Minutes

Board of Commissioners
August 12, 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, August 12, 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 August 12, 2010 Board of Commissioners meeting to order at 7:04 pm.
Commissioner Hearn gave the Invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Chairman Smith asked for New Business Item D to be removed from the agenda because he was awaiting additional information on this issue.

Commissioner Horgan moved to approve the agenda as published and to exclude New Business Item D from the agenda. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

A. Presentation by Clerk of Court Sheila Studdard of Mr. Ryan Nolan, the winner of the 2010 Constitutional Officers' Association of Georgia's scholarship.

Clerk of Court Sheila Studdard, Sheriff Wayne Hannah, and Executive Director of the Constitutional Officer's Association of Georgia Suzanne Cross introduced Mr. Ryan Nolan to the Board and congratulated him on winning the 2010 Constitutional Officers' Association of Georgia's scholarship.

Chairman Smith told the audience that he knew Mr. Nolan and his parents personally, and he told Ryan it was a pleasure to watch him grow and accomplish many things all through life, and that he has been outstanding young man throughout his church and scout careers. He congratulated Mr. Nolan, commended him for a job well done ,and said he was a model for the youth in the Fayette Community. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

No one spoke during Public Comment.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-23. Commissioner Hearn seconded the motion.

Commissioner Maxwell noted that he was not present for the July 7, 2010 Board Meeting, and he asked for Consent Item 23 to be removed from the Consent Agenda since he could not vote on those minutes.

Commissioner Horgan amended his motion to approve Consent Agenda Items 1-22. Commissioner Hearn seconded the amended motion. No further discussion followed. The amended motion passed unanimously.

1. **Approval of appointment of Dr. Dave Lee to the Fayette County Hospital Authority for a four-year term that began on June 1, 2010 and will expire May 31, 2014. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

2. **Approval of reappointment of Darryl McKinney to the Fayette County Hospital Authority for a four-year term that began on June 1, 2010 and will expire on May 31, 2014. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

3. **Approval of reappointment of Joan Smith to the Fayette County Hospital Authority for a four-year term that began on June 1, 2010 and will expire on May 31, 2014. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of staff's recommendation to issue a Request for Proposal (RFP) from qualified environmental firms to conduct post-closure environmental monitoring and compliance activities at the County's solid waste facilities on First Manassas Mile Road. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

5. **Approval of staff's request to accept Foxhall Farms III and IV as a Street Light District in Fayette County. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

6. Approval of staff's recommendation to continue the maintenance agreement between Fayette County and Motorola for the 800 MHZ ASTRO Simulcast System, and to authorize the Chairman to sign the renewal contract for the term of July 1, 2010 through June 30, 2011, pending the County Attorney's review and approval. A copy of the request and maintenance agreement, identified as "Attachment 7", follow these minutes and are made an official part hereof.

7. Approval of staff's recommendation for approval of the Amendment to the Frequency Reconfiguration Agreement between Fayette County and Sprint Nextel Corporation, required by the rebanding of the 800 MHZ public radio system used by the Fayette County 911 Center, pending review and approval by the County Attorney. A copy of the request and amendment, identified as "Attachment 8", follow these minutes and are made an official part hereof.

8. Approval of a request from the Sheriff that the Chairman be authorized to execute the Annual Federal Equitable Sharing Agreement and Certification between Fayette County and the U.S. Departments of Justice and Treasury for the period of July 1, 2010 through June 30, 2011. A copy of the request and the Annual Federal Equitable Sharing Agreement and Certification, identified as "Attachment 9", follow these minutes and are made an official part hereof.

9. Approval of the Sheriff's Office request to amend the FY2010 Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by $9,130.47 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

10. Approval of the Sheriff's Office request to amend the FY2011 Sheriff's Office State Confiscated Revenue Account-Technical Services Budget by $11.00 to account for abandoned monies which have been ordered retained for law enforcement enhancement. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. Approval of staff's request to authorize the Chairman to sign a Quitclaim Deed and Maintenance Agreement between Fayette County and the Georgia Department of Transportation for related easements and right-of-way for the widening of State Route 74 South, Project Number STP-209-1(2). A copy of the request, the Quitclaim Deed, and the Maintenance Agreement, identified as "Attachment 12", follow these minutes and are made an official part hereof.

12. Approval of staff's request to authorize the Chairman to sign a Quitclaim Deed and Maintenance Agreement between Fayette County and the Georgia Department of Transportation related to easements and right-of-way for the intersection improvements at State Route 92 and Hilo Road / Kingswood Drive, Project Number STP00-0000-00(399). A copy of the request, the Quitclaim Deed, and the Maintenance Agreement, identified at Attachment 13", follow these minutes and are made an official part hereof.

13. Approval of staff's recommendation to authorize execution of a contract with the Georgia Department of Transportation for Local Assistance Road Program (LARP) funding for resurfacing projects. A copy of the request and contract, identified as "Attachment 14", follow these minutes and are made an official part hereof.

14. Approval of staff's recommendation to authorize the Chairman to sign the proposed Right-of-Way Deed and other documents required by the Georgia Department of Transportation (GDOT) for the conveyance of approximately 0.105 acres to the GDOT at the intersection of Padgett Road and State Route 85. A copy of the request and Right-of-Way Deed, identified as "Attachment 15", follow these minutes are made an official part hereof.

15. Approval of staff's request to amend the FY2011 Road Department Budget by carrying for $7,590 from the department's FY2010 Road and Construction Equipment Account for the purchase of a 12-ton, dual-axle equipment trailer. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

16. Approval of staff's recommendation to award Bid #754 to low-bidder Allen Vigil Ford in Morrow, in the amount of $28,655, for the purchase of a Sign Shop truck for the Road Department. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

17. Approval of staff's request to amend the FY2011 Library Budget by carrying forward $108,000, the remaining available FY2010 budget funds for the Library SPLOST Subscriptions-Books Account. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

18. Ratification of approval of the "Agreement for Billing Services" between Fayette County and the Town of Brooks which enables the County Water System to bill Brooks' sewer customers. A copy of the request and "Agreement for Billings Services", identified as "Attachment 19", follow these minutes and are made an official part hereof.

19. Approval of staff's recommendation to extend Chemical Bid #718, for an additional twelve months, to eight companies that were low bidders on items used by the Fayette County Water System for water treatment. A copy of the request, identified as "Attachment 20", follows these minutes and is made an official part hereof.

20. Approval of staff's recommendation to approve the Drinking Water Testing and Related Services Contract with the Georgia Department of Natural Resources for a period of three years beginning July 1, 2010 and ending June 30, 2013, and authorization for the Chairman to execute the Contract pending review and approval of the County Attorney. A copy of the request and the Drinking Water Testing and Related Services Contract, identified as "Attachment 21", follow these minutes and are made an official part hereof.

21. Approval of the Water Committee's recommendation to authorize engineering, plans and specifications for a waterline extension to Ellen's Ridge Subdivision from Sandy Creek Road, up to Coastline Road to Milam Road. A copy of the request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

22. Approval of the Water Committee's recommendation to adopt the State's newly mandated water restrictions. A copy of the request, identified as "Attachment 23", follows these minutes and is made an official part hereof.

23. Approval of the June 24, 2010 Board of Commissioners Minutes, and the July 7, 2010 Board of Commissioners Minutes.

Commissioner Frady moved to approve the June 24, 2010 Board of Commissioners Minutes. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Horgan moved to approve the July 7, 2010 Board of Commissioners Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Maxwell abstaining from the vote.

OLD BUSINESS

B. Continued discussion by Chief Financial Officer Mary Holland on staff's forecast regarding the 2010 Property Tax Millage Rates which are scheduled to be adopted on August 26, 2010.

Chief Financial Officer Mary Holland reminded the Board that at its August 4, 2010 Workshop Meeting she provided the Board with options concerning the setting of the 2010 Property Tax Millage Rate, based on the final Tax Digest provided by the Fayette County Tax Commissioner. She then provided an overview of four available options and explained the differences between them. She told the Board that the Fiscal Year 2011 Budget was based on a budget of $32,968,000 that would need to be collected from property taxes. She continued that according to the final Digest, which utilizes the current millage rates used in 2009 and 2008, the budget would experience a shortfall of approximately $461,000.

County Administrator Jack Krakeel added that Fayette County has the capability to absorb the shortfall this year, but he tempered that statement with the recognition that Fayette County will face another decline in the Digest next year based on all available early indicators. He repeated that Fayette County has the ability to absorb the $461,000 shortfall by using its current Reserve Fund which was accrued through the Board's "very fiscally conservative approach" in its budgeting process during the last three years. He added that, at this juncture, the decline in the Digest for 2011 was projected to be equal to or somewhat lower than the 8.8% decline witnessed in 2010.

Ms. Holland informed the Board that based on current data, next year's decline would put more pressure on the budget's obligations, and she concluded by saying that during the past three years Fayette County had cut the budget by approximately $2.5 million and the County is approaching a point where there is not much left to cut except services. Discussion followed.

Chairman Smith said he was concerned about where the County was headed next year, and he stated that over the last years the Board has been accumulating reserves "to prepare for a rainy day such as this, and this day is upon us." He thought it was incumbent upon the Board to do what it said it would do, namely to use some reserve funds to curtail the impact on the citizens. He recommended that the Board pursue the *No Rollback (2009 & 2008)* option. Discussion continued.

The Board's consensus was to pursue the *No Rollback (2009 & 2008)* option, and thereby keep the millage rate the same as in 2009 and 2008.

County Administrator Jack Krakeel informed the Board, audience, and staff that even though agenda indicated that the required formal Public Hearing and adoption of the millage rates would be held on August 26, 2010, that, instead, the Public Hearing would actually occur on Wednesday, September 1, 2010 in order to meet legal notice requirements. A copy of the request, identified as "Attachment 24", follows these minutes and is made an official part hereof.

C. Consideration of staff's request to approve a waiver of the county's allocation of $1,117,449 for issuing Qualified Energy Conservation Bonds and authorization for the Chairman to execute said waiver and Resolution 2010-14 confirming the waiver.

Chief Financial Officer Mary Holland reminded the Board that in October 2009, the County filed a Letter of Intent with the State of Georgia to accept funding through the State from the federal government. She said the reason Fayette County filed the Letter of Intent was because the City of Peachtree City was considering using some of the funds for potential projects that had some possibility to meet specific qualifications, and that no Fayette County projects met the specified qualifications. She said she now was informed that Peachtree City had come to the conclusion they could not use the funds for projects after all. She told the Board that the County had a deadline of August 15, 2010 to inform the State whether or not it intended to apply for the money or intended to rescind the money to be utilized elsewhere. No discussion followed.

Commissioner Horgan moved to approve a waiver of Fayette County's allocation of $1,117,449.00 for issuing Qualified Energy Conservation Bonds, to authorize the Chairman to execute said waiver, and to further authorize the Chairman to sign Resolution 2010-14 confirming the waiver. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, waiver, and Resolution 2010-14, identified as "Attachment 25", follow these minutes and is made an official part hereof.

NEW BUSINESS:

D. Discussion of the possible abandonment of a portion of Snead Road west of Old Greenville Road and subsequent conveyance of the County's prescriptive easement to the adjacent property as a part of completing the County's paving project.

Item D was removed from the agenda during the Acceptance of Agenda, pending further information.

E. Discussion of staff's recommendation to approve the concept design for SPLOST Project No. B-2, known as the Westbridge Road Horizontal Curve Improvement and Bridge Replacement Project over Morning Creek.

Public Works Director Phil Mallon reminded the Board that on March 25 ,2010 he had come to the Board and received authorization to start design work on three SPLOST projects. He further reminded the Board that part of his instruction was to prepare a concept report on each of the projects and to bring the report to the Board before moving forward with a final design. He informed the Board that this presentation was in regard to the first of the three SPLOST projects; namely it was for improvements to a sharp curve and the bridge on Westbridge Road. Mr. Mallon explained that the County had retained Heath & Lineback Engineers, Incorporated to create the concept report, and that the company had done "a fine job". He continued that after the engineering firm had evaluated all practical concerns such as traffic needs, environmental impacts, and the bridge itself, the company developed seven different alternative designs. He reported that of the seven alternatives, Heath & Lineback recommended the third alternative, or *Alternative 3*. He continued that County staff has also reviewed the concept report and the seven alternatives, and they were also recommending *Alternative 3*. Mr. Mallon explained the reason *Alternative 3* was being recommended was because, by redesigning the sharp curve on Westbridge Road, the curve would be suitable for the current 45 miles-per-hour speed limit, and the recommendation would replace the existing bridge with one that meets current load standards. He added that other advantages to *Alternative 3* was that it meets existing and future traffic needs, has minimal impacts to the State's waters and wetlands, and satisfies the Federal Emergency

Management Agency's (FEMA's) "No-Rise" requirement. He concluded his presentation saying that a preliminary cost estimate had also been prepared, and that the cost for the work would be approximately $1,970,000. Discussion followed.

The Board's consensus was to proceed with *Alternative 3* as recommended by staff. A copy of the request, identified as "Attachment 26", follows these minutes and is made an official part hereof.

F. Consideration of Water Committee's recommendation to award the annual contract for Waterline Extensions for Fiscal Year 2010 to the low bidder, Lantz Construction, in the amount of $635,325.00, and to authorize the Chairman to sign said contract, pending review by the County Attorney.

Water System Director Tony Parrott explained that for several years the Fayette County Water System has entered into annual contracts for waterline extensions in order to retain a contractor to use when needed for waterline needs which are too large for the Water System employees to handle. He informed the Board that the recommended contract also called for approximately 12,000 feet of miscellaneously sized pipes to be available. He explained that Lantz Construction is the current contractor and that Lantz has been doing a good job for Fayette County. Discussion followed.

Commissioner Horgan moved to approve the Water Committee's recommendation to award the annual contract for Waterline Extensions for Fiscal Year 2010 to the low bidder, Lantz Construction, in the amount of $635,325, and to authorize the Chairman to sign said contract pending review by the County Attorney. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Jack Krakeel noted the previous motion should be corrected to reflect that the request was intended for Fiscal Year 2011 instead of Fiscal Year 2010 as indicated on the agenda.

Commissioner Horgan amended the previous motion to be applicable for Fiscal Year 2011 instead of Fiscal Year 2010. Commissioner Hearn seconded the amended motion. The motion passed unanimously. A copy of the request and contract, identified as "Attachment 27", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Grant Application to the Council of Juvenile Court Judges of Georgia: County Administrator Jack Krakeel reported he had received a request from Juvenile Court Judge Ben Miller, Jr. requesting authorization to submit a grant application to the Council of Juvenile Court Judges of Georgia in the amount of $7,500. He said although this is a Juvenile Court grant request, it would require authorization from the County to submit the request since the County is the financial agent for the funding. He said it was designed to continue current and existing programs, and that the deadline to submit the application is Monday, August 16, 2010. Some discussion followed.

Commissioner Maxwell moved to authorize execution of the Purchase of Services for Juvenile Offenders Application for grant funding from the Council of Juvenile Court Judges of Georgia in an amount not to exceed $7,500. Commissioner Frady seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the grant application, identified as "Attachment 28", follows these minutes and is made an official part hereof.

ATTORNEY"S REPORT

Eco-South and Sports Turf Company Contract: County Attorney Scott Bennett reminded the Board that Eco-South and Sports Turf Company Inc. have been working with the Water System by performing mitigation work on various sites for mitigation credits through the Corps of Engineers. He reported he was presenting a contract for work at the Goodin Branch (Danielly) Mitigation Site in the amount of $829,635 for all the work needed to mitigate the site. He said the County has the required performance and payment bonds and the contract is ready for the Board's approval and the Chairman's signature.

Commissioner Horgan moved to authorize the Chairman to sign a contract between Fayette County and Eco-South and Sports Turf Company, Incorporated for the construction of wetlands on County-owned properties in the amount of $829,635.00. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the contract, identified as "Attachment 29", follows these minutes and is made an official part hereof.

STAFF REPORTS

Carolyn's Hauling Incorporated: Public Works Director Phil Mallon reminded the Board that on July 7, 2010, the Board awarded Bid #753 for the annual hauling contract to Pittstop Enterprises and to a secondary vendor–Liberty Truck Hauling, LLC. He continued saying that ever since the bid was awarded, the Purchasing Department has been in negotiations with those two vendors because they are unable to meet the bonding requirements required in the contract. He asked the Board to consider re-awarding the contract to the third lowest bidder, Carolyn's Hauling Incorporated. He reported that Carolyn's Hauling has assured Fayette County in writing that they can meet the bonding requirement.

Chairman Smith asked for legal advice on the matter. County Attorney Scott Bennett replied that the original award needed to be rescinded from both the vendor and secondary vendor, and he briefly told of some the problems that have been experienced. He summarized that the two lowest bidders are not qualified bidders since they could not meet the obligation of the bid the County solicited. Discussion followed.

Commissioner Horgan moved to rescind the award of Bid #753 to Pittstop Enterprises. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Horgan moved to rescind the alternate award of Bid #753 to Liberty Truck Hauling, LLC. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Frady moved to re-award Bid #753 to Carolyn's Hauling, Incorporated. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 30", follows these minutes and is made an official part hereof.

BOARD REPORT

Chairman Smith: The Chairman reported that he tendered his resignation as the Atlanta Regional Commission's (ARC) Transportation & Air Quality Committee Chairman, and in his stead they appointed Vice-Chairman Tom Worthan who is the Douglas County Commission Chairman. He said he relinquished the role as a result of the election in order to give Mr. Worthan the opportunity to be "indoctrinated" between now and the end of the year, and in order to give any help needed on official matters during the transition period.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 7:57 p.m.

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 26th day of August 2010.

Floyd L. Jones, Deputy Clerk