Minutes

Board of Commissioners
April 7, 2010
3:30P.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, April 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 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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Chairman Smith called the meeting to order.

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

OLD BUSINESS:

A. DISCUSSION OF PROPOSED AMENDMENTS TO THE COUNTY'S OCCUPATIONAL LICENSE ORDINANCE:

County Attorney Scott Bennett discussed this item with the Board. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He remarked that there had been some issues regarding occupation tax certificates versus business licenses. He said in the past there had been some amendments to the Code and he suggested clearly separating out the businesses that the County would license versus all business that the County charges occupational tax. He said the portion of the ordinance that he was currently working on was the business license portion. He noted that the County only requires a license for very few occupations in the County. He said this ordinance will license carnivals, canvassers, personal care homes, and coin operated machines. He said Finance staff had reviewed this and he would bring a draft ordinance to the Board at the May 5th meeting for further discussion and possible action.

B. PRESENTATION OF THE MONTHLY UPDATE ON THE COUNTY'S 2010 TRANSPORTATION WORK PLAN BY PUBLIC WORKS DIRECTOR PHIL MALLON:

Public Works Director Phil Mallon gave his monthly update to the Board on the County's 2010 transportation work plan. A copy of the request and backup is identified as "Attachment No. 2", follows these minutes and are made an official part hereof.

NEW BUSINESS:

C. CONSIDERATION OF STAFF'S RECOMMENDATION TO AWARD THE BID FOR THE INSTALLATION OF A TRAFFIC SIGNAL FOR THE WEST FAYETTEVILLE BYPASS PHASE I, AT THE NEW INTERSECTION OF SR 54 AND THE BYPASS, TO AMERICAN CONTRACTORS, INC. IN THE AMOUNT OF $624,529.82:

Carlos Christian, Transportation Engineer for the Road Department, discussed this item with the Board. He remarked that by the bid closing date, staff had only received one bid. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He said staff had received favorable recommendations from the work that American Contractors, Inc. has done. He remarked that this contractor would be ready to proceed as soon as the bonds and the proper insurance was provided. He also remarked that the Notice to Proceed had also been issued.

County Administrator Jack Krakeel said he had met with David Jaeger of Mallett Consulting as well as staff and expressed concern when he became aware that there was only one bidder for this project. He said it was his understanding from some of the other contractors that there were various reasons why they had not bid on this contract. He said there was only one contractor who had a technical reason for not bidding and that was because it had been sent out as a lump sum bid rather than individual pricing. He said the rest of the vendors had various reasons for not bidding none of which were project related. He said one vendor had a concern about having to hire a number of subcontractors working the D.O.T. right-way-way because they did not have qualified personnel to work within this right-of-way. He noted that all of the vendors that were contacted said they would bid future County projects.
Commissioner Hearn expressed concern in awarding this bid for $624,529.82 with only one contractor. He felt a lump sum bid would work well with small projects but large projects should have unit pricing. He suggested this be rebid so that the bid could be broken down in unit pricing.

Mr. Christian remarked if the County rebid this project it would not only lose an additional six to eight weeks but would also push the schedule window further out. It might even push the work into the Fall and possible rain delays.

Commissioner Maxwell made a motion to approve staff's recommendation to award the bid for installation of a traffic signal for the West Fayetteville Bypass Phase I, at the new intersection of SR 54 and the Bypass, to American Contractors, Inc. in the amount of $624,529.82 with the provision that, pending the County Attorney's approval, the Chairman be authorized to execute this contract. Commissioner Frady seconded the motion. The motion carried 4-1 with Commissioner Hearn voting in opposition**.** A copy of the contract, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

D. CONSIDERATION OF STAFF'S RECOMMENDATION TO AWARD PROPOSAL #P739, STORM DRAINAGE PIPES AND STRUCTURES FOR THE WEST FAYETTEVILLE BYPASS PHASE I, SOUTH OF SR 54, TO SOUTHERN CRESCENT SITE DEVELOPMENT IN THE AMOUNT OF $112,421.87:

Carlos Christian, Transportation Engineer for the Road Department, discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof. He

remarked that six bids had been received and after reviewing the pricing, staff was recommending bid award to the apparent low bidder Southern Crescent Site Development in the amount of $112,421.87.

Commissioner Horgan made a motion to approve staff's recommendation to award Proposal #P739, storm drainage pipes and structures for the West Fayetteville Bypass Phase I, South of SR 54, to Southern Crescent Site Development in the amount of $112,421.87 with the provision that, pending the County Attorney's approval, the Chairman be authorized to execute this contract. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

E. CONSIDERATION OF STAFF'S RECOMMENDATION TO AWARD PROPOSAL #P744, MISCELLANEOUS CONCRETE WORK FOR THE WEST FAYETTEVILLE BYPASS PHASE I, SOUTH OF SR 54, TO MACHINE CONSTRUCTION CO., INC. IN THE AMOUNT OF $92,645.30:

Carlos Christian, Transportation Engineer for the Road Department, discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof. He said three bids had been received on this project and staff was recommending bid award to the apparent low bidder Machine Construction Co., Inc. in the amount of $92,645.30.

Commissioner Hearn made a motion to approve staff's recommendation to award Proposal #744, miscellaneous concrete work for the West Fayetteville Bypass Phase I, South of SR 54, to Machine Construction Co., Inc. in the amount of $92,645.30 with the provision that, pending the County Attorney's approval, the Chairman be authorized to execute this contract. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

F. CONSIDERATION OF STAFF'S RECOMMENDATION THAT THE COUNTY ENTER INTO A "SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT" BETWEEN FAYETTE COUNTY AND THE SECRETARY OF STATE'S OFFICE:

Elections Director Tom Sawyer discussed this item with the Board. He remarked that in 2002 the County had entered into the original Intergovernmental Agreement with the State when the Secretary of State actually put the current voting system in place and it was basically a loan on their part to the County. He said in 2005 the first amendment to this Agreement came out and the State put forth the express polls. He said the second agreement was in regard to the equipment that was now not able to pass acceptance, testing or could not be repaired. He said this amendment would allow for disposal of any equipment that met the criteria for disposal. He said all of the counties in the State of Georgia must execute this Second Amendment to the Intergovernmental Agreement. He asked for the Board's consideration to approve this agreement and authorize the Chairman to execute same.

County Attorney Scott Bennett interjected that he had reviewed this Agreement and noted that every County in the State was being required to have it executed.

Commissioner Frady made a motion to approve staff's recommendation that the County enter into a "Second Amendment to the Intergovernmental Agreement" between Fayette County and the Secretary of State's Office and authorize the Chairman to execute said Agreement. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the request and Intergovernmental Agreement, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

G. CONSIDERATION OF WATER COMMITTEE'S RECOMMENDATION TO AWARD THE BID FOR REPAIRS TO FILTER #6 AT THE SOUTH FAYETTE WATER TREATMENT PLANT TO REHAB CONSTRUCTION COMPANY IN THE AMOUNT OF $101,000:

Water System Director Tony Parrott discussed this item with the Board. He remarked that this particular filter was approximately 10 years old. He asked for the Board's consideration to award the bid for repairs to Filter #6 at the South Fayette Water Treatment Plant to Rehab Construction Company in the amount of $101,000.

Commissioner Horgan made a motion to approve the Water Committee's recommendation to award the Bid for Repairs to Filter #6 at the South Fayette Water Treatment Plant to Rehab Construction Company in the amount of $101,000. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

H. DISCUSSION OF STAFF'S RECOMMENDATION TO RENEW ITS AGREEMENT FOR EXCESS WORKERS' COMPENSATION INSURANCE AND CLAIMS SERVICE WITH MIDWEST EMPLOYERS CASUALTY COMPANY FOR ONE YEAR:

Director of Human Resources Connie Boehnke discussed this item with the Board. She said it was staff's recommendation to renew the County's agreement with Midwest Employers Casualty Company for a period of one year for Workers' Compensation excess insurance and claims service. She noted that staff would be recommending that next Spring there would be a comprehensive review of both aspects of the self-insured workers' compensation.
Chairman Smith stated that this item was only for discussion today and it would come back to the Board for action on April 22nd. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORT:

AMENDMENT OF PAYMENTUS AGREEMENT: County Administrator Jack Krakeel asked for the Board's consideration to approve an Amendment of the Paymentus Agreement with the County in order to include on-line payments for Parks and Recreation Department activities. He noted that this was the firm that provides credit card transactional processing for Water System payments on-line. He said staff would like to expand this program to include other departments to create the same level of capability.

Commissioner Horgan made a motion to approve Amendment of the Paymentus Agreement with the County in order to include on-line payment for Parks and Recreation Department activities. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Amended Paymentus Agreement, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

RESOLUTION AND MODIFICATION TO THE STATE OF GEORGIA SOCIAL SECURITY AGREEMENT REGARDING ELECTION POLL WORKERS: County Administrator Jack Krakeel asked for the Board's consideration for the Chairman to execute a Resolution and a Modification of the State of Georgia Social Security Agreement regarding payment of social security taxes as it relates to poll workers. He said the County had two options in this matter (1) would be for the County to pay social security taxes recognizing that many poll workers would only work one day out of the year in one election; or (2) request an amendment to the 218 agreement approved in 1959 which would essentially allow the County to modify the agreement to a threshold of $1,500. He said the County could petition the State of Georgia for modification of the 218 agreement.

Commissioner Frady made a motion to authorize the Chairman to execute the Resolution as well as the modification to the Social Security Agreement with the County to exclude therefrom the services of employees in election officials

and election worker positions who earn less than $1,500 in a calendar year effective January 1, 2010 and for each year after 2010 in which the remuneration paid is less than the effective adjusted amount. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Resolution and Modification to the Social Security Agreement, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

ATTORNEY'S REPORT:
None.

STAFF REPORTS:
PHI MALLON: Public Works Director Phil Mallon updated the Board on the Comprehensive Transportation Plan underway as well as a regional update of the transportation plan.

BOARD REPORTS:
None.

EXECUTIVE SESSION:
None.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 5:08 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 22nd day of April, 2010.

Karen Morley, Chief Deputy Clerk