Minutes

Board of Commissioners
May 13, 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, May 13, 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 May 13, 2010 Board of Commissioners meeting to order at 7:03 p.m.
Commissioner Hearn gave 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. Presentation of a plaque to the County by the Fayette Heritage Committee marking the Historic County Courthouse as listed in the National Register of Historic sites.

Executive Assistant Carol Chandler and Water System Director Tony Parrott, who are both members of the Fayette Heritage Committee, presented a plaque to the Board that would identify the Historic County Courthouse as being listed in the National Register of Historic sites. Ms. Chandler reminded the Board that the

Fayette Heritage Committee had approached the Board in December 2008 asking permission to attach the plaque to the Historic County Courthouse to recognize that it had been included in the National Register of Historic sites since the year 1988. Chairman Smith read the plaque to the audience, after which Ms. Chandler thanked the Board for giving its permission to attach the plaque to the Historic County Courthouse. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Recognition of Lisa Quick for completing the Masters Education Management Development Certification Program through the Association of County Clerks' Program and provided by the University of Georgia's Institute of Government.

Executive Assistant Carol Chandler recognized a longtime employee of Fayette County, Ms. Lisa Quick, who serves Fayette County as the Administrative Manager for the Fayette County Water System. Ms. Chandler explained that Ms. Quick has earned the highest possible award offered by the Association of County Clerk's Program at the University of Georgia's Institute of Government – the Master's Education Management Development Certification Program. Ms. Chandler acknowledged that Ms. Quick is the first Fayette County employee to achieve this hard-earned certification. Ms. Quick thanked those present, saying that she has been a longtime employee with Fayette County, that it has been a pleasure to work for the County, and that the County has been very good to her. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Joyce Woodall: Ms. Joyce Woodall spoke to the Board of her efforts at Love-a-Pet, Incorporated, which she owns and operates. She informed the Board that she is registered in the State of Georgia as a nonprofit corporation, and that she is licensed by the Department of Agriculture as "Animal Rescue". She told the Board that Love-a-Pet is comprised of volunteers from in and around Fayette County who give their time, money, and effort to save the lives of companion animals. She said they are unpaid and only receive support from generous volunteers who want to reduce the suffering of abused, abandoned, and injured animals. She stated that her organization provides food and cat litter to the Fayette County Animal Shelter as well as to the Clayton County, Henry County, and Grantville Animal Shelters. She explained that her organization works to find homes for animals whose owners have lost their homes during this economic downturn, and she spoke about her organization's involvement with PetSmart, local veterinary hospitals, and police departments for the treatment, care, and adoption of pets. Moreover, she continued that her organization utilizes people who are working community service, and that, while caring for animals is hard work, those who work in that type of environment leave with a healthy respect for life. She mentioned that a resident in the City of Fayetteville can have as many animals as desired without a license, but the same permission does not extend to residents in unincorporated Fayette County.

Ms. Woodall's time expired as she was making her appeal and her comments ended at that point.

Carol Gilbert: Ms. Carol Gilbert spoke in support of Ms. Joyce Woodall and Love-a-Pet, Incorporated. She said that she runs a landscaping company and that, about one year ago, two mother dogs began "hanging around" her business and other businesses in the area. She said the two dogs had puppies that began to scatter and were in danger of being killed so she called Joyce Woodall who came to the landscaping company within the hour to retrieve the dogs -- which were, until that time, unable to be caught. She continued that when Ms. Woodall arrived at the scene she got onto the ground, rolled around, and earned the dog's trust. She was able to take the two mother dogs and the puppies, had them treated by veterinarians, and all the puppies were able to find good homes. Ms. Gilbert was concerned about the number of animals that would have been "created" from the dogs if they were allowed to run loose. She added that since she runs a landscaping company she donates pine straw, lime, and other material to keep the animals alive and clean. She appealed to the Board not to "take away" Love-a-Pet from Fayette County.

John Simon: Mr. John Simon spoke in support of Ms. Joyce Woodall and Love-a-Pet, Incorporated. He said he came to the County Commission meeting because he was a little perplexed since it seemed that an individual and organization that are doing some good, especially for Fayette County, are "about to be taken away". He said he understood there are laws and ordinances that must be obeyed and that citizens are compelled to follow, but he implored the County to see if there is a way to make an exception or a variance so that Ms. Woodall and her organization could continue to provide a benefit to the community. He closed by appealing to the Board to do what it could to "keep the facility open that serves the Fayette community".

Tyler Bell: Mr. Tyler Bell spoke in support of Ms. Joyce Woodall and Love-a-Pet, Incorporated. He said he has been assisting Ms. Joyce Woodall for approximately three weeks by working community service for her. He explained that during his time with Ms. Woodall he has realized that she is doing "a lot of really great things" and it would be "horrible" if the County "shut her down". He told how she helped out his dog that was severely injured and about how he is fostering animals and finding good homes for those pets. He said she has helped him out personally and even when his community service is no longer required he will stand by her "no matter what". He hoped the Board could find a way to let her stay and continue taking care of animals.

Richard Clark: Mr. Richard Clark spoke in support of Ms. Joyce Woodall and Love-a-Pet, Incorporated. He said he met Ms. Woodall several months ago after a large dog attacked one of his chiwawas and severely injured it. He said he went to several veterinary hospitals but they would not help take care of his dog since he did not have any money. A friend of his put him in contact with Ms. Woodall who, without question, placed the chiwawa in a hospital in Peachtree City where it had surgery that saved the dog's life. He said he is very thankful to Ms. Woodall for all her support during that time. He continued saying a few months later he adopted another dog from Ms. Woodall. He suggested that the Board should give Ms. Woodall an accommodation for what she is doing since she is providing a great service for the people of Fayette County. He concluded by asking for the Board to allow Ms. Woodall to continue doing what she is doing, and he thanked Ms. Woodall for what she did for him and his family.

Kimberly Maupin: Ms. Kimberly Maupin spoke in favor of Ms. Joyce Woodall and Love-a-Pet, Incorporated. She told about when she found a litter of kittens and their mother in some bushes at her house. She did not have the ability to take care of the cat and kittens, and she was concerned the mother would continue to give birth to more kittens. She was also concerned the kittens ran a risk of becoming wild and hurting people. She went to PetSmart who put her in contact with Ms. Woodall, who agreed to help treat the animals, have them evaluated by a veterinarian, and find good homes for them. She did not understand why a person who keeps animals for only a certain amount of time is being denied that ability when it prevents overpopulation. She asked that the County allow Ms. Woodall to continue to find "best friend matches" for the cats and not to "shut her down".

Melissa Yeats: Ms. Melissa Yeats spoke in favor of Ms. Woodall and Love-a-Pet, Incorporated. She stated that she has known Ms. Woodall for about eleven years and that it takes a special person to do what she does. Ms. Yeats said Ms. Woodall is the one who helped her begin her own special work of taking care of special needs animals. Ms. Yeats reemphasized that Ms. Woodall utilizes people who are mandated to perform community service and that many teenagers desire to work with her since she is "such a good person". She said those efforts help keep the kids focused on the "good things of life". She stated that unincorporated Fayette County has a three-animal limit, but she asked "where the problem was" if Ms. Woodall is fostering animals that are with her for only a short period of time. She asked that efforts be made to allow the organization to continue.

Bonnie Schaff: Ms. Bonnie Schaff spoke in support of Ms. Woodall and Love-a-Pet, Incorporated. She informed the Board that she works at Braelinn Animal Hospital in Peachtree City and that she has known Ms. Woodall for about three or four years. She said Ms. Woodall and her volunteers have the "biggest hearts she has ever seen". She explained that she has three rescue animals herself – the last two of which she acquired from Ms. Woodall. She said those two

rescue animals would not be alive today had it not been for Ms. Woodall. She asked that the Board weigh the pluses and the minuses in this case: the pluses being the animals are living and bonding with humans who need help and the minuses being overpopulation of animals.

Rhonda Davis: Ms. Rhonda Davis spoke in support of Ms. Woodall and Love-a-Pet, Incorporated. She said she has been a resident of Fayette County for approximately 20 years and during those years she has supported the Fayette County Humane Society as well as other humane societies. She said there seems to be a lack of help available to animal lovers when they find animals on the street. She said while people may call Fayette County Animal Shelter for a need they have, they do not get return calls. She continued by saying Ms. Woodall will come right away and will do everything she can to take care of the animals, to save their lives, and make them better. She noted that animals come and go frequently in her home since she takes them in temporarily in order to find a place for them. She concluded Ms. Woodall has met a need that Fayette County has, and that she appreciated having Ms. Woodall in Fayette County.

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 extend Bid #709, Grass Mowing to SSFW Landscape Management, North Georgia Land Services, and Star Valley Landscape for an additional year beginning July 1, 2010, at an aggregate cost of $52,715.00. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

2. **Approval of staff's recommendation to award Bid #749, Grass Mowing, to SSFW Landscape Management for Kiwanis Park grass cutting for one year at a total cost of $27,916.00. 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 to award bids for asbestos remediation of county-owned properties to Certified Environmental and to American Environmental at an aggregate cost of $18,571.11 utilizing Contingency Funds. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

4. **Approval of staff's recommendation to award RFP #P730 PRI Circuit Replacement to Deltacom for the service agreement to replace the PRI (Primary Rate Interface) Telecommunications Circuit on McDonough Road. 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 accept a grant from the Georgia Emergency Management Agency to replace a generator at Fire Station No. 8 and proceed with the bid process for purchase of the new generator. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

6. **Approval of staff's recommendation to execute a Corrective Action Agreement with the Georgia Environmental Protection Division for Corrective Action Plan Part A. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

7. Consideration of the staff's request to renew the annual agreement between Fayette County and the University of Georgia for the provision of the Cooperation Extension Service and Programs in Fayette County for the period beginning July 1, 2010 and ending June 30, 2011. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Approval of the April 22, 2010 Board of Commissioners Minutes.

OLD BUSINESS:

C. Continued discussion of proposed amendments to the County's Occupational License Ordinance.

County Attorney Scott Bennett reminded the Board that the proposed amendments to the County's Occupational License Ordinance had been discussed during the April 7, 2010 Workshop Meeting. He informed the Board that two ordinances had been prepared. He noted if they were adopted they would entirely delete both Chapter 6 and Chapter 11 of the current Code of Ordinances, Fayette County, and they would replace the two old chapters with new chapters. Ordinance Number 2010-01 would create a new Chapter 6 that would be entitled "Business Licenses". Ordinance Number 2010-02 would create a new Chapter 11 that would be entitled "Occupation Tax". He recalled the Board had questioned how Business License fees were decided. He informed the Board that the "Occupation Tax changes the form of the ordinance but it does not actually change the imposition of the tax or the amount" collected. No discussion followed.

Commissioner Horgan moved to adopt Ordinance 2010-01 and Ordinance 2010-02 as related to Occupational Taxes and Business Licenses. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, Ordinance 2010-01, and Ordinance 2010-02, identified as "Attachment 10", follow these minutes and are made an official part hereof.

D. Approval of staff's recommendations related to strategies for managing financial investments.

Finance Director Mary Holland and Mr. Tom Tight, representing Cutwater Asset Management, briefly explained the proposed strategies for managing Fayette County's financial investments. Ms. Holland reminded the Board that Fayette County has an agreement with Cutwater Asset Management for its investment services, and that staff has been working with Cutwater during the past couple of months to develop a recommended investment strategy. She told the Board that the recommendation being made to Fayette County is to create two portfolios: an enhanced cash portfolio and a core portfolio. She added that the staff's recommendation also included naming a custodian for the two portfolios who would maintain the invested funds. She informed the Board that Cutwater Asset Management had already obtained several quotes for custodianship of the portfolios and that Bank of New York has been recommended to serve as that custodian. She asked the Board to approve staff's recommendation to move forward with the investment strategies as explained.

The Board questioned Ms. Holland and Mr. Tight regarding the types of funds that would be included in the investment strategy, if the proposed recommendations dovetailed into Fayette County's current investment strategy, the risk or exposure Fayette County could experience in the current economy, if only government instruments were being utilized, and if what was being proposed was active management of the invested funds.

Ms. Holland and Mr. Tight answered the questions saying the recommended investment strategy would "cross all funds" but would still leave the County with the needed funds to continue its operations, that it did dovetail with the County's current investment strategy, that the County's risk would be minimal; that the proposed strategy would potentially double what the county is currently earning with its investments, that only government instruments were being utilized, and that there would be some active management in the invested funds. Other discussion occurred.

Commissioner Frady moved to approve the investment strategies, as presented, by working with Cutwater Asset Management in their role as investment advisor. Commissioner Horgan seconded the motion. No discussion followed and the motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

NEW BUSINESS:

E. Approval of staff's recommendation to award Proposal #P742 for professional services of a Certified Public Accountant for financial and compliance audits to Nichols, Cauley & Associates, LLC. for fiscal years 2010 - 2014 at a cost of $349,920.00.

Finance Director Mary Holland explained staff's recommendation to award Proposal #P742 to Nichols, Cauley & Associates by informing the Board that its current contract with Cherry, Bekaert, and Holland, LLP. would expire in 2010. She told the Board that Requests for Proposals (RFP) were issued for auditing services and that nine auditing firms responded. She continued that based on the committee's review of the nine proposals, which were based on several factors, staff was prepared to recommend Nichols, Cauley & Associates for auditing services for the fiscal years 2010 -2014 at a total cost of $349,920.00. Additional explanation of the recommendation followed.

Commissioner Hearn asked how the recommended firm competed, with respect to cost, with the other eight firms who submitted proposals. Ms. Holland replied that she recalled they were the third lowest bidder among the eight proposals. She reiterated that there were a number of factors that determined which firm would be recommended, and that cost was only one of those factors. When asked to provide the other factors under consideration, Ms. Holland replied they were: responsiveness, technical expertise, staff qualifications; firm size and structure, prior experience, references, and cost.

Commissioner Maxwell noted that he did not have any supporting documentation or information provided to him regarding this recommendation, acknowledged that simply because a firm is the lowest bidder does not make them automatically the best choice, but thought it would be difficult to make a vote in favor of the recommendation due to a lack of supporting information.

Chairman Smith replied that he understood Commissioner Maxwell's concern but noted that there is much merit to the recommendation since it is coming from staff and that there is a $50,000 less cost to the County than what the County is currently paying. He thought the recommended cost for the auditing service was "in the ballpark of something that is reasonable." He added if there was no benchmark to measure against he would have more concern.

Commissioner Horgan agreed with Commissioners Maxwell and Hearn. He said he appreciated that the County would save approximately $50,000 from its current contract but it would certainly behoove the Board to see the matrix that was used in making the recommendation and how the other firms who submitted proposals compare.

The Board tabled the recommendation to the May 27, 2010 Board of Commissioners meeting and directed more information be provided supporting the recommendation. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

F. Consideration of an agreement between Fayette County and the Town of Brooks allowing the County to assume operational responsibility of the Brooks Water System.

County Administrator Jack Krakeel and Mayor Dan Langford of the Town of Brooks explained to and discussed with the Board an agreement that had been drafted and approved by the Brooks Town Council that would allow Fayette County to assume operational responsibility of the Brooks Water System.

Mr. Krakeel began by reminding the Board that, approximately six to nine months ago, Fayette County had received a request to initiate discussions with the Town of Brooks regarding the operation of the Brooks Water System; specifically whether a cooperative arrangement could be facilitated between Brooks and the County for operational purposes. He continued that he brought the request to the Board and it had directed him to continue to work on behalf of the County and represent it in discussions with the Town of Brooks. He reported that the discussions primarily centered between himself and Councilman Bob Rolander who was appointed by the Town Council and that a finalized agreement has been drafted with respect to the terms of the agreement. He added that the Brook's Town Council did vote to adopt the agreement several weeks ago and the Mayor has come to the Commission asking for its adoption. He summarized that the agreement would authorize the County to operate the Town of Brook's Water System in the same manner that the Fayette County Water System is operated, that this proposed agreement would be a 49-year agreement, and that (while ownership of the Brooks Water System would reside with the Town of Brooks) all aspects of the operation of the Brooks Water System would reside with the County.

Mayor Langford added that reaching this agreement has been a long process between the Town and County's representatives. He stated that he has signed the agreement as mayor based on the Council meeting's vote in April, and he appreciated the Board's consideration of the agreement. He explained that the Town has been calling on Fayette County for a number of years to do repairs to the Brooks Water System as needed, and as a result the Fayette County Water System is very familiar with the intricacies of the Brooks Water System. He concluded that this agreement looked like a good opportunity for the Town and County to work together. Discussion followed.

Commissioner Maxwell expressed concern with aspects of the agreement. He concluded that he was not convinced that the Town of Brooks would get the benefit of cheaper water since it sounded to him that there was a possibility that Brooks residents would have an additional15% surcharge on their water rates that would not be charged to other Fayette County Water System customers. Other discussion occurred

Commissioner Horgan moved to authorize the Chairman to sign the operational agreement between the Town of Brooks and Fayette County, Georgia allowing Fayette County to assume operational responsibility of the Brooks Water System. Commissioner Frady seconded the motion. The motion passed 4-1 with Commissioner Maxwell voting in opposition. A copy of the request and operation agreement between the Town of Brooks and Fayette County, Georgia, identified as "Attachment 13", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

ATTORNEY'S REPORT

State Route 54 and West Fayetteville Bypass Intersection Improvements: County Attorney Scott Bennett reminded the Board that during the April 7, 2010 Workshop Meeting it had approved a bid by American Contractor's Incorporated to install a traffic signal at the intersection of the West Fayetteville Bypass and State Route 54. He stated that he reviewed the contract before he asked the Board to authorize the Chairman to sign it.

Commissioner Frady moved to authorize the Chairman to sign a contract with American Contractor's Incorporated for State Route 54 and West Fayetteville Bypass Intersection Improvements at a total base bid of $624,529.82. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the contract, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Repairs to Filter #6 at the South Fayette Water Treatment Plant: County Attorney Scott Bennett reminded the Board that at the April 7, 2010 meeting it had also approved a bid for repairs to Filter #6 at the South Fayette Water Treatment Plant to Rehab Construction Company in the amount of $101,000. He said the contract had been reviewed and was available for the Chairman's signature. He asked for the Board to authorize the Chairman to sign the contract.

Commissioner Frady moved to authorize the Chairman to sign a contract with Rehab Construction Company, Incorporated for Repairs to Filter #6 at the South Fayette Water Treatment Plant at a total base bid of $101,000. Commissioner Horgan seconded the motion. 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

There were no Staff Reports.

BOARD REPORTS

There were no Board Reports.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:27 p.m.

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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 27th day of May, 2010.

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Floyd L. Jones, Deputy Clerk