



## *Action Agenda*

Board of Commissioners  
May 10, 2012  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, May 10, 2012, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Robert Horgan, Vice Chairman  
Steve Brown  
Lee Hearn  
Allen McCarty

**Commissioner Absent:**

Herb Frady, Chairman

**Staff Present:**

Jack Krakeel, County Administrator  
Scott Bennett, County Attorney  
Karen Morley, Chief Deputy Clerk

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

**Commissioner Horgan remarked that Chairman Frady was out of town and would be absent for tonight's meeting.**

**Acceptance of Agenda: Commissioner Brown made a motion to approve the agenda as presented. Commissioner McCarty seconded the motion. The motion carried 4-0. Chairman Frady was absent.**

**Public Comment:**

**David Barlow:** David Barlow commented on the lack of accountability and transparency in Fayette County government and how the citizens' money is being spent. He questioned if it was legal for the County Administrator to be part of the early retirement plan. He urged the citizens to support Commissioner Brown's request for an overview.

**Steve Smithfield:** Steve Smithfield commented on item no. 17 on the agenda. He remarked that none of Fayette County's citizens have ever supported the West Fayetteville Bypass. He applauded Commissioner McCarty and Commissioner Brown for their stand on this issue.

**Ginga Smithfield:** Ginga Smithfield commented that the voters and taxpayers of Fayette County have grown increasingly uncomfortable in the manner in which the local officials have been conducting the peoples' business. She said there have been many comments against the West Fayetteville Bypass and the citizens felt like they were talking to a stone wall. She commented on the West Fayetteville Bypass and the citizens who are directly impacting by it every

day are very tired of living with it. She said she was tired of the many trucks traveling up and down and tired of dirt and dust. She expressed concern for the citizens that will be impacted by Phase III of the Bypass. She urged each Board member to visit those homeowner and their property before making a decision to proceed with construction of Phase III. She also remarked on the cloud of doubt hanging over the early retirement plan. She said out of respect for the taxpayers, the right thing to do would be to approve an independent review of the early retirement package.

**Carolyn Perdue:** Carolyn Perdue commented that she lives on Janice Drive and the noise from the road is horrible. She said the road is right under her bedroom window and the County will not put a fence to help with the noise. She remarked that one of her neighbors works at night and it's very hard to sleep during the day. She said the noise is so bad, that her house shakes.

**Ilsa Huston:** Ms. Huston expressed concern with Phase III of the West Fayetteville Bypass and the declining of property values in Fayette County. She said her property value would decrease even further for the property owners that would be impacted by Phase III. She urged the Board to reconsider construction for Phase III.

**Consent Agenda:** Commissioner Brown requested that item nos 3, 4, 12, and 13 be removed for discussion. Commissioner Horgan requested item no. 15 be removed for discussion. Commissioner Brown made a motion to approve the consent agenda as presented with the exception of no. 3, 4, 12, 13 and 15. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Frady was absent.

1. Approval of staff's recommendation to award Bid P825 Existing and Future Conditions Floodplain Mapping Professional Engineering Services in an amount not-to-exceed of \$146,250 for both 100 and 640 acre drainage basins to Dewberry and Davis LLC and authorization for the Chairman to execute the contract pending review by the County Attorney.
2. Approval of staff's recommendation to award Bid #829 to Physio Control, Inc. in the amount of \$24,808.20 to purchase a Lifepak 15 heart monitor with accessories and dispose of a Lifepak 11 as a trade-in allowance.
3. Approval of Ordinance No. 2012-08 which amends the Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premises Consumption Dealers, Division 1 Generally, Sec. 3-180.6 Closing Hours, which would allow the Sunday sales of Beer, Wine, and Distilled Spirits for On-Premise Consumption.

**Commissioner Brown made a motion to approve Ordinance No. 2012-08 which amends the Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers, Division 1 Generally, Sec. 3-180.6 Closing Hours, which would allow the Sunday sales of Beer, Wine, and Distilled Spirits for On-Premise Consumption. Commissioner Hearn seconded the motion. The motion carried 4-0. Chairman Frady was absent.**

4. Approval of staff's request for \$200,000 in additional funds for the Road Department's asphalt and tack account for the FY 2012 Budget Year to come from the County's Fund Balance.

**Commissioner Brown made a motion to approve staff's request for \$200,000 in additional funds for the Road Department's asphalt and tack account for the FY2012 Budget Year to come from the County's Fund Balance. Commissioner McCarty seconded the motion. The motion carried 4-0. Chairman Frady was absent.**

5. Approval of staff's request to declare the Road Department's 1980 model 50-ton lowboy, asset #10662, as unserviceable and authorization to sell the asset utilizing the GovDeals internet website, or if GovDeals proves unsuccessful, then to dispose of it as scrap metal.
6. Approval of request from the Sheriff's Office to amend the Overtime Budget for the Criminal Investigations Division by \$2,816.94 for reimbursement for employees assigned to work with various Federal agencies.
7. Approval of request from the Sheriff's Office to allow disposal of two vehicles originally purchased with Federal Drug Seizure Funds and Customs Funds as trade-ins for two new replacement vehicles.
8. Approval of request from the Sheriff's Office to authorize the appropriate Fayette County personnel to sign tag and title paperwork for the acquisition of two (2) new replacement vehicles which have been approved by Sheriff Wayne Hannah for purchase with monies from the Equitable Sharing Funds.
9. Approval of Resolution No. 2012-10 that abandons a portion of public road right-of-way of City Dump Road a/k/a/ Glass Road and convey the described portion of right-of-way into the legal description of the 1<sup>st</sup> Manassas Mile Road Southside Municipal Solid Waste Landfill boundary.
10. Approval of staff's recommendation to award Bid #830 for Vegetative Debris Grinding to Martin Edwards & Associates, Inc. in the amount of \$29,900 and a price per cubic yard of \$1.60.
11. Approval of Ordinance No. 2012-07 adopting amendments to the Fayette County Code, Chapter 19, Utility Regulations, Article IV, Solid Waste Management.
12. Approval of staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River pump station at a cost of \$19,750.

**Commissioner Hearn made a motion to approve staff's recommendation to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River pump station at a cost of \$19,750. Commissioner Horgan seconded the motion. The motion failed 2-2 with Commissioner Brown and Commissioner McCarty voting in opposition. Chairman Frady was absent. This vote resulted in no action taken.**

13. Approval of staff's recommendation to allow Mallett Consulting to develop the specification package and to issue bids for the replacement of the Supervisory Control and Data Acquisition (SCADA) System at a cost of \$12,900.

**Commissioner Hearn made a motion to table consent agenda item no. 13 to the next available Commissioners' meeting. Commissioner Horgan seconded the motion. The motion failed 2-2 with Commissioner Brown and Commissioner McCarty voting in opposition. Chairman Frady was absent. This vote resulted in no action taken.**

14. Approval of staff's recommendation to renew its excess workers compensation insurance and claims service with third party administrator Midwest Employers' Casualty Company for a period beginning July 1, 2012 and ending June 30, 2013; and authorization for the Chairman to execute any contracts and related documents pending approval by the County Attorney.

15. Approval of staff's recommendation to award the County's Employee Assistance Program (EAP) Services to One Source Counseling for a period beginning July 1, 2012 and ending June 30, 2013; and authorization for the Chairman to execute the contract and related documents pending approval by the County Attorney.

**Commissioner Horgan stated that the ending date of June 30, 2013 should be June 30, 2014.**

**Commissioner Horgan made a motion to approve staff's recommendation to award the County's Employee Assistance Program (EAP) Services to One Source Counseling for a period beginning July 1, 2012 and ending June 30, 2014; and authorization for the Chairman to execute the contract and related documents pending approval by the County Attorney. Commissioner Hearn seconded the motion. The motion carried 4-0.**

16. Approval of minutes for the Board of Commissioners' meeting held on April 4, 2012.

**Old Business:**

17. Further discussion of Commissioner Allen McCarty's request to halt plans for construction of Phase III of the West Fayetteville Bypass and to begin construction of the East Fayetteville Bypass.

**After some discussion, Commissioner McCarty made a motion to temporarily go to build the East Fayetteville Bypass and stop construction on the West Fayetteville Bypass and do what the Board told the citizens of this County that it was going to do in the order that they were told it was going to be done. Commissioner Brown seconded the motion with an amendment to clarify that construction would stop on Phase III of the West Fayetteville Bypass. The motion failed 2-2 with Commissioner Horgan and Commissioner Hearn voting in opposition. Chairman Frady was absent.**

**New Business:**

18. Consideration of a request from Commissioner Brown for a review from outside legal counsel pertaining to the early retirement package for the County Administrator.

**Commissioner Brown made a motion to temporarily delay the process and have an independent review conducted to determine the true long term savings of the program. Commissioner McCarty seconded the motion.**

**After further discussion, Commissioner McCarty withdrew his second to the motion. He said this needs to be defined for the people in the audience who do not understand it and what this plan is and how it works. He said there had been so much controversy about the plan that we need to have it enlightened so that the bottom line on the last day is clear and no more questions or hassles.**

**Commissioner Hearn recommended County Attorney Scott Bennett to create a report of his findings and possibly including a time line on this issue and make it available not only to the Board but to the press and the citizens. He said once this information has been digested, if this issue needs further consideration it can be done at that time. He said right now there are a lot of questions on this. County Attorney Scott Bennett said he would be glad to get this information.**

**Administrator's Reports:**

None.

**Attorney's Reports:** County Attorney Scott Bennett remarked that there had been no word back from the Justice Department. He said he had placed a call to the County's attorneys to determine if they have heard anything from the Justice Department regarding the five district plan. He said as soon as staff hears something back, he would let the Board as well as the public know, but right now everything was still in limbo.

Commissioner Brown remarked that the Judge had delayed the Board of Education's ruling until May 30<sup>th</sup> and he questioned if this would impact the County in any way.

Attorney Bennett provided some background information regarding this issue. He said the County had a problem with the way in which the School Board had done its Consent Order and there were several issues with it. He said the question was whether this had affected the County. He remarked that the Judge had vacated the Order and he set briefing schedules and a hearing. He said the School Board and the NAACP decided that they were not going to try to defend that Order and they came up with a new Order. He said he had not personally seen the new proposed Order but he was hoping to have one in his hands tomorrow. He stated the hearing would now be directed to this new Order that he was not quite sure what was in it. He said staff was working on evaluating the new proposed Consent Order, but as it stands now they have abandoned the old Consent Order and have realized the County was correct and it was faulty and they are trying a different tact.

Commissioner Brown said this would occur after qualifying and asked what the impact would be and if there would be any impact to the election process or qualifying process in general. He asked if the County was going to have to pay for two different elections and if there were going to be any ramifications.

Attorney Bennett replied that typically speaking whoever calls for a Special Called Election would have to pay for that election. He said the County did not anticipate that it would have a Special Called Election. He said the School Board was in a lot of flux right now because they do not have an Order and are proposing a new Consent Order and he was not sure if they had changed their map design. He said one of the problems had been the School Board's map design. He said if the School Board parties draw the map, that map would have to be approved by the Justice Department. He said if the Judge draws the map, it does not. He said the School Board and the NAACP are drawing the map and it has to be approved by the Justice Department. He said the County cannot find where this map was submitted to the Justice Department and this was unknown. He said it was hard for him to speak on what the School Board has done but from all indications that he has the School Board has some issues there. He said the County has the second lawsuit on being mal-apportioned and that was moving forward and was at the Justice Department. He said he anticipated that the County was going to have that five district map but the County has to receive it back from the Justice Department. He said he wanted to make it clear that it would be at-large voting with five districts in the County. He said the map had been drawn so that Commissioner Brown and Commissioner McCarty maintain their residences in their districts. He said as soon as he hears anything from the Justice Department he would let the Board know.

**Commissioner's Reports:** Commissioner McCarty remarked that at the last Commissioners' meeting he had complained about the snakes being driven up the creek into his lake and yard as a result of the construction on the West Fayetteville Bypass. He said now there was another problem and that was the bobcats that are being driven out of the woods into his yard and they have been chasing his horses and keeping he and his family up at night.

**Adjournment:** Hearing no further business to come before the Board, Commissioner Horgan adjourned the meeting at 8:27 p.m.

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Karen Morley, Chief Deputy Clerk