Minutes

Board of Commissioners
July 9, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, July 9, 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 Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Smith called the July 9, 2009 Board of Commissioners' Meeting to order at 7:00 p.m.
Commissioner Hearn gave the Invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan moved to accept the Agenda as published. Commissioner Hearn seconded the motion.

Chairman Smith announced staff requested Consent Agenda Item 1 be removed from the agenda since an analysis of the financial implications based on changes to the policy had not yet been completed. He then asked for the motion to be amended to remove Consent Agenda Item 1 from the agenda with the understanding that the request would return on a future agenda.

Commissioner Horgan amended his motion to accept the agenda as published excluding Consent Agenda Item 1. Commissioner Hearn seconded the motion. The motion passed unanimously.

PUBLIC COMMENT:

Steve Shackelford: Mr. Steve Shackelford, a resident of Fayetteville, stated he was speaking on behalf of bicyclists and requested when County roads are scheduled for repair or improvement that they are widened by 18" or 24" in order to create friendlier roads for all travelers. He spoke about the small impact bicycling has on County roads, the bicyclists who use the County's roads for transportation, and the need for forward thinking on the subject since rising gas prices and fuel shortages will likely occur again in the future compelling more citizens to travel by bicycling.

Harold Bost: Mr. Harold Bost, a resident of Fayetteville, stated that it was unfortunate Commissioner Robert Horgan has not resigned from the Board of Commissioners. He then amended his June 25th announcement that Fayette Citizens for Open Government, or FayCOG, would initiate a recall petition against Commissioner Horgan on July 15, 2009 by saying the date of the recall petition was changed to July 14, 2009. He explained that FayCOG is already in the process of involving other groups such as Homeowners Associations, youth groups, churches, and political organizations in its recall effort. He announced the formation of The Committee to Recall Robert Horgan, spoke about the ability of the Committee to receive donations, announced he will contribute the first $1,000 to the Committee, and informed others how they may contribute. He mentioned that the efforts of the Committee will be determined by Commissioner Horgan's decision, and should the Commissioner resign, the recall effort will cease. He continued saying if Commissioner Horgan did not resign, Fayette County would become a "hotbed of recall activity" for the next four to six months, and he assured the Commissioner this issue would not go away. He closed by asking Commissioner Horgan to do himself, his family, his friends and all of Fayette County's citizens a favor and to resign.

Bob Ross: Mr. Bob Ross, a resident of Peachtree City, began by thanking Deputy Clerk Floyd Jones and Executive Assistant Carol Chandler, both of whom serve on the Commissioners' staff, for their "complete and very prompt response to other administration matters that I has been conducting aside from any issues I have spoken about" in past meetings. He said it is a very big confidence builder to have that kind of support in County government and he appreciated the efforts of those staff members.

Mr. Ross then read and spoke from a paper entitled *Where Do The Commissioners Stand?* in which he asked individual Board members to publically state their positions with respect to Commissioner Horgan's recent actions. He noted that Commissioner Horgan's and Commissioner Maxwell's stances were already known and he questioned how the remaining three Commissioners stand on the issue. He stated the three Commissioners could be quietly pressuring Commissioner Horgan to resign, or could be fully supportive of Commissioner Horgan, or could publically urge Commissioner Horgan's resignation, or could take the path of political expediency by doing away with principles, responsibility, and public service and by deliberately avoiding leadership while letting others' efforts compel Commissioner Horgan's removal. He closed asking where the Commissioners stand. A copy of the paper entitled *Where Do The Commissioners Stand?*, identified as "Attachment 1", follows these minutes and is made an official part hereof.

James Wingo: Mr. James Wingo, a resident of Peachtree City, began his comments saying integrity is universal to the human experience and can be considered the measure of an individual, a county, or an entire nation, and that integrity is the yardstick used to measure trust, competence, professionalism, and confidence in those entities. He then addressed Commissioner Horgan by telling him that a large part of the Fayette community questions his competence and professionalism to hold public office, that he has lost all credibility with most of his constituents, and that poor judgment and a lack of self discipline has consequences. He also told Commissioner Horgan that his actions, like millions of others who have done similar acts, have created a drug war in America, and then he told of the death of Police Officer Ron Jones of Prentice, Mississippi who was shot and killed while serving a drug warrant on a home. He

continued that Commissioner Horgan has publically acknowledged his mistake but has not acted on it in an honorable way, and this lack of action also reveals a flaw in the Commissioner's character. He added only Commissioner Horgan can walk the road to recovery but the first step on that road is to resign his commission, and he said the Commissioner himself knew this was the right step to take. In closing, Mr. Wingo asked the other Commissioners to take a public stand like Commissioner Maxwell has already done, since integrity and Officer Jones' children demand it.

Vic Remeneski: Mr. Vic Remeneski, a resident of Fayetteville, stated he initially came to the meeting to observe the proceedings but felt the need to say a few words. First, he thanked the Board for doing a hard job and for making the hard decisions especially in times of an economic downturn with a lack of incoming tax revenue. He added that the good old times were gone and, while the Board did the best it could by remembering many people are losing their jobs, taking pay cuts, and are upside-down in their mortgages, it would not be a good time for the citizens to realize a tax increase. He added that those employees who work for the government should have to bite the bullet just like private citizens in private industry are.

Second, Mr. Remeneski stated that while he did not want to single out a particular person, and while he does not care what people do in the privacy of their own homes, he wanted to remind the Commissioners that citizens elect those they believe will represent their best interest and that faith is entrusted to elected officials who are presumed to have intellect, common sense, and integrity. He said it is this faith in the elected person that allows the citizens to accept the decisions made, even if there is disagreement. He continued saying when a person drives around town with expired tags there is no excuse, but when that person makes himself a larger target by breaking the law a second time then that faith is broken. He said the issue is not what the person did but rather the manner in which the action was done since it did not demonstrate any intelligence but rather displayed a lack of intelligence.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 2, 3, and 4. Commissioner Hearn seconded the motion. The motion passed unanimously. Consent Agenda Item 1 was not voted on since it was removed from the agenda earlier in the meeting.

1. **Approval of staff's recommended changes to Human Resources Policies in the County Policies and Procedures Manual to concur with changes to the County's defined contribution and deferred compensation plans, along with the implementation of a defined benefit plan. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

2. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $1,840.13 for reimbursement for employees assigned with various federal agencies. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

3. **Approval of staff's request to increase the Library's Fiscal Year 2009 Donation Revenue Account by $30.04 and to increase the Office Supplies Expenditures Account by $30.04 to account for a donation from Barnes and Nobles. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of Board of Commissioners' Minutes for June 11, 2009.**

NEW BUSINESS:

A. Consideration of Water Committee's recommendation to award the annual contract for Waterline Extension for Fiscal Year 2010 to the low bidder, Lantz Construction, in the amount of $661,500.

Utilities Systems Director Tony Parrott spoke about the Water Committee's recommendation explaining the Water System has been bidding the annual Waterline work for several years and Lantz Construction, who is the County's current contractor, is the low bidder. He told the Board that six contractors bid on the project, unlike previous years where only two contractors had bid for the work, so there was more interest and possibilites given to the County.

Chairman Smith noted that after comparing the received bids it appeared there was a disparity between the high bids and the low bids to which Mr. Parrott quipped that some of the bidders "did not want the work as bad". The Chairman further noted that Lantz Construction has worked for the County in the past and asked Mr. Parrott if was satisfied with their work and if he had any reservations whatsoever with their work. Mr. Parrott replied he was satisfied with their work and he had no reservation about issuing another contract to Lantz Construction.

Commissioner Frady moved to approve the Water Committee's recommendation to award the annual contract for Waterline Extension for Fiscal Year 2010 to the low bidder, Lantz Construction, in the amount of $661,500. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

ADMINISTRATOR"S REPORT

Fayette County Water System Bond Credit Rating Upgraded: County Administrator Jack Krakeel said it was his pleasure to report to the Board that within the last 30 days the Fayette County Water System received an upgrade to their Bond Credit Rating from Standard and Poor's, which is a national credit-rating agency, from 'AA-' to 'AA'. He explained that the rating agency examines six main factors in determining credit ratings including economic considerations, financial data, capital improvement plans, rate setting philosophy and practices, operational characteristics, management, and legal provisions. He further stated there were four systems in the State of Georgia that received an upgrade in their Bond Credit Rating but the Fayette County Water System was the only stand-alone water system to receive such an upgrade. He informed the Board that a Press Release was being issued this evening providing further information to the general public. He mentioned the upgrades in the Bond Credit Rating provide favorable results with respect to future bond issues as well as current bond issues, and closed saying with the upcoming bond for Lake McIntosh it could only be hoped that this upgrade will assist the County achieve a lower interest rate. A copy of the Press Release entitled *Fayette County Water System Bond Credit Rating Upgraded*, identified as "Attachment 6", follows these minutes and is made an official part hereof.

ATTORNEY'S REPORT

There was no Attorney's Report.

STAFF REPORT

Historic County Courthouse Perimeter Landscape Renovation: Buildings and Grounds Maintenance Director Greg Ownby reminded the Board that during its July 1, 2009 Workshop Meeting he presented an update on a landscaping project the County had planned at the Old County Courthouse. He told the Board that the plans included the removal of old juniper plants and for sod to replace the juniper plants in order to prepare for other measures as time allows. He stated the Board directed him to return to the present meeting with the cost for the sod as well as irrigation costs associated with planting the sod. He stated 6,000 square feet of sod would cost approximately $1,500, and the irrigation portion of the project would cost approximately $2,576.10. He added the project was planned so that the renovation would take place in one quadrant of the lawn at a time instead of encompassing the entire lawn all at once, and that the work could be accomplished in a timely manner by getting the material on time. After giving further explanation, he asked the Board to consider authorizing Buildings and Grounds Maintenance to begin the work of renovating the landscape around the Historic County Courthouse.

Chairman Smith was concerned there would be a silt fence placed around the Courthouse Square creating an eye-sore for an extended period of time but he clarified that Mr. Ownby was not talking about an extended period of time to complete the project. Mr. Ownby said the work required for the renovation project may take staff a little longer time to accomplish but there would not be an eye-sore in the County square. Mr. Ownby affirmed the work would conducted by County staff before explaining how irrigation would be installed.

Chairman Smith asked County Administrator Jack Krakeel if funds were available to pay for the project. Mr. Krakeel replied Contingency Funds would have to be utilized to fund the project. Chairman Smith asked if there was adequate money in the Contingency Funds for the project and Mr. Krakeel said there were adequate funds for the project.

Commissioner Maxwell asked about the evaluation of trees on the Courthouse Square and asked if the County would utilize an Tree Hazard Arborist. Mr. Ownby explained the County has spoken to several arborists regarding the trees but no one was willing to come to the site without receiving a hefty fee in advance. He told the Board that staff found history where, approximately eight or nine years ago, an evaluation of all the trees was conducted resulting in some of the large trees being removed from the southwest corner of the square. He said emails were sent to the same company that conducted the evaluation in an attempt to garner further information, and he added staff was preparing the specifications for the bid process.

Commissioner Hearn added the Board wanted the project to look like a “Cadillac” when it is finished and asked Mr. Ownby to put all the time and attention to the project as necessary. Mr. Ownby assured the Board that staff would be on top of the project every minute of the day they are working on it.

Commissioner Frady moved to authorize the transfer of $5,000 to Buildings and Grounds’ Fiscal Year 2010 budget line item– Landscape Services– from the Fiscal Year 2010 Contingency Funds for the purpose of removing juniper plants and replacing them with sod and additional irrigation at the Old Courthouse Square, and with said work being conducted in-house by County staff. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of information provided to the Board entitled Old Courthouse: Perimeter Landscape Renovation, identified as “Attachment 7", follows these minutes and is made an official part hereof.

BOARD REPORT

There was no Board Report.

EXECUTIVE SESSION

Real Estate Acquisition and Litigation: County Attorney Scott Bennett reported that Real Estate Acquisition and Litigation items needed to be discussed in Executive Session. Commissioner Hearn moved to adjourn to Executive Session for the purpose of discussing Real Estate Acquisition and Litigation items. Commissioner Horgan seconded the motion. The motion passed unanimously.

The Board adjourned into Executive Session at 7:36 p.m. and returned to Official Session at 8:40 p.m.

Executive Session Affidavit: Commissioner Hearn moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition and Litigation items were discussed during Executive Session. Commissioner Horgan seconded the motion. 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

Chairman Smith announced there was no further business coming before the Board and, without objection from the Board, he adjourned the July 9, 2009 Board of Commissioners Meeting.

The July 9, 2009 Board of Commissioners Meeting was adjourned at 8:41 p.m.

Floyd L. Jones, 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 23rd day of July 2009.

Floyd L. Jones, Deputy Clerk