Minutes

Board of Commissioners
March 14, 2013
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 March 14, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd Jones, County Clerk Tameca White, Executive Assistant Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the March 14, 2013 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner Barlow introduced Deacon Francis Head of St. Gabriel Catholic Church to the Board, and he asked Deacon Head to offer the Invocation. Deacon Head offered the Invocation.

Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to approve the Agenda and to move New Business Items 5, 6 and 8 on the Agenda so that they could follow immediately after the Proclamation and prior to Public Comment. Commissioners McCarty and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

PROCLAMATION / RECOGNITION:

1. Proclamation of March 16, 2013 as "Master Gardener Extension Volunteer Appreciation Day."

Commissioner Oddo read the "Master Gardener Extension Volunteer Appreciation Day" proclamation. Ms. Kim Jackson, the Coordinator for the Extension Office, spoke about how the Extension Office provides information to homeowners about horticulture, about how to have sustainable homes with home gardens, and how to become involved in the 4-H program. Ms. Jackson also spoke about the Master Gardener Program where individuals volunteer in the community. A copy of the request and proclamation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Jim Richter: Mr. Richter stated that he attended the Ethics Hearing on March 13, 2013, and that he was pleased to see the ethics charge filed by former Commissioner Robert Horgan against Chairman Brown is dismissed. Mr. Richter asked the Board if there were further developments relating to the investigation into the destruction of public records authorized and carried out by former County Administrator Jack Krakeel and former County Attorney Scott Bennett. He also asked about Mr. Bennett's alleged violation of his employment contract. He stated that he received an anonymous email from an attorney in Henry County advising him that Mr. Bennett was "double-dipping" by practicing law while having an exclusive employment contract with Fayette County. He reported that the attorney detailed three cases where Mr. Bennett was listed as the attorney of record. He continued that he received a copy of Mr. Bennett's employment contract through the Open Records process, and that he confirmed that Mr. Bennett was violating his contract. He stated that he turned the information over to Commissioner Brown and he asked if there were any developments in the matter.

Lee Hearn: Former County Commissioner Lee Hearn told the Board that he was asked recently by County Administrator Steve Rapson why he kept coming to meetings to complain about the new Board's actions, and he said the reason was because he hoped to convince four of the Commissioners that they are being given bad advice by the Chairman. He said he spent two long years listening to Chairman Brown's "decisiveness" and he had a pretty good feel for what the Chairman was trying to achieve before the new Commissioners "catch on to his antics". Mr. Hearn said that he was informed by some friends that the problem with the forum he chose to voice his complaints was that it came off as the opinion of one politician against another who lost the last election, and that it was difficult for the general public to understand the consequences of Commissioner Brown's and the new Board's actions on some issues. He suggested that a forum be created allowing the average citizen to look at the issues in depth and to decide for themselves what are sour grapes and "who is drinking the Brown Kool-Aid". Mr. Hearn suggested that the forum could be transparent, and that it would provide information on the most resent Local Option Sales Tax (LOST) negotiations. Mr. Hearn spoke about the previous Board's approach to the LOST negotiations, but he added that "the new Board has decided to give that money to the Chairman's buddy, the mayor of Fayetteville, and to help Peachtree City pay for all its lawsuits." He suggested that the information which was used by the previous Board and the information used by the current Board be placed on the County's website, and that the issue could be discussed at the next Stormwater Town Hall meeting. Mr. Hearn questioned the recent retirement of Public Safety Director Allen McCullough, who served Fayette County for 31 years, and he asked the Board to take an opportunity to explain why they felt it necessary to do such a great public servant wrong. Mr. Hearn asked the Board to also place on the website their definition of what a balanced budget is. He stated that from July 1, 2009 until July 1, 2012, the General Funds Fund Balance increased every year, and he asked for someone to explain to him how the County was deficit budgeting during those times. Mr. Hearn questioned Chairman Brown's email to all county employees, said it would hurt employee morale, and questioned what the turnover rate would be in the coming months. In closing, Mr. Hearn said he would welcome an opportunity to discuss LOST at a public hearing, a town hall meeting, or at the Stormwater Meeting, said he appreciated the opportunity to speak, and said the Board should expect to see him often.

Frank Gardner: Mr. Gardner thanked Stormwater staff for coming to his residence and checking his complaint. He added that he thought the Stormwater Department should be moved into the County's Road Department or into the Public Works Division, so that it could become a taxable department. Mr. Gardner next spoke about a safety problem at Lake Horton, and he explained the difficulty to get into a boat from the boat ramp and rocky shore. He said the situation was dangerous, but that the County has sportsmen who he thought he could persuade to raise money in order to make it safer to put boats into the lake.

Paul Parchert: Mr. Paul Parchert informed the Board that Fayette County recently installed two fire hydrants along the West Fayetteville Bypass for an unknown purpose, that the citizens of Janice Drive had paid to install that waterline, and he suggested that the County was installing waterlines along the West Fayetteville Bypass. Mr. Parchert also stated that while he understood that the current Board was not in favor of the West Fayetteville Bypass, he suggested that the County explore the possibility of placing landscaping along the road or trees along the road so that residents do not have to see the road. He said the people moved into excluded neighborhoods; to places where they could see trees. He said that, now, everyone on the West Fayetteville Bypass could see all the way up his deck and see him in his hot tub. He said this issue affected all the property owners along the West Fayetteville Bypass, and he did not think there would be much cost in providing cover for those along West Fayetteville Bypass.

Mayor Greg Clifton: Fayetteville Mayor Greg Clifton replied to Mr. Hearn's comments saying Chairman Brown did not make any commitment regarding Local Option Sales Tax (LOST) negotiations to the cities other than once the new Board was installed there would be negotiations. He spoke about the difficulties in working with the County with its previous Board, stated that consultant Phil Sutton had concluded that the City of Fayetteville should receive 18%, and that the City of Fayetteville only received 14.99%. He said that the negotiation stage had given way to the lawsuit phase where the issue would be decided by a judge. He informed the Board that all the parties thought negotiation was better than facing a judgment, that all the parties made compromises, that City Manager Joe Morton worked to bring the Town of Tyrone back to the negotiation table, and that the best agreement given the circumstances was reached. He closed his remarks by thanking the new Board for working with the cities on this matter. Chairman Brown replied that Mayor Clifton did not deserve the criticism he received from Mr. Hearn during public comments.

CONSENT AGENDA:

Commissioner Oddo moved to approve Consent Agenda Items 2 and 3 with one change to the March 4, 2013 Stormwater Meeting Minutes. He explained that the change was minor, and that one name needed to be corrected from Rick Medder to Rick Minter. Commissioner Barlow seconded the motion.

The motion to approve Consent Agenda Items 2 and 3 with one change to the March 4, 2013 Stormwater Meeting Minutes passed unanimously.

2. Approval of staff's recommendation to award annual Bid #872 to E.R. Snell Contracting of Tyrone as the primary vendor, to C.W. Matthews, Inc. of Tyrone as the secondary vendor, and to C.W. Matthew's Inc. of Forest Park as a backup vendor for the purchase of asphalt for the 2013 calendar year, in an amount not to exceed $2,660,000.00, and authorization for the Chairman to sign the contracts. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. Approval of the February 21, 2013 Department Outreach Meeting Minutes, the February 28, 2013 Board of Commissioners Meeting Minutes, and the March 4, 2013 Stormwater Town Hall Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

4. Consideration of Chairman Brown's recommendation to adopt Resolution 2013-07 opposing the split of the Griffin Judicial Circuit and the creation of a separate circuit for Fayette County.

Commissioner McCarty moved to adopt Resolution 2013-07 opposing the split of the Griffin Judicial Circuit and the creation of a separate circuit for Fayette County. Commissioner Ognio seconded the motion.

Chairman Brown stated that this issue has "kind of come and gone and that this year the environment might have been ripe for another attempt at trying to split Fayette County off of its judicial circuit". He said the Board did not see this potential action as being in the best interest of Fayette County since a study conducted in years past showed that the action would significantly increase costs to both the County and the State of Georgia. Furthermore, he said it would create a problem since there would be only one Superior Court Judge in the Fayette Circuit, and that due process would be significantly slowed due to the number of case loads. Moreover, the Chairman pointed out that there would be other issues if the judge had a conflict of interest in hearing a case and other judges from other circuits would have to be brought in.

The motion to adopt Resolution 2013-07 opposing the split of the Griffin Judicial Circuit and the creation of a separate circuit for Fayette County passed unanimously passed unanimously. A copy of the request and Resolution 2013-07, identified as 'Attachment 3", follow these minutes and are made an official part hereof.

5. Consideration of Chairman Brown's recommendation to adopt Resolution 2013-08 supporting the rescission of the Road Tax Penalty from the Transportation Investment Act.

Chairman Brown pointed out a sign on a tripod that was placed in the room, and he explained that he was part of a group named "The Transportation Leadership Coalition". He said the group deeply believed that is there should not be a penalty on the public for voting their conscious. He explained that when a referendum is put together for the people to vote upon, but with the caveat that the people will be penalized if they do not vote a certain way, that it is not right. Chairman Brown then read Resolution 2013-08 into the record. The following is the text of Resolution 2013-08:

RESOLUTION 2013-08

A RESOLUTION IN SUPPORT OF RESCINDING THE ROAD TAX PENALTY FROM THE TRANSPORTATION INVESTMENT ACT

***WHEREAS**, The Transportation Investment Act of 2010 (TIA) was passed hurriedly as the 2010 General Assembly waned to a close, with little public input and little public knowledge of what was contained in the bill; and*

***WHEREAS**, The overwhelming majority of citizens in Fayette County, both Republican and Democrat, voted in opposition of the TIA referendum held in July of 2012; and*

***WHEREAS**, Not a single county in the traffic-filled metropolitan Atlanta Region approved the TIA referendum; and*

***WHEREAS**, Transportation Investment Act referendum was voted down by citizen taxpayers in the Northwest Georgia Region, Georgia Mountains Region, Atlanta Region, Three Rivers Region, Northeast Georgia Region, Middle Georgia Region, Southwest Georgia Region, South Georgia Region and the Coastal Region; and*

***WHEREAS**, We determine it is un-American and undemocratic to create a bill touted as a referendum, asking the electorate to decide, and penalize them if they oppose the measure; and*

***WHEREAS**, We view any claim that the citizen taxpayers brought this egregious penalty onto themselves as thoughtless and irresponsible as the general public had little idea of what was in TIA bill; and*

***WHEREAS**, There was no "local opportunity to decide" as the entire process, including the referendum and penalty was **mandated** by the State Legislature; and*

***WHEREAS**, The Fayette County Board of Commissioners believes, "One should not treat others in ways that one would not like to be treated," and the State Legislature has not levied such penalties against itself;*

***BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby formally request that the State Legislature, reflecting the desires of Georgia's citizens with full accountability, rescind all penalties from the TIA as stated in Senate Bill 73. Be it further resolved that the Board of Commissioners of Fayette County pose no objection with three regions that approved the TIA retaining the lower 10% match for the duration of the tax period.*

So resolved this 14th day of March 2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

After reading the resolution into the record, Chairman Brown told those present that the "crossover day" for the Georgia General Assembly had come and gone, and he explained that for a bill to remain alive in the Georgia General Assembly, it had to be passed by either the Senate or the House of Representatives prior to "crossover day. Chairman Brown stated that Senate Bill 73 (SB73), which would have removed the penalties, was not approved by either legislative house prior to "crossover day" and therefore Fayette County was still stuck with the penalty for voting against Transportation Investment Act referendum. He thought that passing Resolution 2013-08 would show the County's support of those senators who had the courage to raise the question and fight for the citizens of Georgia who should not be penalized for speaking their mind and voting their conscious.

Chairman McCarty moved to adopt Resolution 2013-08. Commissioner Barlow seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the request and Resolution 2013-08, identified as "Attachment 4", follow these minutes and are made an official part hereof.

6. Consideration of Chairman Brown's recommendation to adopt Resolution 2013-09 removing Fayette County from the Concept 3 Transit Plan.

Chairman Brown informed the audience that there is a Regional Mass Transit Plan that includes the 10-counties of the Metropolitan Atlanta Region. He referred to a map of south metropolitan Atlanta and Fayette County which was displayed on the televisions in the room, and he spoke about where commuter rails and an arterial bus rapid transit was projected for Fayette County. Chairman Brown then read Resolution 2013-09 into the record. The following is the text of Resolution 2013-09:

RESOLUTION 2013-09

RESOLUTION TO REMOVE FAYETTE COUNTY FROM THE CONCEPT 3 TRANSIT PLAN

***WHEREAS**, Fayette County has a population of approximately 107,000 and a land mass of almost 200 square miles; and*

***WHEREAS**, Fayette County's projected population for 2030 is expected only to be 179,000; and*

***WHEREAS**, The transit projects listed for Fayette County in the Concept 3 transit plan are cost prohibitive and not suited for the county's low density land use plan; and*

***WHEREAS**, Fayette County commuters make up an extremely small portion of the ridership with mass transit in metropolitan Atlanta; and*

***WHEREAS**, Fayette County's ability to draw economic development and quality residents is not dependent upon mass transit, but, rather upon its unique rural quality of life; and*

***WHEREAS**, The conservative culture within Fayette County frowns upon a system that is not close to self-sustaining, requiring enormous subsidies, while eliminating routes and personnel in the face of declining revenues; and*

***WHEREAS**, It is the duty of all jurisdictions in Fayette County to focus on protecting our quality of life, residential density remaining low, our excellent school system, our less congested roads, our green spaces and our exceptional commitment to public safety, which keeps our community strong and able to attract high paying jobs to Fayette County, avoiding attempts to mimic more rampant growth patterns in other areas;*

BE IT THEREFORE RESOLVED THAT *the Board of Commissioners of Fayette County does hereby formally request to all regional and state entities that Fayette County be removed from the Concept 3 transit plan and all other plans requiring publicly subsidized transit in Fayette County.*

So resolved this 14th day of March 2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Ginger Smithfield: Mrs. Ginger Smithfield thanked the Board for the resolution saying it was greatly needed. She also thanked the Board for "sticking to [Fayette County's] Land Use Plan."

Commissioner Ognio moved to adopt Resolution 2013-09. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2013-09, identified as "Attachment 5", follows these minutes and is made an official part hereof.

7. Approval of the medical plan selection team's recommendation to award CIGNA as Fayette County's medical provider.

County Administrator Steve Rapson informed the Board that the County formed a Medical Plan Selection Team that reviewed the medical plan for next year, and he explained the findings and recommendation to the Board.

Chairman Brown thanked the Finance staff, Human Resources staff, Mr. Rapson, and other staff who reviewed each of the proposed contracts and really worked on the premiums. He reminded those present that this was a bad budget year and that the County needed to save every dime it has. He said the team did a tremendous job in finding the savings, and he thanked the Cigna representative for coming to the table and working out an excellent deal.

Commissioner Ognio moved to approve the medical plan selection team's recommendation to award Cigna as Fayette County's medical provider. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as Attachment 6", follows these minutes and is made an official part hereof.

8. Consideration of administration of West Fayetteville Bypass related to handling the legal ramifications, existing rate of completion, and current environmental issues.

Chairman Brown stated that he had a written memorandum, and he read it into the record. The following is a transcript of the memorandum and motion Chairman Brown read into the record:

As someone who has thoroughly studied the West Fayetteville Bypass and opposed it since the day it was introduced as a county TSPLOST project back in 2003, I am forced to concede that former Commissioners Lee Hearn, Robert Horgan and former Chairman Herb Frady have achieved their objective of pushing Phase II of the bypass far enough along so that we are unable prevent its completion.

After consulting with our county's attorney, road and engineering staff, I offer the following thoughts.

Staff acknowledges there was an outright attempt to force Phase II of the bypass into an ultra-fast engineering and construction mode so as to push the project far enough along that completion would be imminent. I personally witnessed the constant prodding from then-County Administrator Jack Krakeel and then-Commissioner Lee Hearn on the TSPLOST committee to accelerate Phase II.

It is truly distressing that our new Interim County Attorney revealed that he discovered 10 properties that are still in condemnation phase along Phase II, either in the courts or by other means, but the county took the land from the local property owners and began building Phase II of the bypass on those parcels anyway. I consider this careless methodology to be both inappropriate and unconscionable, opening up the county up to considerable risk by not knowing the actual costs of land acquisitions and possible court-imposed damages.

For the record, I do not hold staff accountable for any of these irresponsible and inappropriate actions to accelerate Phase II without officially acquiring the land and determining the total land costs in advance as that was the process was totally driven by the majority from the previous Board of Commissioners, Jack Krakeel and former-County Attorney Scott Bennett.

The southern section of Phase II (everything south of Eastin Road which accounts for 50% of the length of the entire project) was completed last year.

The section from Eastin Road to State Route 92 was substantially complete at the beginning of the year. Our new Board of Commissioners recently delayed material contract approvals for the bypass so that we could thoroughly evaluate our position.

I report that we are shackled by a contract approved by the former-Commission Chairman Frady and former-Commissioners Hearn and Horgan. Undeniably, the contractor, E.R. Snell, has completed a majority of the work from Eastin Road to State Route 92 with the contract calling for finish paving in May.

The contractor has to be paid in full or the county government is in breach of the contract as we are locked into a binding agreement from the former majority on the Board of Commissioners. If we continue to halt the work, we lose a significant amount of taxpayer dollars with nothing to show for it. In addition, we are also experiencing erosion problems from the prepared road bed now in place, it will cost even more taxpayer dollars, beyond the binding agreement for road construction, to contain that damage if the road bed is not paved.

We also have another contract where we are locked into a binding agreement from the former majority on the Board of Commissioners with contractor McCarthy Improvements related to the bridge at Whitewater Creek. As with the other contractor, the work is in progress and terminating the project would result in a breach of contract, meaning the taxpayers would pay for the total project without the work being performed.

The roundabout project at State Route 92 is in the design phase. Once our new County Administrator was officially employed with the county, I asked him to immediately work with staff on finding a less expensive and less harmful design on the homes and businesses in the area. I am pleased to announce that it appears the road and engineering staff have come up with a better, less expensive option.

The original roundabout plan cost $1.7 million and had a significant impact on the surrounding homes and businesses. An alternate plan, costing much less, avoiding a major utility relocation and greatly reduces the impact on the neighbors.

The majority on the previous Board of Commissioners moved forward on the design components on Phase III of the bypass. Staff had begun the preliminary planning process.

In looking for the best solution possible under the constrained circumstances, I offer the following motion to the Board of Commissioners:

I move that the Board of Commissioners, to avoid a lawsuit based on breach of contract related to binding agreements passed by the majority of the previous Board of Commissioners and to avoid paying the cost of resolving continued environmental damages from leaving the currently formed road bed unpaved, allow the completion of Phase II up to State Route 92. Likewise, I move that the roundabout previously approved by the majority on the previous Board of Commissioners be reconfigured to a normal four-way intersection with a reduced cost and a reduced impact on the neighbors. In addition, I move further that Phase III of the West Fayetteville Bypass be officially terminated as a planned project and removed from the Fayette County Transportation Plan as a new road segment. Finally, I conclude this motion with an official apology from the county government to the landowners and taxpayers of Fayette County for the local government not being receptive on the issue of the West Fayetteville Bypass project and county's forcing the construction of Phase II, even before a substantial amount of the land was purchased just to handcuff the current Board of Commissioners to the completion of the phase because of the binding contracts of their predecessors. May we never see such thoughtlessness in this county ever again. I continue that all existing contracts for hauling, gravel, and asphalt be continued. So moved.

Commissioner McCarty seconded the motion.

Ginger Smithfield: Mrs. Smithfield thanked all of the Commissioners for doing everything they have done to fight the West Fayetteville Bypass. She acknowledged that Chairman Brown had been against the bypass since 2003, and she said she greatly appreciated the efforts, the thought, and the investigative work the Board put into the matter. She continued saying all of the homeowners along the West Fayetteville Bypass thanked the Board, and she urged the Board to abolish Phase III of the bypass. Mrs. Smithfield pointed out that there was a huge, old, operating family farm in the path of Phase III that could be spared, and that many homeowners along Phase III could be spared from what many Phase II homeowners were not. She repeated her request to abolish Phase III of the West Fayetteville Bypass.

Dennis Chase: Mr. Chase said he had one, continuing, and unanswered question that he had risen several times and still did not have an answer on. He said the question related to whether the Stormwater Utility Department every reviewed the best management practices to be installed when the West Fayetteville Bypass was built. He said the last he understood, staff did not know whether it had been reviewed or not. He pointed out that the West Fayetteville Bypass was one-million square feet of impervious surface. He understood that staff would perform the Sediment Erosion Control [study], but he did not know whether there were adequate provisions alongside the bypass to protect the stormwater runoff. He thought this was an outstanding issue, and while he could not get an answer to the question, he asked the Board if they could get an answer. Chairman Brown replied that a Stormwater Town Hall Meeting was coming up, and that this was a question that should be answered at the meeting. County Administrator Steve Rapson replied that it would be answered at the Stormwater Town Hall Meeting.

Frank Gardner: Mr. Gardner informed the Board of a dangerous curve at Foxrun Road and Davis Road. He suggested that if Phase II is completed then the curve would also have to be straightened. He told the Board that he was surprised no one had been killed at the curve, and he spoke about some of the dangers associated with the curve.

Tom Waller: Mr. Waller thanked the Board for the action relative to Phase III of the West Fayetteville Bypass. He said he understood that Phase II was so far down the road that it could not be completed, but he pointed out that contracts typically have a "back out clause" where a certain amount of money is paid without having to bite the bullet. He asked why such a clause was not in the contract for the West Fayetteville Bypass. Mr. Waller also informed the Board that someone had knocked down the stop sign at the West Fayetteville Bypass and Sandy Creek Road. He suggested that a couple of signs could be installed and one could be placed over the road to facilitate people stopping at the intersection. In closing, Mr. Waller asked what the cost would be to stop Phase II of the bypass and how much of a bill should be hung around the necks of the previous Commissioners.

Roy Bishop: Mr. Bishop thanked Chairman Brown for putting in writing what he has been living for the past two years. He said he lives on the low-end of the West Fayetteville Bypass, and that recently dynamiting has been occurring for the past three weeks since engineering was not properly done but was rushed through. Concerning the current stormwater issues, Mr. Bishop said the roads were "falling in", but that he had not heard anyone from the Road Department ask to fix roads; only to build new roads.

Commissioner Oddo said when he was campaigning that he spoke about wanting to assess the West Fayetteville Bypass. He stated that after he made his review, and after thinking like a business man, that he concluded that stopping the West Fayetteville Bypass "would be a terrible waste of the taxpayers' money." He said the County has what it has, and that the parts that the County has needs to be finished, and that Phase III needed to be cancelled.

Chairman Brown stated that the portion of West Fayetteville Bypass that is left is unpaved and substantially cleared. He said that meant if the roadbed is left unpaved that all of the material would wash away and would eventually erode and deteriorate. He explained that the County is in a Catch-22, and that he did not take any joy in voting to finish the project. He said he was sad to say that the County condemned many properties through a special means and started to build on people's property before the landowners were even paid for their land. Chairman Brown said that the County did not know what the land prices would be, or what the judge-imposed penalties would be, but with great sorrow he did not feel the Board had any choice in the matter. Concerning Phase III of the West Fayetteville Bypass, Chairman Brown said he thought the Board would save the family's farm since it is the right thing to do.

The motion as read by Chairman Brown and seconded by Commissioner McCarty passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Re-Advertisement of two Vacancies on the Public Facilities Authority and an Opening on the Department of Family and Children Service's Board: County Administrator Steve Rapson informed the Board that staff is currently re-advertising two vacancies on the Public Facilities Authority. He said the County already actually received two applications for those vacancies, but based on their experience the County felt there needed to be someone with more of a financial background, and that is why those positions were re-advertised. Mr. Rapson stated that as positions are advertised, if someone does express an interest but it is felt they may be applicable for another board or a commission or authority, that staff would keep the applications on file similar to how Human Resources does. Then, when a position becomes vacant, those who have expressed interest can be contacted. Mr. Rapson also informed the Board that earlier in the afternoon, the County was notified that Ms. Debbie Chambers of the Fayette County Department of Family and Children's Services (DFCS) would likely resign during the week. He said the position would be advertised once official notification was given. Chairman Brown appointed Commissioner David Barlow to review the DFCS applications.

Acknowledgment of Transportation Engineer Carlos Christian: County Administrator Steve Rapson said he was a big believer in giving credit where it is due. He said Transportation Engineer Carlos Christian, from the Public Works Department, is the one who came up with the intersection reconfiguration at the West Fayetteville Bypass, and that his work would save Fayette County between $500,000 to $700,000.

Kenwood Road Bridge Project Open House: County Administrator Steve Rapson informed everyone that an Open House was being scheduled for April 8, 2013 for the Kenwood Road Bridge project. He said the Open House would last from 5:00 p.m. until 7:00 p.m., and that he would send an email to the Board concerning it. Chairman Brown noted that the project was near a park, an elementary school, and churches. He suggested that those who live or do business in the area should pay close attention to the issue.

Response to Mr. Lee Hearn's Public Comments: County Administrator Steve Rapson replied that as a profession and Certified Public Accountant, and as one who has done this type of work for over twenty years–including LOST negotiations, that many of Mr. Hearn's comments were very misleading. He encouraged everyone who is truly interested to come by and he would share every piece of documentation he has, and every study and analysis that has been performed he said he would not require staff to scan 20,000 pages and create an entire organization on the website. He concluded that "saying $14.5 million dollars does not make it so". He equated the LOST negotiations to intergovernmental cooperation, and he said it is not "us versus them, it's Fayette County." Mr. Rapson added that if Mr. Hearn wanted to see a balanced budget that he would encourage him to look at the Fiscal Year 2014 budget which is about to be done.

ATTORNEY'S REPORTS:

Four Items for Executive Session: Interim County Administrator Dennis Davenport informed the Board that two threatened litigation items, one land acquisition item, and one personnel item needed to be discussed in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said he would be silent since Mr. Hearn took quite enough time and there was no need for him to continue the conversation.

Commissioner Oddo: Commissioner Oddo said he did not feel like he should have to respond, but he said, with all due respect to Commissioner Brown, that he "would not follow him anywhere." He thought that would be nice for the record.

Commissioner McCarty: Commissioner McCarty thanked everyone for coming to the meeting, and he seconded Commissioner Oddo's statement about following Commissioner Brown. He said the Commissioners have their own minds and their own opinions. He said that very often there is agreement, and when there is agreement he is 100% there, and when there is a disagreement he will vote against it. He said that was all he could do.

Commissioner Ognio: Commissioner Ognio said there was a lot he could get into with Mr. Hearn, but he thanked the people along Phase II of the West Fayetteville Bypass for understanding the Board's position. He apologized to them one more time saying the Board had worked hard to stop it, but it could not be stopped and he hated it for them.

Interim County Attorney Dennis Davenport: Interim County Attorney Dennis Davenport reported that he overlooked one item, and that there is a fifth item for Executive Session– namely, the review of the February 28, 2013 Executive Session Minutes.

Chairman Brown: Chairman Brown introduced Ms. Tameca White saying that she was Fayette County's latest employee. He said she had hit the ground running and that "she has saved my life because she keeps everything in perfect order, she just runs it like a machine." Chairman Brown said he found it hard when someone criticizes someone else for not having an open forum and that was the same person who voted not to let someone make a presentation on an Agenda item, and he said it was somewhat hypocritical. He stated that Mr. Hearn's comments about Mayor Greg Clifton were unfair, and he said that all of the jurisdictions of Fayette County, including Fayette County, gave a little bit to help the City of Peachtree City. He said the issue is about Fayette County, and that the division has to stop, and that there is enough of the fighting. He said the County's position for an entire year was "Our way or the highway, and that is all we are going to say", and he stated that position was shameful. Chairman Brown also said it was humorous because, as a Commissioner, he had asked to see the LOST report twice, but that he was not given the report. He found it astounding that Mr. Hearn was now asking to put the report on the website, even though he was not allowed to see the report when he asked for it last year. Concerning the email that was sent to the Fayette County employees, Chairman Brown said he sent it for a reason so that every employee could have an appreciation for the budgetary situation the County is in. He encouraged staff to withhold any expenses they could as the County would have to find a way to cover costs. He also encouraged Constitutional Officers to not fill vacancies and to freeze positions. Chairman Brown also addressed Mr. Parchert's request to place landscaping along the West Fayetteville Bypass by saying the Board heard his concern and took it seriously. He said after the West Fayetteville Bypass was completed that the Board would be able to review each situation individually in an effort to reduce the pain.

Mayor Greg Clifton: Mayor Clifton stated that in his previous comments he left out one point, that County Administrator Rapson had brought it back to his attention when he spoke of intergovernmental cooperation. He noted that Mr. Hearn commented about pushing more costs from the cities onto the County for EMS service. Mayor Clifton stated that the City of Fayetteville and Fayette County are in discussions of relocating the EMS services from Station 4 to the city's facilities at this time. He mentioned that this would not be a cost that the County would bear,

but that it would be a cost that the City of Fayetteville would bear.

Chairman Brown: Chairman Brown stated that the greatest compliment that Mayor Clifton and he could have ever received from a person who is not typically considered a political ally. He said that person stated he had been doing business in Fayette County for 25 years and that he had not seen such good cooperation in his 25 years of doing business between Fayette County, Fayetteville, and the other cities in Fayette County as he has seen today. Chairman Brown thanked Mayor Clifton for all of his help, and reiterated that relocating ambulances to Fayetteville's Fire Stations was going to save Fayette County some money.

EXECUTIVE SESSION:

Five Items for Executive Session: Chairman Brown moved to recess into Executive Session for two threatened litigation items, one land acquisition item, one personnel item, and one review of the Executive Session minutes. Commissioners Barlow and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:17 p.m. and returned to Official Session at 9:03 p.m.

Return to Official Session: Commissioner Oddo moved to leave Executive Session and return to the regularly scheduled meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the February 28, 2013 Executive Session Minutes and Correction of a Scrivener's Error on the February 14, 2013 Executive Session Minutes: Chairman Brown moved to approve the Executive Session Minutes for February 28, 2013 and a Scrivener's Error for the February 14, 2013 Executive Session Minutes where the date of January 28, 2013 was erroneously listed instead of the correct date of February 14, 2013. Commissioner McCarty followed. Discussion followed. The motion passed unanimously.

Personnel Matters: Chairman Brown mentioned that the Director of Public Safety had direct reports from Fire Services, Emergency Services, Emergency Management, the Marshal's Office, Communications 911, and Animal Control. He said that he found each of those Department Directors are capable of managing their own respective departments, and, given the recent retirement of the Public Safety Director, he proposed that the position of Director of Public Safety be abolished. Chairman Brown stated that the budget reduction from a quasi-organizational restructuring is a cost-saving measure that would save the County about $157,828.00 per year.

Chairman Brown moved to direct the County Administrator to abolish the Director of Public Safety position, paying accrued leave and salary to the end of this budget year, and to authorize the County Administrator to appoint the Emergency Management Agency Director, the Interim Fire Chief, and the Interim Deputy Fire Chief. Commissioner McCarty seconded the motion.

Chairman Brown stated that the reason for the motion was that it was another step toward eliminating deficit spending in the County government, and since there is confidence in the existing department heads and their staff that they are adequately able to cover the duties of the former Public Safety Director's position.

The motion to direct the County Administrator to abolish the Director of Public Safety position, paying accrued leave and salary to the end of this budget year, and to authorize the County Administrator to appoint the Emergency Management Agency Director, the Interim Fire Chief, and the Interim Deputy Fire Chief passed unanimously.

Executive Session Affidavit: Commissioner Ognio moved to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 8", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner McCarty moved to adjourn the March 14, 2013 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Floyd L. Jones, County Clerk

Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of March 2013.

Floyd L. Jones, County Clerk