Minutes

Board of Commissioners
May 12, 2011
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, May 12, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Allen McCarty
Commissioner Absent:	Lee Hearn
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Frady called the meeting to order.
Commissioner McCarty offered the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA: Commissioner McCarty made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

PUBLIC HEARING:

1. **Consideration of a Packaged Beer and Wine License for Nishma Enterprises, Inc. d/b/a Davis Country Store, Inc., 1619 SR 92 South Fayetteville, Georgia, Safdhar Ali Khan, Owner/Applicant. This property is located in Land Lot 247 of the 4th District, fronts on SR 92 South, and is zoned A-R. This is for a New Location:**

Judy Abna remarked that she was a certified Para Legal and she confirmed that Mr. Khan lives in Stockbridge and is leasing Davis Country Store. She said he had applied for a beer and wine license and his background had been approved.

Safdhar Ali Khan said he was the applicant in this matter and he requested consideration from the Board of Commissioners to approve his request for a packaged beer and wine license for Nishma Enterprises, Inc.

County Attorney Scott Bennett read the rules for public hearings. A copy of the rules for public hearings, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

Chairman Frady asked if anyone was present to speak in favor of this petition. Hearing none, he asked if there was anyone present to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the Packaged Beer and Wine License for Nishma Enterprises, Inc. d/b/a Davis Country Store, Inc., 1619 SR 92 South Fayetteville, Georgia, Safdhar Ali Khan, Owner/Applicant. Commissioner Brown seconded the motion, discussion followed.

Commissioner Brown clarified that this store was located at 1619 SR 92 South in Fayetteville, Georgia. The motion carried 4-0. Commissioner Hearn was absent. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

David Barlow: David Barlow presented his comments to the Board in the form of a power point presentation. A copy of his comments, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He commented on Commissioner Hearn's nomination of Addison Lester to the Board of Elections and the fact that Mr. Lester was related to Commissioner Hearn as well as his concern that the family owns land near the West Fayetteville Bypass. He asked that Commissioner Hearn consider the obligation that he has to God and the oath he took when he was sworn into office

Steve Smithfield: Steve Smithfield commented on Commissioner Hearn's nomination to the Board of Elections. He commented on Addison Lester's qualifications to serve on the Board of Elections, his family relationship to Commissioner Hearn and the statement that Mr. Lester owns property adjacent to the West Fayetteville Bypass. He also noted that Mr. Lester was the Director of Development for the City of Fayetteville. He said Mayor Steele was someone who wanted to annex the West Fayetteville Bypass into Fayetteville. He suggested an investigation be done immediately by an outside company of all West Fayetteville Bypass land acquisitions by the County.

Randy Ognio: Randy Ognio commented on Commissioner Brown's agenda item #6 on the May 4th Board of Commissioners agenda requesting that the Board consider creating a formal process for making required appointments to various boards, committees, commissions and authorities. He said the Board chose not to take any action on Commissioner Brown's request. He also presented the Board with a copy of Ordinance No. 2010-10 which is the Ethics Ordinance that the Board approved last year that Commissioner Hearn had voted in favor of. A copy of the Ordinance handout, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. He pointed out several sections of the Ordinance that he felt Commissioner Hearn had violated.

Ginga Smithfield: Ginga Smithfield remarked on her first dealings with Commissioners at a transportation open house in 2008 where the proposed West Fayetteville Bypass was discussed. She realized at that time that the proposed bypass would run directly through her front yard and would cut her well off from the house. She said at the meeting in 2008 she had approached former Commissioner Eric Maxwell and she questioned him what would happen in a case like that. She said former Commissioner Maxwell replied, "Well, lady–I guess you'll just have to be real careful crossing that road with your water bucket." She said that was the height of disrespect and she maintained that some Commissioners have shown no respect for the public. She said it was her understanding that there is a document

circulating that would prevent the people from speaking under public comment unless their comments were presented to the Board two weeks prior to a meeting. She said she would like a little more respect from the people she voted into office.

Gordon Furr: Gordon Furr remarked on the current economy and said he felt like every dollar was being drained out of the taxpayers. He expressed concern with four locations along the West Fayetteville Bypass especially West Bridge Road. He said he would continue to fight the West Fayetteville Bypass.

Victor Remeneski: Victor Remeneski commented on local politics. He felt the local politicians had not gotten the message that the people sent in November, 2010. He urged the Board to represent the people who were taking the time to come to these meetings, express their opinions and concerns and do what is right. He said the voters had been awakened and they would not go to sleep again.

Tom Halpin: Tom Halpin urged the Board to communicate transparency. He felt there was a change of some sort at every Commission meeting. He questioned the qualifications of Addison Lester who replaced long time appointee Marilyn Watts on the Board of Elections. He said Commissioners are just as guilty of not bringing up the truth as the person who was not bringing it up. He said if any Commissioner has any information, it was his obligation to notify the citizens of this County. He also remarked that it was obvious that the citizens of Fayette County were not in favor of the West Fayetteville Bypass.

Ray Watt: Ray Watt questioned when Chairman Frady and Commissioner Horgan were aware of Commissioner Hearn's appointment to the Board of Elections and he felt they had been extremely silent. He also commented on the possibility of a tax increase, and pointed out that last August the County was giving out raises to employees. He also commented on the fact that there were no responses from Commissioners in the newspapers or elsewhere addressing the public comments made at Board meetings.

CONSENT AGENDA: Commissioner Horgan made a motion to approve the consent agenda items 2-6 as presented. Commissioner McCarty seconded the motion, discussion followed. Commissioner Brown pointed out that item #2 was bid out and the County had received the lowest bid for the grass mowing of McCurry Park. The motion carried 4-0. Commissioner Hearn was absent.

BUILDING AND GROUNDS MAINTENANCE - BID #786 - GRASS MOWING OF MCCURRY PARK:

2. Approval of staff's recommendation to award Bid #786 for Grass Mowing of McCurry Park to SSFW Landscape Management for the Fiscal Year beginning July 1, 2011 at a cost of $2,877 per month for seven months for an aggregate cost of $20,139; and authorization for the Chairman to execute any subsequent contracts or agreements once approved by the County Attorney. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

FIRE AND EMERGENCY SERVICES - PURCHASE OF MOBILE CLASSROOM FROM THE FAYETTE COUNTY BOARD OF EDUCATION:

3. Approval of staff's request to use grant funds to purchase a mobile classroom from the Fayette County Board of Education and to enhance security at Fire and Emergency Services Headquarter's Offices, including the Emergency Operations Center. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

FIRE AND EMERGENCY SERVICES - DONATION OF A 40 FOOT RADIO ANTENNA:

4. Approval of staff's request to donate a 40 foot radio antenna that is no longer in service by the County to the local Amateur Radio Emergency Service Group. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

FIRE AND EMERGENCY SERVICES - EARLY WARNING WEATHER SIREN FOR LANDMARK MOBILE HOME PARK:

5. Approval of staff's request to replace the failed radio used to activate the Early Warning Weather Siren in Landmark Mobile Home Park in the amount of $3,326, using funds from the County's Contingency Account. A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - AMEND OVERTIME BUDGET FOR CRIMINAL INVESTIGATIONS DIVISION:

6. Approval of the Sheriff's Office request to amend the Overtime Budget for the Sheriff's Office Criminal Investigations Division by $1,455.75 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

OLD BUSINESS:

7. Further discussion of a request by Commissioner Brown that the Board consider adopting Resolution No. 2011-08 Requesting Governor Nathan Deal to Veto HB 179 which would protect the appearance of Georgia's highways and preserve the tree buffers owned by citizens of Georgia:

Commissioner Brown remarked that this item was discussed at the Wednesday Workshop meeting and was related to HB 179. A copy of the request and backup, identified as "Attachment No. 10", follows these minutes and are made an official part hereof. He said this Bill was on Governor Deal's desk waiting on his signature. He said this Bill would, in essence, allow billboard operators to clear State owned trees along the scenic highways in order to expose billboards on exposed property. He said several cities and counties in metro Atlanta and across the State are sending the Governor resolutions asking him to veto this legislation in order to protect our beautiful green spaces and to protect the environment around those highways. He said he had a copy of Peachtree City's Resolution which was very similar to the Resolution before the Board tonight. He felt the Board should join with Peachtree City and send the message to Governor Deal that we do not want clear cutting of our citizens' trees on our State highways in order to expose billboards on private property. He pointed out that many of these billboards contain material we do not want our children reading. He asked for the Board's consideration to adopt this resolution.

Chairman Frady asked for the Board's pleasure in this matter.

Commissioner Brown made a motion to adopt Resolution No. 2011-08 Requesting Governor Nathan Deal to Veto HB 179. Commissioner McCarty seconded the motion, discussion followed.

Chairman Frady asked County Attorney Scott Bennett if he had reviewed the Resolution. Attorney Bennett replied yes, that he had reviewed it and it was in acceptable form.

Commissioner McCarty remarked that trees had been proven in several studies to reduce ozone levels along our highways as well as replenish oxygen. He said the trees also act as a buffer to help prevent accidents. He said they also provide beautiful scenery in the State of Georgia.

Commissioner Horgan stated that he agreed with Commissioner Brown's comments as far as the wording on signs, but he did not feel that HB 179 would stop that problem.

The motion carried 3-1 with Commissioner Horgan voting in opposition. Commissioner Hearn was absent. A copy of Resolution No. 2011-08, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:
None.

COMMISSIONERS REPORTS:
Commissioner Brown: Commissioner Brown commented on a letter received by the Commissioners from the Fayette County Republican Party regarding their displeasure of the connections between Commissioner Hearn and Addison Lester. A copy of the letter, identified as "Attachment No. 12", follows these minutes and is made an official part hereof. Commissioner Brown said he was also upset over the recent revelation of a non-disclosed family ownership interest in a large parcel of land in the area of the West Fayetteville Bypass. He said when there is this much secrecy surrounding such vital information concerning highly controversial issues, something is seriously wrong. He said everyone in this County now knows why Commissioner Hearn is supporting the West Fayetteville Bypass. He said he and Commissioner McCarty have always made it perfectly clear that the Bypass was nothing but a government welfare project for developers and land speculators, but they did not know that there was such direct connections to the Board of Commissioners. He said for the past year and a half he had witnessed desperate attempts at manipulating public opinion on the West Fayetteville Bypass by members who made up the previous Board of Commissioners. He said they have pointed to engineering reports from companies like StreetSmarts as justification, but those documents give absolutely no reason whatsoever to make the West Fayetteville Bypass a priority project. He said at least Fayetteville Mayor Ken Steele admitted the Bypass and the land surrounding it was all about development and not traffic. He said Mayor Steele just happened to have the same Board of Elections and Voter Registration appointee and land trust owner on his Development Authority. He said the Mayor will control the annexation and development powers in that area. He said to borrow from the movie *Lion King* we are looking at the circle of exploitation when it comes to public trust. He said the hush from the Chairman and the Vice Chairman on these issues would appear to him to be endorsement of bad behavior. He said there were only a few reasons to engage in such secrecy and manipulation and all point to selfish ends. He said Commissioner Hearn's excuses for appointing a relative to the Board of Elections and Voter Registration were laughable. He said his lack of a reason for intentionally not disclosing a family land interest near a highly expensive, very controversial, totally unjustified county road project that he has been involved with as an elected official for nearly four years and as a county staff member before that is totally inexcusable.

Commissioner Brown questioned if is was in the citizens' best interest that they be deceived continuously by an elected official. He asked moreover, do the ends justify the means. He asked if secrecy and manipulation were normally required for a large capital project that is in the best interests of the citizens of our county. He said of course not, and any other response would be an insult to our intelligence. He said we have reached the point where a formal investigation is required because we can no longer trust the elected officials in question. He said he would leave his comments there pending further action.

Commissioner McCarty: Commissioner McCarty remarked that whatever the Board of Commissioners do or whatever happens, every Commissioner must be open and must divulge all of the secrets that they are aware of. He said to be aware and not divulge is wrong.

He remarked that he had previously commented on the Yates apple being developed in Fayette County many years ago. He noted that the developer of that apple Mr. Yates was buried in the Primitive Baptist Church cemetery on New Hope Road and SR 92. He also remarked that the mother tree for the Yates apple was right in the path of the West Fayetteville Bypass and if that road continues across SR 92 it would take out the mother tree for the Yates apple. He said Fayette County would lose a national landmark.

Chairman Frady: Chairman Frady commented on a meeting he attended yesterday with representatives of Douglas County regarding the TIA (Transportation Investment Act) Program. He said this requires Fayette County to meet with a sister county to discuss priority road lists for the TIA. He said there should be a final number of roads listed that would be available through this project some time in August.

ADJOURNMENT: Hearing no further business to come before the Board, Commissioner McCarty made a motion to adjourn the meeting at 7:48 p.m. Commissioner Brown seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of May, 2011.

Karen Morley, Chief Deputy Clerk