Minutes

Board of Commissioners
November 15, 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 November 15, 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, Interim County Administrator Scott Bennett, County Attorney Floyd Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the November 15, 2012 Board of Commissioners meeting to order at 7:02 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. Commissioners Horgan and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Bob Ross: Mr. Ross said he was concerned about the appointments to Fayette County's Ethics Board. He then referred to several points Commissioner Horgan made during the October 25, 2012 Board of Commissioners meeting as they related to the procedures used by the newly elected Board of Commissioners in locating the next County Administrator. He stated that an open process that seeks public application sis essential to the process since it would demonstrate objectivity and opportunity, and he criticized the Board for not having an open process. He added that while the appointed members to the Ethics Board have the potential to adequately consider ethics cases, there were at least three other candidates with strong resumes, who happened to be minorities, who may be better evaluate and advise other Board members as to the legitimacy of an accused minority's position. He said he did not understand why a more open

appointment process does not exist where positions would be advertised, applications would be sought and reviewed, top applicants would be interviewed, and then a decision would be made. He closed asking the Board to redo the process and to do it right.

Steve Smithfield: Mr. Smithfield stated that he had reviewed the November 7 Action Agenda and he learned that Commissioner Hearn nominated all three members of the Ethics Board. He added that the Action Agenda does not indicate that discussions were held on the qualifications of each nominee. He pointed out that a list of other nominees had been provided to the Commissioners a day before the meeting, but Mr. Hearn's nominees appeared on a second list that was provided to the Board just before the meeting occurred. He continued that Mayor Langford had campaigned in favor of Commissioner Hearn's reelection efforts, and Ms. Sheila Huddleston had campaigned alongside Commissioner Hearn as well. He said this creates a conflict of interest, and that it was similar to when Commissioner Hearn nominated his cousin to the Elections Board even though he was described as a friend from church. He said Chairman Frady and Commissioner Horgan voted in favor of the nominees, and by doing so did not allow Commissioners Brown and McCarty the ability to represent the people who elected them. He stated that Commissioner Horgan has a history of advocating for the appointment of minorities to Boards, but while there were two highly qualified minorities available, he voted for nominees who had close political affiliations with Commissioner Hearn.

Ginger Smithfield: Mrs. Smithfield said she had attended Board meetings on a regular basis for more than four years and that during those years she witnessed many breaches of ethics and public trust. She stated that Ethics Ordinance 2010-10 reads "the proper operation of local government requires that the public officials be independent, impartial, and responsible to the people" and that it reads "the public officials be free from the appearance of impropriety and that the pubic have confidence in the integrity of its government." She then asked several rhetorical questions related to the appointment process and concluded that the Board's actions were not free from the appearance of impropriety and did not promote confidence in the integrity of Fayette County's government.

Arnold Martin: Mr. Martin informed the Board that he attended the Ethics Board meeting held on November 9, 2012 along with about 15 other citizens. He said there were many questions about how the Board was appointed, the issues of the conflict of interest that arises with the Mayor of Brooks seated on the Board, and what constituted a quorum for the Board since only two of the appointed members were present. He said one glaring piece of information was provided by Interim County Administrator Jack Krakeel who explained that in Fayette County the process for appointing members to Boards and Committees is for volunteers to submit their names and that they can be appointed without any qualifications, resumes, of other information accompanying their names. He continued that an appointment process like that was based on familiarity and not on qualifications. He reminded the Commissioners that Boards and Authorities are second only to the elected Board for the County's leadership and operations, and that by basing appointments on familiarity the Commissioners were opening questions on the possibility of cronyism, nepotism, political favoritism, and a lack of demographic diversity. He pointed out that some of the top taxpayers to Fayette County are funded people who are demographically diverse, and he asked the Commissioners what they thought those taxpayers would think about how they appoint people to Boards and Authorities. He closed by saying Fayette County's leadership is responsible for doing better and to ensure that the leadership in the County looks like the County– with great diversity. He called for an immediate change to all Board ordinances concerning the selection process, and he said the community would thrive with such a basic and easy change.

Bonnie Willis: Ms. Willis expressed concerns about the Board's recent decisions regarding the Ethics Board. She said she was moved by Commissioner Hearn's prayer that God would help Fayette County since she believed the United States is a divided nation. She continued that she also believes that if a person works hard and does the best they can that they would get a fair shot in whatever pursuit they desired. She said she looked at the resume of two of the candidates presented for the Ethics Board, and was amazed that they were rejected. She questioned why they were

rejected, especially in light of the presidential election last week that demonstrated a divided county and nation. She thought the Board did not make wise appointments, that the two rejected candidates were great candidates–irrespective of their race– because of their experiences. She said they have experience dealing with ethical issues, and so she did not understand the Board's decision in appointing other nominees to the Ethics Board. She then asked for the Board to reconsider their decisions for the sake of Fayette County and for the sake of a nation in an effort to restore unity.

Dawn Oparah: Ms. Oparah told the Board that she watched with great interest the process with which the newly elected Ethics Board was seated. She said the Commissioners and staff should be ashamed for not seating an Ethics Board earlier since it was authorized in November 2010, and that the recent Ethics complaint put an unnecessary rush on the Commissioners. She said she did not object to the qualification of those seated on the Ethics Board, but she objected to the process used to select the individuals for the Board. She said that seating an Ethics Board should involve an open and transparent process, and that criteria should have been established for the position, eligibility requirements should also be established, that the positions should have been posted for qualified and interest citizens to have an opportunity to apply and go through a screening process. She said all of this was not done. She said the citizens of Fayette County want transparency, openness, and fairness in its government, and that the results of the ballot box proved her point. She suggested that the current process of selecting nominees to the Boards and Commissions involved cronyism and pointed to a "good old boy" system. She called on those appointed to the Ethics Board to resign in order to preserve their personal and professional integrity, and she explained how she sought out qualified candidates who were not associated with the NAACP on behalf of Commissioner Brown who contacted her. (Ms. Oparah's comments ended as her time expired.)

Tom Halpin: Mr. Halpin said his issue was just as important, although different, from the previous speakers. He said he had addressed the Board about his concerns in the past, only to be told that the Board could not do anything about his concern. He stated that he was talking about the Fayette County Board of Education and the financial problems it has. He said he did not mean to suggest that the Board of Commissioners should tell the Board of Education how to operate, but suggested that both Boards work together for the betterment of Fayette County. He suggested that the Boards could figure out how to have people and businesses return to Fayette County which would generate more income, and he pointed out that all the indicators suggest that the national recession will not end in the next several years. He concluded that the State of Georgia would provide the Fayette County school system with $16 million less than what is needed and in doing so Fayette County would be far worse off in the next year and the years to follow if something is not done to solve the problem. He suggested that by both Boards working together they would set a great example on how to solve the problem.

Walter Hopewell: Mr. Hopewell said he was confused after listening to the previous speakers talk about appointments to the Ethics Board. He said he had lived in Fayette County for about a year and that he liked the county and that the government seemed to operate in favor of the people, but that the recent comments gave him pause and concern. He said everybody has to put themselves forward, and that all anyone has is their word. He alluded that an open process should be made available for appointees to that people can read the same information and know that the appointments were done fairly and justly and that there is nothing to be argued about. He pointed out that he has worked many jobs, and for each job he had to present his credentials since his future employers did not know him otherwise. He said without credentials the hiring or appointing process would be a sham and not worth the time to get it done.

Chairman Frady: Chairman Frady thanked everyone for coming to the meeting to express their opinions, and stated that everyone has their opinions.

CONSENT AGENDA:

Commissioner Brown moved to approve Consent Agenda Items 1-6. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's request to accept an Adult Felony Drug Court Grant Award in the amount of $152,711.00 and to authorize the Chairman to sign the grant application and any related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of staff's recommendation to accept a grant from the Criminal Justice Coordinating Council's Accountability Courts / Grant Department, in the amount of $5,439.00, that has been awarded to the Griffin Judicial Circuit Drug Court, and to authorize the Chairman to sign the grant documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of a Fiscal Year 2013 budget amendment to property taxes for the 2012 adopted fire services millage rate and rate and to establish additional appropriations for the Fire Fund's payment of property insurance, administrative costs, and funding for vehicle replacement. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of staff's request to transfer $4,532.50 from the Warning Siren Fund Capital Improvement Projects (CIP) Account into the Public Safety & Emergency Management Account for the repair of Warning Siren No. 25 located near the intersection of Highway 74 and Kedron Drive in Peachtree City. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

5. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $1,780.11 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. **Approval of staff's recommendation to enter into Contract ID No. C38931-12-000-0 with the Georgia Department of Transportation (GDOT) for the resurfacing of 6.47 miles of County roads (GDOT Project No. S014261-PR), and authorization for the Chairman to sign the contract contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

OLD BUSINESS:

1. **Appointment of two members to the Public Facilities Authority.**

   Interim County Administrator Jack Krakeel said he believed the county had not received any candidate names from the Commissioners with respect to the two appointments. He said the issue was whether these are time-critical appointments or not. He said that unless the County was to issue new revenue bonds that there is probably not a requirement for the Public Facilities Authority to meet, but he added there are legal requirements that each member of the Authority must complete training. He asked the Board to provide direction to staff on how to proceed with the process of appointing the members to the Public Facilities Authority.

Chairman Frady suggested that the procedure should be that the staff is directed to start advertising for the positions and the qualifications required to serve on the Board. Commissioner Brown stated that he had nominated Commissioner McCarty to serve in one of the two positions since a member of the Board of Commissioners traditionally sits on the Public Facilities Authority. Chairman Frady repeated his suggestion that the positions should be advertised and that Commissioner McCarty could apply if he wanted to.

Commissioner Brown moved to officially put both of the positions for the Public Facilities Authority in the form of a press release to the Atlanta Journal-Constitution, the Fayette Daily News, and The Citizen newspapers, to solicit input and applications from all citizens of Fayette County. Chairman Frady and Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

2. Appointment of a member to the Region Six Mental Health Regional Planning Board.

Commissioner Horgan reported that he did not have anyone come to him since he was on the Board of Health to express an interest in the position. He suggested that the position be advertised and see if there is anyone who is interested in being involved.

Commissioner Brown moved to do a public notice through press release to the Atlanta Journal-Constitution, the Fayette Daily News, and The Citizen newspapers to appoint a member of the Region Six Mental Health Regional Planning Board. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

3. Consideration of a proposed Policies and Procedures document relating to the use of speed tables on select County roads.

Public Works Director Phil Mallon reminded the Board that this issue had been discussed in several workshop meetings, and at the last workshop he received some specific comments from the Board. He said those comments were: 1) to remove the requirement for citizens to contribute toward the initial material cost, 2) to retain an annual fee to be applied or collected during the taxes, 3) to set a standard 80% approval by all the people in the petition area; 4) to create a sponsor request form that would assist people who make the request to get the process started, 5) to establish a minimum ten-miles per hour over the posted speed limit as determined by the 85th percentile, and 6) to create a petition cover letter and signature page to assist in the collection of signatures. He said that was a very fast overview, and he said he would be glad to answer questions, otherwise, he asked for the Board to consider approving the policy.

Commissioner Hearn clarified that a petition area would include all of those residents who would be impacted by the speed table on a daily basis in their normal travels. Mr. Mallon replied that was correct. Commissioner Hearn said he thought this was a good starting point, that the policies were a living breathing document that may need to be tweaked down the road to make it better, but it was an excellent starting point.

Commissioner Hearn moved to approve the proposed Policies and Procedures document relating to the use of speed tables on select County roads. Commissioner McCarty 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.

4. Discussion of the results of Phase II of the segmented approach for Fayette County's Parks and Recreations Needs Assessment.

Mr. Darryl Hicks, Vice President of the Fayette County Recreation Commission, spoke about the results of Phase II of the segmented approach for Fayette County's Parks and Recreations Needs Assessment with the Board. The Board did not take any formal action and did not give any direction on the matter. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

NEW BUSINESS:

1. Consideration of the appointment of Mike Saul to the Post 4 seat of the Fayette County Recreation Commission, for a four-year term which will begin April 1, 2012 and will expire March 31, 2016.

Commissioner Brown reported that a press release was sent to the Fayette Daily News, The Citizen, and the Atlanta Journal-Constitution that there was an appointment available for this position and that everyone was invited to apply. He said an application was formulated for each applicant to fill out, and those applicants did complete the applications. He continued that he met with the Chairman of the Recreation Commission and the Director of Parks and Recreation to discuss the applicants and their merits. He explained that it was determined one candidate was overwhelmingly qualified for the spot due to his experience, participation, and attendance at the Recreation Commission meetings. He said those factors demonstrated he was an involved citizen and willing to pitch in. He concluded that the gentleman under consideration was Mr. Mike Saul.

Commissioner Brown moved to appoint Mike Saul to the Post 4 seat of the Fayette County Recreation Commission, for a four-year term which will begin April 1, 2012 and will expire March 31, 2016. Commissioner McCarty seconded the motion.

Commissioner Hearn asked how many applications arrived for the position. Commissioner Brown recalled receiving eight responses. Chairman Frady stated that the Board actually nominates people from their district, so there will be a disbursement of people from all over the county. Commissioner Brown noted that Mr. Saul lives in Brooks.

The motion to appoint Mike Saul to the Post 4 seat of the Fayette County Recreation Commission, for a four-year term which will begin April 1, 2012 and will expire March 31, 2016 passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

2. Consideration of a proposed 2013 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County, and authorization for the Chairman to sign the LMIG Application and related documents contingent upon the County Attorney's review.

Public Works Director Phil Mallon informed the Board that Fayette County receives money from the Georgia Department of Transportation (GDOT), and, traditionally, that money has been used to fund the County's resurfacing program. He said, currently, the resurfacing program is called LMIG (Local Maintenance & Improvement Grant program), and that, effective 2013, the GDOT will change the program quite a bit. He said he thought the program will change for the better since the way the current system works is that the County submits a list of projects and that the type of projects that can be funded with this money is quite broad. He said staff has provided is a list of projects that exceeds the amount of money Fayette County will get since Fayette County is programmed for $549,000.00 for next year. He said GDOT recommends the county to

submit a list larger than that amount in order to ensure that if some of the projects come in cheaper than expected then there would be other options on how to spend the remaining money, and since it gives the County flexibility if, during the course of next year, the County's priorities change due to some type of emergency. He displayed a map on the televisions and discussed the proposed projects. He said staff was suggesting the majority of the money be applied to resurfacing as it has been over the years, but that staff wanted a certain portion of money should also be appointed to Tyrone Road to start some scoping work and preliminary engineering that would make that project competitive or eligible if additional funding sources become available next year or in 2014. He said another project is just south of Georgia Highway 54 in Fayetteville, and it would be for funding to do design for a new road construction that has been talked about in the CIP that connects Georgia Highway 54 to 1st Manassas Mile Road. Mr. Mallon said he was looking either for a general consensus that the list is good, and staff would prepare the application and send it to the GDOT, or feedback for the list to be revised and returned for further discussion.

Commissioner Brown stated that one thing that staff needs to be aware of is to ensure there are no Stormwater projects that are going to have to be conducted on the repaved roads after they have been repaved, and that there are no other plans related to those roads after they are repaved. He asked if there is a process that is followed to check with the other departments to make such assurances. Mr. Mallon replied that there is a process, and in fact he received assistance from Stormwater Management while making the map, and staff was just talking about that very issue. He added that making preparations are not always possible, but the work is coordinated whenever possible.

Commissioner Hearn stated that he thought this was a good project list and he commended the County's partners at GDOT. He mentioned this is the way the GDOT is divvying out the gas tax and maintenance monies, and he thought it was a much more streamlined method than what has been seen in the past. He said it is a little broader in scope in allowing the County do other things other than simply buying materials.

Commissioner Hearn moved to approve the proposed 2013 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County, and to authorize the Chairman to sign the LMIG Application and related documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

3. Consideration of staff's request to award Bid #850- Westbridge Road Construction, including Bridge over Morning Creek, to the low bidder Southeastern Site Development, Inc., in the amount of $1,798,747.29, for the realignment of Westbridge Road and construction of a new 180-ft long offset bridge, and authorization for the Chairman to sign the contract contingent upon the County Attorney's review.

Public Works Director Phil Mallon reported that the project under consideration was an SPLOST project that has been before the Board for about two years. He said staff completed its design, is completing or finishing up the right of way, and has put the construction of the project out for bid. He said requests for bids were sent to more than 28 contractors and were advertised through newspaper and cable outlets. He stated that the county received five bids back, and staff is recommending awarding the project to the low bidder. He showed an overview of the project on the televisions.

Commissioner Hearn clarified that the purpose of the project was twofold: 1) to replace an aged bridge that needs upgrading and 2) to get the curve so that it meets the design standards for a 45-mile per hour design speed. Mr. Mallon agreed with Commissioner Hearn's explanation. Commissioner McCarty stated that his experience with the road is that he has driven the curve many times at the posted speed limit of 45 miles per hour without any problems that he did not have a problem with the bridge, the work would be expensive, and that he was against the project. Commissioner Horgan stated that he grew up in Westbridge subdivision near the curve, and that curve on the road has been deadly as many people have died on that road. He said this is something that has been coming and has taken a long time to happen. He thought it would be a great addition to the roundabout and the other additions to the West Fayetteville Bypass.

Commissioner Horgan moved to award Bid #850- Westbridge Road Construction, including Bridge over Morning Creek, to the low bidder Southeastern Site Development, Inc., in the amount of $1,798,747.29, for the realignment of Westbridge Road and construction of a new 180-ft long offset bridge, and authorization for the Chairman to sign the contract contingent upon the County Attorney's review. Commissioner Hearn seconded the motion.

Chairman Frady said that particular area has always been a thorn in citizens' sides, it has been dangerous for years, it has needed to be repaired for years, and the County is just getting around to doing it. He thought the work was "a lot of years late" and that he had received more complaints about that road and bridge than any other in Fayette County. Commissioner Brown said he would not vote for the project either and the main reason he would not is because the County has maligned priorities with the SPLOST since "the get go." He said he has never agreed with the priority list and the projects as selected, and the order in which they were selected, and he said he would be consistent with his vote and vote against the motion.

The motion to award Bid #850- Westbridge Road Construction, including Bridge over Morning Creek, to the low bidder Southeastern Site Development, Inc., in the amount of $1,798,747.29, for the realignment of Westbridge Road and construction of a new 180-ft long offset bridge, and authorization for the Chairman to sign the contract contingent upon the County Attorney's review passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

4. Consideration of Commissioner Brown's recommendation to continue imposing the Energy Excise Tax in Fayette County.

Commissioner Brown reported that Fayette County currently receives an Energy Excise Tax, however, during the last legislative session, the legislation created legislation which was "a little gray and a bit nebulous" He said that, essentially, the state was going to phase out over a period of time its portion of any Energy Excise Tax. He explained that the legislation allowed for cities and counties to keep assessing and collecting the Energy Excise Tax in order not to capsize local governments due to a steep loss of revenue. He reported that the problem is that Fayette County does not know how much revenue is involved. He said both he and Fayetteville Mayor Greg Clifton attended a Department of Revenue meeting where this issue was discussed for approximately twenty minutes, and during that meeting no one knew how much money was at stake. He suggested that, due to the unknown amount of potential loss, Fayette County should continue imposing the Energy Excise Tax. He then said the legislation is unusual since a manufacturing company can go to the power company, and not the government, to receive a tax exemption, and since there is no auditing process there is no way to know if the company actually qualifies for the exemption. He repeated that Fayette County should continue imposing the Energy Excise Tax so that it does not learn of a steep decline in revenue next year once

the tax is no longer collected. Commissioner McCarty added that there were too many unknowns associated with the Energy Excise Tax legislation. He reported that both he and Commissioner Brown attended an Association of County Commissioner of Georgia (ACCG) Regional meeting which addressed about this issue in depth, and that the ACCG is just as confused as everyone else. He thought Fayette County should continue to impose the Energy Excise Tax, and it could decide to no longer collect the tax any time in the future.

Commissioner Hearn agreed there were too many unknowns, but he suggested Fayette County could experience a real advantage by not having the tax since it could draw businesses into the county. He said he did not know how much money was involved, but he could not support the move to continue imposing the Energy Excise Tax. Commissioner Horgan agreed with Commissioner Hearn.

Commissioner Brown said that if the initiative failed than everybody could count on Fayette County losing money. He added that Fayette County is currently operating in a deficit spending mode, and that any loss of revenue beyond what the county is currently collecting would exacerbate the deficit spending problem. He asked the Board to look toward the future and the budgets that will be encountered over the next years, and to try to keep the revenue stream where it currently is. He said if the County experiences a serious financial impact and loses a lot of money, then the county would be in a serious bind and would have to cut into the county's services which are being provided. He asked the Board to pass the measure and find out what the tax implications are after the legislature has a chance to correct the legislation in January.

Commissioner Brown moved that the Board continues imposing the Energy Excise Tax in Fayette County. Commissioner McCarty seconded the motion.

Chairman Frady said he would not vote to raise taxes at this time of year, especially when he did not have a clue about what the taxes would be. Commissioner Brown stated that it was not an attempt to raise taxes but to keep collecting the Energy Excise Tax.

The motion to continue imposing the Energy Excise Tax failed 2-3 with Chairman Frady, Commissioner Hearn, and Commissioner Horgan voting in opposition.

Commissioner Horgan moved "to leave things as they currently are." Interim County Administrator Jack Krakeel replied that if the motion was to leave things as they currently are, then effectively the motion would be to continue collecting the Energy Excise Tax. Commissioner Horgan said his wishes were to not adopt an Energy Excise Tax as presented at the meeting. The motion died for lack of a second.

County Attorney Scott Bennett explained that since the motion failed that no action had taken place. He explained that the Board could choose to take no further action or to consider a new motion. After some discussion, Mr. Bennett explained that the item did not fail, even though the motion did fail. Commissioner Brown asked if the item could be brought back up. Mr. Bennett replied that it could be brought back up unless there is a different motion. He clarified that since no action had been taken on the item, and since the item had not been defeated or approved, that essentially no motion has been passed regarding the item. Chairman Frady stated he was not going to raise taxes so the issue was over.

Commissioner Brown said he would try to see if he could get the issue on another agenda. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

5. Approval of the October 25, 2012 Board of Commissioners Minutes. Chairman Frady was not present at this meeting.

Commissioner McCarty moved to approve the October 25, 2012 Board of Commissioners Minutes. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Frady abstaining from the vote.

ADMINISTRATOR'S REPORTS:

There were no Administrator's Reports.

ATTORNEY'S REPORTS:

There were no Attorney's Reports.

COMMISSIONERS' REPORTS:

Commissioner Horgan: Commissioner Horgan asked for Executive Session to discuss one personnel item.

Commissioner McCarty: Commissioner McCarty thanked the audience for coming and for providing their input, and he welcomed the audience to return to the meeting at any time. He added that if anyone had a problem to give the Board a call.

Commissioner Brown: Commissioner Brown recognized Representative-elect Mabra was in attendance, and he pointed out that the Representative would be one of Fayette County's new elected representatives in a new district. He asked Representative Mabra to stand so people could recognize him.

EXECUTIVE SESSION:

Personnel: Commissioner Hearn moved to recess into Executive Session. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:15 p.m. and returned to Open Session at 8:33 p.m.

Executive Session Affidavit: Chairman Frady asked the record to reflect that one personnel matter was discussed in Executive Session, and asked the Board to authorize the Chairman to sign an Executive Session Affidavit. The Board consented to the request. A copy of the Executive Session Affidavit, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Termination of County Attorney Scott Bennett's Contract: Commissioner Horgan stated that the Board discussed a personnel matter regarding County Attorney Scott Bennett and his employment with Fayette County. He said the Board decided in light of what has been going on with possible dissensions with future Board members, to terminate Mr. Bennett's contract with the Board ending December 31, 2012, and to honor his contract. Commissioner Brown asked for a motion on the issue.

Commissioner Horgan moved to honor County Attorney Scott Bennett's contract and to terminate his contract on December 31, 2012. Commissioner McCarty seconded the motion.

Chairman Frady said the Board certainly appreciates Mr. Bennett's service to Fayette County, but that he could honor the motion. Commissioner Horgan said Mr. Bennett has been an exemplary professional in what he does, and Fayette County is in a better place for what he has done. He said he appreciated Mr. Bennett's work. Chairman Frady added that he though Mr. Bennett had saved Fayette County a ton of money in his years of employment. He said the attorneys who preceded him received percentages of bonds that the County would refinance, and that amounted to a ton of money. He said Mr. Bennett had never been paid for any of that work, and that he has saved the county money in just about every corner he could, and he said the county appreciated that. He added that Mr. Bennett is an excellent attorney, that he told the Board that during Executive Session, and wished Mr. Bennett good luck. Commissioner Brown said he disagreed with the process and the way it was being handled, and he said he would vote in opposition because of it.

The motion to honor County Attorney Scott Bennett's contract and to terminate his contract on December 31, 2012 passed 4-1 with Commissioner Brown voting in opposition.

ADJOURNMENT:

Commissioner Brown moved to adjourn the November 15, 2012 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned the November 15, 2012 meeting at 8:36 p.m.

Floyd L. Jones, County 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 13th day of December 2012.

Floyd L. Jones, County Clerk