayette County was shrinking and that had been evidenced this past week by statistics from the School System. She said student enrollment was down by 787 students and that was enough to fill an entire school. She said the School Board was considering a middle school and two elementary schools and were considering switching to a four day school week. She said the School Board dug the hole that they are in by building schools they couldn't fill and buying property that they couldn't sell. She said this Commission is digging a hole that we will never be able to climb out of. She said home values have declined because of the economy yet this Commission wants to raise taxes on devalued homes. She said 94% of Fayette businesses will be impacted by a large tax increase. She said she had continually seen this Commission ignore suggestions of having bids for all outsourced services. She felt all engineering and landscaping services should have bids submitted and evaluated. She said after all is said and done, this Commission continued to spend and ask for more money. She said this Commission also drafted an ordinance that will limit public participation within the local government process. She said she could not see where any of this would instill public confidence in county officials.

Tom Waller: Tom Waller said the request for an increase in this year's millage rate was not a surprise. He said he did not believe the Administrator had requested each department to provide a 2% or 5% decrement list from those departments if it was necessary for them to live within the amount of funding that they got last year. He said, on the contrary, staff counted on raising the millage rate on property and noted that property values have decreased. He said a lot of citizens were living on fixed incomes and they would make their voice heard in the next election.

Randy Ognio: Randy Ognio asked the Board to take notice as to the people speaking in favor of the millage increase and those people speaking in opposition. He said he had not heard one person speak in favor of this increase. He also expressed concern with the E-911 tax district as well as a new stormwater fee. He said between the local, State and Federal government, he was not able to keep any of his money. He said the School Board had driven the county in a hole and now this Commission was doing the same thing.

Nancy Giertych: Nancy Giertych said she realized the School Board was not the County Commission's issue but it does impact the citizens. She said the citizens of Fayette County are taxed to death and she was very upset over the situation. She questioned the new tax district for E-911 and said as a resident of Peachtree City she would now be double taxed. She asked the Board for consideration to use the West Fayetteville Bypass funds to reduce other taxes or prevent taxes from increasing. She said the citizens were already being taxed to death by the School Board and she asked the Board to consider reducing taxes.

Steve Smithfield: Steve Smithfield discussed two ways to use SPLOST funds that were wasted on the West Fayetteville Bypass. A copy of his remarks, identified as "Attachment No. 7", follow these minutes and made an official part hereof. He said there was an ongoing petition regarding the County's budget shortfall and Commissioners looking to raise property taxes in order to make up for the shortfall. He said HB 240 would be another option and would allow the citizens to vote to use the SPLOST funds to cover County expenses so taxes would not have to be raised. He said he had intended to turn in this petition before now but there are over 600 names with more and more citizens from all parts of Fayette County wanting to sign it. He remarked that according to the SPLOST guide for County Commissioners the following provisos relating to the usage of SPLOST funds to divert culvert repairs can be found in the SPLOST guide on page 10 under Stormwater and Drainage. He said the 2004 SPLOST was dedicated toward road, street and bridge purposes. He said the petition signatures acquired so far are proof of the unpopularity of the West Fayette Bypass and extend throughout the entire county.

David Barlow: David Barlow remarked that there had been an increased interest in the Board of Commissioners over the last few years, and this had originated out of a public distrust and a yearning to save this community. He said County revenues had gone down during the last several years but the Smith administration and the majority of this present Board chose to proceed on a course of deficit budgeting no better than the U.S. Congress. He not only did the three member majority of this Board adopt the budget where expenditures exceeded revenues, but additional expenditures were also created to make matters worse. He said the citizens were going to be paying for the WIC program twice – first with Federal taxes and again with County taxes. He said the citizens are also paying for the East Fayetteville Bypass twice firstly with the local sales tax funds and soon with the regional sales tax funds. He remarked that this Board was also hurrying to waste tens of millions of tax dollars on building the West Fayetteville Bypass that no one wants except the real estate developers. He said if the County government was a private corporation, it would be bankrupt in just a few years because of bad decision making. Nearly everyone in this audience tonight as well as throughout the County have the impression that three of the Commissioners on this Board like to run lose with taxpayers' dollars. He said the unbalanced budgets, pet projects such as the West Fayetteville Bypass, voting to keep Fayette County in the regional mass transit plans and the thoughtless proposals like the 2009 SPLOST referendum prove that point very clearly. He noted that Commissioner Brown had developed a serious proposal for reducing expenses and shifting funds through HB 240 and this Board would not even allow him the courtesy of speaking. He said the citizens of Fayette County are watching and waiting to vote in the 2012 election. He said everyone should expect an extreme make over of the Fayette County Board of Commissioners.

Hearing no further comments in opposition, Chairman Frady asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to adopt Resolution No. 2011-13 which establishes ad valorem tax millage rates for 2011. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown remarked that he wanted to make some points that are pertinent to this conversation. He felt a much larger view needed to be taken than just what the millage rate was going to cost the average homeowner. His points are as follows:

Commissioner Brown made the following points: **(1)** Fayette County's unemployment is the highest percentage in the last 20 years; **(2)** The county government is engaged in deficit budgeting and spending; **(3)** According to the latest Consumer Distress Index, the State of Georgia is the fifth worst in the United States (AJC, Aug. 18, 2011); **(4)** The U.S. Commerce Department data has "spurred forecasters to cut projections for U.S. growth for the second half of the year and beyond," (Wall Street Journal, Aug. 23, 2011); **(5)** This past July's one percent decrease in home buying puts this year on the pace to be the "worst numbers in half a century." Georgia is the fourth worst in the U.S. for the rate of homes facing foreclosure (AJC, Aug. 24, 2011); **(6)** 87.8 percent of Fayette County homeowners lost significant value in their homes; **(7)** Our county's commercial and industrial base – what remains of it – is getting hit with a considerable tax increase at the very same time they are trying to hold back on laying off employees or just keeping their doors open; **(8)** Three members of our Board killed my attempt at forming a committee to utilize HB 240 in an effort to better prioritize our government spending and stave–off tax increases and deficit spending. We had better bring out the defibrillator and attempt to revive the HB 240 discussion and see if we can get our fiscal pulse back; **(9)** The fact that we are still constructing the expensive West Fayetteville Bypass, an unwarranted road, while people within our county who were once secure and are now going to charities to get financial assistance to pay their bills; and the county going to raise their taxes is incomprehensible to me; **(10)** The county does not even bid out simply stuff like grass cutting contracts, so why shouldn't local taxpayers be angry?; **(11)** To all the local business owners who see us wasting precious tax dollars on projects like the West Fayetteville Bypass that have no impact on our current traffic situation while your taxes get hiked, please know that two of us tried to put things into perspective, but were voted down; **(12)** The county is going to spend almost $9 million on a roundabout in Fayetteville at Mayor Steele's request – a project that was not even in the

2004 SPLOST – at the pinnacle moment when our citizens are hurting the most. This is unbelievable; **(13)** There is no compassion, no vision and no leadership on this one. A copy of his remarks, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Commissioner Brown urged the Board to take a closer look at HB 240. He said there was still a chance that something could be done with that if it was brought back up for discussion. He felt this would be in the County's best interest. He said he hoped the Board had a change of heart on this one. He said he was aware that he might lose another vote and it would be a 3-2 vote but something needed to be done about this. He said he had written several columns in the local newspaper on the School Board detailing all of the things that had occurred. He said that situation was an absolute disaster and the County was heading in the same direction if it wasn't careful.

Commissioner Horgan remarked that the County has not had any kind of a tax increase during the last five years. He said Fayette County was a futuristic county with high standards. He said by not having this small tax increase now would be "keeping our heads in the sand" and not looking into the future. He commented on the new roundabout that the City of Fayetteville had built and noted that was their money to do with it as they pleased. He felt the roundabout was a great improvement to the traffic in this community. He said the issue of the E-911 tax was an issue brought up by the cities who felt there was an inequity of taxation. He said this agreement had been reviewed and approved by all of the councils of every municipality. He said he realized the small tax increase was hard but he felt it was the right thing to do right now to keep County standards high. He said he was in agreement with this increase.

Commissioner McCarty commented on the large number of homes being repossessed in Fayette County. He pointed out that there were 85 plus homes being sold because of back taxes. He said he was not in favor of any fees or taxes to be increased at this time. He said at some point in time this might need to be done but now was not the time to do it.

Commissioner Hearn commented on the E-911 tax. He said the cities had approached the County and asked for consideration for the E-911 millage rate. He said in the past the cities had been paying the 911 tax out of their general fund and the County had been paying 911 fees out of its general fund. He said the citizens in Peachtree City would pay the 911 fees for the County and they would also pay 911 fees included in their city taxes. He said by having this millage rate thee would be across the board unilateral millage rate that everybody would pay and the citizens in Peachtree City, Tyrone and Fayetteville would have to pay double. He said he would challenge anyone to sit through next year's budget meetings with every department head line by line and every dollar that is spent. He said he felt the millage increase was the right thing to do and it would allow the County to provide services here in Fayette County.

The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of Resolution No. 2011-13, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

Public Comment:
Executive Assistant Carol Chandler read the rules for the public comment section of the agenda. A copy of the rules for public comment, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

Chairman Frady asked Ms. Chandler to read the names of the individuals who had signed up to speak under public comment.

Roy Bishop: Mr. Bishop said he had lived on Westbridge Road for thirty-six years. He said he had heard rumors that a new bridge was going to be built as well as a new road. He said he had called the County for someone to come out and look at the roadway. He said Jack Krakeel and Phil Mallon had come out to discuss his idea of straightening the

roadway thus eliminating the two curves. He remarked that there had been a lot of accidents on this road as a result of these curves and a lot of people had died. He said these curves needed to be fixed and Mr. Krakeel and Mr. Mallon agreed with him and thought his idea was a good one. He said they indicated that the water main would not have to be moved and no money would have to be spent for that. He said he had spoken with Mr. Mallon in March, and Mr. Mallon indicated that there was no money in the budget. He said the new plan would still have the two curves and the easement would come within 30 feet of his front door and the pavement 60 feet from his door and he was under the impression that the zoning was for 100 feet. He questioned if the County was exempt from this requirement. He said he was sure that no one would want this road coming within 60 feet of their front door and the highway being open 24 hours and 7 days a week. He said he was also going to have a new guard rail all the way across his front yard. He asked that the curve and the ridge be left the way it was now and for the County to wait until there was enough money. He said it had been alright for the last thirty-six years and no one had been interested in it. He said he had watched the traffic today, and there were over 200 cars that went by in less than an hour, 6 school buses, 14 pickup trucks with trailers pulling lawn mowers, and 3 garbage trucks. He said this was a very busy road but he felt the County had gotten its way and the highway. He asked the Board for consideration to do the right thing and table this matter until there was enough money to do it the right way.

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

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

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

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

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

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

Finance Department - Adoption of Policy No. 300.07:

5. Approval of staff's recommendation to adopt Policy No. 300.07 which amends the County's Reserve Fund Policy in compliance with the Governmental Accounting Standards Board (GASB) Statement No. 54. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

Sheriff's Office - Funding for Vehicle Replacement Project:

6. Consideration of Sheriff's Office request to provide additional funding to complete Vehicle Replacement Project 1323A by $8,997. A copy of the request and backup, identified as "Attachment No. 12"", follow these minutes and are made an official part hereof.

Emergency Services - Memorandum of Understanding regarding Atlanta Regional Evacuation Plan:

7. Approval of Memorandum of Understanding between Fayette County Emergency Management and the Fayette County Board of Education for the use of Sandy Creek High School for the Atlanta Regional Evacuation Plan Evacuee Transfer Point; and authorization for the Chairman to execute said MOU pending the County Attorney's review. A copy of the request and backup, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

Tax Assessor's Office - Disposition of Tax Refund Requests:

8. Approval of staff's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380. A copy of the request and backup, identified as "Attachment No. 14", follow these minutes and are made an official part hereof.

Water Committee - Modification of the Backflow Containment Policy:

9. Approval of the Water Committee's recommendation to approve modification of the Backflow Containment Policy. A copy of the request and backup, identified as "Attachment No. 15", follow these minutes and are made an official part hereof.

Water System - Ratification of Board's action on August 11th regarding the Waterline Extensions:

10. Ratification of the Board's action on August 11 to award the annual contract for Waterline Extensions for Fiscal Year 2012 to the low bidder, Lantz Construction, in the amount of $765,355; and to authorize the Chairman to execute said contract, pending review by the County Attorney. A copy of the request, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

Consent Agenda Items #11 and #12 were removed for discussion:
Commissioners - Reconsideration of Ordinance No. 2011-06:

11. Reconsideration of Ordinance No. 2011-06 which addresses the procedures, decorum, and rules of order used for conducting County Commission meetings. A copy of the request, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

Commissioners - Adoption of Ordinance No. 2011-06 regarding procedures, decorum, and rules or order for County Commission meetings:

12. Approval of staff's request that the Board reaffirm adoption of Ordinance No. 2011-06 which addresses the procedures, decorum, and rules of order used for conducting County Commission meetings. A copy of the request and Ordinance No. 2011-06, identified as "Attachment No. 18", follow these minutes and are made an official part hereof.

Commissioner Brown expressed concern with the sign in requirement prior to a meeting for public comment. He said he had watched the clock from 7:00 p.m. on and eleven citizens came in the door after the hour of 7:00 p.m. He said he had a real problem with the sign up time frame. He felt someone might be speeding to get here on time and cause danger to themselves and someone else. He said he wanted this to be recorded in the record. He said he finds specific portions of this ordinance to be arbitrary and capricious. He said the only reason he was going to vote in favor of this Ordinance tonight was because the County ordinances were written in such a way that he would have to vote in favor of it so that he could bring this issue back later to make changes to it. He said if he was on the losing end of the vote, he would not have the ability to bring it back to make changes to it. He said he was going to vote in favor of this Ordinance even though he opposed it and he wanted to make this clear in the record. He said it was his intention that if he could gain a third vote, it would come back and it would subsequently changed.

Commissioner Hearn said he would not have a problem with including call ins to the Clerk's Office prior to a meeting.

County Administrator Jack Krakeel interjected that pursuant to several requests regarding the ability to be heard on the part of citizens, staff has been researching the feasibility of being able to do that electronically. He said if someone was at work and knew they might be late, they could log on the County's website and sign up for Public Comment and staff would a record of the request electronically. He said staff feels that they have found a solution for this to occur and it will take approximately a month to get it implemented. He said staff hoped by mid September that there would be an electronic capability for anybody who is not able to attend the meeting to where they could log on and sign up. He said he recognizes the fact that this would not address somebody who might be home and not have computer access or capability but it should help to bridge at least the capability of being heard.

Commissioner Brown said he was wondering why this was being done in the first place. He said he could not figure out why it was even necessary. He said he understands the ability to write something down so that there could be a proper name in the minutes record. He questioned why citizens could not just come to the meetings, raise their hands and go to the podium to speak. He said he did not understand what the whole issue was other than to control speech because someone has to list specifically what they wanted to talk about. He said should the conversation or tone of the meeting change in some way, then that person would be prohibited from speaking on the subject other than the one listed.

Commissioner Horgan interjected that Commissioner Brown was incorrect in saying that and noted that requirement had not been included in the code. He said a citizen wanting to speak under Public Comment just has to list their name and address and could speak on any topic.

Executive Assistant Carol Chandler agreed with Commissioner Horgan and stated that there was an agreement among the Board to take out the requirement that a citizen must list a topic. She said the Board had also taken out the 15 minute limitation for sign in prior to a meeting.

Commissioner Brown said he definitely does not understand why this was being done.

Chairman Frady said he understood that there might be two or three ordinances floating around and he ask County Attorney Scott Bennett to comment on this.

County Attorney Scott Bennett remarked that there had been some questions after the meeting about what was attached to the agenda and what was not attached to the agenda. He said staff felt it was best to redo it so that it was clear as to all of the changes that were incorporated.

Commissioner Brown said he still did not understand why this was being done if the only thing required by the Board was for the citizen to sign in on the sign in sheet located at the podium. He said he did not understand why citizen had to sign up in advance.

Commissioner Horgan interjected this would allow for an orderly meeting. He said lately there had been a lot of hands being raised and sometimes people aren't noticed. He felt this was a great way to make sure everybody has an opportunity to say something.

Commissioner Brown expressed concern with citizens arriving after 7:00 p.m. and not being able to speak.

Chairman Frady said this would be a routine where citizens can call in and if they are five minutes late, they could still speak because their name would be on the list. He felt everyone should just wait and see what happens.

Commissioner Horgan felt citizens also have a responsibility to be some place on time.

Chairman Frady asked for the Board's please on these two items.

Commissioner Horgan made a motion to approve consent agenda item nos. 11 and 12 as presented. Commissioner Hearn seconded the motion, discussion followed.

Commissioner Brown said he wanted to comment in regard to Commissioner Horgan's last comment. He said he really takes offense to Commissioner Horgan saying that people should be here on time. He said he was sure that Mrs. Ognio planned on being at the meeting by 7:00 p.m. but no one would be able to control the traffic signals, traffic levels or traffic

accidents. He said he really takes exception to the fact that the burden was going to be placed on the citizens even though circumstances beyond their control may not allow them to arrive at the meeting by 7:00 p.m. He said if citizens were here before the Public Comments begin, then citizens should be allowed to speak.

Commissioner Horgan reminded Commissioner Brown that Mrs. Ognio said she did not have the opportunity to sign the sheet but she thought that she had signed in. He said this Board still allowed her to speak. He said the Board was doing this to be restrictive but to keep something in order. He said it was not the intention of this Board to keep people from speaking.

Hearing no further comments, Chairman Frady called for the vote.

The motion carried 5-0.

Minutes:

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

Old Business:

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

Director of Stormwater Management Vanessa Birrell asked for the Board's consideration to approve staff's request for a Contract Addendum No. 1 (Proposal P764) with Jacobs Engineering Group, Inc. for work to continue on Phase I of the Methane Remediation Plan for the First Manassas Mile Road Southside Landfill. She said this contract was in an amount not-to-exceed $19,800 and these funds are available in the Solid Waste fund balance. A copy of the request and backup, identified as "Attachment No. 19", follow these minutes and are made an official part hereof.

Commissioner Horgan asked Ms. Birrell how much the County spends on Methane Remediation each year. Ms. Birrell replied that this was something new and to date if the Board approved this it would be for $19,800 for the remediation. She said the County spends approximately $25,000 to $30,000 on methane monitoring every year.

Commissioner Brown asked if this was an Addendum to a current contract that the County has with Jacobs Engineering that was put out to bid and Ms. Birrell replied yes. Commissioner Brown remarked that there had been discussion about venting the Methane. He asked if collection and reuse of Methane had been discussed and Ms. Birrell replied yes. Commissioner Brown asked why this was not being done and Ms. Birrell replied this was because of the age of the Landfill and there not being enough Methane to make it profitable to do that.

Chairman Frady asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve Contract Addendum No. 1 (Proposal P764) with Jacobs Engineering Group, Inc. authorizing expenditures not-to-exceed $19,800 to complete data collection and design for the Phase I Methane Remediation Plan for the First Manassas Mile Road Southside Landfill and authorization for the Chairman to execute the contract. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

New Business:

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

County Administrator Jack Krakeel introduced sponsors of the "Certified Literate Community" Program in Fayette County including Judy Cook Snider and Beth Brooks. A copy of the request and backup, identified as "Attachment No. 21", follow these minutes and are made an official part hereof. He said approximately one month ago he had the sponsors of this program contact him regarding adult literacy education and a program that they are attempting to bring to Fayette County through Southern Crescent Technical College in conjunction with the Fayette County Board of Education. He said the sponsors of this program are asking consideration by the Board of Commissioners to adopt a Resolution to help support and create a certified literate community in Fayette County. He said it was estimated that there are more than 3,000 individuals in this community that are not literate.

Adult Education Instructor Judy Cook Snider for Southern Crescent Technical College remarked that it was their desire to create a "Certified Literate Community" Program in Fayette County. She noted that there are 62 such programs in the State of Georgia and Fayette County would be 63. She said it was their goal to decrease the rate of illiteracy in Fayette County. She asked for the Board's consideration in this matter.

Chairman Frady said this was a wonderful program for Fayette County and he thanked them for this effort.

Commissioner Brown made a motion to adopt Resolution No. 2011-14 supporting efforts to establish a "Certified Literate Community" Program in Fayette County and authorization for the Chairman to execute the Resolution. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of Resolution NO. 2011-14, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

Administrator's Reports:
None.

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

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

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

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

Chairman Frady reconvened the meeting at this time. Commissioner Brown made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that a legal matter was discussed. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 23", follows these minutes and is made an official part hereof.

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

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 22nd day of September, 2011.

Karen Morley, Chief Deputy Clerk