Minutes

Board of Commissioners
September 22, 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, September 22, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

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

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

Dennis Chase: Dennis Chase expressed his continuing concerns with the proposed Stormwater Ordinance and Management Program that is on the agenda for consideration tonight. He pointed out that the public input on this issue has been close to zero from the very beginning. He said the proposed ordinance for consideration tonight was not the

same ordinance that was discussed during prior meetings. He said this was a very different project before the Board tonight for consideration. He said this proposal was for a three year plan and there was nothing in this plan that addressed the serious issue of replacement of culverts. He asked where the 16 projects regarding these culverts went. He said staff had presented information regarding $18 million worth of projects that are required. He asked what had happened to this. He said this plan was for a three year study to determine where those issues are. He said there had been absolutely zero public input into what is going into this ordinance. He asked for the Board to discuss this issue further and allow the citizens to have input. He said he had discussed many issues and concerns that he has with this plan. He said when he questioned staff about a plan, he was informed that there was no plan and this information was in their heads. He said he found it unbelievable that there was an office in Fayette County that could not tell anyone what they do, why they do it, how they do it, where they do it, and when they do it. He also questioned some of the figures presented by staff regarding minor operation and maintenance. He said there were so many mistakes in this proposed ordinance that if the Board approved this tonight, it would be a huge mistake. He said approval of this ordinance would take the citizens of this county in the wrong direction.

Bob Ross: Bob Ross commented on the West Fayetteville Bypass project. He said he really had not spoken in favor or in opposition to this project but preferred to look at the various studies that define the need for this Bypass. He said he had completed a review of that and presented the Board with a report on his findings. A copy of his report, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He said he had also done an examination of U.S. Census data regarding traffic for the West Fayetteville Bypass. He said the data indicated a need for the West Fayetteville Bypass project, but there was not an urgency for it now or by the year 2020. He noted that unfortunately neither G.D.O.T. or Street Smarts looked at the traffic counts on Gingercake Road to see what role that would play. He said he concluded that current economic malaise would continue to slow growth and the need for future traffic capacity.

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

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

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

Randy Ognio: Randy Ognio commented on the September 7th Workshop meeting. He noted that the new Ordinance No. 2011-06 which addressed the decorum, procedures and rules of order for conducting County Commission meetings does not recognize workshop meetings. He said there was no reference to such a meeting and no rules for such a meeting, and therefore there could not be such a meeting. He said everything that was done and voted on at the

September 7th Workshop meeting could not legally happen. He said if the Board wanted to call that meeting a regularly scheduled Commission meeting, there was nothing posted about it being rescheduled or proper notification posted. He said the Agenda read Workshop Agenda. He commented on some of the Commissioners' comments during the discussion of the tax increase. He commented on consent agenda item #2 and questioned if the replacement price included lightning or surge protection to keep this from happening again. He also commented on agenda item #7 and said he felt the County tax increase was larger than this Board wanted the citizens to realize. He said if the Board approves the stormwater tax, it was clear that the Commissioners do not care about the citizens of Fayette County.

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

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

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

Cooperative Extension Agreement with Fayette County:

1. Consideration of staff's recommendation to adopt an Amended Agreement between Fayette County and the University of Georgia Cooperative Extension; and authorization for the Chairman to execute the Amended Agreement. A copy of the request, backup and Agreement, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Building and Grounds Maintenance - ASCO Controller for Justice Center:

2. Consideration of staff's recommendation to approve the replacement of an ASCO controller for an ATS (Automatic Transfer Switch) located at the Justice Center by Yancey Power Systems in the amount of $5,358.87. A copy of the request and backup, identified as "Attachment No. 3", follows these minutes and are made an official part hereof.

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

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

Road Department - transfer of funds to technical services:

3. Consideration of staff's recommendation for approval to transfer adopted budgeted funds in the amount of $80,852 from the asphalt and mowing projects salary line items to technical services within the Road Department budget. A copy of the request and backup, identified as "Attachment No. 4", follows these minutes and are made an official part hereof.

Fire and Emergency Services - Automatic and Mutual Aid Agreement:

4. Consideration of staff's recommendation to approve an Automatic and Mutual Aid Agreement between Fayette County and Clayton County Fire and Emergency Services; and authorization for the Chairman to execute said Agreement. A copy of the request and Agreement, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Commissioner Brown remarked that in the past Clayton County had an Agreement with Fayette County for mutual aid. He asked at the time when the previous Agreement was in effect, what was the significance of the call load. Chief Tom Bartlett replied that the original agreement for Automatic and Mutual Aid was in 1991. He remarked that in 2004 this was changed to a Mutual Aid Agreement only at the request of Clayton County. He said during that period of time those calls were fairly infrequent but Clayton County did have stations positioned in areas where response times for Clayton County would be faster than Fayette County sending units. He said this was also the case with Fayette County being able to respond to areas in Clayton County faster.

Commissioner Brown also questioned if the area between Fayette County and Henry County is properly covered. He said he had received some concerns from citizens regarding coverage of the area with the increase in businesses and homes there. Chief Bartlett replied that he could not comment on Clayton County's assignments or the way they have developed their staffing models. He said there had been some growth in that area, but it had been his experience that these responses are limited in those areas.

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

Sheriff's Office - amendment of Overtime Budget for Criminal Investigations Division:

5. Consideration of staff's recommendation to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by $2,525.09 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

Minutes:

6. Approval of minutes for the Board of Commissioners' meetings held on August 25, 2011 and September 7, 2011.

Old Business:

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

Director of Stormwater Management Vanessa Birrell and Engineer Bryan Keller discussed this item. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof. Ms. Birrell remarked that the proposal was a three year operations plan that included a full inventory and inspection of the stormwater infrastructure using current staff. She said at the completion of this process the stormwater master plan detailing all critical stormwater replacement and maintenance needs in the county would be submitted to the Board. She said by adopting this ordinance, the system would be in place with a stormwater master plan and there would be a stable funding mechanism in place to move forward. She said the proposed user fee rate of 35¢ per 1,000 square feet can provide the dedicated funding needed for this three year proposed operation plan. She said this translated to an annual fee of $25.20 for the average 6,400 square foot home in the county.

Ms. Birrell further remarked on the credit manual that had been submitted in the past and was referenced in the ordinance. She said this manual details policies, processes, technologies and credits available to the property owners who implement stormwater management best practices. She said Bryan Keller had developed this manual and he would review the credits detailed therein.

Engineer Bryan Keller reviewed the various credits available to homeowners that are included in the manual. He said more than anything this manual allows citizens to get the credit for their stewardship for stormwater. He said he would be glad to answer any questions.

Commissioner Horgan asked if homeowners had to apply for the credits or would some of these be automatically entered. Mr. Keller said automatic credits would be entered for large properties consisting of two acre and five acre parcels. He said staff had already collected all of the data and it would automatically be applied to those parcels. Commissioner Horgan asked how this would work and Mr. Keller replied that when staff assesses all of the parcels in the billing data base, they would be reduced by 10% or 15% depending on the amount of acreage and the percent of impervious surface.

Commissioner Horgan asked if this would be a one time credit or did the homeowners have to apply each year. Mr. Keller replied no and said homeowners would not have to apply every year. Mr. Keller stated that this was an automatic credit that goes with the life of the parcel with the one caveat if the homeowner is delinquent in their stormwater utility bill, they would have to pay the bill and reapply for the credit. Mr. Keller discussed some of the examples of credits that homeowners could qualify for.

Chairman Frady stated that the City of Fayetteville and the City of Peachtree City have a stormwater utility and he questioned if Tyrone had one as well. Mr. Keller replied no, that Tyrone did not have this. Mr. Keller said he believed that Peachtree City has had a utility since 2004 or 2005 and Fayetteville was approximately the same time.

Commissioner Brown remarked that the plan for consideration tonight had been modified somewhat from the original proposal. He asked if there had been any public meetings or if the committee that staff had formed discussed the current plan before the Board tonight, and Ms. Birrell replied no. Commissioner Brown questioned the operations and maintenance portion of the chart that staff had presented tonight, and that Dennis Chase recognized earlier, where there was no money accounted for on certain line items. He asked for an explanation of that portion of the chart. Ms. Birrell responded that was a typo. Ms. Birrell explained where the chart indicates a direct capital outlay of $175,000 that actually is $75,000 for floodplain mapping and $100,000 for operation and maintenance.

Commissioner Brown said he felt the number of items that the County has, in terms of stormwater that need to be maintained, was legitimate. He said the County does have stormwater problems and, as a County, have not really done a good job of keeping up with that infrastructure that was aging and there was never a plan put in place to handle that. He said he appreciated the fact that there was a situation now where some of the stormwater connections would be replaced. He said the only issue that he wanted to raise was the fact that most of these issues are beneath the roads, and he felt since the Road Department would be handling those problems anyway, that this could be another function of the Road Department to handle some of those. He commented if the Board had taken a serious look at HB 240 when that discussion came up, he felt there were ample funds through the use of HB 240 that could have been used to resolve a lot of these problems. He said he wished this Board had done that and he felt in time this would be viewed as a huge mistake that this was not done.

Commissioner McCarty questioned the credit policy and procedures where septic tank maintenance was listed. He asked how stormwater would affect a septic tank. He remarked that a septic tank did not really need maintenance if it was functioning properly. He said there were two ways to know if a septic tank was not functioning property (1) some of the water will come above ground and there would be a smell; or (2) the plumbing inside the house will back up.

Mr. Keller replied that there were several things going into septic tank maintenance credit. He said the Metropolitan Watershed District had looked at trying to find out ways of making sure that there are no failing septic tanks because of total maximum daily loads (TMDL) of fecal and things along those lines.

Commissioner McCarty also questioned the rain barrels used for catching water coming off roofs and down the gutters into the barrels. He asked if there would be a credit for piping located on exiting gutters that goes to an existing pond on the property. Ms. Birrell said there would be no credit for that. Commissioner McCarty asked what the difference was for putting runoff water from a roof in a rain barrel or putting the runoff in an existing pond that would allow for natural absorption through the ground. Mr. Keller replied that in that case staff could look at the residential environmental technology in taking the water into a pond. Commissioner McCarty asked if this would have to be done on a one instance basis and Mr. Keller replied yes. Commissioner McCarty felt this was going to run into a lot of complications and expense. He commended staff for doing what they had been instructed to do and doing it extremely well, but at this point in time, he was not in favor of putting any fees or taxes on any citizen in this County.

Commissioner Hearn questioned item E on page 7 on the ordinance on the second line where it referred to a certain court but this was blank. County Attorney Scott Bennett interjected that this would be Superior Court. Commissioner Hearn also questioned Section 19-104 on page 10 where the effective date was also blank. Attorney Bennett replied that date would be the effective date of the ordinance or the Board could determined whatever effective date it preferred. Commissioner Hearn also questioned the third line on page 10 where it referred to other property owned and used for County purposes shall not be exempt from stormwater user fee charges. He said this referred to the County library, public works and other county buildings. He noted the reason for the County not to have an exemption would be that the County would be expected at some point to pick up the tab for improving or maintaining stormwater on those facilities. Mr. Keller said that was correct and also because there was impervious area and this would put some kind of demand on the system. Commissioner Hearn also questioned the fee. He said he favored the three year model where the fees are reduced almost half of what was proposed initially. He also questioned if churches would be treated just like everybody else and Ms. Birrell replied yes.

Chairman Frady asked staff how long they had worked on this project and Mr. Keller replied approximately two years. Chairman Frady said he did not see any other way to pay for these types of things other than having a utility with user fees.

County Administrator Jack Krakeel remarked that staff had been given direction approximately two years ago to look at alternative methodologies for addressing stormwater infrastructure needs and requirements. He stated staff had done a tremendous amount of work over the course of the last two years and this comes down to a public policy matter for the Board. He said there was the question of how to fund stormwater infrastructure. He said the two methodologies available to the Board for funding included (1) funds from the General Fund or (2) creating a separate stormwater utility fee solely dedicated for that particular purpose. He said this was really a financial public policy discussion for the Board to determine how to move forward and bring the stormwater infrastructure up to the level of standards that are going to be required. He said it was his recommendation that having a utility with a fee designated specifically for that purpose that will ultimately allow the Board to achieve its objective of maintaining the County's stormwater infrastructure and be in compliance with all of the environmental regulations.

Commissioner Horgan felt this was also a huge educational process for the citizens. He said citizens complying with these requirements and become good stewards of the County's water, it would certainly move Fayette County ahead of other counties in the area. He felt most people don't realize that Fayette was a septic tank community. He said low impact density was the result of Fayette County's decision not to have sewer systems throughout the County. He said he would like to see more education put toward the citizens about this program. Ms. Birrell interjected that the committee had taken the issue of educating citizens seriously and allocated considerably more than is currently spent. She said this had been included in the three year operation plan.

Commissioner Horgan made a motion to approve staff's recommendation to adopt Ordinance No. 2011-08 authorizing Fayette County to establish a Stormwater Utility that will be funded by user fees with an effective date of January 1, 2012. Commissioner Hearn seconded the motion. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of Ordinance No. 2011-08, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

New Business:

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

Chairman Frady read this item as the next agenda item and asked Public Works Director Phil Mallon to come forward for the discussion. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

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

Commissioner Brown stated that he would like to read a statement into the record at this time and remarked that he would be voting in opposition to this contract. His statement as read into the record is as follows:

"History is nothing more than reviving documents from the past and weighing them against the viewed outcomes.

This meeting of the Board of Commissioners will mark a significant milepost in our county's history. On this day, a majority of our Board will have decided to raise fees for storm water problems which were predictable, but never planned for, while expending vast amounts of our tax dollars on the West Fayetteville Bypass which is unjustified and unwanted.

After raising taxes and deficit budgeting, we now create more fees and squander more funds on the likes of this infamous road, known as the "Road to Nowhere" and a "Developer Welfare Project."

The actions taken tonight will mirror those of the past Board of Education and this period will be viewed in the future as the time when a prosperous county filled with well-educated, prosperous people were betrayed by the officials they elected to serve in the best interest of our citizens.

I applaud the person at the TIA road show meeting on Tuesday who asked, 'We were told the East Fayetteville Bypass was the number one priority in 2004 when we were asked to vote for the SPLOST, so why should we believe you now with the TIA referendum?'

We have empty new schools and unwanted roads because the developer interests in this county got greedy and when their housing bubbles burst, we go a very clear picture of how bad things really were.

The governments keep making promises and the citizens keep taking the bait.

As I always have, I deplore the misappropriation of our hard-earned tax dollars and I will once again vote in opposition to this scheme called the West Fayetteville Bypass."

A copy of his statement, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

Commissioner McCarty interjected that he totally agreed with Commissioner Brown's comments. He commented on his second job just out of college. He said he had been hired with a company building a business in Atlanta. He said it was his job to start hiring and training the personnel for this company. He said approximately six months into his job, the owner of the company announced that he was closing the plant that day and he was not staying in the State of Georgia or the City of Atlanta because of the increasing taxes and fees. He said the owner announced he was moving his company to the State of North Carolina. Commissioner McCarty said this was a huge lesson to him and his first lesson as to what taxes and fees can do to a company.

Commissioner Hearn asked Public Works Director Phil Mallon if there were funds currently available for this expense and Mr. Mallon replied yes. Commissioner Hearn asked what costs had been anticipated and budgeted for this 2.8 mile section of roadway. He said he realized this contract did not include asphalt paving intersection work at S.R. 92 or construction of a new bridge over Whitewater Creek.

Mr. Mallon replied that the preliminary cost for Phase II was $17.3 million He added that the current budget based on this bid award and the right-of-way that had been acquired to date including much more revised estimates for the intersection at S.R. 92 and the bridge as well as the work being done and what was predicted for the County to finish up, it was down to approximately $16.1 million.

Commissioner Hearn asked if this project had come in as budgeted and Mr. Mallon replied that the project had come in better than what was budgeted.

Commissioner Horgan said he would be voting in favor of this and felt it was going to propel Fayette County into the future. He said maybe the current growth had slowed down but Fayette County would continue to grow. He felt this was a project that the voters had voted in favor of in 2004 and these taxes had been paid for by Fayette County citizens as well as people from outside Fayette County. He said he felt compelled to continue to uphold what the transportation SPLOST was for and passed by the citizens.

Chairman Frady said he had lived in Fayette County for 36 years and recalled a time when there were only six or seven cars on the roadway between Fayetteville and Peachtree City. He also commented on how few roads were actually here or paved at that time. He said you have to plan for the future of the community. He said this was a compassionate issue for him and he felt the roads needed to be built.

Commissioner Brown said he would like to give credit to Bob Ross for presenting his earlier report. He said this was very typical of Mr. Ross and the report was exceptionally factual stating all of his references. He also noted that the report showed that there was no need for the West Fayetteville Bypass. He thanked Mr. Ross for his report and he said he was sorry the Board did not have this information before a decision was made. Commissioner Brown said he was somebody who enjoys reading government documents, minutes, studies and he can spend hours reading and digesting these things. He said he had done this with the West Fayetteville Bypass. He said years ago the County Commission had the foresight to know there needed to be a transportation plan. He noted that the company who put the original plan together did an excellent job and at that time they did not have all of the high tech tools available today. He said those individuals had really put the County's interest at heart. He said one of the projects that they said would have to be done eventually was the West Fayetteville Bypass. He said it was interesting to note that in the original plan the West Fayetteville Bypass was depicted on the map there was a dotted line that extends from the end of the Bypass and goes over into Fulton County and then forks into a diamond around Highway 92 at I-85. He said those individuals did have foresight because they knew that road was going to be worthless unless there was a direct connection to Highway 92. He said he invited the news media as well as everybody in this room to look at that original map. He said that original plan was not part of the plan. He said this was part of the reason that the West Fayetteville Bypass was becoming the road to nowhere. He said in terms of talking about creating the infrastructure for the future, nobody would support that more than he would, but he said he would not do it to the extent that he would foolishly spend anyone else's money. He said there was an empty elementary school on the Bypass and this was not a coincidence. He said the reason for this was that the Board of Education was supposedly looking out for the future and had expended an enormous amount of tax dollars on facilities that are not needed.

Chairman Frady called for the vote. Mr. Mallon interjected that approval would also be required for authorization for the Chairman to execute the contract.

Commissioner Hearn said he would amend the motion to include authorization for the Chairman to execute the contract and Commissioner Horgan said he would amend his second to include authorization for the Chairman to execute the contract. The motion carried 3-2 with Commissioner Brown and Commissioner McCarty voting in opposition. A copy of the contract, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

Administrator's reports:

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

Closure of Kirkley Road: County Administrator Jack Krakeel remarked that Kirkley Road would be closed effective Monday, September 26th, for an indefinite period of time. He said there was a substantial problem associated with the culverts underneath Kirkley Road with some deterioration to the point to where staff believes it prudent to shut this road down until staff can properly mitigate this matter. He said this year the Board had approved a capital improvement project specific to the Kirkley Road stormwater infrastructure. He said staff has been in the process of preparing an RFP for the design work with completion anticipated shortly. He said staff was also preparing a detour plan and appropriate signage directing the traveling public around this particular closure. He said staff was also looking at developing an

interim plan with a temporary remedy to the problem while design work was being done and right-of-way was being acquired. He said at this juncture it was not known how long this first closure would be, but it was anticipated to be at least a period of two to three weeks while staff prepares for an intermediate fix. He said once the contract was awarded, it was anticipated to take two or three months.

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

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

Update of the Transportation Investment Act Meeting: Commissioner Brown also commented on the Transportation Investment Act meeting held here on Tuesday evening. He said the referendum would be coming up in July of 2012 and it was a very serious issue and citizens needed to pay attention to it. He noted that one of the items that had come up was a $17 million call center for senior citizens to be able to call a center that would handle all ten counties and then the center would call one of the counties and try and arrange a ride. He felt this was an incredible waste of money and just another layer of bureaucracy. He said the one thing that really alarmed him was that this project had come out of nowhere and the City of Fayetteville had passed this on their own. He said this project was not a project listed on Fayette County's list. He said the other problem he had was with a comment made by Mayor Steele at the meeting that he was looking at doing a public/private partnership in terms of senior transportation in Fayette County. He said he was sure Mayor Steele meant that he was planning to spend Fayette County's money and not the City of Fayetteville's money as the public part of that public/private partnership. He felt the $17 million would be better spent to distribute it on a per capita basis amongst the counties and allow Senior Services Director Debbie Britt to purchase the vehicles that she needed and hire the personnel that she needed and create an organization to embellish what she has already done. He said he was not in favor of public/private partnerships.

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

Karen Morley, Chief Deputy Clerk

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 13th day of October, 2011.

Karen Morley, Chief Deputy Clerk