Minutes

Board of Commissioners
January 22, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, January 22, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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

ACCEPTANCE OF AGENDA: Commissioner Frady made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. PROCLAMATION RECOGNIZING SEVERE WEATHER AWARENESS WEEK AS FEBRUARY 1-7, 2009:

Chairman Smith read and the Board presented a Proclamation to the Director of Public Safety Allen McCullough. Chief McCullough recognized Captain Pete Nelms and Lieutenant Donnie Davis of the Fayette County Fire and Emergency Services Department and Meteorologist Robert Beasley of the Peachtree City Weather Service. A copy of the Proclamation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

B. PRESENTATION OF FAYETTE COUNTY'S 4-H SHOTGUN TEAM AND RECOGNITION FOR WINNING FIRST PLACE AT THE STATE COMPETITION:

The Board recognized coaches, instructors and 4-H Shotgun Club team members for winning first place at the State of Georgia trap and skeet competition. A copy of the presentation, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

C. CONSIDERATION OF THE S.R. 74 NORTH LAND USE STUDY AND FAYETTE COUNTY COMPREHENSIVE PLAN LAND USE ELEMENT (TEXT AND MAP) AMENDMENTS, AND AUTHORIZE TRANSMITTAL OF RESOLUTION NO. 2009-04 TO THE ATLANTA REGIONAL COMMISSION AND GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS FOR COORDINATION OF REGIONAL AND STATE REVIEW PRIOR TO ADOPTION AS PRESENTED BY THE PLANNING AND ZONING DEPARTMENT. THE PLANNING COMMISSION RECOMMENDED APPROVAL IN ITS ENTIRETY 5-0:

Director of Community Development Pete Frisina remarked that the purpose of this document was for the County and the City of Fayetteville to approve the concept for the S.R. 74 North corridor and work together to achieve the goals that were set forth by adopting comparable policies and regulations. He said this also included proposed amendments to Fayette County's Comprehensive Plan Land Use Element and text and map and adoption of Resolution No. 2009-04 to send those amendments to the Atlanta Regional Commission and the Georgia Department of Community Affairs for regional review. He said this would allow all of the jurisdictions to comment on the proposed changes. He said staff was trying to achieve the following five objectives in the S.R. 74 North corridor: (1) to sustain the efficient traffic flow on S.R. 74 North as the County's main connection to Interstate 85; (2) to enhance the aesthetic qualities of the corridor, as a major gateway into Fayette County; (3) to provide a network of facilities to accommodate alternative transportation modes; (4) to provide for economic expansion and jobs commensurate with the educational and skill level of Fayette's labor force; and (5) to protect existing and future residential areas in the S.R. 74 North corridor.

Chairman Smith said it was his understanding that this would somewhat limit the access for a number of parcels onto S.R. 74 to one centralized road. He asked Mr. Frisina if this was correct.

Mr. Frisina replied that there were two large tracts on the West side in the County and he felt the inter-parcel access would achieve that and through the conditions of zoning. He remarked that on the East side of the road, development would be allowed to have some light commercial services mixed in with the office/institutional. He said small restaurants would be allowed with no drive-thrus; services and personal services including beauty shops, nail salons and dry cleaners; small retail establishments such as convenience stores but no gasoline sales; and office supply stores.

Chairman Smith remarked that this was a public hearing and he asked if anyone wished to speak in favor of this Resolution.

Angela Rosser remarked that her property was located on the North S.R. 74 corridor on the East side. She said she had lived at that location for approximately four years and this was something that she had discussed with Mr. Frisina for a while. She said she and her husband were looking to have some type of commercial on their property and they were in favor of this amendment.

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

Commissioner Frady made a motion for authorization for the Chairman to execute Resolution No. 2009-04 approving amendments to the S.R. 74 North land use study and Fayette County Comprehensive Plan Land Use Element and authorization for transmittal of said Resolution to the Atlanta Regional Commission and the Georgia Department of Community Affairs. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Maxwell said he could not support this plan. He felt the plan failed on four of the five objectives that Mr. Frisina stated in his presentation. He said the only objective it met was the providing of jobs when the commercial

businesses arrive. He said the traffic was already heavy on the Southside of Fairburn and he was not in favor of putting any commercial development in that area.

Chairman Smith said he would respectfully disagree with Commissioner Maxwell and felt this was an attempt to limit the growth activity in that area by encouraging the assemblage of parcels to do light manufacturing to do office and professional space. He felt this was an opportunity for this County to provide a gateway into Fayette County that was very aesthetic and pleasing. He remarked that he had one concern and that was the development area that was accomplished in this and partially within Fayette County and partially within the Town of Tyrone. He said it would take both the Town and the County to jointly put this plan in place to attempt to give some semblance of direction to what may locate in that area. He commented that the Tyrone Town Council was also meeting tonight at which time they would also be discussing this issue. He said the Town Council was expected to vote on this tonight and if they vote in the affirmative then it would be beneficial for this Board to vote in the affirmative as well. He said, however, if the Town Council voted in opposition to this, then it would do no good for this Board to vote in the affirmative. He asked consideration for Commissioner Frady to amend his motion to make this action contingent upon the adoption by the Tyrone Town Council and its approval.

Mr. Frisina clarified that this issue was scheduled to go before the Tyrone Planning Commission this evening and to the Town Council on February 5th. He said he had received an e-mail prior to this Commission meeting tonight from Tyrone and they did not have a quorum present for the Planning Commission to hold a meeting. He said he had presented this to the Tyrone Planning Commission and his information was that they were positive on this concept but they did not act on it tonight and it would not be acted on until sometime in February. He said it would be later in February by the time it goes before both the Tyrone Planning Commission and the Tyrone Town Council. He said he would be attending the Tyrone Town Council when this issue comes before them for consideration.

Commissioner Frady amended this motion to include that this be contingent upon the approval of the Town of Tyrone Council. Commissioner Horgan seconded the amended motion. The motion carried 4-1 with Commissioner Maxwell voting in opposition. A copy of the request and Resolution No. 2009-04, identified as “Attachment No. 3", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

STEVE JUSTICE: Steve Justice spoke in favor of a new community center to be located in Fayette County and specifically an aquatic area to be included in the center. He remarked that when the economy did improve and businesses and individuals were looking to relocate to the South side of Atlanta, Fayette County would be at a competitive disadvantage.

ANDRE DELORENZO: Andre Delorenzo commented that there were other projects equally as important as the West Fayetteville Bypass. He asked for the Board’s consideration to include in the S.P.L.O.S.T. program a new community center with an aquatic area.

JOHNNY BLACK: Johnny Black asked for the Board’s consideration to include seasonal game processing in the zoning ordinance for his district. He presented a petition to the Board showing support for his request. A copy of the petition, identified as “Attachment No. 4", follows these minutes and is made an official part hereof.

JOHN FEENAGHTY: John Feenaghty asked for the Board’s consideration to use some of the S.P.L.O.S.T. funds for a cultural arts center for Fayette County.

GINNY MCCURRY: Ginny McCurry also asked for the Board's consideration for a community center in Fayette County. She felt it would be a great source of revenue in terms of bringing people to Fayette County from other areas for swimming competition and musical productions.

VIC REMENESKI: Vic Remeneski commented on the state of the economy and said government employees should not expect to be insulated from the present downturn in the economy. He said citizens should not be expected to pay even more taxes so that government did not suffer. He cautioned the Board against accepting Federal funds for the Neighborhood Stabilization Program and remarked that the same individuals in Washington who were responsible for the current home foreclosure debacle were the same ones who were attempting to fix it.

DANA SPEARS: Dana Spears spoke in favor of an arts center for Fayette County. She commented that the community theater was an outlet for talented students and there was nothing available for these students in Fayette County. She asked for the Board's consideration to include an arts center in upcoming budget discussions.

STEPHEN WALKER: Stephen Walker asked for the Board's consideration to build a community center in Fayette County. He pointed out that there was no public swimming pool in Fayette County and there was a great need for one.

MARIANNE MENKE: Marianne Menke asked for the Board's consideration for a community arts center and an aquatic center in Fayette County.

LESLIE WADE: Leslie Wade commented on all of the supporting people around participants in the performing arts. She said a community center would touch the hearts and minds of the entire community. She asked for the Board's consideration to build a community arts center for Fayette County.

CATHERINE SANDERSON: Catherine Sanderson remarked that a community center would serve the youth and their families as well as seniors in Fayette County. She felt this would help attract people and businesses to locate to Fayette County which would help with the tax base. She urged the Board to consider her request.

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda items 1-8 as presented. Commissioner Frady seconded the motion, discussion followed. Chairman Smith said he had received information that Mr. Thompson might have a conflict of interest and be unable to serve, therefore he was requesting item no. 6 to be removed from consideration. Commissioner Horgan amended his motion to approve consent agenda items 1, 2, 3, 4, 5, 7 and 8 as presented. Commissioner Frady seconded the amended motion. The motion carried 5-0.

RESOLUTION NO. 2009-05 - ADOPTION OF THE FAYETTE COUNTY 2008 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES:

1. Approval of Resolution No. 2009-05 adopting the "Fayette County 2008 Annual Report on Fire Services Impact Fees (FY2008), including the Comprehensive Plan amendments for updates to the Capital Improvements Element and Short Term Work Program (FY2009-FY2013) and authorization for the Chairman to execute said Resolution. A copy of the request and Resolution No. 2009-05, identified as "Attachment No. 5, follow these minutes and are made an official part hereof.

WATER SYSTEM - MEMORANDUM OF AGREEMENT:

2. Approval of the Water Committee's recommendation to extend the Agreement with the Metropolitan North Georgia Water Planning District to allow Fayette County's participation in the Toilet Rebate Program for an additional year, effective until February 20, 2010, including approval for the Chairman to execute the Amendment to the Memorandum of Agreement extending the program. A copy of the request and the

Memorandum of Agreement, identified as "Attachment No. 6 follow these minutes and are made an official part hereof.

WATER SYSTEM - APPROVAL TO EXTEND BID #643 TO CURRENT VENDOR REED & SHOWS METER & SUPPLY COMPANY, INC.

3. Approval of staff's recommendation to extend the existing Bid #643 Water Meters and Backflows to the current vendor, Reed & Shows Meter & Supply Company, Inc. at a cost of $59,200 for test, repair, and recalibration of large meters and backflows for an additional year. A copy of the request, identified as "Attachment No. 7, follows these minutes and is made an official part hereof.

PURCHASING DEPARTMENT - BID #697 AWARDED TO SEVEN LOW BIDDERS FOR JANITORIAL/CLEANING SUPPLIES:

4. Approval of staff's recommendation to award Bid #697 for janitorial/cleaning supplies to seven companies that are the apparent low bidders. Those companies are All Clean Janitor & Paper Supply, Peoples Janitor S & C, Talladega Machinery & Supply, Georgia Correctional Industries, Calico Industries, Inc., HD Supply Facilities Maintenance and Ecolab, Inc. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

WATER SYSTEM - BID #698 AWARDED TO SIX LOW BIDDERS FOR WATER DISTRIBUTION PARTS:

5. Approval of staff's recommendation to award Bid #698 for Water Distribution Parts to six companies that were low bidder on items used by the Fayette County Water System for water distribution and repair; Delta Municipal Supply, Inc., Ferguson Waterworks, Hayes Pipe Supply, LTD., HD Supply Waterworks, Premier Utilities & Services, and Cambridge Brass, Inc. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

DEPARTMENT OF FAMILY AND CHILDREN SERVICES:

6. Approval of appointment of Jason Thompson to the Fayette County Department of Family and Children Services Board to fill an unexpired term that began July 1, 2006 and will terminate on June 30, 2011.

This item was removed from the Consent Agenda.

WATER COMMITTEE - BRIAN CARDOZA APPOINTED:

7. Approval of appointment of Brian Cardoza to the Fayette County Water Committee. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

MINUTES:

8. Approval of minutes for Board of Commissioners' meeting held on January 7, 2009.

OLD BUSINESS:

D. CONSIDERATION OF STAFF'S REQUEST THAT THE BOARD ADOPT THE FAYETTE COUNTY POLICIES AND PROCEDURES MANUAL:

County Administrator Jack Krakeel remarked that over the course of the last year, staff had diligently been working to develop a comprehensive set of policies and procedures manual to create one location into a standard format. He said this document had previously been provided to the Board for review and analysis as well as thoroughly vetted by the County Attorney with respect to the language contained therein. He asked for the Board's approval of the Fayette

County Policies and Procedures Manual so that this document could be disseminated to supervisors and department managers to provide them guidance in conducting their daily operations.

Commissioner Frady made a motion to adopt the Fayette County Policies and Procedures Manual for use by supervisors and department managers to provide them guidance in conducting daily operations. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Policies and Procedures Manual, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

E. CONSIDERATION OF STAFF'S REQUEST FOR AUTHORIZATION TO PROCEED WITH THE IMPLEMENTATION OF CREDIT CARD PAYMENTS FOR UTILITY BILLS WITH PAYMENTUS CORPORATION AT NO COST TO THE COUNTY:

Nina Madrid of Information Systems said she was representing a committee of three individuals consisting of herself, Toni Jo Howard of the Finance Department and Lisa Quick of the Water System who were designated to look into providing the citizens with an alternate payment solution specifically for utility bills. She said they looked at three different proposals and were recommending Paymentus Corporation. She asked for the Board's consideration to proceed with the implementation of credit card payments for utility bills with Paymentus Corporation. She pointed out that Paymentus Corporation was currently working with the Clayton County Tax Commissioner as well as with some of the other surrounding counties. She noted that Paymentus did not charge an implementation fee, a monthly fee nor a minimum transaction fee and the cost of their services was contained in the convenience fee that would be charged to the customers using the service. She said the County could take online payments as well as payments through an IVR system which was the telephone system. She said the committee felt this was a good solution at this point in time because there was no cost to the County and it would provide a service that some citizens have been requesting. She noted that the Water System would be the first department to use this service and if this went well, other departments would be coming online as well.

Chairman Smith clarified that there was no cost to the County either in implementation or transaction fees. He also clarified that there were two methods of payment including telephone and the website. He asked if there was going to be a provision for citizens who walk into the Water System and want to pay by credit card. Ms. Madrid replied that a telephone would be installed in the customer service area of the Water System for this purpose and Chairman Smith clarified that there would be no County staff time involved to accomplish this and it was truly a user convenience.

Commissioner Maxwell questioned the user fee in the amount of $3.95 for the use of a credit card. He asked what kind of message would the user get to make them aware of this fee. He asked if the $3.95 would show up every month for payment by credit card or could there be a single charge of $3.95 and payment in advance of charges.

Ms. Madrid responded that if a citizen elected to do the online payment, the $3.95 charge would be for payment every month. She said the studies indicated that people who typically use the online payments were people who have forgotten that the payment was due and they did not want to be charged a late fee or have their water cut off. She said the other people who use the service were the ones who get points by using their credit cards and they did not mind the $3.95 charge that Paymentus was proposing. She said most companies charge an online fee when someone uses this service. She said the Clayton County representatives she spoke with told her that they were surprised at the number of people taking advantage of this. She remarked that she had also spoken to someone in Arizona who told her that because of the cost of fuel, people were more willing to make their payment on line than get in their cars to make the payment. She said citizens were informed up front on the website that there was going to be a charge for use of credit card payment.

Commissioner Horgan asked how the public would become aware of this service and Ms. Madrid replied that the first place would be on the County's website. Ms. Madrid pointed out there was currently no way to show the customers the amount of their bill. Commissioner Horgan asked if a notice would go out to customers in their water bills making them aware of this service. Ms. Madrid said she felt sure this would be done and part of staff's job was to advertise this service to the citizens.

County Administrator Jack Krakeel said this would not set a precedent and there currently were credit card transactions that were being conducted through the Tax Commissioner's Office in which a user fee was applied if the individual elected to use a credit card for payment of taxes. He said this was simply a service enhancement for those individuals who would want to utilize a credit card payment structure for utility bills. He noted that the Water System did accept conventional payment system whether it was in person or by mail as well as online banking for payment of their monthly bill.

Commissioner Frady made a motion to approve the implementation of credit card payments for utility bills with Paymentus Corporation at no cost to Fayette County. Commissioner Horgan seconded the motion, discussion followed. County Attorney Scott Bennett asked for the Board to also include in the motion authorization for the Chairman to execute said contract. Commissioner Frady amended his motion to include authorization for the Chairman to execute the contract with Paymentus Corporation. He noted that this was a contract that terminates every year on December 31st and automatically renews every year unless the County terminates the contract. Commissioner Horgan seconded the amended motion. The motion carried 5-0. A copy of the request and contract, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

F. CONSIDERATION OF STAFF'S RECOMMENDATION TO REDUCE THE COUNTY'S PARTICIPATION IN THE GEORGIA MUNICIPAL ASSOCIATION LEASE POOL PROGRAM, INCLUDING THE OUTSTANDING AMOUNT OF CERTIFICATES OF PARTICIPATION, AND THE ASSOCIATED INTEREST-RATE SWAP AGREEMENT BY THE AMOUNT OF THE ACCOUNT BALANCE DECLARED TO BE "EXCESS FUNDS":

Ted Burgess of the Finance Department remarked that Fayette County had a $5 million lease pool arrangement with the Georgia Municipal Association. He noted that the GMA lease pool was actually three financial arrangements bundled together with the leasing arrangement, $5 million worth of Certificates of Participation that were sold to finance the pool and an Interest Rate Swap Agreement based on the $5 million worth of Certificates of Participation. He remarked there was a stipulation in the Lease Pool Agreement that any money in the equipment fund bank account principle or interest must be used at least once every five years and any funds sitting there for more than five years would be declared excess funds. He noted that GMA had notified the County that $1,018,796.51 has been unused for over five years and have asked what action the County would like to take. He said if the County prepaid these excess funds as defined then the following would occur: (1) a little over a million dollars of Certificates of Participation would be called and retired and the same amount of money would be withdrawn from the equipment fund bank account for leasing to retire the Certificates of Participation and; (2) the notation of the $5 million basis for the interest rate swap would also be reduced by that same amount. He said it was staff's recommendation that the County reduce the outstanding amount of the County's Certificates of Participation by the $1,018,796.51 and therefore the interest rate swap by that same amount. He said this was in compliance with the County's debt management policy which did call for limiting the use of variable rate debt.

Commissioner Frady made a motion to approve staff's recommendation to reduce the County's participation in the Georgia Municipal Association Lease Pool Program, including the outstanding Certificates of Participation, and the associated interest-rate swap agreement in the amount of $1,018,796.51 declared to be "excess funds." Commissioner

Horgan seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

Chairman Smith clarified that this was a variable interest rate lease loan deal that the County entered into several years ago with expiration in 2028 and the County was obligated to pay interest on the money. He said last year it was determined that the interest cost of using this program was greater than the benefit of using the program, therefore the program was discontinued last year. He said as a result of that, the money that was now declared excess was really money that the County borrowed to put in this program and has a debt for. He said the County could not retire the entire program because it was obligated through 2028 and the only thing that the County could do was to wait until there are excess funds and then use those funds to retire the debt.

NEW BUSINESS:

G. REPRESENTATIVES FROM TDK HAVE REQUESTED A HEARING WITH THE BOARD OF COMMISSIONERS CONCERNING A REQUEST FOR TAX REFUNDS:

Chairman Smith remarked that it was his understanding that there was a dispute about the amount of taxes owed by TDK. He said they had been through the process, claim was denied and TDK had requested a hearing before this Board regarding this matter. He said the representatives of TDK would have five minutes to present their case after which the County Attorney would present the rebuttal. He said if they wanted to use less than five minutes and reserve some for rebuttal of the County Attorney's comments they would be able to do that.

Mr. Kerry Wade, CPA and Manager of Baden Management, LLC for TDK Electronics Corporation remarked that to his knowledge TDK's request had not been denied. He said it was his clear understanding with Kathleen Maddox of the Tax Assessor's Office that she would be at this meeting to discuss the case and that she was in full agreement with TDK's request for a refund and all of the positions that had led to that request for refund.

Chairman Smith asked County Attorney Scott Bennett to comment on this statement and County Attorney Scott Bennett replied that there had been no denial of the refund request and the Board of Commissioners was the only body that could approve or deny a tax refund. Attorney Bennett commented that Ms. Maddox's position was consistent with the County's position that this was not an appropriate refund and said Mr. Wade could proceed with TDK's request and then he would present the County's position.

Mr. Wade said they had worked closely with Ms. Maddox on all of the issues involving the tax refund and it was his understanding that, although they had to seek the approval of this Board in order to receive the refund, she was in agreement with the positions that they had presented and was satisfied with the documentation and discussions with all of the underlying calculations that led to their request for refund. He said he had come here this evening under the impression that Ms. Maddox would discuss the case with the Board and allow the Board to make a decision based on that presentation. He said he was prepared to discuss the case within his five minutes but was not equipped to be the primary presenter, and if it came to that he would ask that this be presented at another meeting.

Chairman Smith said this was within Mr. Wade's right if he wished to do so. He said the procedure that the Board envisioned tonight was that TDK would present a case for the refund, but this Board only had the knowledge that there had been a claim. He noted the County Attorney had been working with the Tax Assessor's Office on this issue but the Board was not familiar with any of the details that had transpired.

Mr. Wade said he felt they could discuss verbally the issues that were the basis for the request for refund if Ms. Maddox would be agreeable to supplying documentation that the Board might request for a decision at another time. He said he was more than happy to discuss the issues that were in play and why TDK felt the request was appropriate.

Chairman Smith interjected that this would be Mr. Wade's decision and Mr. Wade said he would like to proceed with discussion. Mr. Wade asked the Board for leniency based on his understanding of being present tonight.

Commissioner Maxwell interjected and said he had a point of order. He said the agenda was listed as a hearing and this would now be something other than a hearing and would be a discussion.

Mr. Wade clarified that it was their understanding that this was not necessarily a hearing that they had requested so much as it was a matter of scheduling and that Ms. Maddox would be presenting before the Board. He said this was his whole reason for being here tonight.

Chairman Smith said it was the Board's understanding that TDK had formally requested a hearing before the Board and Mr. Wade responded that this was not his understanding and he apologized.

County Attorney Scott Bennett interjected that in the letter that the County received from Baden Management, LLC it stated they were respectfully requesting a conference and/or hearing at such point as deemed appropriate. He said this was in accordance with OCGA Section 48-5-330. He said at the conference or hearing the Board would consider the tax documents and any other documents that TDK wanted to present and then make a decision. He said the County had granted them a hearing and this was the hearing date.

Chairman Smith asked Mr. Wade if he wished to continue and Mr. Wade replied that he felt it was best to table this issue to another meeting date. Chairman Smith asked the Board for its pleasure in this matter.

Commissioner Hearn made a motion to table this item to the Board's February 26th meeting for further discussion. Commissioner Frady seconded the motion. The motion carried 5-0.

ADMINISTRATOR'S REPORT: County Administrator Jack Krakeel remarked that during last year's budget discussions, the Board established funding in the amount of $25,000 for the Fayette County Economic Development Authority to assist with locating a permanent Clayton State University campus in Fayette County with the caveat that the Development Authority would need to come before the Board at such time with a specific request for expenditure of the funds. He said that request had been transmitted to him this past week by the President and CEO of the Fayette County Economic Development Authority Matt Forshee as well as a letter requesting authorization for the expenditure of $21,143.85 specific to infrastructure for Clayton State University in developing their campus in Fayette County. He said this funding would assist them with outfitting classrooms with furniture and was consistent with the Board's direction with respect to the approval of the initial amount of $25,000 during the budget process. He asked for the Board's approval to authorize this supplement to the Fayette County Economic Development Authority in the amount of $21,143.85.

Commissioner Horgan made a motion to authorize a supplement to the Fayette County Economic Development Authority in the amount of $21,143.85 for infrastructure for a Clayton State University campus in Fayette County. Commissioner Frady seconded the motion. The motion carried 5-0.

ATTORNEY'S REPORT: None.

STAFF REPORTS: Director of Community Development Pete Frisina commented on the annexation requests received from the City of Peachtree City in August of 2006. He noted that the Board at that time responded to the City that the County did not have any bona fide objections to these annexations. He said the City of Peachtree City was currently being challenged by a group of citizens stating that the City had not followed proper procedures. He said as a result, Peachtree City must go back through the entire process. He asked for the Board's consideration to send a letter to the City confirming that the County had no bona fide objection to either of these annexations.

Commissioner Frady made a motion to send the same letter to the City of Peachtree City confirming that the County had no bona fide objection to either of the annexation requests previously received by the County other than the County's concern for density. Commissioner Horgan seconded the motion, discussion followed.

Commissioner Maxwell interjected that he was unaware of this request and asked the County Attorney if he had any questions.

County Attorney Scott Bennett replied that it seemed to him that if the court were to say that they did not follow the procedures, it would in fact nullify the previous annexation. He said if it was done a second time and the court upheld the first decision, then all of this would be nullified.

Commissioner Maxwell remarked that the County did have 30 days to object and he did not feel comfortable making a decision on this tonight. He said the Board had at least one other meeting before a response was due and the Board could make a decision at the February 4th or the February 12th Board meeting. He said he would like to review this before making a decision.

Chairman Smith said he had no objection to postponing this matter but from Mr. Frisina's review, it was the exact same thing that the Board handled before in August of 2006.

Commissioner Frady said he would like to withdraw his motion and Commissioner Horgan withdrew his second to the motion.

Commissioner Maxwell made a motion to table this request to the February 4th Board of Commissioners' meeting for further discussion. Commissioner Horgan seconded the motion. The motion carried 5-0.

BOARD REPORTS: Chairman Smith commented that the Board had completed the first day of its two day retreat and there had been some very good discussion.

EXECUTIVE SESSION: Public Works Director Phil Mallon asked for an Executive Session to discuss a matter of property acquisition.

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

Chairman Smith reconvened the open meeting and remarked that County Attorney Scott Bennett had advised the Board that this matter was not of an executive session nature. He remarked that there was no quorum and no discussion took place, therefore, there was no Executive Session Affidavit that needed to be signed and voted on.

ADJOURNMENT: Commissioner Hearn made a motion to adjourn the meeting at 9:35 p.m. Commissioner Frady seconded the motion. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of February, 2009.

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Karen Morley, Chief Deputy Clerk