Minutes

Board of Commissioners
November 18, 2010
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 18, 2010, 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 Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the November 18, 2010 Board of Commissioners Meeting to Order at 7:05 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. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

A. Recognition of Eagle Scout Ricardo Antonio "Ricky" Rojas.

Chairman Smith recognized Eagle Scout Ricardo Antonio Rojas, congratulated him on his ascension to the rank of Eagle Scout, spoke about the importance of this achievement, and read a letter to Mr. Rojas that was signed by all the Board members. Mr. Rojas spoke briefly about his Eagle Scout project, which involved a countywide food drive supporting the Fayette Samaritans and the Real Life Center. To accomplish his project, he organized scout troops who sat at various stores throughout the County and who collected over 10,000 items in one day. A copy of this request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Presentation of a Resolution for the Month of November 2010 as Retired Educators Month in Fayette County.

Chairman Smith read a Resolution designating the month of November 2010 as Retired Educators Month in Fayette County, and he presented the Resolution to representatives from the Fayette County Retired Educators Association. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Sandy Golden: Ms. Sandy Golden, who introduced herself as a retired educator, expressed her support for the proposal to have a new Agriculture and Natural Resources Agent, as listed on Consent Agenda Item 2. She said the position served to provide a unique form of education to Fayette County, and that the position was really needed. She added that the education provided through this position would help others become interested in land and resources that no one else is able to provide.

CONSENT AGENDA: Commissioner Horgan moved to approve Consent Agenda Items 1-8. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's recommendation to adopt Policy No. 100.11 which provides guidelines for the use of county property. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

2. **Approval of a request from the Extension Office that the County restore its 20% portion of funding for an Agriculture and Natural Resources Agents position, in an annual amount not to exceed $17,600, with the allocation commencing with the six-month remainder of Fiscal Year 2011, which begins on January 1, 2011. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

4. Approval of staff's request to extend Bid #694, Printing and Mailing Service for twelve additional months. The successful bidder, Dove Mailing, Inc., has agreed to hold the prices firm from January 1, 2011 through December 31,2011. The current agreement expires December 31, 2010. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to trade 32 turnout coats and 40 pairs of turnout pants that are no longer useable to Glove's Inc., for a credit of $1,800 towards the County's on-current turnout cleaning cost. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

6. Authorization to sign tag paperwork for and to accept receipt of any obligated monies for fuel and maintenance of one (1) vehicle that was purchased by the US Marshals Service for the Fayette County Sheriff's Office. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

7. Approval of the Sheriff's Office request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $5,546.74 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Approval of the Board of Commissioners October 28, 2010 Minutes.

OLD BUSINESS:

C. Steve Vaughn with GEBCorp will present a second valuation report to the Board concerning the County's Defined Benefit Retirement Plan.

Mr. Steve Vaughn presented the second valuation report to the Board. He explained that this second valuation report accounted for the first six months of the County's Defined Benefit Retirement Plan–beginning from January 1, 2010. He told the Board that the Defined Benefit Plan is continuing to exceed expectations in terms of costs and funding levels. He continued saying when the Defined Benefit Plan was being considered by the Board, two separate actuarial groups estimated that the plan would cost Fayette County approximately 3.8% of covered payroll for the year 2010, but the cost of the plan was less than projected and is at 2.5% of covered payroll. He encouraged the Board to continue contributing the 3.8% of covered payroll in order to build up reserves and credit balances for years where "actuarial assumptions do not meet reality", and in order to build a "rainy day fund". He repeated that the Defined Benefits program continues to remain a low-cost program and below actuarial projections. He explained that Fayette County's funding ratio for the plan was 103.4% meaning that it is in excess of the accumulated plan benefits, and he concluded that on January 1, 2010, Fayette County had a credit balance with its Defined Benefits Plan. He mentioned that since Fayette County is continuing to pay more than the actual cost of the plan, that it would continue to have a credit balance, in the amount of approximately $400,000, on January 1, 2011. He indicated that Fayette County's Defined Benefit Plan is an example of a good plan, and he summarized that he would like to have Fayette County's plan implemented throughout the State of Georgia. It was also noted that Fayette County is saving approximately $500,000 annually as compared to its previous retirement plan, despite the fact that it is overfunding its Defined Benefit Plan. Discussion followed. The Board requested County Administrator Jack Krakeel to remind GEBCorp to have the next valuation report on a timely basis, beginning with the second quarter of next year.

The Board gave no direction and took no action on this item. A copy of this request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

D. Further consideration of a revised Fayette County Ethics Ordinance.

County Attorney Scott Bennett presented the revised Fayette County Ethics Ordinance to the Board for formal approval. He explained that when the proposed revisions were last discussed at the November 3, 2010 Workshop meeting that there were some proposals that the Board asked to be corrected or changed, including language that indicated that the County Attorney would provide legal advice should an Ethics Panel be convened. He informed the Board that those changes and corrections were made. Chairman Smith then suggested additional wording to the proposed revisions to the Ethics Ordinance. The Board clarified the Chairman's suggestion, and it requested that additional changes and paragraphs to the revised Fayette County Ethics Ordinance be added. Discussion followed.

Commissioner Frady moved to adopt Ordinance 2010-10, revising the Fayette County Ethics Ordinance, including the following recommended changes: (1) Substitute Paragraph Four, located on Page 6, with a new paragraph Four which reads: *The Board of Commissioners shall also nominate and select two alternate members to serve in the event there is a conflict of interest or an inability to serve by one of the members not chosen to serve*; (2) Add a new paragraph on Page 6, identified as Paragraph Five, which reads: *If a member, or members, or the boards of ethics have a conflict of interest in any manner, the remaining board members will select one of the two alternate members to serve on the board of ethics*; and (3) Include language in Paragraph Six, located on Page 6, stating that the two alternate board members serve concurrent terms with the first two members of the board of ethics . Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and are made an official part hereof.

E. Consideration of adoption of Ordinance 2010-09, proposed amendments to Fayette County Code, Chapter 8, Development Regulations, by amending Articles V and VII.

Stormwater Management Director Vanessa Birrell discussed the proposed amendments with the Board. She noted that Article V was not ready for formal adoption and asked the Board only to consider the amendments to Article VII. She added that there were no changes placed in the proposed amendments since the time the Board last saw them during the November 3, 2010 Workshop meeting. No discussion followed.

Commissioner Horgan moved to adopt Ordinance Number 2010-09, approving proposed amendments to Fayette County Code, Chapter 8, Development Regulations, Article VII, Watershed Protection. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request and Ordinance 2010-09, identified as "Attachment 12", follows these minutes and are made an official part hereof.

F. Consideration of staff's recommendation to award Proposal No. P764 to Jacobs Engineering Group, Inc. to conduct post-closure environmental monitoring and compliance activities, and to allow a $11,000 Fiscal Year 2011 budget adjustment to recognize an increase in the revenue and expenditure accounts for Solid Waste hosting fees.

Stormwater Management Director Vanessa Birrell discussed Proposal No. P764, and staff's request for a $11,000 budget adjustment with the Board. She explained that the monitoring and compliance activities are required by the State and the monitoring occurs on a monthly basis. She added that proposal called for the monitoring of methane gas and groundwater, a methane remediation study in anticipation of operation and maintenance upgrades needed for both passive and active systems, as well as a greenhouse gas report in

order to comply with a new Federally-mandated requirement. It was also noted that the $11,000 budget adjustment covered expenses for Fiscal Year 2011, but that a similar request would be made for the Fiscal Year 2012 budget. Mrs. Birrell noted that once the methane remediation study was completed, it goal would be to stop monthly monitoring and begin with quarterly monitoring. Discussion followed.

Commissioner Horgan moved to approve staff's recommendation to award Proposal No. P764 to Jacobs Engineering Group, Inc., for a twelve-month period, in an amount not to exceed $82,270 in order to conduct monthly post-closure environmental monitoring and compliance activities, to authorize a $11,000 Fiscal Year 2011 budget adjustment recognizing an increase in the revenue and expenditure accounts for Solid Waste hosting fees, and to authorize the Chairman to sign the forthcoming contract contingent upon the County Attorney's review. Commissioner Frady seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

NEW BUSINESS:

G. Approval of Board of Commissioners November 3, 2010 Workshop Minutes. Commissioner Frady was not present for this Workshop Meeting.

There was no discussion on this item.

Commissioner Horgan moved to approve the November 3, 2010 Board of Commissioners Workshop Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Frady abstaining from the vote.

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

ATTORNEY'S REPORT

Woverton & Associates, Incorporated Contract: County Attorney Scott Bennett reported that the contract between Fayette County and Woverton and Associates, Incorporated, was for engineering and design services. He continued that the Board award the Bid to Woverton and Associates on October 28, 2010 in an amount not to exceed $55,800. He noted that there were some options associated with the bid, and therefore, the final cost for the contract could be less than $55,800. He concluded that the contract was ready for the Chairman's signature should the Board approve. No discussion followed.

Commissioner Horgan moved to approve a contract for Engineering and Services for SPLOST Project No. FC-15, Intersection Improvements at Goza Road, Inman Road, and SR 92, as described in Bid #765, to Woverton & Associates, Inc., in an amount not to exceed $55,800. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the contract, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Middle Georgia Outdoor Lighting, Incorporated Contract: County Attorney Scott Bennett reminded the Board that on October 14, 2010, it awarded Proposal #P760 to Middle Georgia Outdoor Lighting, Incorporated, to upgrade the lights at Kiwanis Park Baseball Field #7 in the amount of $122,260 and McCurry Park Softball Field #3 in the amount of $101,975. He reported that all the bonds were in place, and he asked the Board to authorize the Chairman to sign the contract.

Commissioner Horgan moved to approve a contract for the replacement of Sports Lighting for Kiwanis Park #7 and McCurry Park Softball Field #3, as described in Proposal #P760, with Middle Georgia Outdoor Lighting, Inc., for a total sum of $224,235.00. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the contract, identified as "Attachment 15", follows these minutes and is made an official part hereof.

STAFF REPORTS

Hazardous Mitigation Plan and Grant Awards: Public Safety Director Allen McCullough presented a document to each Commissioner before reporting that Public Safety recieved official correspondence from the Georgia Emergency Management Agency (GEMA) that the County's Hazardous Mitigation Plan was approved. He explained that the plan was actually the second in a series of plans required by the State's Emergency Management Office, and that the plans enable Fayette County to be eligible for various types of grant opportunities. He reminded the Board that Mitigation Plan pre-identifies those areas that historically have been hazardous in Fayette's jurisdiction, and it allows the County to take efforts to address those areas. He noted that an additional benefit to an approved Hazardous Mitigation Plan was that it supported the municipalities located within Fayette County. Chief McCullough then spoke about the document he presented to the Board at the beginning of his report, and he said that it detailed the numbers of grants his department has received during the past decade, aggregating to approximately $5.6 million. In closing, he further reported that the County had received another grant, in the amount of $83,000, to add three additional early warning sirens throughout Fayette County. County Administrator Jack Krakeel also added that the approval of the Hazardous Mitigation Plan also allowed Fayette County to receive federal disaster assistance in case there was an emergency within its jurisdiction. The Board thanked Chief McCullough for the report, and encouraged him and his staff to continue doing excellent work. A copy of the report given to the Board, identified as "Attachment 16", follows these minutes and is made an official part hereof.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

Personnel: Chairman Smith stated he had personnel items to discuss in Executive Session.

Commissioner Horgan moved to recess into Executive Session for the purpose of discussing personnel issues. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board recessed into Executive Session at 8:23 p.m. and returned to Official Session at 8:55 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating personnel items were discussed during Executive Session. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 17", follows these minutes and is made an official part hereof.

ADJOURNMENT

No further business came before the Board. Chairman Smith adjourned the November 18, 2010 Board of Commissioners meeting at 8:56 p.m. without an objection.

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 9th day of December 2010.

Floyd L. Jones, Deputy Clerk