Minutes

Board of Commissioners
January 12, 2012
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 January 12, 2012, 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 Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd Jones, Chief Deputy Clerk

---

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the January 12, 2012 Board of Commissioners meeting to order at 7:00 p.m. Commissioner Hearn offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

David Hall: Mr. Hall thanked the Board for promoting free speech before he spoke about his concerns over how governments are run from the local to the federal levels. He equated local developers to the nation of China by saying both are being sold out to by elected politicians. He mentioned that the Fayette County Board of Commissions should not participate in the Regional Transportation Authority since it is a failed business model that loses profits each year and is underutilized. He added that every national issue is first a local issue, that he was concerned about the "good old boy network", and that local politicians should "always remember the Lord above and also the Constitution which

should be obeyed." He stressed that the Constitution should be obeyed by all citizens and not neglected by the politicians. He then implored the people to listen to the words of the past just before he sang four verses of the National Anthem. Mr. Hall was asked to end his remarks by the Board in order to give others an opportunity to speak.

Bob Ross: Mr. Ross informed the Board he wanted to talk about transit, its governance, and how to set policy and planning pertaining to transit. He said the "Transit Planning Group" at the Atlanta Regional Commission (ARC) would be responsible for discussing funding and coordination of transit services, and he recapped how the work was progressing. He spoke of MARTA's operating revenues and expenses, and he noted that it had lost approximately $500 million in one year. He spoke about the financial burdens and associated financial losses associated with transit systems, gave a tongue-in-cheek solution to the issue, and spoke about the financial expectations of the transit system from a long-term perspective. He answered questions from the Board and concluded by saying that while Fayette County may see a good return of its transit system money during its first ten years, the following years would come with a real price to pay.

Randy Ognio: Mr. Ognio said he wanted to address the poor planning that is taking taxpayers' money. He said he went to the curb on Sandy Creek Road, and he wonders why the road was redesigned to have such a sharp curve that costs taxpayers extra money for additional signage. He then spoke of Mr. Dennis Chase's comments that the County was violating the Federal Clean Water Act on two separate counts, and he was concerned that it could cost the County "big money" and that it could affect the drinking water. He asked who was in charge of these issues and why they do not do better planning. He then spoke about Consent Agenda Item 3 saying that he "laughed at the request" since the information has the water usage down to a quarter of a gallon per flush. He said most of the low-water toilets have to be flushed more than once, so the saving is negated. He next commented about New Business 1 saying the County should not be a part of the Regional Transit Committee.

Tom Waller: Mr. Waller said he thought David Hall did an outstanding job singing the National Anthem, and that he saluted those who have personal honor and stood as the song was sung. He said his family and neighbors have been inconvenienced for the last weeks, months, and years with the construction of the West Fayetteville Bypass, and yet, no one has seen a plan concerning when the road will be completely finished. He thought Fayette County had the money to construct the road, and that the Bypass should not be a "payday to payday project". He requested that the Commissioners present, on a monthly or a quarterly basis, a plan for completing the West Fayetteville Bypass so that his family, his neighbors, the constituents, and the County is not constantly inconvenienced by the inability of the County to "get something done".

Dave Wisniewski: Mr. Wisneiwski said he brought his son in order to show that anyone can have a say in County government, and he also wanted to express his thoughts concerning the Regional Transit Committee. He said as an active voter in Fayette County, he wanted to voice his opposition to the County's joining the ARC's Regional Transit Committee. He thought the timing of the invitation to join and the upcoming Referendum vote was not coincidental. He said the TIA was a disaster for Fayette County, that the County will never see a return on the investment, that the majority of the funds were already slated to subsidize already failing mass transit initiatives in other counties, that six billion dollars would be spent on a short list of projects mostly outside of Fayette County and mostly away from areas that Fayette County residents routinely travel. He asked the Board to protect the County's residents and to save Fayette County's money. He closed Fayette County should be educating its voters right now about the risks it will inherit if the upcoming referendum is passed.

CONSENT AGENDA:

Commissioner Brown asked to remove Consent Agenda Items 3 and 4 for discussion.

Commissioner Horgan moved to approve Consent Agenda Items 1-8 excluding Items 3 and 4. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's recommendation to adopt two Certificates of Adopting Resolution pertaining to Fayette County's existing 457(b) Defined Contribution Retirement Plan, due to a change in federal law, and authorization for the Chairman to sign the Certificates contingent upon the County Attorney's review. A copy of the request and Certificates of Adopting Resolution, identified as "Attachment 1, follow these minutes and are made an official part hereof.**

2. **Approval of staff's recommendation to proceed with the purchase of an additional Warning Siren from McCord Communications, for the countywide Emergency Alerting System, in an amount not to exceed $35,696, and to authorize the Chairman to sign any contract or related documents for this purchase contingent upon the County Attorney's review. A copy of the request and contract with McCord Communications, identified as "Attachment 2", follow these minutes and are made an official part hereof.**

3. **Approval of the Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program, and to allocate an additional $50,000 to the program.**

   Commissioner Brown said he did not have a problem with the request, but he wanted to clarify that the request entailed a "jump from the $25,000 allocated in the previous fiscal year to $50,000." Water System Director Tony Parrott answered that the amount allocated is a credit to the Water System's customers, that the request is not a budget item, that by addressing the need with this type of request it would prevent staff from coming to the Board every 10 to 14 weeks, and that staff had submitted similar requests to the Board twice in 2011.

   Commissioner Brown moved to approve Consent Agenda 3 as presented. Chairman Frady seconded the motion.

   Commissioner McCarty asked if the money that had already been allocated would be returned to customers as a check or as a credit on a water bill. Mr. Parrott replied that customers were credited on their water bill. Commissioner McCarty asked about citizens who are not Water System customers since they are on a well, but who paid for the program with their tax money. Mr. Parrott replied that this program was only applicable to Water System customers. Commissioner McCarty asked if he understood correctly that there were people in Fayette County who are on a well and who are paying for new toilets for Water System customers, but who are not eligible to get a credit for a new toilet because they are not customers. Mr. Parrott reiterated that the program was applicable only to Water System customers. Commissioner McCarty replied that, based on that information, he would not vote in favor of the request.

   Commissioner Hearn asked Mr. Parrott to provide further information concerning this request. Mr. Parrott replied that the State of Georgia wanted more participation in water conservation, and that the toilet rebate program is a way to conserve water. He explained that older toilers in houses constructed before 1994 are among the biggest water users in the house, and that water could be saved by encouraging customers to replace their older toilets with newer, efficient toilets. He said "the economics for doing a project like this works

out, that Fayette County needs to participate with the State of Georgia on water conservation programs, and that this program has had real success in Fayette County. Commissioner Hearn clarified that this program helped Fayette County meet the State of Georgia's water conservation requirements.

Commissioner McCarty suggested that since the program does not apply to citizens on wells, that a plan could be developed that would be significantly less expensive, and that all citizens could be provided two-liter bottles that could be filled with sand and placed in toilet tanks. He argued that the water in the tanks would be displaced and therefore there would be less water used per flush. Discussion followed.

The motion to approve Consent Agenda 3 as presented passed 4-1 with Commissioner McCarty voting in opposition. A copy of the request and Memorandum of Agreement, identified as "Attachment 3", follow these minutes and are made an official part hereof.

4. Approval of the Water Committee's recommendation to authorize Mallett Consulting to conduct a survey to determine the need for dredging Lake Peachtree, in accordance with the County's agreement for the withdrawal of water from Lake Peachtree by the Fayette County Water System, at an estimated cost of $17,500.

Commissioner Brown stated that this objection to this request was based on his theme that work and services, such as that requested of Mallett Consulting be "bid out". County Administrator Jack Krakeel replied that Mallett Consulting had been retained as the County's Consulting Engineer for the previous 20 to 25 years, and that, typically, when a County has a Consulting Engineer with the depth and breadth of knowledge that Mallett Consulting has, that firm is who is utilized for projects like this. He added that Mallett Consulting was the firm that worked on this project in 2003 and that they have all the "data points" that have been established.

Commissioner Horgan moved to approve Consent Agenda Item 4. Chairman Frady seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to provide an easement for the Southern Conservation Walking Trail across county property at Lake McIntosh. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

6. Approval of the Water Committee's recommendation to add a change to the Waterline Extension Policy to either install waterlines on roads and streets with a public right-of-way or to install waterlines on a dedicated easement that is equivalent to the right-of-way for a private road or street. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

7. Approval of the Water Committee's recommendation to insert an informational flyer into customers' January water bills concerning the Parks and Recreation Department's Needs Assessment Survey. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

8. Approval of staff's request to increase the Library's Fiscal Year 2012 Donations Revenue Budget Account and to increase the Library's Fiscal Year 2012 Subscriptions, Books and Magazines Expenditure Account by $1,000 to recognize a donation from the Rotary Club to the Fayette County Public Library. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

OLD BUSINESS:

1. Consideration of the recommendation that Mr. Denny Galis be approved to assist in providing mediation / arbitration services in the event that agreement for the distribution of local option sales tax revenues cannot be reached during the mandatory renegotiations by the Cities and the County in 2012, and selection of the County's representatives on the LOST Negotiation Team.

Commissioner Brown moved to approve Mr. Denny Galis, as recommended, to assist in providing mediation / arbitration services in the event that agreement for the distribution of local option sales tax revenues cannot be reached during the mandatory renegotiations by the Cities and the County in 2012. Commissioners Horgan and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Jack Krakeel requested that the Board identify who its representatives will be in the LOST negotiations with the municipalities.

Chairman Frady moved for both himself in his capacity as Chairman, and County Administrator Jack Krakeel to represent Fayette County in the LOST Negotiations with the municipalities. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

Mr. Krakeel recommended that the Board identify an alternative member to represent it for the LOST negotiations in the event an alternative been needed.

Chairman Frady moved to appoint Vice-Chairman Robert Horgan to serve as an alternative member to represent Fayette County in the LOST Negotiations with the municipalities. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

NEW BUSINESS:

1. Consideration of staff's request for the Board's response to whether or not Fayette County wishes to be a participating member of the Atlanta Regional Commission's Regional Transit Committee.

Chairman Frady commended that this request was similar to one presented in 201, and at that time the Board voted to not pay money to the Regional Transit Committee. He explained that Fayette County does not have transit, transit lines, or any aspirations for transit capabilities. He continued that he is a member who serves on the Regional Transit Committee, and that even though he is a non-voting member, he, as well as anyone else, can attend any meeting he chooses. He repeated that Fayette County should not pay $5,000 since it could get all the information it wanted without paying for it, and since Fayette County would not have transit of any kind unless the citizens voted to have it.

Chairman Frady moved for Fayette County to not be a participating member of the Atlanta Regional Commission's Regional Transit Committee. Commissioner Horgan seconded the motion.

Commissioner Brown informed the Board that both he and Mr. Bob Ross were at a gathering at the State Capitol earlier in the day, and that a letter was presented to Governor Deal through his "transportation policy staff member." He said the letter was signed by 21 different organizations from across metropolitan Atlanta and the State of Georgia, and it was specifically related to the topic of Regional Transit and the Transportation Investment Act (TIA). He said this question was asked of the Governor's "policy person", Speaker of the House Ralston and Senate Leader Chip Rogers: "When we are billions of dollars behind in maintenance on mass transit, and then we expand that system by another $3.5 billion, exponentially raising the operations and maintenance coss in the terms of billions of billions of dollars, how are we going to fund the future operation and maintenance." He said no answer has been given, but only three blank stares. He added that Fayette County needs to worry about this, and that he applauded the Chairman's efforts and his words about staying out of the Regional Transit Committee. He alluded to the Eagle's song, *Hotel California*, and said once Fayette County enters into transit issues it can never leave. He closed his statement saying Fulton and DeKalb Counties, and the City of Atlanta, were looking for help to fund the billions and billions of dollars for future maintenance, and that they were not planning to fund the bill alone.

Chairman Frady replied that those at the Capitol likely do not get many citizens' inquiries, and if they did, they likely could not reply to all of them. He added that he did not want to get involved in the Regional Transit Committee, and that while those who make up the Committee are nice people, they have different ambitions than Fayette County has. He concluded that he did not want to stir up ill feelings with the Committee, and suggested that Fayette County could do its business and the Regional Transit Committee could do its business.

The motion to not be a participating member of the Atlanta Regional Commission's Regional Transit Committee passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

2. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Marilyn Watts to the Board of Elections for a four-year term to commence February 1, 2012 and expiring January 31, 2016.

Chairman Frady explained this request was similar to those from the Board of Education requiring the Board to approve millage rates. He clarified that the Board was required to authorize the County's Clerk of the Court to file the required Certificate of Appointment for a party's nomination for the Board of Elections.

Commissioner Brown moved to authorize the County Clerk to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Marilyn Watts to the Board of Elections for a four-year term to commence February 1, 2012 and expiring January 31, 2016. Commissioner McCarty seconded the motion.

Commissioner Hearn read for the record Sections 8 and 9 of the Fayette County– Board of Elections Re-Creation, No. 66 (House Bill No. 1669),as passed in 1994. It reads:

> **Section 8.** The board of elections shall, with regard to the preparation for, conduct, and administration of elections and primaries, succeed to and exercise all duties and powers granted to and incumbent upon the board of election sin existence on the effective date of this Act.

Section 9. The board shall be responsible for the selection, appointment, and training of poll workers in elections and such workers shall be appointed, insofar as practicable, from lists provided to the board by the county executive committee of each political party.

The motion to authorize the County Clerk to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Marilyn Watts to the Board of Elections for a four-year term to commence February 1, 2012 and expiring January 31, 2016 passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

3. Consideration of the re-appointment of Kenneth Spaller to the Board of Tax Assessors for an additional six-year term to commence January 1, 2012 and expiring December 31, 2017.

Commissioner Horgan moved to reappoint Kenneth Spaller to the Board of Tax Assessors for an additional six-year term to commence January 1, 2012 and expiring December 31, 2017. Commissioner Hearn seconded the motion.

Commissioner Brown said he would "stick to his principles" and so he could not vote for Mr. Spaller's re-appointment despite his 40 years of service. He said this was because the County did not advertise open positions to the public, that members of the public do not have the ability to apply for the positions, and that the County was limiting itself from diverse positions and other professional people.

Chairman Frady responded that he was glad Mr. Spaller volunteered to serve Fayette County, and that he would hate to "throw him out with all of his experience" and in light of the good job he has done. He added that it appeared to him that some people wanted to "throw out the people who work for the County", and that stance did not make sense to him.

The motion to reappoint Kenneth Spaller to the Board of Tax Assessors for an additional six-year term to commence January 1, 2012 and expiring December 31, 2017 passed 4-1 with Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Fayette County Public Library Closed on January 13-14, 2012: County Administrator Jack Krakeel reported that the Georgia Library System will be doing a major update to the PINES computer / information system that libraries utilize for multiple functions associated with their services. He said this major update was slated to begin on the morning of Friday, January 13, 2012, and that most, if not all, of the libraries would be closed Friday and Saturday for the upgrade since they will not be able to provide functional services to the public. He informed the Board that he authorized the closure of the Fayette County Public Library for that purpose, however the library's staff would report to work since the furniture and shelving for the new addition to the library had arrived. He said that during the two-day closure, staff will start stocking the library's new addition with new books and periodicals that will be housed in that section. He emphasized that the closing is for Friday and Saturday, that notification of this closure was on the internet, and that normal operations would resume Monday, January 16, 2012.

COMMISSIONERS' REPORTS:

Chairman Frady: Chairman Frady noticed that, with regard to people who work for the County, the military does not throw people out of service except on occasions when they retire, nor does the military take a twelve-year member who has faithfully served, throw that person out, and replace that person with a junior member. He said, similarly in county government, he could not see throwing people out who know what they are doing, but instead those people usually are given promotions and they are retained so you can keep operations going. He said there was no one on the Board that could take over the job that those who work for the County are doing. He said that this needed to be taken into consideration when personnel matters are discussed, since it is possible to "personnel yourself out of business". He added that the most expensive move that can be made is to replace a good person with a bad person, since that bad person will not know what they are doing for ten years.

Commissioner McCarty: Commissioner McCarty reported that he agreed with why Commissioner Brown did not vote to reappoint Mr. Spaller, however, at this time, Fayette County does not have any other system in place to use. He said his vote was based on the current system. Chairman Frady replied that the current system was that the County has good people who have volunteered to stay, and, if Mr. Spaller were to be replaced, the County would certainly advertise the replacement.

EXECUTIVE SESSION:

Property Acquisition and Litigation: County Attorney Scott Bennett informed the Board that it needed to address Property Acquisition and Litigation issues in Executive Session. Commissioner Brown moved to recess into Executive Session to discuss Property Acquisition and Litigation issues. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 7:48 p.m. and returned to Official Session at 9:04 p.m.

Executive Session Affidavit: Chairman Frady stated that issues of Property Acquisition and Litigation were discussed, and that the Board gave instruction on the litigation issue. Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating Property Acquisition and Litigation issues were discussed in Executive Session. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty absent for the vote. A copy of the Executive Session Affidavit, identified as "Attachment 13", follows these minutes and is made an official part hereof.

Resolution 2012-01: County Attorney Scott Bennett reported that as a result of the Board's direction in Executive Session, he had two resolutions that required the Board's formal adoption. He said the first resolution, Resolution 2012-01, would authorize the Chairman to execute the necessary deeds and documents to effectuate a land-swap with the City of Peachtree City on the road access to Lake McIntosh Dam and its amenities' facilities. He asked the Board to approve the Resolution authorizing the County to conduct the land-swap and to execute the deeds the following week.

Commissioner Brown moved to authorize the Chairman to sign Resolution 2012-01. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2012-01, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Resolution 2012-02: County Attorney Scott Bennett informed the Board that Resolution 2012-02 concerns an easement that is currently owned by Fayette County across from the airport. He said one of the biggest reasons for Resolution 2012-01 was to get the County off of the airport's property. He said he prepared Resolution 2012-02 in order to authorize

the Chairman to execute the necessary deeds and documents to Quick Claim the County's interest in that easement back to the Airport Authority after the County has received the deeds from Peachtree City that give the County access to McIntosh Dam through the alternative route. He asked the Board to approve Resolution 2012-02 in order to authorize the Chairman to execute deeds (upon receipt of the deeds from Peachtree City) as specified in Resolution 2012-01.

Commissioner Brown moved to authorize the Chairman to sign Resolution 2012-02. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2012-02, identified as "Attachment 15", follows these minutes and are made an official part hereof.

ADJOURNMENT:

Commissioner Brown moved to adjourn the January 12, 2012 Board of Commissioners meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned their meeting at 9:07 p.m.

Floyd L. Jones, Chief Deputy Clerk

Herbert 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 January 2012.

Floyd L. Jones ,Chief Deputy Clerk