



Minutes

Board of Commissioners
December 5, 2012
3:30 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 December 5, at 3:30 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 Jones, County Clerk

Call to Order.

Chairman Frady called the December 5, 2012 Board of Commissioners Workshop meeting to order at 3:33 p.m. Commissioner Brown was not present for the meeting when it was called to order.

Acceptance of Agenda.

Commissioner Hearn moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Brown being absent.

PROCLAMATION / RESOLUTION:

1. Presentation of the "Santa for a Senior" Proclamation.

Commissioner Horgan read the "Be a Santa for a Senior" Proclamation, and he gave the proclamation to Ms. Macy Ott who represented Home Instead Senior Care. Ms. Ott thanked the Board for the proclamation and spoke about how seniors need others to advocate for them. The Board did not take official action on this matter. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Commissioner Brown arrived to the meeting just after the proclamation was read.

NEW BUSINESS:

1. Discussion concerning the future use of space vacated by the Chamber of Commerce in the Historic County Courthouse.

Interim County Administrator Jack Krakeel reminded the Board that last summer the Fayette County Chamber of Commerce gave notice that it would terminate its lease with the Development Authority at the end of this year, and he informed the Board that the termination has occurred. He said during the course of the last six months there have been numerous discussions with various parties who have expressed interest in occupying the Historic County Courthouse, and he stated those parties included Main Street Fayetteville, the Fayette County Historical Society, and an arts society. He also thought the vacated space might be a good location for the Fayette County Extension Service. He reminded the Board that the Development Authority is the lessor of space, but any funds that are received are passed through directly to the County. He then asked the Board for direction on how to proceed so that the County could provide the Development Authority with some direction on how the vacated space could be utilized. He said his principal concern is the necessity to have someone there during normal business hours to ensure visitors to Fayette County, as well as local citizens, will be greeted on the first floor. Executive Director of the Development Authority Matt Forshee and Mr. Brian Wismer of Main Street Fayetteville then spoke to the Board about their expectations of and abilities to locate into the vacated space, and Mr. Krakeel answered questions from the Board. Discussion followed.

The Board directed staff to explore the possibility of sharing the first floor of the Historic County Courthouse with both Main Street Fayetteville and the Fayette County Extension Service. The Board did not take official action on this item. Copies of the request and additional information from the arts center, identified as "Attachment 2", follow these minutes and are made an official part hereof.

2. Discussion of appointing the 2013 Fayette County Legislative Coordinator.

Interim County Administrator Jack Krakeel reported that, historically, the Association of County Commissioners of Georgia (ACCG) requests each county to appoint a Legislative Coordinator, and that he has held the position in the past. He explained that the principal responsibilities of the Coordinator are to inform the Board of Commissioners about legislation and legislative issues during the Georgia General Assembly in order to give the Commissioners an opportunity to respond to specific initiatives on behalf of the legislature. He continued that oftentimes the ACCG will, based on the piece of legislation, attempt to gain coalitions to contact legislators with respect to certain pieces of legislation. He said the request was sent to Fayette County within the past month to identify the Legislative Coordinator, and he was bringing it to the Board's attention. He said the Board could wait until the new year if it so desired, but he added that the ACCG would like the information as soon as possible so that they could begin to communicate with the individual.

Commissioner Hearn stated he did not have a problem with Commissioner McCarty serving as the Legislative Coordinator, and if the new Board cared to make a change in January then it could do so, but that Commissioner McCarty could serve at least on an interim period. Commissioner Brown said he thought it was a good idea for the County Administrator to be in the position the County Administrator is at the County and is able to quickly radiate messages to the Board. Commissioner McCarty agreed to become the Legislative Coordinator until January 1, 2013 in order for the new Board to decide who it as the 2013 Legislative Coordinator.

The Board consented to appoint Commissioner Allen McCarty as the 2013 Fayette County Legislative Coordinator until January 1, 2013. The Board took no formal action on this item. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

3. Discussion of the Board of Health's recommendation to approve body art fees.

Environmental Health County Manager Rick Fehr reported that the Fayette County Board of Health approved new regulations regarding body art studios. He said two public meetings were held pertaining to this issue, and he said that a body art studio's owner came to both meetings questioning some of the regulations but did not have trouble or difficulties with the fees. Mr. Fehr indicated this issue was very straightforward, but he added Georgia State law requires that any approvals of environmental fees by the Board of Health also have to be considered and approved by the County Commissioners. He said that by coming to the Board of Commissioners, he was meeting the obligation imposed by state law. Mr. Fehr then answered questions from the Board. Discussion followed.

The Board directed staff to place the recommendation to approve body art fees on the December 13, 2012 Agenda for formal consideration. The Board took no formal action on this item. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. Discussion of staff's recommendation to award Proposal #P852 Sports Lighting to M. Gay Contractors, Inc. in the amount of \$325,000.00.

Parks and Recreation Director Anita Godbee spoke about staff's recommendation to award Proposal #P852 Sports Lighting to M. Gay Constructors, Inc. in the amount of \$325,000.00. She noted that the 2003 Needs Assessment identified that the County's sports lighting needed refurbishment due to safety concerns. She said some of those safety concerns include low light levels, rotten wooden poles, and the age of the equipment. She said a plan was put into place to refurbish sports lighting at that time, and staff is trying to continue on with the plan for its sports complexes. She said proposals were sent to 19 vendors and was further extended through other means. She reported that three vendors responded to the proposal, and M. Gay Constructors received the highest criteria while simultaneously providing the lowest overall bid. She recommended M. Gay Constructors to the Board, and she recommended that installations or refurbishments be made only at Kiwanis Park Field #11, McCurry Park Softball Field #7, and McCurry Park Football Field #3 due to financial limitations. She repeated that the total combined price for the work is \$325,000.00. Mrs. Godbee then answered questions from the Board. Discussion followed.

The Board directed staff to place its recommendation to award Proposal #P852 Sports Lighting to M. Gay Constructors, Inc. in the amount of \$325,000.00 on the December 13, 2012 Agenda for formal consideration. The Board took no formal action on this item. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Discussion of staff's request to utilize county property located on McDonough Road for additional space to store and stockpile materials used in the Road Department's daily operations.

Road Department Director Andy Adams informed the Board that the Road Department has been looking for space to store materials used in daily operations. He said some of the material is dirt that is mixed in with rocks, other materials would be good, clean dirt that has been screened and is free of rocks; asphalt millings, stone, and other materials that are used on a daily, normal routine. He said there are various locations

scattered throughout Fayette County where material is being stored, but for various reasons the Road Department felt the need to consolidate those storage areas. He reported that there is a place on McDonough Road that is prime park land that has Road Department is storing material on it, and that he felt the material needed to be removed from the park and stored elsewhere. He said staff has found a good piece of property that the County already owns along McDonough Road. He said staff wanted to make sure it was not creating a problem for the Parks and Recreation Department or any other department that may be in need of the land. He said he has already spoken to Mrs. Anita Godbee of the Parks and Recreation Department, and Mrs. Godbee has indicated that her operations would not be affected by the Road Department's request. Mr. Adams then answered questions from the Board. Discussion followed.

The Board consented to staff's request to utilize county property located on McDonough Road for additional space to store and stockpile materials used in the Road Department's daily operations. The Board took no formal action on this item. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

6. Update on current SPLOST projects in Fayette County.

Public Works Director Phil Mallon updated the Board on current SPLOST projects in Fayette County. The Board gave no direction and took no formal action on this item. Pictures provided during this discussion, identified as "Attachment 7", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Appointments to the Library Board: Interim County Administrator informed the Board that the County received two notices of resignation from the Library Board from both Ms. Dortha Stinson and Ms. Jeanette Ballard. He noted that their terms expire at the end of the year. He informed the Board that two other individuals have formally submitted letters of interest to Fayette County to be appointed to the Library Board. The Board directed staff to issue public notifications for these positions similar to what was agreed with recent open positions.

Appointments to the Planning Commission and Zoning Board of Appeals: Interim County Administrator Jack Krakeel informed the Board that the Planning Commission has two terms that are expiring at the end of the year, and that those two terms are currently occupied by Mr. Al Gilbert and Mr. Jim Graw. He said both men have been long-term members of the Planning Commission. He continued that one member of the Zoning Board of Appeals, Mr. Bill Beckwith, will also have a term which will expire by the end of the year. He reported that all three of the individuals have expressed a desire to continue in their current capacities. Commissioner Brown requested that the three posts be publically advertised as others were. The Board consented to not issue press releases for these positions. Commissioner Brown opposed the Board's consensus.

Heritage Christian Church: Interim County Administrator Jack Krakeel reminded the Board that he emailed each Commissioner earlier in the day about an interview that was conducted by Building Permits and Inspections Director Joe Scarborough and WSB-TV concerning the building official's determination with respect to Heritage Christian Church's "A Dickens Village" display. He briefly explained the county's position, stated that he has requested information from Mr. Scarborough on the matter, and that the information would be provided to the Board. Commissioner Brown requested that the information be emailed to him and other Board members, and Mr. Krakeel agreed to the request.

Executive Session: Interim County Administrator Jack Krakeel announced he needed to discuss litigation in Executive Session.

ATTORNEY'S REPORTS:

Executive Session: County Attorney Scott Bennett reported he needed to discuss litigation, personnel, and property acquisition with the Board in Executive Session.

COMMISSIONERS' REPORTS:

Chairman Frady: Chairman Frady asked for another personnel item to be discussed in Executive Session just in case there are two personnel items under consideration.

EXECUTIVE SESSION:

Executive Session: Commissioner Hearn moved to recess into Executive Session. Commissioner Horgan seconded the motion. The motion passed unanimously.

The Board recessed into Executive Session at 4:29 p.m. and returned to Open Session at 5:00 p.m.

Chairman Frady asked the record to show that the Board discussed litigation, personnel, and property acquisition matters. He said the Board provided instruction to staff and that Board would take action on a personnel matter.

Commissioner Horgan stated that at the last meeting the Board voted on a motion to end County Attorney Scott Bennett's employment with Fayette County on December 31, 2012 and to provide his severance package to him. He stated that in light of some "things" and advice from council, the Board was going to change the action a little bit and he was going to redo his motion from last week. Chairman Frady clarified that a motion was needed to reconsider. Commissioner Horgan moved to reconsider his motion from the last Board of Commissioners meeting. Commissioner McCarty seconded the motion. The motion passed unanimously.

Commissioner Horgan moved to terminate County Attorney Scott Bennett's contract immediately and provide him his severance package in a lump sum form. Commissioner McCarty seconded the motion. The motion passed 3-2 with Commissioner Brown and Commissioner Hearn voting in opposition.

Commissioner Horgan asked for the Board to instruct Interim County Administrator Jack Krakeel to negotiate with Mr. Scott Bennett for his current salary throughout the rest of the year and to eliminate any benefits. Interim County Administrator Jack Krakeel asked if it was the Board's intent to continue to engage Mr. Bennett's services as the Interim County Attorney, and, if so, then it was the Board's responsibility to appoint the County Attorney. He continued that if Mr. Bennett's termination is effective immediately, then the Board would have to make a motion to appoint Mr. Bennett as the Interim County Attorney and to authorize the Interim County Administrator to negotiate a contract for the balance of the term of his engagement.

Commissioner Horgan moved to make Scott Bennett the Interim County Attorney and to allow Jack Krakeel to negotiate with him for the balance of the remainder of the year for his fees and pay. Commissioner McCarty seconded the motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

ADJOURNMENT:

Commissioner Brown moved to adjourn the December 5, 2012 Board of Commissioners meeting. Commissioner McCarty and other seconded the motion. The motion passed unanimously.

The Board of Commissioners adjourned its December 5, 2012 Workshop meeting at 5:05 p.m.

Floyd L. Jones, County Clerk

Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of January 2013.

Floyd L. Jones, County Clerk