Minutes

Board of Commissioners
October 11, 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 October 11, 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 L. Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the October 11, 2012 Board of Commissioners' meeting to order at 7:01 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 McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

1. Recognition of the Cancer Wellness Walk Committee.

Vice-Chairman Robert Horgan commented on the work of the Cancer Wellness Walk Committee and Cancer Wellness at Piedmont Fayette Hospital before he read a resolution thanking the Cancer Wellness Walk Committee for its fund-raising efforts on behalf of Cancer Wellness. Ms. Vicki Turner, representing the Cancer Wellness Walk Committee and Ms. Tavari Brown, representing Cancer Wellness at Piedmont Fayette Hospital, also spoke about the needs and efforts to provide support to those affected by cancer. A copy of the request and resolution, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Randy Ognio: Mr. Ognio commented on Consent Agenda Item 1 saying he did not know why anyone would enter into a bid process with Fayette County since vendors respond to invitations for bid only to have their bids beaten down to competitor's prices. Mr. Ognio then spoke about Consent Agenda Item 3 by asking if an engineer had looked at the existing burn building to assess its condition. Mr. Ognio thought it was ironic that Consent Agenda Items 7 and 8 were next to each other since once spoke about a water shortage and the other was requesting the ability to close a well. He closed by talking about New Business 1, asking if the bridge on Westbridge Road would be a curved bridge and what safety implications were considered for a curved bridge.

CONSENT AGENDA:

Commissioner Brown requested the Board to remove Consent Agenda Item 4 for discussion.

Commissioner Horgan moved to approve Consent Agenda Items 1-9 excluding Consent Agenda Item 4. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's recommendation to award Proposal #P838- Emergency Operations Center (EOC) Architectural Design to Wakefield Beasley & Associates, in the amount of $162,000.00, for architectural design and development of bid documents for the proposed EOC and Headquarters, and to authorize the Chairman to sign the contract and associated documents contingent upon the Attorney's review. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

2. **Approval of staff's request to transfer $19,000.00 from three Computer Technology CIP accounts for the Fire, EMS, and Public Safety Departments into three FY2013 Operations and Maintenance (O&M) budgets- Communications Services accounts, for the operation of Verizon Wireless devices supporting the mobile Computer Aided Dispatch (CAD) program. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

3. **Approval of staff's request to award Bid #846- Conex Box for Burn Building (Project No. 3270A) to Containers Unlimited, LLC, in the amount of $31,045.00, for the purchase of a Conex Box for the Training Center's Burn Building, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of staff's request to authorize a one-year contract extension with Tag Grinding Services for short term debris removal during times of extreme inclement weather or declared county disaster, with said extension to commence on October 27, 2012, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review.**

   Commissioner Brown pointed out that the agenda request explained that a reason to extend the contract was due, in part, to the amount of time required to work through the Request for Proposals (RFP) process. He hoped that, given the financial situation that Fayette County is in, staff would take the time to review the RFP and actually bid it out the work since the contract has expired. He added that the RFP process should be simple since one had recently been worked out.

Deputy Fire Chief Tom Bartlett explained how going through the RFP process would bring an encumbrance on staff which would not be justified by the results. He said Public Safety has a track history with this request, and it knows the expected amount, and there were hundreds of hours that went in to finishing the complete RFP review last year. Mr. Bartlett closed saying staff anticipated a one-year renewal with Tag Grinding when it entered into contract with them last year, and that was why the contract included the ability to enter into the extended year.

Commissioner Brown asked if staff would ask for another one-year extension when the currently requested one-year extension expires next year. Chief Bartlett replied that staff would not ask for another one-year extension next year since he understood that this was the only one-year extension available in the original contract.

Commissioner Brown moved to authorize a one-year contract extension with Tag Grinding Services for short term debris removal during times of extreme inclement weather or declared county disaster, with said extension to commence on October 27, 2012, and authorization for the Chairman to sign the contract or related documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and contract extension, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. **Approval of staff's request to submit a new Inert Landfill Permit-by-Rule application to the Georgia Environmental Division for the purpose of establishing a new inert landfill on county property. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

6. **Approval of the Water Committee's recommendation to place the Lake McIntosh monument at the end of the cul-de-sac overlooking the pump house and dam at Lake McIntosh. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

7. **Approval of the Water Committee's recommendation to authorize Water System Director Tony Parrott to contact the Georgia Department of Natural Resources' Environmental Protection Division requesting a variance from State Outdoor Water Use Schedules to restrict outdoor watering for any purpose to an odd / even day schedule and with no outdoor watering permitted on Fridays. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

8. **Approval of the Water Committee's recommendation that the Water System will no longer use the Willowbend Well in Peachtree City as a water source. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**

9. **Approval of the September 27, 2012 Board of Commissioners Minutes.**

NEW BUSINESS:

1. **Consideration of Resolution 2012-20 authorizing the acquisition of land and easements in Fayette County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A Section 32-3-4 through Section 32-3-19, for parcels of certain real property identified on the right of way plans for the necessary re-alignment and bridge construction for Westbridge Road.**

County Attorney Scott Bennett reported that whenever Fayette County needs land for a road project, the County has to adopt a resolution authorizing the need. He explained that Fayette County is in negotiations with two property owners and that the County is trying to reach an amicable price with those property owners. However, he pointed out that the County has reached the place where the property owners will either have to commit to work with the County or the County will have to condemn the property. He said that, in order to condemn property, the County will need to adopt a resolution saying it needs the property. He explained that Fayette County has already drawn the right of way plans, and that the plans only required the property in the right of way, so that the bridge can be constructed and the road can be realigned. He summarized that the resolution would establish the need for the land, that the Board has previously approved the project, and that the County has been in negotiations for the land.

Chairman Frady noted that Westbridge Road is not part of the West Fayetteville Bypass project. Mr. Bennett agreed with the Chairman saying it is a separate project from the West Fayetteville Bypass, and that is why it requires a separate resolution.

Commissioner Horgan moved to adopt Resolution 2012-20 authorizing the acquisition of land and easements in Fayette County, Georgia, by negotiated contract or condemnation pursuant to provision of O.C.G.A Section 32-3-4 through Section 32-3-19, for parcels of certain real property identified on the right of way plans for the necessary realignment and bridge construction for Westbridge Road. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition. A copy of the request and Resolution 2012-20, identified as “Attachment 10", follow these minutes and are made an official part hereof.

2. Consideration of staff’s request to enter into Intergovernmental and Services Franchise Agreements with the Town of Woolsey that would allow Fayette County to provide stormwater management services to the Town of Woolsey and to bill residents of the Town of Woolsey for said services, and authorization for the Chairman to sign the agreements contingent upon the County Attorney’s review.

Stormwater Management Director Vanessa Birrell explained that this request is for consideration for the Town of Woolsey to become an extension of Fayette County’s Unincorporated Stormwater Management Service. She reminded the Board that during the initial feasibility studies, the Board indicated that it had an interest in exploring a multi-jurisdictional approach for those locations the County already provides services for; specifically, for the towns of Brooks and Woolsey and with an option for the Town of Tyrone. She reported that the Town of Brooks is still in the process of deciding, that the Town of Tyrone has made no indication that they want to be considered, and that the Town of Woolsey has expressed its interest by signing the two agreements.

Commissioner Hearn moved to approve staff’s request to enter into Intergovernmental and Services Franchise Agreements with the Town of Woolsey that would allow Fayette County to provide stormwater management services to the Town of Woolsey and to bill residents of the Town of Woolsey for said services, and to authorize the Chairman to sign the agreements contingent upon the County Attorney’s review. Commissioners Horgan and Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Intergovernmental Agreement, identified as “Attachment 11", follow and are made an official part hereof.

[**Clerk's Note:** On October 12, 2012, County Attorney Scott Bennett advised that the Services Franchise Agreement should not be signed by the Chairman since it would provide a long-term obligation on Fayette County. The County Attorney did agree that the Chairman should sign the Intergovernmental Agreement with the Town of Woolsey.]

3. Consideration of reappointment of Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2012 and ending October 31, 2013.

Commissioner Horgan stated that Mr. Cardoza has stated he would be more than happy to work on the Fayette County Public Facility Authority, and he recommended Mr. Cardoza as a candidate for a one-year term commencing November 1, 2012 and expiring October 31, 2013.

Commissioner Horgan moved to reappoint Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2012 and ending October 31, 2013. Chairman Frady seconded the motion.

Commissioner Brown replied that he knows Mr. Cardoza who is a "nice fellow", and that Mr. Cardoza serves on two separate authorities for Fayette County. He pointed out that Fayette County has a lot of intelligent people living in it so there is no reason for one person to serve on two authorities, and that other people should be given the opportunity to serve. He summarized that, in keeping with his prior votes as they relate to County appointments, and given that the current appointment was not publically advertised, he would not vote in favor of the reappointment.

Chairman Frady asked if members of the Public Facilities Authority could reappoint themselves. Interim County Administrator Jack Krakeel replied that members could succeed themselves annually, but their succession is done through the Board's reappointment process. He also reminded the Board that there are three members who serve on the Public Facilities Authority, and that the other two members have not expressed an interest in continuing in their positions; meaning those positions would become vacant on October 31, 2012. Chairman Frady suggested that those two remaining positions be placed on the November 7, 2012 Workshop Agenda since the appointed members would have to serve until they are replaced.

The motion to reappoint Brian Cardoza to the Fayette County Public Facilities Authority for another one-year term commencing November 1, 2012 and ending October 31, 2013 passed 3-2 with Commissioners Brown and McCarty 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:

There was no Administrator's Report.

ATTORNEY'S REPORTS:

Notification of Ethics Complaint: County Attorney Scott Bennett reported an Ethics Complaint has been filed against him by two citizens in Fayette County. He then explained the Ethics Complaint and its accusations, told about the circumstances and reasons he thought led up the complaint, and answered questions from the Board.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty noted that during his last report, he spoke about Fayette County's fantastic E-911 system. He reported that, unfortunately, his family had to use the service again, but that, again, the service is extraordinary in what they do. He recognized Public Safety Director Allen McCullough and all of his staff, and he thanked them all for what they have done for Fayette County.

ADJOURNMENT:

Commissioner Hearn moved to adjourn the October 11, 2012 Board of Commissioners Meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The October 11, 2012 Board of Commissioners meeting was adjourned at 7:40 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 25th day of October 2012.

Floyd L. Jones, County Clerk