Minutes

Board of Commissioners
September 10, 2009
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 Thursday, September 10, 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 Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk
Staff Absent:	Scott Bennett, County Attorney

Chairman Smith called the September 10, 2009 Board of Commissioners Meeting to order at 7:02 p.m.
Commissioner Hearn offered 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. The motion passed unanimously.

PRESENTATION/RECOGNITION:

A. Proclamation recognizing September 17-23, 2009 as "Constitution Week in Fayette County".

Chairman Smith, on behalf of the Board of Commissioners, proclaimed September 17-23, 2009 as "Constitution Week in Fayette County". The James Waldrop Chapter of the Daughters of the American Revolution presented the Board with a certificate of award recognizing the Board's outstanding work promoting the United States Constitution. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Proclamation recognizing September 19, 2009 as "Honor Flight Fayette Day".

The Board of Commissioners proclaimed September 19, 2009 as "Honor Flight Fayette Day". A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

C. Recognition of employee Steve Tafoya who has earned certification as Master Code Professional.

The Board of Commissioners and Director of Community Development Pete Frisina recognized employee Steve Tafoya who has earned certification as Master Code Professional. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Donald Fowler: Mr. Donald Fowler, a resident of Hood Road, thanked Commissioner Lee Hearn for meeting the residents of Hood Road, for visiting the proposed Hood Road Bridge site, and for confirming the residents concerns. He said the invitation stands for the Commissioners and Public Works employees to visit the site and that the residents would be glad to speak to those who are interested. He wished the Commissioners had more time to review the proposed SPLOST projects before they were placed on the November 3, 2009 Referendum.

Richard Price: Mr. Richard Price, a resident of Hood Road who lives east of the proposed Hood Road project, presented a packet to each Commissioner providing information, pictures, and concerns about the proposed project site. He also thanked Commissioner Hearn for coming to Hood Road and hearing the concerns of the residents. A copy of the packet, identified as "Attachment 4", follows these minutes and is made an official part hereof.

Bob Ross: Mr. Bob Ross commented on the August 28, 2009 judicial proceeding and subsequent ruling concerning Commissioner Robert Horgan and the attempted recall election. He explained that, despite the ruling, not much has changed. He gave an outline of those conditions which have not changed and then spoke about the conditions which have changed. He noted that it is on record that Judge Baldwin found Commissioner Horgan committed an act of misconduct in office and violated the Georgia State Code of Ethics. He concluded that the proverb from French novelist Alphonse Karr was correct when he said "The more things change, the more they stay the same".

Gene Key: Mr. Gene Key, a resident of Hood Road, thanked Commissioner Hearn for meeting with the residents of Hood Road and listening to their concerns. He recalled an email he read recently about elected officials who will do or say anything to get a vote and then will do as they will without listening to their constituents, but he thought the current Board of Commissioners was willing to listen to the citizens and listen to reason. He explained that the proposed Hood Road project is a waste of money and he would not want to have a "bridge to nowhere" located in Fayette County. He concluded that if the Board had more time to review the list of projects before a vote authorizing the Referendum was required the Hood Road project would have been removed from that list.

Harold Bost: Mr. Harold Bost began saying it was unfortunate that Judge Baldwin's ruling was based on his inability to link Commissioner Horgan's "despicable behavior" to his duties as a Commissioner. He added the judge made it clear that Commissioner Horgan's behavior violated the State's and County's Code of Ethics. He hoped Commissioner Horgan "took to heart" the judge's words, and he hoped the judge and prosecutor in Commissioner Horgan's criminal case will take Judge Baldwin's suggestion to make resignation from the Commission seat a condition of any probation they may give. He referred to Commissioner Horgan's statement that he was happy with the ruling since it would save the taxpayers the cost of a special election, but he said the cost to the taxpayer is the same since the taxpayer will receive nothing for the money the Commissioner is paid.

Tom Halpin: Mr. Tom Halpin spoke about a comment made at the August 12, 2009 Board of Commissioners meeting regarding the percentage of out-of-county vehicles parked at the Fayette Pavilion, and he asked if there was any documentation showing the percentage of revenue obtained from those coming to Fayette County from out-of-county to shop. He assumed, based on the number of out-of-county vehicles parked at the Fayette Pavilion after business hours, that the vehicles were driven by store employees and that the percentage of revenue obtained by Fayette County from out-of-county citizens does not equate to, and is less than, the percentage of out-of-county vehicles parked at Fayette Pavilion. Secondly, Mr. Halpin was concerned, based on a newspaper article, that Fayette County was beginning a traffic study regarding the West Fayetteville Bypass around schools. His third concern was based on another newspaper article in which Chairman Smith spoke about a college campus proposal and his statement "If you build it they will come". He asked where the land was allocated for the building of a college. He hoped the County has already allocated some property in the event the SPLOST Referendum passes, which he hoped would not occur, so it would be known where the college would be built. He added a similar problem occurred when people voted for a Bypass and later learned it would come through their houses and backyards. He concluded it did not make sense for people to be asked to vote for something that is so vague.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-13. Commissioner Hearn seconded the motion. Discussion followed. The motion passed unanimously.

1. **Approval of staff's recommendation that the County enter into an Intergovernmental Agreement with the Town of Brooks whereby the Fayette County Board of Elections will act as Superintendent of Elections for Brook's Municipal Election to be held on November 3, 2009. A copy of the request and Intergovernmental Agreement with the Town of Brooks, identified as "Attachment 5", follow these minutes and are made an official part hereof.**

2. **Approval of staff's recommendation that the County enter into an Intergovernmental Agreement with the City of Fayetteville whereby the Fayette County Board of Elections will act as Superintendent of Elections for Fayetteville's Municipal Election to be held on November 3, 2009. A copy of the request and Intergovernmental Agreement with the City of Fayetteville, identified as "Attachment 6", follow these minutes and are made an official part hereof.**

3. **Approval of staff's recommendation that the County enter into an Intergovernmental Agreement with the City of Peachtree City whereby the Fayette County Board of Elections will act as Superintendent of Elections for Peachtree City's Municipal Election to be held on November 3, 2009. A copy of the request and Intergovernmental Agreement with the City of Peachtree City, identified as "Attachment 7", follow these minutes and are made an official part hereof.**

4. **Approval of staff's recommendation that the County enter into an Intergovernmental Agreement with the Town of Tyrone whereby the Fayette County Board of Elections will act as Superintendent of Elections for Tyrone's Municipal Election to be held on November 3, 2009. A copy of the request and Intergovernmental Agreement with the Town of Tyrone, identified as "Attachment 8", follow these minutes and are made an official part hereof.**

5. Approval of staff's recommendation that the County enter into an Intergovernmental Agreement with the Town of Woolsey whereby the Fayette County Board of Elections will act as Superintendent of Elections for Woolsey's Municipal Election to be held on November 3, 2009. A copy of the request and Intergovernmental Agreement with the Town of Woolsey, identified as "Attachment 9", follow these minutes and are made an official part hereof.

6. Approval to authorize the execution of Letters of Agreement between Fayette County and the Georgia Department of Human Resources District Four Health Services providing for the development, coordination, and administration of activities for Fayette County related to the H1N1 virus (Swine Flu). A copy of the request and three Letters of Agreement, identified as "Attachment 10", follow these minutes and are made an official part hereof.

7. Approval of Edgewood Subdivision as a Street Light District. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to declare six assets which no longer serve County purposes as surplus property and to sell these items utilizing the GovDeals internet website. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

9. Approval of staff's request to increase Parks and Recreations Fiscal Year 2009 Donations Revenue Account by $800.63 and to increase the Landscaping/Grading Services Expense Account by $800.63 to account for a donation from Whitewater High School. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

10. Approval of staff's recommendation to award Bid #715 for Pressure Reducing Valves to the sole bidder, PMC Enterprises, in the amount of $50,960.00. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

11. Approval of staff's recommendation to award Chemical Bid #718 to nine companies that were low bidders on items used by the Fayette County Water System for water treatment. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

12. Approval of the Water Committee's recommendation to approve a change to the Water System's current fencing contract with Trammell Horton, Inc. for Lake McIntosh mitigation sites to include fencing a site on Helmer Road at a cost of $34,000. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

13. Approval of August 27, 2009 Board of Commissioners Minutes.

OLD BUSINESS:

D. Approval of staff's recommendation to accept the proposal from Peach State Ambulance for the replacement of an ambulance damaged in an accident at the cost of $147,619 plus $2,000 for lettering and installation of two radios.

Chief Allen McCullough and Deputy Chief Tom Bartlett of Fayete County Fire and Emergency Medical Services explained staff's recommendation and answered questions from the Board.

Commissioner Horgan moved to approve staff's recommendation to accept the proposal from Peach State Ambulance to purchase a Chevrolet Wheeled Coach ambulance as a replacement of an ambulance damaged in an accident at a cost of $147,619 plus $2,000 for lettering and installation of two radios. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

NEW BUSINESS:

E. Consideration of the Investment Advisor Selection Committee's recommendation to engage with MBIA Asset Management for the County's investment advisor services.

Finance Director Mary Holland spoke about the Committee's recommendation and answered questions from the Board. Ms. Holland clarified this request was to only select a vendor and, once that has occurred, further criteria will be developed and reported to the Board for consideration.

Commissioner Hearn moved to authorize the County to engage MBIA Asset Management for the County's investment advisor services. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

F. Consideration of staff's recommendation to authorize Mallett Consulting, Inc., to proceed with Professional Engineering Design and Project Management services for the McIntosh Road Bridge SPLOST Project in the amount of $182,520, as part of the standard Agreement for Services dated August 1, 2005.

Public Works Director Phil Mallon spoke about staff's recommendation and answered questions and concerns from the Board.

Commissioner Frady moved to authorize Mallett Consulting to proceed with the Professional Engineering Design and Project Management services for the McIntosh Road Bridge SPLOST Project in the amount of $182,520 contingent on the commitment of Spalding County to fund their portion of the cost of the project. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 19", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Request from Coweta County Concerning Individual Certificates of Elevation Associated with Lake McIntosh: County Administrator Jack Krakeel reported that Fayette County has received a formal request from Coweta County concerning individual certificates of elevation for properties that abut Lake McIntosh and which lie within Coweta County. He informed the Board that he has instructed David Jaeger, who is the Consulting Engineer on the Lake McIntosh Project, to prepare a report to be provided at the next meeting explaining the implications and potential costs associated with the request.

ATTORNEY'S REPORT

There was no Attorney's Report.

Chairman Smith asked for the record to reflect County Attorney Scott Bennett was absent from the meeting since he was attending educational classes in Athens, Georgia.

STAFF REPORTS

Maintenance of Trees at the Historic Courthouse Square: Buildings and Grounds Maintenance Director Greg Ownby gave a report pertaining to the maintenance of trees located at the Historic Courthouse Square and answered the Board's questions.

Commissioner Hearn moved to approve the bid from Atlanta Classic Tree Service in the amount of $6,280, to authorize the use of Georgia Urban Forestry Commission grant funds in the amount of $3,143 to be applied to the bid amount, and to authorize the balance of $3,137 to be paid from contingency funds for the purpose of maintaining nine trees located at the Historic Courthouse Square. Commissioner Horgan seconded the motion. Discussion followed. The motion passed unanimously. A copy of the report, identified as "Attachment 20", follows these minutes and is made an official part hereof.

Cost for Special Election - SPLOST Referendum: Fayette County Elections Supervisor Tom Sawyer provided a written report to the Board, and he spoke about how the Special Election to be held on November 3, 2009 would be conducted as well as potential costs related to the election. Extensive discusson followed during which the Commissioners expressed concern about voting difficulties that will be experienced by voters who have to vote in two separate precincts in order to vote in both the municipal elections and the Special Purpose Local Option Sales Tax (SPLOST) Referendum.

Commissioner Frady moved to authorize the use of contingency funds not to exceed $35,000 to fund the SPLOST Referendum, and to approve informational postcard notices to be provided to citizens contingent on review and approval by the County Attorney prior to mailing. Commissioner Horgan seconded the motion. Discussion continued.

Commissioner Frady withdrew his motion and asked for this topic to be tabled until the September 24,2009 Board of Commissioners meeting. The Board agreed to Commissioner Frady's request. A copy of the submitted report, identified as "Attachment 21", follows these minutes and is made an official part hereof.

Fayette County Ethics Ordinance Complaint: County Clerk Carol Chandler updated the Board about the Fayette County Ethics Ordinance Complaint filed against Commissioner Robert Horgan by reporting that she was notified earlier in the afternoon that the body empaneled to hear the complaint will do so on Monday, September 28, 2009 at 2:00 p.m. in the Commissioners Chambers.

BOARD REPORTS

Letter to the Fayette County Development Authority: Chairman Smith spoke about attracting a college campus to locate in Fayette County, and he explained it is imperative for the Board to determine what type of college or university setting is desirable in the County. He informed the Board that he has had discussions with some of the mayors and it was suggested that the appropriate step may be to ask the Fayette County Development Authority to develop the criteria to be used for selecting a college, but he clarified that the intention is not to give the Development Authority any power to make a final decision on this issue. He said since the Development Authority is a body composed of individuals representing many facets of the Fayette Community, including cities and authorities, it would be a good cross-section of people to take the pulse of the County in order to develop the criteria.

He asked the Board for authorization to write a letter to the Development Authority asking it to undertake the development of the criteria for determining what would be used in selecting a college or university in order to make a recommendation to the Board of Commissioners with the caveat that the Development Authority is charged to have at least one *ex officio* member from the central administration of the School Board to help them in the effort. The Board gave unanimous consent to the Chairman's request.

EXECUTIVE SESSION

Real Estate Acquisition: Commissioner Horgan moved to adjourn to Executive Session to discuss Real Estate Acquisition. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board of Commissioners adjourned to Executive Session at 8:50 p.m. and returned to Official Session at 9:09 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition was discussed. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 22", follows these minutes and is made an official part hereof.

ADJOURNMENT

No further business came before the Board, and Chairman Smith adjourned the September 10, 2009 Board of Commissioners Meeting at 9:09 p.m. with no objection from the Board.

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 24th day of September, 2009.

Floyd L. Jones, Deputy Clerk