Minutes

Board of Commissioners
October 27, 2011
7:00 P.M.

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 27, 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 Floyd Jones, Chief Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the October 27, 2011 Board of Commissioners Meeting to Order at 7:00 p.m. Commissioner Hearn gave the Invocation and led the Audience in the Pledge of Allegiance

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as presented to the Board. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

1. Proclamation of November 2011 as "Retired Educators Month in Fayette County."

Vice-Chairman Horgan gave the proclamation designating November 2011 as "Retired Educators Month in Fayette County". Before reading the proclamation, he informed the audience that for the past 53 years, the Georgia Retired Educators Association has been dedicated for improving the welfare and retirement of educators, and to providing opportunities for them to be involved in community activities. He said there are

over 86,000 retired educators in the State of Georgia, who greatly influenced the children, and this proclamation is the least Fayette County can do in recognition of this honored body of teachers. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

B. Ann Wright: Ms. Wright said she was just made aware that the Board was going to be evaluating whether or not to withdraw from the Flint River Regional Library System, and that she had concerns about that. As an author, she expressed thankfulness for the ability to use the libraries several times a week throughout the county. She urged the Board to treat this matter with a great deal of respect for the citizens of Fayette County.

Chairman Frady asked Ms. Wright if she would reveal where she heard her information. Ms. Wright replied that several people at the Peachtree City Library had given her the information. A copy of Ms. Wright's notes, identified as "Attachment 2", follows these minutes and is made an official part hereof.

Steve Smithfield: Mr. Smithfield complimented the Board, the Public Works Division, and all other County employees who were involved with the recent placement of signs along Sandy Creek Road. He explained that there was a dangerous curve on Sandy Creek, that his wife contacted the County about it, and that the next day there was huge, flashing, safety signs placed on the road. Mr. Smithfield also complimented the County who responded to his calls about trespassers on his property. He said in both cases the County acted properly in the interest of the safety of its citizens, and he wanted to compliment the County for its work.

Denise Ognio: Mrs. Ognio began by explaining that the Wednesday Workshop Meeting is designed to be a time where the individual Commissioners' expertise is brought to the table in order to address the needs and concerns of the community. She noted that the Board is comprised of five men, each of whom have different talents and abilities, and that they were put into their position to work as a team. She continued that the citizens who address the Board do so, not out of anger, but out of concern for the County. She spoke about her husband, Randy, who makes a practice of reviewing the agenda and provides his ideas to the Board, based on his own experience. She said Randy was recently questioned about why he was so negative, and she suggested that once the citizens are heard and taken care of, there would be no need to give the Board anything but compliments. She closed by asking the Board to listen to its citizens. A copy of Mrs. Ognio's supporting material, identified as "Attachment 3", follow these minutes and are made an official part hereof.

Gordon Furr: Mr. Furr reminded the Board that he did not appreciate the requirement to sign in before speaking during Public Comment to the Board. He then transitioned to speaking about Fire Station 3 in Tyrone, about the septic issues at the fire station, and about his concerns with the county overspending for an unwarranted location at the corner of Jenkins Road. Mr. Furr then commented on the West Fayetteville Bypass saying there was no traffic or environmental studies conducted that justified the road.

David Hall: Mr. Hall noted that the West Fayetteville Bypass had been criticized by most of the citizens who attend public meetings, and that it had been criticized in the local newspapers. He said, despite the criticism, the majority of the Board continues to approve the construction of the West Fayetteville Bypass, which only seems to serve the purposes of developers. He explained that the people are watching the Board, and that he agreed with Mr. Randy Ognio's statement, "If it isn't about the developers, then I don't know what it is about." He said the Board would lose its current benefits with the developers after the next election. He concluded that the 2004 SPLOST Referendum ballot did not mention the West Fayetteville Bypass, that those who put the interest of the County first should hold the position of Commissioner, but that the people believed there were special interests behind building the Bypass.

Randy Ognio: Mr. Ognio commented on a number of items on the current agenda. He asked about Consent Agenda Item 8, and he asked if, during a depressed economy and a tight economy, if now was the time to spend money on the Parks and Recreation Project. He noticed that several Agenda requests did not have three or more bids associated with them, but he focused on Consent Agenda Item 9 by asking how hard was it to get three bids on a fencing project. He added that New Business Items 17 and 18 did include many invitations to bid, but that only two of the invitations were sent to qualified companies who could do the work. He next questioned Old Business Item 12 by asking why the starting salary was so high. He suggested that the salary was out of range, and that it did not include benefits and additional costs to Fayette County, and he asked where the funds for the new position would come from. He closed his comments by questioning New Business Item 16 with the opinion that Jack Smith was on the Public Facilities Authority because he was a Commissioner at the time he was appointed. He was concerned that a sitting Commissioner was not on the Authority, and was concerned about the information and work coming from that Authority.

Thomas (Tom) Waller: Mr. Waller first thanked the Public Works Division for putting signs along Sandy Creek Road informing drivers of the dangerous curve. He said he did not know who wrote the "efficiency report for the guy who approves the layout of these roads" but that the signs were an effort to clean up that person's mistake. He said the one who approved the dangerous curve was putting citizens at risk, and that it should be noted on that person's evaluation. He then said that he supports the County obtaining bids from vendors for its contracts, and that while he understood that there might be cause to remain with a particular vendor, it appeared Fayette County had fallen into a "good old boy" system, and he thought the County could do a better job.

Tom Halpin: Mr. Halpin said that while it was important for the County to look to the far future and plan for things to come, it was also necessary to look at the near future to see areas of concern. He pointed out all of the development that has occurred in Fayette County, and how there are thousands of vacant lots within the subdivisions, and he asked how the County intended to rectify the issue. He said that the County should work with the School Board, and instead of continually saying the School Board is its own body, that the School Board and the County should work together to address the common needs of the County. Next, he spoke about the "McDuff Bypass" and how the citizens are cautious since "any initiative for a road in Fayette County cannot be trusted." He closed by commenting on the Invocation and how the prayer is often for unity and trust among the Board members. He said the prayer should be for a fostering of unity and trust between the Board and its citizens, and that the Board often appears to be creating disunity and distrust among the citizens.

CONSENT AGENDA:

Commissioner Brown asked to remove Items 2, 6, 7, 8 and 9 from the Consent Agenda for consideration.

Commissioner McCarty moved to approve the Consent Agenda excluding Items 2, 6, 7, 8 and 9. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

2. Approval of staff's recommendation that the County renew its Employee Assistance Program (EAP) services with One Source Counseling & Employee Assistance Services at a revised rate of $1.45 per employee per month for six months beginning January 1, 2012; and authorization for the Chairman to sign the agreement and other related documents contingent upon the County Attorney's review.

Commissioner Brown said one thing he thought the County and staff needed to pay attention to, pertaining to the forthcoming contracts, is that the vendors need to understand the dynamics of how the County does its budgeting. He added that with vendors continually coming to the Board, in the middle of a fiscal year, with the intention of changing the terms of the agreement. He said he did not know what kind of language was being

used with some of the vendors, or how the County was portraying its budget situation, but he asked for the County to somehow say to the vendors that the County does have a budgeting cycle, here is how it works, and if you need to make changes, they need to be made at the appropriate time in the budgeting cycle.

County Administrator Jack Krakeel said one of the issues Fayette County has dealt with over the course of the four to five years, and one issue he has been working to get a handle on, is to understand that the County has many multiple contracts for all types of services and programs, and all of them have different start dates and finish dates. He said the County is making an effort to bring them all into alignment with its fiscal year, so that all contracts have an effective date of July 1 with a termination date of June 30. He said this is another ongoing initiative, and that is the reason staff has requested a six-month extension to get to the point to where the County can go ahead and bid this request. He said the current vendor has been the current vendor since 2008, that staff has checked the rates and found them consistent with what other EAP providers are charging local governments, and that is why staff requested the six-month extension, in order for the County to have the ability to bid out the services and to have a contract effective date beginning July 1. Discussion followed.

Commissioner Brown moved to approve Consent Agenda Item 2. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 4", follow these minutes and are made an official part hereof.

3. **Approval of staff's recommendation to change the established shared cost allocations of the Fire Services Fund and the Emergency Medical Service Fund to reflect the reassignment of an ambulance from Fire Station 2 to Station 1. A copy of the request, identified as "Attachment 5", follows these minutes and are made an official part hereof.**

4. **Approval of staff's request to use remaining grant funds to purchase Adobe software, Visio software and one media projector, in an amount not to exceed $1,282.72 for the Department of Fire and Emergency Services. A copy of the request, identified as "Attachment 6", follow these minutes and are made an official part hereof.**

5. **Approval of staff's request to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by $286.16 for reimbursement for employees assigned to work with various Federal agencies. A copy of the request, identified as "Attachment 7" follow these minutes and are made an official part hereof.**

6. **Approval of staff's recommendation that the County enter into an Agreement with Transcontinental Gas Pipeline Company, LLC, allowing the County to work within their easement during construction of the West Fayetteville Bypass, including a payment of $10,000 by the County to reimburse the cost of the Company's on-site engineer; and authorization for the Chairman to execute said Agreement.**

Commissioner Brown noted that the requested project has a cost of $10,000, that it is related to the West Fayetteville Bypass, and that he has taken a firm stand on not support the West Fayetteville Bypass. He thought the West Fayetteville Bypass was not a project that should be built, and he said he could not support this request.

Commissioner Horgan moved to approve Consent Agenda Item 6. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request and agreement with Transcontinental Gas Pipe Line Company, identified as "Attachment 8", follow these minutes and are made an official part hereof.

7. Approval of staff's recommendation that the County enter into an agreement with Georgia Transmission Corporation which will allow the County to work within the power easements owned by said company during construction of the West Fayetteville Bypass Project, Phase II; and authorization for the Chairman to execute said Agreement.

Commissioner Brown said this is a similar situation with Consent Agenda Item 6 in that it involves the West Fayetteville Bypass Phase II, and he could not support the project.

Commissioner Horgan moved to approve Consent Agenda Item 7. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request and agreement with Georgia Transmission Corporation, identified as "Attachment 9", follow these minutes and are made an official part hereof.

8. Approval to enter into a contract with Executive Evolution to conduct the Parks and Recreation Needs Assessment Survey in the amount of $7,000; and authorization for the Chairman to execute said agreement.

Commissioner Brown noted that the request was for $7,000 for Phase 1 of the study, and he understood the project was a "multi-phased" process, and he asked if staff had considered bidding out the study as a "multi-phase" process to various contractors. Parks and Recreation Director Anita Godbee replied that staff did not bid out the study, and that staff only considered Phase One since that was what was discussed at the September 7, 2011 Board of Commissioners Workshop. She added that money was only allocated for Phase 1 of the Study.

Commissioner Brown explained that the reason he asked the question was because he did not know what the next phases would cost, and he asked if the County wanted to enter into something and then find out that the costs for Phases 2 and 3 are higher than what the Board was willing to pay to continue the study. He further questioned whether or not Executive Evolution, who had previously worked with the Library and the County Commissioners, was qualified to carry the work from Phase 1 to the following phases, or if the County intended to consider separate vendors. Mrs. Godbee replied that this work would include separate vendors, and that Executive Evolution was limited to Phase 1 since they are a qualified firm that specializes in conducting surveys. She said staff will take the work and will involve other vendors who have replied that they would work with a survey conducted by Executive Evolution.

County Administrator Jack Krakeel added that the Board voted to approve Phase 1, and to allocate $7,000 in funding for Phase 1 of the process, and he noted that the aggregate, projected funding for the entire analysis and the completion of the Needs Assessment document is about $35,000. Commissioner Brown asked Mr. Krakeel if he felt comfortable with the transition going from a firm that would not ordinarily be one that would conduct a Recreational Study to going to a firm that would conduct the rest of the study. Mr. Krakeel replied

that staff had conversations with the firm that did the original Needs Assessment study, and staff asked them specifically "If we were to engage you, not for the survey work that is being done, would you consider taking our survey data and bidding on the remainder of the project", and they indicated that they would. Discussion followed.

Commissioner Brown moved to approve Consent Agenda Item 8. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the request and contract with Executive Evolution, identified as "Attachment 10", follow these minutes and are made an official part hereof.

9. Approval of staff's request to award a bid to Trammell Horton for fence repair at a mitigation site in the amount of $20,290 utilizing funds from the Lake McIntosh project; and authorization for the Chairman to sign the contract contingent upon the County Attorney's review.

Commissioner Brown said he agreed with Mr. Ognio, who spoke about the request during Public Comment that going after only three bids was on the low end, since he thought a job like this could have many contractors who could do the work. He said the issue was not necessarily about the cost, but he thought that the County could solicit a lot more bids in Fayette County and the surrounding counties.

Water System Director Tony Parrott replied that staff held the bid open for an additional two weeks and called additional fence contractors, but this work is not a typical fence job due to all of the storm damage and cleaning up necessary prior to installing the fence. He said this kind of work is not what most fence companies do. He repeated that staff took the extra effort to find additional bidders, and that is why the bid was held open an additional two weeks. Commissioner Brown asked if this was work that could be bid out in two parts: one to clean the damage and the other to install a fence. Mr. Parrott replied that Trammell Horton installed the fence originally, and that they still bid for a good cost on cleaning the property and installing a fence. Discussion followed.

Commissioner Hearn moved to approve Consent Agenda Item 9. Commissioner Horgan seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

10. Approval of the Water Committee's recommendation to construct a bridge on the relocated Southern Conservation Trail in the amount of $3,500 utilizing funds from the Lake McIntosh project. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

11. Approval of the October 5, 2011 Board of Commissioners Workshop Minutes.

<u>OLD BUSINESS:</u>

12. Consideration of staff's recommendations concerning the establishment of the position of Director of Library Services within the County's Compensation and Classification System.

County Administrator Jack Krakeel explained that with the elimination of the funding for the position of the Director of Library Services from the Flint River Regional Library System, the County has been placed in the position that effective January 1, 2012; it would have a library without a Director of Library Services. He reminded the Board that over the course of the last several months, staff has been in communication with a number of entities regarding the position, that the Human Resources Department has developed a job

description detailing the individual duties and responsibilities of the position, that staff has contacted and has had discussions with the University of Georgia who conducted the County's Classification and Compensation Study in 2007, and additionally, staff has obtained information from the Georgia Department of Community Affairs that maintains a relational database of job positions and classifications throughout the State of Georgia. He continued that staff has looked at similar communities that are equivalent to the size of Fayette County with similar scope and services being provided by the library, as well as the International City Manager's Association on what an appropriate range of compensation would consist of for the position. He continued that staff has conducted an internal analysis to look at the County's current positions, similar in terms of scope and complexity, of administrative direction and management responsibilities, and found that this position, if approved, should be classified at Grade 23 with a salary range of $61,100 - $102,000. He said through his position, he has the responsibility of determining what an appropriate entry level is, that he has the capability to hire up to the midrange of the salary. He said there have been past discussions with the Board about engaging the current person who is filling the position through the Flint River Regional Library System regarding her interest in continuing in that capacity, and that he has had some preliminary discussions without finalizing the offer to her. He said he anticipated doing that within the next 30 days. He requested the Board to establish a position of Director of Library Services with a Grade 23 salary range, and for the salary to be funded, for the balance of fiscal year beginning January 1 through June 20, 2012, from the County's Fund Balance. He said he would provide the recommended salary to the Board, but it would be half of the approximate range, if approved by the Board.

Commissioner Brown moved to delay the consideration of creating the position of Director of Library Services, to study the possibility of reorganizing the library's current staffing, to appoint an Interim Director until the study is completed, and to determine what the County can do in order to operate the library in an efficient manner that will not add to the County's debt.

Commissioner Horgan asked if Commissioner Brown was saying the library was not run properly, given his motion. Commissioner Brown replied that what he was saying that historically the Flint River Library System paid this bill for the County, and that he wanted to take a serious look at the current staffing levels, the possibility of reorganization, to appoint an Interim Director, and to discover if there is a way to handle the workload efficiently with the current staffing.

The motion failed for lack of a second.

Commissioner Hearn moved to approve the establishment of the position of Director of Library Services, effective January 1, 2012, within the County's Compensation and Classification System at Grade 23 with a salary range from $67,100 to $102,000; with the six months funding for Fiscal Year 2012 to comre from the Fund Balance. Commissioner Horgan seconded the motion. Discussion followed. The motion passed 4-1with Commissioners Brown voting in opposition. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. Consideration of staff's recommended Fiscal Year 2012 Budget Amendments for the four tax-supported funds, including the General Fund, the Fire Fund, the EMS, and the E-911 Fund.

Chief Financial Officer Mary Holland informed the Board that the property tax bills were mailed in September, and they will be due in November. She said the final numbers that were billed and have been analyzed by staff, do have an impact on the budget that adopted for Fiscal Year 2012. She said staff's recommendation is for the Board to amend those budgets that were originally adopted, to reflect the true value of the tax bills that were

issued. She said the information was outlined in the provided documentation, as well as provided some information regarding to closing out Fiscal Year 2011, and the impact all of it would have on the County's Fund Balances.

Commissioner Brown asked if the County was in a situation where it has closed out the citizens who have asked the County to reassess the values of their properties. Ms. Holland replied that tax bills were mailed in September, were based on the property digest, and that the digest was adopted in August and finalized for Fiscal Year 2012. She added that the County will have a new digest in 2012, and another analysis will have to be done on that digest when it becomes available. Commissioner Brown asked what the impact of an appeal situation could be.

County Administrator Jack Krakeel replied that there are still appeals in the pipeline, that there was no information on the number of appeals or the financial impact they could pose for the County, but that staff did not believe they would be material in terms of hundreds of thousands of dollars. He added there would be adjustments from appeals that are currently in the pipeline. Discussion followed.

Commissioner Brown moved to approve staff's recommended Fiscal Year 2012 Budget Amendments for the four tax-supported funds, including the General Fund, the Fire Fund, the EMS Fund, and the E911 Fund. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

14. Consideration of a request from the Sheriff's Department Jail Division for funding the cost for removal of mold and repairs to the inmate shower areas in the Jail.

Major Charlie Cowart reminded the Board that in December 2010, he informed the Board of the presence of mold in the inmates' shower at the County Jail, and that last year an independent contractor was invited to the Jail to test conditions in the jail to confirm that mold was in the jail. He said that since that time, the county has been treating the surface areas with a commercial solution that has been removing the mold, but the problem lies beneath the surface. He said staff contacted the original project management firm who constructed both the Justice Center and the Jail, Mallet Consulting, as well as Mr. Jim Ingram with IPG (the architectural firm that designed the facility), both of whom contacted additional experts in the field. He said the result was the information and cost that has been presented before the Board for the removal of the mold, for the removal and replacement of tiles and grates, and making sure the area is impervious to mold by using an epoxy urethane coating. He said the cost, which is estimated at approximately $89,000, includes $11,000 for the project management fee for Mallet Consulting. He said that the recent repairs that were completed in the exercise yard, that were originally estimated at $160,000, actually cost was actually just over 50% of the estimated cost. He said if the mold repair were paid from the fund that was allotted for the exercise yard, the difference that would have to be found would be approximately $11,000.

Commissioner Brown said he had read the minutes from the previous meeting where he spoke to the Board on this issue, that it seemed to him there was a move to look to alternatives to the epoxy resin solution, and he asked if IPG or Mallet found any other alternatives to the problem. Major Cowart replied that they found no other alternatives. He added that he is not an expert on the subject, and so he has to rely on those who are experts.

Commissioner Horgan asked what the guarantee with the repair work was. Major Cowart answered that there was no specific guarantee given, but coating the areas with an epoxy urethane coating will seal the area and will supposedly make it impervious so that future problems can be curtailed. Commissioner Horgan said that at the prior meeting some of the other concerns involved moving the inmate population around while the work is being done, and he asked if the Jail's staff has adequate plans for moving the inmates. Major Coward replied there were adequate plans in place, and he spoke about some of the considerations that had been evaluated with respect to moving the inmate population, and how staff thought the situation could be best handled. Discussion followed.

Chairman Frady moved to approve the $11,163 to complete the recommended project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Jack Krakeel informed the Board it would need to specifically authorize the utilization of Fund Balance funds. Chief Financial Officer Mary Holland clarified that she needed the Board to authorize the utilization of $77,837 from Project 0326A, to authorize the approval to close the project, and authority to utilize $11,163 from the General Fund's Fund Balance, in order to pay for the Sheriff's request.

Chairman Frady amended his motion by moving to approve the request from the Sheriff's Department Jail Division to remove mold and make repairs to the inmate shower areas in the Jail, to authorize the utilization of $77,837 from Project 0326A, to approve the closing Project 0326A, and to authorize staff to utilize up to $11,163 from the General Fund's Fund Balance in order to fund the Sheriff's request. Commissioner Horgan amended his second to the motion. No further discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

15. Consideration of the appointment of Steve Cole to fill an unexpired term on the Fayette County Hospital Authority which will expire on May 31, 2012; and to an additional four-year term which will commence on June 1, 2012, and will expire May 31, 2016.

Commissioner Horgan began by reminding the Board that the Fayette County Hospital Authority consists of five persons appointed by the Board of Commissioners. He explained that the Hospital Authority was enacted in the year 2000, and that the Authority only meets when needed. He told the Board that one of the members of the Hospital Authority will be moving out of the State of Georgia, and that has left a vacancy in the Authority. He said he spoke to various people at the hospital and some of the remaining Board members, and in doing so Mr. Steve Cole was recommended for the position. He added that he has spoken to Mr. Cole and that his credentials have been distributed to the Board. Commissioner Horgan then moved to appoint Steve Cole to fill an unexpired term on the Fayette County Hospital Authority, which will expire on May 31, 2012; and to an additional four-year term, which will commence on June 1, 2012, and will expire May 31, 2016. Commissioner Hearn seconded the motion.

Chairman Frady stated that the Board has Mr. Cole's resume, and that he thought Mr. Cole was highly qualified for the position. Commissioner Horgan noted that Mr. Cole was in the audience, and Chairman Frady asked him to stand in order to be recognized.

Commissioner Brown asked if the position was advertised to the public in order to solicit anyone to the position. After being informed the position had not been advertised, he said that as a general rule he had taken an ongoing stance, as it pertains to authorities, committees, and boards that the County should solicit positions

to the general public in order for applicants to turn in an application, have interviews, and select from the pool of citizens who express an interest. He said his stance was not directed to Mr. Cole personally, but based on principle; he could not support the nomination.

The motion to appoint Steve Cole to fill an unexpired term on the Fayette County Hospital Authority, which will expire on May 31, 2012; and to an additional four-year term, which will commence on June 1, 2012 and will expire on May 31, 2016, passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

NEW BUSINESS:

16. Consideration of reappointment of Jack Smith, Mary Shaver, and Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2011, and ending October 31, 2012.

Chairman Frady asked County Administrator Jack Krakeel how long Jack Smith served on the Public Facilities Authority. Mr. Krakeel replied that he thought Mr. Smith was appointed to the position, as an original member of the Authority, in 2000 or 2001. Chairman Frady replied that Mr. Krakeel was correct, and that he wanted to stop the misinformation. Commissioner Horgan replied that both Jack Smith and Mary Shaver have been members of the Authority since 1999, and Brian Cordoza was first appointed in 2009. He explained that the Public Facilities Authority is a special body that only meets when needed. Commissioner Horgan then moved to reappoint Jack Smith, Mary Shaver, and Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2011, and ending October 31, 2012. Commissioner Hearn seconded the motion.

Commissioner Brown asked if the positions were advertised, and was informed the positions were not advertised. He then commented that the voters had already spoken about Mr. Smith in the recent election, and he thought the positions should be advertised for general response from the citizens. He added that he had an issue with Mr. Cardoza's nomination since he is also participating on the Water Committee. He asked if the pool of eligible, highly qualified people in Fayette County is so incredibly small that there has to be a doubling-up with members on committees and authorities and boards appointments. He said he wanted to expand the County's horizons and get as many qualified, educated, passionate and diverse people in the positions as possible. He said his stance should not to be taken personally, but he repeated that the positions should be publically advertised. Discussion followed.

The motion to reappoint Jack Smith, Mary Shaver, and Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2011 and ending October 31, 2012 passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

17. Consideration of staff's recommendation to reprioritize the Stormwater Capital Projects 2012 budget by swapping the 150 Hall Place Capital Improvement Project with the Kari Glen Drive Drainage Capital Improvement Project, and to increase the Stormwater Capital Projects budget by transferring $7,980 from Project #9220A- Road- Dust Control, for the Kari Glen Capital Improvement Project.

Director of Stormwater Management asked the Board to adjust the Capital Improvement Project List that was originally presented during the last budget meetings, in order to place a higher priority on the Kari Glen Capital Improvement Project instead of on the 150 Hall Place Capital Improvement Project. She explained that this request was because if an emergency repair had to be made, the Public Works Division could make the repairs on Hall Place, however, it would be extremely difficult to do an emergency repair or provide emergency access to those affected at Kari Glen.

Commissioner Brown asked who decided on the Centrifugally Cast Concrete Pipes. Mrs. Birrell replied that both Public Works and Stormwater staff discussed that option, that spun concrete or centrifugally cast concrete pipes were considered as the best options, but that the centrifugally cast concrete pipes were recommended since they are the most economical way to preserve the structure of the pipes without replacing them. She added that replacing the pipes would have an astronomical cost, that the pipes are between 25 and 30 feet deep, and that the expected life for this repair work is 25 years.

Commissioner Hearn asked if Kari Glen was a one-way-in, one-way-out subdivision. When informed it was, Commissioner Hearn noted that the complexity of the project increased due to the limited ability to get to the subdivision. He added that if the pipe failed then the County would have to build a detour to conduct the repairs, and that the project would be tough, given the situation.

Commissioner Hearn moved to approve staff's recommendation to reprioritize the Stormwater Capital Projects 2012 budget by replacing the 150 Hall Place Capital Project with the Kari Glen Drainage Improvement Project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

18. Consideration of staff's recommendation to award Bid #796-Centrifugally Cast Concrete Pipe to the low-bidder, Utility Asset Management, in the amount of $47,980 for repair work at Kari Glen Drive, and to authorize the Chairman to sign said contract upon review by the County Attorney.

Commissioner Hearn moved to approve staff's recommendation to award Bid #796- Centrifugally Cast Concrete Pipe to low-bidder, Utility Asset Management, for $47,980, to authorize the Chairman to sign the said contract upon review by the County Attorney, and to transfer $7,980 from Project #9220A- Road- Dust Control, for the Kari Glen Capital Improvement Project. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 19", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Executive Session Request: County Administrator Jack Krakeel informed the Board that a personnel matter needed to be addressed in Executive Session.

NAACP Lawsuit: County Attorney Scott Bennett reported about the filed lawsuit from the NAACP concerning redistricting Fayette County. He said Fayette County has retained Strickland Brockington Lewis, LLP, since they are a niche-practice firm that represents governments in similar lawsuits. He said that the lawsuit is a very specialized one, and that the County has retained demographers to look at the available data to determine if the NAACP's contention is correct that the County could draw a map with a majority minority district. He closed saying there is a lot of work involved in the process, that the County is actively evaluating the case, and that this would be time-consuming work.

COMMISSIONERS' REPORTS:

Commissioner Allen McCarty: Commissioner McCarty reported that his mother-in-law fell down last night, and since there was concern that she had broken her hip, he called Fayette County's 911 service for help. He observed that Fayette County has a fantastic emergency response system as they responded within minutes, as they took "exquisite' care of his mother-in-law, and made her feel as comfortable as possible as they went to the hospital without incident. He thanked Public Safety employees for their work and care.

Commissioner Steve Brown: Commissioner Brown reported that Fayetteville Mayor Ken Steele has stated on two occasions that he (in his capacity as mayor of Peachtree City) and the Peachtree City Council had approved the 2003 Transportation SPLOST list and the West Fayetteville Bypass. He continued that Mayor Steele was inferring that he was being somewhat hypocritical about his current opposition to the West Fayetteville Bypass. He informed the Board that he called the City of Peachtree City about this issue, that the city provided him with correspondence from May 21, 2004, and that the correspondence was addressed to the Honorable Chairman Greg Dunn of the Fayette County Commission. He read the letter into the record and the letter clarified that there: "was no record of agreement by Peachtree City concerning a Special Purpose Local Option Sales Tax, and that in no way should the Fayette County Commissioners infer that the correspondence or project list obligates the City of Peachtree City to an agreement of any kind regarding the Fayette County Transportation Plan or the Special Purpose Local Option Sales Tax". Commissioner Brown emphasized there was no agreement from Peachtree City, that the city never agreed to the West Fayetteville Bypass or the SPLOST list, and that the letter (signed by him as mayor) was copied to all the city's council members and was provided to all the mayors– including Fayetteville Mayor Ken Steele. He said he did not know what Mayor Steele was finding all of his information, but that he was "blatantly wrong".

Chairman Herb Frady: Chairman Frady said he had a question for Commissioner Brown since Commissioner Brown had asked him a question last week. He said that Councilman Eric Imker wrote an article for the paper approximately four months ago concerning a purchase Steve Brown made, when he was mayor of Peachtree City, for $800,000 to build a bridge at Wynnnmeade Parkway. He said the article had claimed that Mayor Brown called a meeting "one day with some other Council members, and had the meeting the next day to purchase the property without giving the public reasonable knowledge". Chairman Frady asked Commissioner Brown to explain that action. Commissioner Brown said he had not read Mr. Imker's letter, but if he could be provided a copy of the letter he would be glad to read it and comment on it afterwards. Discussion followed.

EXECUTIVE SESSION:

Personnel: Commission Horgan moved to recess into Executive Session to discuss a personnel matter. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:22 p.m. and returned to Official Session at 8:35 p.m.

Executive Session Affidavit and Adjournment: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating personnel was discussed in Executive Session, and to adjourn the October 27, 2011 Board of Commissioners Meeting. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 20", follows these minutes and is made an official part hereof.

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Floyd L. Jones, 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 10th day of November 2011.

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Floyd L. Jones, Chief Deputy Clerk