Minutes

Board of Commissioners
July 7, 2010
3:00 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 Wednesday, July 7, 2010, at 3:30 p.m. in the Commissioners Conference Room, Suite 100 of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

Chairman Smith called the meeting to order.

Chairman Smith remarked that Commissioner Maxwell had another commitment and may or may not attend this Board meeting.

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

CONSENT AGENDA: Commissioner Horgan made a motion to approve consent agenda items 1-5 as presented. Commissioner Hearn seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent.

WATER SYSTEM - METROPOLITAN NORTH GEORGIA PLANNING DISTRICT TOILET REBATE PROGRAM:

1. Approval of staff's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program which will allow an additional $20,000.00 in credits to eligible customers and authorization for the Chairman to execute the Memorandum of Agreement. A copy of the request, backup and Agreement, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

ROAD DEPARTMENT - BID #753 AWARDED TO PITTSTOP ENTERPRISES AND LIBERTY TRUCK HAULING LLC:

2. Approval of staff's recommendation to award Bid #753 to Pittstop Enterprises as the primary vendor and to Liberty Truck Hauling LLC as the secondary vendor for an annual contract for dump truck hauling services to be used in various construction and road maintenance projects, in an amount not to exceed the FY2011 budgeted amount of $115,000. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

PUBLIC WORKS - QUALIFICATION CERTIFICATION AGREEMENT APPLICATION:

3. Approval of staff's request for execution of the Qualification Certification Agreement Application, newly required by the Georgia Department of Transportation for Local Government Certification. A copy of the request, backup and Agreement, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

FIRE AND EMERGENCY SERVICES - FY10 PERFORMANCE PARTNERSHIP AGREEMENT:

4. Approval of staff's request that the County enter into the annual FY10 Performance Partnership Agreement and the FY10 Performance Partnership Agreement Grant Award with the Georgia Emergency Management Agency and authorization for the Chairman to execute said agreements. A copy of the request, backup and Agreement, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

STREET LIGHTS - BRECKENRIDGE PHASE I, JEFFERSON WOODS VI AND WILLOW RIDGE II:

5. Approval of staff's recommendation that Breckenridge Phase I; Jefferson Woods VI and Willow Ridge II be designated as street light districts in Fayette County. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

OLD BUSINESS:

A. Monthly Update from Public Works Director Phil Mallon on the County's 2010 Transportation Plan.

Public Works Director Phil Mallon presented the Board with a report on the transportation work plan for the month of July, paving and resurfacing, right-of-way mowing. A copy of the report, identified as "Attachment No. 6", follows these minutes and is made an official part hereof. He remarked that good progress had been made on completing the Snead Road project. He remarked that the areas of bad asphalt have been removed, patched and overlaid. He commented on the right-of-way mowing/maintenance. He said the arterial and collector roads were largely completed and the crew was in the process of mowing the local roads. He remarked on the West Fayetteville Bypass and he said the Notice to Proceed had been issued to the contractor for the intersection work at Huiet Road and S.R. 54. He said the West Fayetteville Bypass should be complete by December 2010.

NEW BUSINESS:

B. DISCUSSION OF THE PROPOSED FIFTH JUDGESHIP FOR THE GRIFFIN JUDICIAL CIRCUIT:

Chairman Smith remarked that Will Simmons of the Griffin Judicial Circuit was supposed to make a presentation to the Board today but was unable to attend this meeting. He suggested this item be rescheduled to the August 4th Board workshop for discussion at that time. A copy of the agenda request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

C. PRESENTATION BY THE FAYETTE COUNTY BOARD OF HEALTH CONCERNING ALTERNATIVE STRATEGIES FOR THE PROVISION OF PUBLIC HEALTH SERVICES:

Commissioner Horgan remarked that as a member of the Fayette County Board of Health he had placed this item on the agenda for consideration. He said the Board of Health had been reviewing different strategies for better use of Health Department monies. He said he had invited Board member Lyn Redwood as well as Wayne Moss to brief the Board on this information. Board of Health member Lyn Redwood as well as Wayne Moss who served 35 years on the Spalding County Board of Health provided information to the Board concerning alternative strategies for the provision of public health services. Ms. Redwood presented the Board with a handout of information on this issue. A copy of the handout, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Chairman smith recommended County Administrator Jack Krakeel review this item**.**

ADMINISTRATOR'S REPORT: None. County Administrator Jack Krakeel was absent.

ATTORNEY'S REPORT: County Attorney Scott Bennett commented on Special Local Option Sales Tax funds and the use of S.P.L.O.S.T. funds. He pointed out that State law, the Official Code of Georgia, Section 48-8-121 was very clear on the use of S.P.L.O.S.T. funds. He noted that proceeds received from a S.P.L.O.S.T. shall be used by the County and qualified municipalities within the special tax district (the County) exclusively for the purpose or purposes specified in the Resolution or Ordinance calling for the imposition of the tax, and that the sales tax can only be used for those projects included in the S.P.L.O.S.T. referendum. He said there was case law stating that once a project was started using S.P.L.O.S.T. dollars, it was difficult to abandon a project. He commented on a recent case in Walton County, Georgia. He said if the voters approve a project and it was started, then the project would have to be finished. He said there was only one situation where you would get away from using funds exclusively on the list and that was when the proceeds exceed the project list.

STAFF REPORTS:

BID #756 FOR FIRE STATION GENERATOR AWARDED TO QUEEN CAPITAL GROUP: Public Safety Director Allen McCullough asked for the Board's consideration to award Bid #756 to replace the fire station generator that was failing at Station 8 to Queen Capital Group in the amount of $41,800 based on a delivery time of 8 to 10 weeks. He noted that the Fire and Emergency Services had been awarded a grant in the amount of $20,900 that would be applied to the total amount. He said the remaining funds would come out of the Fire Fund.

Commissioner Horgan made a motion to approve staff's recommendation to award Bid #756 for fire station generator to Queen Capital Group in the amount of $41,800. Commissioner Hearn seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent. A copy of the memorandums of recommendation as well as the Bid Tally Sheet, identified as "Attachment No. 9", follows these minutes and are made an official part hereof.

WATER SYSTEM - PILOT TESTING COMPANY FOR THE SOUTH FAYETTE WATER TREATMENT PLANT: Water System Director Tony Parrott remarked that Kruger, Inc. had offered the County a reduced contract amount than was previously approved by the Board of Commissioners on June 10, 2010. He noted

that instead of 4 weeks in the amount of $35,150, Kruger, Inc. was now offering the County 6 weeks of testing in the amount of $18,650 which also includes transportation of the equipment. He asked for the Board's consideration to authorize the Chairman to execute the amended contract with Kruger, Inc. in the amount of $18,650.

Commissioner Hearn made a motion to authorize the Chairman to execute the amended contract with Kruger, Inc. in the amount of $18,650 for pilot testing at the South Fayette Water Treatment plant. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent. A copy of the amended contract, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

BOARD REPORTS:

RESOLUTION NO. 2010-12 OPPOSING UNIONIZATION AND MANDATORY COLLECTIVE BARGAINING LEGISLATION IN THE U.S. CONGRESS: Chairman Smith remarked that the County had been asked to adopt a Resolution opposing the Federal legislation which would allow collaborative bargaining for public safety employees. He suggested Executive Assistant Carol Chandler send the Resolution via e-mail to the Board members for review and after a review is done, that he be authorized to execute the Resolution. He asked for the Board's consideration to adopt and execute this Resolution.

It was the consensus of the Board to adopt Resolution No. 2010-12 opposing unionization and mandatory collective bargaining legislation in the U.S. Congress and after a review authorize the Chairman to execute same. A copy of Resolution NO. 2010-12, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: County Attorney Scott Bennett requested an Executive Session to discuss real estate acquisition.

Commissioner Hearn made a motion to adjourn to Executive Session to discuss real estate acquisition. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent.

Commissioner Horgan made a motion to reconvene back to open session. Commissioner Hearn seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent.

Chairman Smith called the meeting back to order and remarked that real estate acquisition had been discussed in Executive Session.

Commissioner Hearn made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that real estate acquisition was discussed in Executive Session. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Maxwell was absent. A copy of the Executive Session Affidavit, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 5:06 p.m.

Karen Morley, Chief 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 12th day of August, 2010.

Karen Morley, Chief Deputy Clerk