



Minutes

Board of Commissioners
September 23, 2010
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 23, 2010, 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

Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the September 23, 2010 Board of Commissioners Meeting to Order at 7:02 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 printed. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

A. Recognition of the 100th Birthday of the Boy Scouts of America.

Chairman Smith commented on the history and accomplishments of the Boy Scouts of America, and he spoke about the scouting community in Fayette County. He then read and presented a Proclamation to representatives of the Boy Scouts which recognizes the organization's 100th Birthday. After the proclamation was read, the Boy Scouts presented each Commissioner with a 100th Birthday shoulder patch which is worn on each scout's uniform and is the first patch ever designed by the Flint River Council. A copy of the request and Proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

B. Presentation of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System's Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2009.

Lynn Robinson, a current Board member of the Georgia Government Finance Officer's Association (GGFOA), spoke about GGFOA's history that has lasted for over a century, and about the Association's mission of "enhancing the professional management of governments for the public benefit". She identified factors used to accomplish the mission such as "identifying and developing the highest quality of financial policies and practices, and by promoting them to the public through education, training, and leadership". She told the Board that GFOA established the Comprehensive Annual Financial Reports (CAFR) program to encourage state and local governments to "go beyond the minimum requirements of Generally Accepted Accounting Practices (GAAP)" by preparing their CAFRs in a way to "promote a spirit of transparency and full disclosure". Ms. Robinson told about the process utilized in determining who would receive the award and the benefits associated with the award. She then presented the awards earned for both Fayette County and the Fayette County Water System to Assistant Finance Director Toni Jo Howard, who accepted them on behalf of Fayette County and the Finance staff. Chairman Smith congratulated Mrs. Howard on behalf of the Board and the citizens of Fayette County for "achieving this milestone on behalf of Fayette County". A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Jim Richter: Mr. Jim Richter, a resident of Peachtree City, questioned what the Board planned to do about Commissioner Horgan's alleged ethics violations. He commented on the Commissioner's cost to the taxpayers and judicial findings related to the allegations. He concluded his remarks by saying "Fayette County residents deserve better", by calling on Commissioner Horgan to "step down" from office, and by calling on the Commissioners to "do your duty and censure Mr. Horgan and fine him". Mr. Richter also provided documentation to the County Clerk prior to the meeting. A copy of Mr. Richter's documentation, identified as "Attachment 3", follows these minutes and is made an official part hereof.

Darrell Hambrick: Mr. Darrell Hambrick, a resident of Fayetteville, told the Board he is concerned about the proposed extension of Lafayette Avenue, the improvement to the park in his neighborhood, and the expected "overflow of traffic entering into the neighborhood". The Board informed Mr. Hambrick that the project was actually a City of Fayetteville project, and it suggested that he express his concerns to the City of Fayetteville.

Steve Smithfield: Mr. Steve Smithfield, a resident of Fayetteville, spoke against the West Fayetteville Bypass, and his perception that the Board was not listening to the citizens. He reminded the Board that the voters had spoken in 2009 when it rejected the SPLOST referendum, and then again with the recent election. He said the Board owes it to the newly elected Commissioners not to “cast stumbling-blocks in the path of the new Commissioners, as you are now doing, by moving forward with the West Fayetteville Bypass” since “it is betraying the public trust not to follow the will of the majority”.

Dennis Chase: Mr. Dennis Chase, a resident of Fayetteville and President of the Line Creek Association of Fayette County, said he wanted to bring the Board up to date on what the Association was in the “process of doing”. He said the Association has had frequent contacts with the Environmental Protection Agency, the Fish and Wildlife Service, and the Corp of Engineers, and that the Association had been informed there may be a “permit pending for the West Fayetteville Bypass”. He speculated that the Board may have heard from attorneys and others that they would file a lawsuit, but he assured the Board “this is about to happen . . . the minute the Corp of Engineers issues a work permit we will initiate action”. He repeated that within a week or two after Fayette County receives the permit, the permit will “be put on hold” due to the lawsuit. He urged the Board “not to think the only ones fighting the West Fayetteville Bypass are those directly in its way” and he closed his remarks by reminding the Board that this issue will still be viable for those Commissioners running for office in two years.

Kim Hinchey: Mrs. Kim Hinchey, a resident of Fayetteville, told the Board that both she and her husband are disappointed and frustrated with the Board’s “unanimous decision to continue with the West Fayetteville Bypass”. She said she has attended many Commission meetings where many citizens “voiced their opposition to this use of taxpayers’ money”, and she was “compelled to remind you that the Fayette County voters voiced their opposition loud and clear at the primary election where two of you were told, by being voted out of office, that you are not representing your constituents and consequently were not being asked to return.” She also spoke about County employees’ “pensions” saying that in spite of many citizens losing their pensions, and despite many municipalities falling short with the liabilities of their own pension plans, the Board made a decision “in the best interest of some of the citizens, but not all the taxpayers of Fayette County”. She elaborated on how the Board would be “our local example of what has gone wrong with the political system”. She asked the Board to “respect the voters by doing the people’s will, and not the will of the developers”, and closed saying a “sleeping giant had been awakened” and that it “will remember in November”.

Denise Ognio: Ms. Denise Ognio, a resident of Fayetteville, told the Board that she does not like what she sees in the news, and she wanted the Board to “hear we the people”. She continued that it reads in the paper that the Board is still “pushing” for the West Fayetteville Bypass, and she did not understand how the Board could continue to say they are willing to work for the people. She asked if the Board had “forgotten who we the people are”. She said the people are willing to stand behind the Board, but the Board has to listen, since it works for the people. She added that the public office should be led and held by a higher standard, and, by so doing, it gives the County’s youth and families the best leadership possible. She then asked for the Board to lead by example and for Commissioner Horgan to “take the high road and step down”.

Gordon Furr: Mr. Gordon Furr, a resident of Tyrone, said he felt compelled to come to the meeting to ask the Board why it was “rushing to get the West Bypass through”. He said he is upset about how the Board “is undermining the citizens and don’t pay us any attention whatsoever”. He also spoke about the “bottleneck” that would be caused on Westbridge Road and the dangers on that road.

Tom Halpin: Mr. Tom Halpin, a resident of Fayetteville, spoke in opposition to the West Fayetteville Bypass. He remarked on comments that he has heard both from the Board and from the local papers, and the perception that the actions taken do not conform to the comments given. He spoke about the impact of Phase III of the West Fayetteville

Bypass on neighborhoods and traffic safety, and about the danger at the intersection of Harp Road. He said he has not heard one bad thing from any Commissioner about the West Fayetteville Bypass, and he assumed the Board had "no problem splitting neighborhoods in half" and had no problem with the road "going by three school zones with buses and children walking to school". He added that Corp of Engineers would possibly issue a permit for the West Fayetteville Bypass, but no one at the County seemed able to verify that possibility. He closed saying the people want to know the facts, that he wanted the facts to be made public, and that "all the people want is for the Board to be up-front" with them.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-7. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's request to amend the FY2010 Health Department Budget revenues and expenditures in the amount of \$1,969.00 to provide for overages in the Department's Tire and Gasoline Vendors Account. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**
2. **Approval of staff's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**
3. **Approval of staff's recommendation to award Bid #762 to Adams Equipment Company, Inc. for the purchase of a mower for the Road Department at a cost of \$32,592.00. This request also provides for \$2,592.00 of the bid amount to come from the County's Contingency Account. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**
4. **Approval of the Water Committee's recommendation to mail water bills using green envelopes, for only one month, which will contain information for Water System customers about payment options including an emphasis on electronic payment options, at a cost of \$600.00 for the special envelopes. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**
5. **Consideration of the Water Committee's recommendation to install connections for standby emergency generators at three locations, including the raw water pump station at Lake Horton, the booster pump stations at the Crabapple Tank, and the Ellis Road Tank, for a cost of approximately \$40,000. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**
6. **Approval of staff's recommendation to award Proposal #P759 to low bidder Southeastern Tennis Courts, Inc. in the amount of \$29,880.00 for the refurbishment of the Kiwanis Park Basketball Court. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**
7. **Approval of the September 1, 2010 Board of Commissioners Workshop Minutes, the September 1, 2010 Board of Commissioners Public Hearing Minutes, and the September 9, 2010 Board of Commissioners Minutes.**

OLD BUSINESS:

C. Consideration of staff's request for authorization to proceed with the process of refinancing the Fayette County Public Facilities Authority's Series 2001 Bonds in the amount of \$47,995,000.

Chief Financial Officer Mary Holland requested the Board's approval for staff to begin the process of refunding the Fayette County Public Facilities Authority's Series 2001 Bonds that were used for the construction of Fayette County's Jail and Criminal Justice Center. She explained that if the County refunded the bonds it would experience a net-present-value savings of \$6.8 million. She added that the current 4.9% interest rate the County is paying on the bonds would decrease to 2.9%. Discussion followed.

Commissioner Maxwell moved to authorize staff to proceed with the process of refinancing the Fayette County Public Facilities Authority's Criminal Justice Center's (CJC) Series 2001 Bonds in the amount of \$47,995,000, and to utilize the services of Merchant Capital, L.L.C. as underwriters; McKenna, Long, and Aldridge, L.L.P. as Bond Council; and the accounting firm Nichols, Cauley, and Associates to execute the refinancing process. Commissioner Horgan seconded the motion.

Commissioner Maxwell commented that all the Board was authorizing was to start the process, but that the ultimate decision on whether or not to refinance the bonds would be made by the new Board, and it would be based on the refunding rate at that time.

The motion to authorize staff to proceed with the process of refinancing the Fayette County Public Facilities Authority's Criminal Justice Center's (CJC) Series 2001 Bonds in the amount of \$47,995,000, and to utilize the services of Merchant Capital, L.L.C. as underwriters; McKenna, Long, and Aldridge, L.L.P. as Bond Council; and the accounting firm Nichols, Cauley, and Associates to execute the refinancing process passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

NEW BUSINESS:

D. Steve Vaughn with GEBCorp will present the annual valuation report to the Board on the County's defined benefit retirement plan.

Mr. Steve Vaughn, representing GEBCorp, reminded the Commissioners that on July 1, 2009, Fayette County entered into a Defined Benefit Program with GEBCorp. As a result, he was bringing to the Board the first evaluation of the Plan as of July 1, 2009, and he said this evaluation would be followed up by a second evaluation in the coming weeks for the period of January 1, 2010. Mr. Vaughn then explained the findings of the initial evaluation with the Board and answered questions from the Board.

Chairman Smith asked Mr. Vaughn if he saw any "issues concerning assumptions that the Board made, especially in areas such as return on investment, about funding rates, or other previous assumptions used in establishing this" Defined Benefits program. Mr. Vaughn answered that the actuaries were currently peer-reviewing the second evaluation, and that no problems had been uncovered thus far. Chairman Smith summarized Mr. Vaughn's response by saying "I think you said that we made the right assumptions, that we are traveling down the right path, and that we are adequately funding our plan." Mr. Vaughn agreed with the Chairman's summary.

Commissioners Maxwell and Hearn informed Mr. Vaughn that they wanted more current information, and that the information should be discussed during either the October or November Workshop meetings. Commissioner Maxwell told Mr. Vaughn that he heard much about the "funding side" concerning the Defined Benefits program, but that he wanted to also hear about the "performance side". Commissioner Maxwell further noticed that the report also did not show what assets the County has invested in, and he asked Mr. Vaughn to provide that information as well. Discussion followed.

No action was taken, but Mr. Vaughn was asked to return to the Board, either during its October or November Workshop Meetings, with updated information for further discussion. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

E. Discussion of staff's request for authorization to solicit bids for professional services associated with SPLOST Project No. FC-15 Intersection Improvements at SR 92, Inman Road, and Goza Road.

Public Works Director Phil Mallon requested the Board to authorize the Purchasing Department to solicit bids using a short-list of consultants that was developed for Requests for Proposal (RFP) No. P733. He explained that in January 2010, Public Works issued RFP No. P733, and that the RFP was later awarded to several design companies. He explained that process used for RFP No. P733 was a time-consuming process, and that staff has realized that current SPLOST Project No. FC-15 is "nearly identical" to that older project. Mr. Mallon briefly listed the similarities between the two projects before answering questions from the Board.

Commissioner Hearn stated he was in favor of the request, but he added that in the future he wanted a system in place that would not require staff to come to the Board for these types of requests. He said he would really like staff to explore the current procedures since they only "extended the process" and therefore made this work more time consuming. Discussion followed.

Commissioner Horgan moved to authorize staff to solicit bids for professional services associated with SPLOST Project No. FC-15 using the short-list of consultants identified under RFP No. P733. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

ATTORNEY'S REPORT

There was no Attorney's Report.

STAFF REPORTS

There were no Staff Reports.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

No further business came before the Board. Chairman Smith adjourned the September 23, 2010 Board of Commissioners meeting at 8:45 p.m. without an objection.

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 14th day of October 2010.

Floyd L. Jones, Deputy Clerk