Minutes

Board of Commissioners
November 12, 2009
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, November 12, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Call to Order, Invocation, and Pledge of Allegiance.

Chairman Smith called the November 12, 2009 Board of Commissioners Meeting to order at 7:01 p.m.
Commissioner Hearn offered the Invocation.
Chairman Smith led the Audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Horgan moved to Accept the Agenda as published. Commissioner Hearn seconded the motion.

Chairman Smith asked for Consent Agenda Item 5 to be removed from the Consent Agenda and placed under Old Business.

Commissioner Horgan amended his motion to accept the Agenda as published, to remove Item Five from the Consent Agenda, and to split Consent Agenda Item 5 into Old Business B and Old Business C. Commissioner Hearn seconded the revised motion. The motion passed unanimously.

PUBLIC COMMENT:

No one spoke under Public Comment.

CONSENT AGENDA:

1. **Approval of the Sheriff's Office request to amend the revenue and expenditure budgets for the Administrative Services Division by $600 to recognize a donation. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $2,588.47 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommendation that the County execute a "Right of Entry" which would allow the Georgia Department of Transportation (GDOT) to work within the County's easement along a portion of State Route 74 where GDOT will be moving a section of waterline. A copy of the request and the "Right of Entry" document, identified as "Attachment 3", follow these minutes and are made an official part hereof.**

4. **Consideration of staff's recommendation for approval of the Amendment to the Frequency Reconfiguration Agreement (FRA), which amends and revises the Frequency Reconfiguration Agreement executed on May 9, 2008 between Fayette County and Sprint Nextel. A copy of the request and the Amendment to the Frequency Reconfiguration Agreement, identified as "Attachment 4", follow these minutes and are made an official part hereof.**

Commissioner Frady moved to approve Consent Agenda Items 1-4. Commissioner Horgan seconded the motion. The motion passed unanimously.

OLD BUSINESS:

A. Approval of Board of Commissioners October 7, 2009 Workshop Minutes. This item was tabled during the October 22, 2009 Board of Commissioners Meeting.

Commissioner Horgan moved to approve the Board of Commissioners October 7, 2009 Workshop Minutes. Commissioner Frady seconded the motion. The motion passed 3-0-2 with Commissioners Hearn and Maxwell abstaining from the vote due to their absence from the October 7, 2009 Meeting.

B. Approval of the October 22, 2009 Board of Commissioners Minutes.

Commissioner Horgan moved to approve the October 22, 2009 Board of Commissioners Minutes. Commissioner Hearn seconded the motion. The motion passed 4-0-1 with Commissioner Frady abstaining from the vote due to his absence from the October 22, 2009 Meeting.

C. Approval of the November 4, 2009 Board of Commissioners Workshop Minutes.

Commissioner Frady moved to approve the November 4, 2009 Board of Commissioners Workshop Minutes. Commissioner Horgan seconded the motion. The motion passed unanimously.

NEW BUSINESS:

D. Consideration of a resolution approving the issuance of revenue anticipation bonds by the Fayette County Hospital Authority on behalf of Piedmont Healthcare, Inc.

Attorney Donald Comer, representing the Fayette County Hospital Authority, presented the request and resolution to the Board before answering questions. He specified that the issuance of the bonds does not constitute an endorsement by the Board of the purchasers of the bond or the credit worthiness of Piedmont Healthcare Corporation, and it does not constitute a debt of Fayette County or the State of Georgia. He added that tax revenue will never be used to assist in the retirement of the bonds since there is a contract between the Piedmont Healthcare Corporation and the Hospital Authority and revenue generated from that agreement will be used to retire the bonds. Chairman Smith noted that Mr. Comer had stated there was no direct liability to Fayette County regarding the issuance of bonds before asking if there was any contingent liability of any kind applicable to Fayette County. Mr. Comer replied there was no liability at all to Fayette County since the entire obligation belongs to Piedmont Healthcare Corporation.

Commissioner Frady moved to authorize the Chairman to sign the Resolution of the Board of Commissioners of Fayette County, Georgia, Approving the Issuance of Revenue Anticipation Bonds by Hospital Authority of Fayette County for the Benefit of Piedmont Healthcare, Incorporated. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request and Resolution, identified as “Attachment 5", follow these minutes and are made an official part hereof.

E. Approval of staff’s recommendation to award services for Special Purpose Local Option Sales Tax (SPLOST) intersection improvements at Goza and Antioch Roads (Project No. I-13) to Piedmont Paving for the amount of $540,000.

Director of Public Works Phil Mallon presented staff’s recommendation and answered questions from the Board. Commissioner Maxwell observed that some intersection improvements take longer to complete than desired and asked what provisions were embedded in the contract to complete the work in a timely manner. Mr. Mallon replied that the contract was established through Mallet Consulting and there are provisions in the contract regarding the schedule. Discussion followed.

Commissioner Hearn moved to approve staff’s recommendation to award construction services for intersection improvements at Goza and Antioch Roads, referred to as Project No. I-13, to Piedmont Paving for the amount of $540,000 utilizing current SPLOST funds. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as “Attachment 6", follows these minutes and is made an official part hereof.

F. Consideration of a recommendation of the Water Committee for a change order to the existing fencing contract with Trammell-Horton Contracting, Inc. to allow for removal of certain existing fencing at the Danielly-Wagner mitigation site and to construct new fencing to accurately define the property boundaries, at a cost not to exceed $90,000.

Water System Director Tony Parrott presented the Water Committee's recommendation and answered questions from the Board. Discussion followed.

Commissioner Horgan moved to approve the Water Committee's recommendation for a change order to the existing fencing contract with Trammell-Horton Contracting, Inc. allowing for removal of certain existing fencing at the Danielly-Wagner mitigation site and to construct new fencing accurately defining the property boundaries, at a cost not to exceed $90,000 to be funded by bonds issued to fund the Lake McIntosh project. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

ATTORNEY'S REPORT

Deltacom, Inc. Agreement for Service: County Attorney Scott Bennett reminded the Board that it had approved a bid with Deltacom, Inc. for phone systems at the Jail and Justice Center during its August 13, 2009 Meeting. He stated that he reviewed the Agreement of Service with Deltacom, Inc. and asked for the Chairman to be authorized to sign the document.

Commissioner Horgan moved to authorize the Chairman to sign an Agreement for Service with Deltacom, Inc. for two phone systems located at the Justice Center and the Jail at a cost of $945.60 per month for three years. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the Agreement, identified as "Attachment 8", follows these minutes and is made an official part hereof.

Intersection Improvements at New Hope and Kenwood Roads: County Attorney Scott Bennett reminded the Board that it had awarded a bid to B&J Paving, Inc. for intersection improvements at Kenwood and New Hope Roads during its October 7, 2009 Workshop Meeting. He informed the Board that he had reviewed the contract, including its associated bonds and insurance, before asking for the Chairman to be authorized to sign the contract.

Commissioner Frady moved to authorize the Chairman to sign a contract with B&J Paving, Inc. for improvements to the intersection of New Hope and Kenwood Roads in the amount of $177,309.15 utilizing current SPLOST funds. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the contract, identified as "Attachment 9", follows these minutes and is made an official part hereof.

Intersection Improvements at McBride and Antioch Roads: County Attorney Scott Bennett reminded the Board that it had awarded a bid to Southeastern Site Development for intersection improvements at McBride and Antioch Roads during its October 7, 2009 Workshop Meeting. He informed the Board that he had reviewed the contract, including its associated bonds and insurance, before asking for the Chairman to be authorized to sign the contract.

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Commissioner Horgan moved to authorize the Chairman to sign a contract with Southeastern Site Development for improvements to the intersection of McBride and Antioch Roads in the amount of $301,052.85 utilizing current SPLOST funds. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the contract, identified as "Attachment 10", follows these minutes and is made an official part hereof.

STAFF REPORTS

Cancellation of the December 2, 2009 Board of Commissioners Workshop Meeting: County Clerk Carol Chandler informed the Board no agenda items had been submitted for the December 2, 2009 Workshop Meeting and asked the Board to consider canceling the meeting.

Commissioner Frady moved to cancel the December 2, 2009 Board of Commissioners Workshop Meeting due to a lack of agenda items. Commissioner Horgan seconded the motion. Discussion followed. The motion passed unanimously.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

Litigation and Personnel: County Attorney Scott Bennett announced litigation needed to be discussed in Executive Session and Chairman Smith added Personnel also needed to be discussed.

Commissioner Hearn moved to adjourn into Executive Session to discuss Litigation and Personnel items. Commissioner Horgan seconded the motion. The motion passed unanimously.

The Board adjourned to Executive Session at 7:28 p.m. and returned to Official Session at 8:01 p.m.

Executive Session Affidavit: Commissioner Frady moved to authorize the Chairman to sign an Executive Session Affidavit stating Litigation and Personnel items were discussed during Executive Session. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 11", follows these minutes and is made an official part hereof.

ADJOURNMENT

No further business came before the Board. Chairman Smith adjourned the November 12, 2009 Board of Commissioners Meeting at 8:01 p.m. without objection from the Board.

Floyd L. Jones, Deputy Clerk	Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of December 2009.

Floyd L. Jones, Deputy Clerk