Minutes

Board of Commissioners
January 26, 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 Thursday, January 26, 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 Allen McCarty
Commissioner Absent:	Lee Hearn
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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Chairman Frady called the meeting to order, offered the Invocation and led the Pledge of Allegiance.

Acceptance of Agenda: Commissioner Brown made a motion to approve the agenda as presented. Commissioner McCarty seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Presentation/Recognition:

1. Presentation by the County's auditing firm, Nichols, Cauley & Associates, LLC. of the results of the Fiscal Year 2011 audit.

Assistant Chief Financial Officer Toni Jo Howard introduced Associates from Nichols, Cauley & Associates, LLC to present the audit results of the County's Fiscal Year 2011. A copy of the request and presentation, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

William Sammons and Gregory Chapman of Nichols, Cauley & Associates, LLC presented the audit results of the County's Fiscal Year 2011. The Auditors applauded the County's reduction in expenditures. They said from their standpoint the County was in good standing because the County was taking steps to address revenue shortages.

Public Comment:
Randy Ognio: Randy Ognio commented on the flyer that was included in Water System customers' water bills as well as being posted on the County's website. He said this was a survey regarding several different issues including a 1% SPLOST for recreation. He questioned the accuracy for counting responses and possible duplication of submitals. He also commented on the item listed under New Business on tonight's agenda regarding the County being removed from the proposed air quality ozone non-attainment area by the United States Environmental Protection Agency. He said he was not sure if Fayette County could get out of this but he felt the County should try. He felt the non-attainment issue would cost the County a lot of money.

County Administrator Jack Krakeel said he would like to clarify information regarding multiple submitals of the Water System surveys. He said there was technology imbedded in the survey instrument that recognizes multiple duplicate responses.

Commissioner Brown felt it would be beneficial to have a name and a contact phone number included with the survey.

Consent Agenda: Commissioner Brown requested consent agenda items 3, 4, 5 and 6 be removed for discussion. Commissioner Brown made a motion to approve the consent agenda as presented with the exception of items 3, 4, 5 and 6. Commissioner McCarty seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Resolution No. 2012-03 Qualifying Fees for the 2012 Elections in Fayette County approved:

1. Approval of Resolution No. 2012-03 establishing qualifying fees for the 2012 elections in Fayette County. A copy of the request and Resolution No. 2012-03, identified as "Attachment No. 2", follow these minutes and are made an official part hereof.

Bid #806 awarded for Fire and EMS Protective Clothing and Safety Equipment:

2. Approval of staff's recommendation to award Bid #806 for Fire and EMS Protective Clothing and Safety Equipment to several successful bidders, in an annual aggregate amount not to exceed $45,000. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof.

Library - temporary full time position approved:

3. Approval of staff's request for authorization to create a temporary full time position to fill in during the absence of an employee on maternity leave, in an amount not to exceed $9,835. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

Commissioner Brown asked Library Director Chris Snell if cross training was being done within the library system in the event this situation were to occur in other positions in the library. Ms. Snell replied that there was always cross training being done within the library system in all departments.

Commissioner Brown made a motion to approve consent agenda item #3 as presented. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Bid #815 - course aggregate tabled to February 9, 2012 Board of Commissioners meeting:

4. Approval of staff's recommendation to award annual Bid #815 for course aggregate to Martin Marietta Materials as the source to purchase type 3 rip rap, surge stone, graded aggregate base, #4, #5, and #57 stone; and to Hanson Aggregates as the source to purchase Type 1 rip rap, #7 stone and M-10 Screenings for the remainder of 2012 calendar year, in an aggregate amount of $480,000. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Commissioner Brown asked if any of the materials in this bid were going to be used for the work on the West Fayetteville Bypass and Public Works Director Phil Mallon replied yes. Commissioner Brown said he would not be voting in favor of this bid.

Commissioner Horgan made a motion to approve consent agenda item #4 as presented. Chairman Frady seconded the motion. Commissioner Brown and Commissioner McCarty voted in opposition to the motion. Motion was 2-2 resulting in no action taken. Commissioner Hearn was absent. (This item will be listed on the February 9th Board of Commissioners' agenda for reconsideration.)

Bid #816 - purchase of asphalt for the 2012 calendar year tabled to the February 9, 2012 Board of Commissioners meeting:

5. Approval of staff's recommendation to award annual Bid #816 as a split award to C.W. Matthews, Inc. of Tyrone and E.R. Snell Contractor, Inc. of Tyrone as primary vendors and to E.R. Snell Contractor, Inc. of Tyrone and C.W. Matthews, Inc. of Tyrone as secondary vendors for the purchase of asphalt for the 2012 calendar year, in an aggregate amount not to exceed $2,600,000. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Commissioner Brown asked if any of the materials in this bid were going to be used for the work on the West Fayetteville Bypass and Public Works Director Phil Mallon replied yes. Commissioner Brown said he would not be voting in favor of this bid.

Commissioner Horgan made a motion to approve consent agenda item #5 as presented. Chairman Frady seconded the motion. Commissioner Brown and Commissioner McCarty voted in opposition to the motion. Motion was 2-2 resulting in no action taken. Commissioner Hearn was absent. (This item will be listed on the February 9th Board of Commissioners' agenda for reconsideration.)

Superior Court - Probation Services Agreement with Judicial Correction Services, Inc. approved:

6. Approval of a request from Chief Superior Court Judge Chris Edwards to enter into a Probation Services Agreement with Judicial Correction Services, Inc. to provide probation services and programs for offenders sentenced by and under the jurisdiction of Superior Court. A copy of the request and Agreement, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

Commissioner Brown remarked that this company must provide contract liability insurance and surety bonds. He asked who was responsible for making sure that this vendor was doing that. County Attorney Scott Bennett replied that the State Statute O.C.G.A. 42-8-100 reads that the Chief Judge of any Court within the County with the approval of the governing authority of that County was authorized to enter into written contracts, corporations, enterprises or agencies to provide probation supervision, counseling, collection services for all monies to be paid by defendant according to the terms of the sentence imposed. He said basically Chief Judge Chris Edwards would do the contracting and the Board of Commissioners has to sign off on the contract and confirm that Judge Edwards is approved to contract for private probation services. Attorney Bennett said the Board was not so much approving the contract but Judge Edwards'

authority to contract with a private probation service. He said the County has taken the position in the past that this contract was with the Superior Court Judges and not with the County. Commissioner Brown clarified that the liability was with the courts and Attorney Bennett replied yes.

Commissioner Brown made a motion to approve consent agenda item #6 as presented. Commissioner McCarty seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Tax Assessor's Office - Disposition of Tax Refund Requests:

7. Approval of the Tax Assessor's recommendation for the disposition of tax refund requests submitted by taxpayers in accordance with O.C.G.A. 48-5-380. A copy of the request and backup, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Water Committee's 2012 meeting schedule approved:

8. Approval of the Water Committee's 2012 meeting schedule. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

Minutes:

9. Approval of minutes for Board of Commissioners' meetings held on December 15, 2011, January 4, 2012 and January 12, 2012.

New Business:

1. Consideration of staff's request for review and possible action of a proposal from Joe Tanner & Associates to assist Fayette County in being removed from the proposed Atlanta air quality ozone non-attainment area by the United States Environmental Protection Agency.

County Administrator Jack Krakeel briefed the Board on this issue. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof. He said last week he had been approached by a consulting firm in the State of Georgia regarding this issue. He said the reason it was on tonight's agenda was because of a very narrow time frame for consideration of this matter. He noted that Fayette County is designated and has been designated with many of the other metropolitan Atlanta counties as being a non-attainment community. He said the proposal that had been submitted to the county was to take this very short window of time in which this reviewing process was occurring for looking at removing Fayette County from that list and recognizing the fact that there are no air quality monitors in Fayette County. He introduced Allen Barnes, President and CEO of Joe Tanner & Associates to discuss this item with the Board.

Mr. Barnes remarked that the State of Georgia was currently meeting all Federal air quality standards. He said the problem with air quality standards was the Federal government lowering that standard from time to time. He remarked that this was what they were proposing with ozone and that was to lower the eight hour standard which would then include Fayette County as one of the eighteen counties being designated non-attainment for ozone. He said the State has until February 29th to reply to the Environmental Protection Agency to make an argument for which of the eighteen counties disagree with that assessment. He pointed out that Joe Tanner & Associates was currently authorized to represent Barrow, Newton, Paulding, and Spaulding Counties. He said he had also received a call today from Walton County who indicated they would be interested. He said Joe Tanner & Associates was proposing to work first with the air quality staff of the State of Georgia Environmental Protection Agency to convince them that this data could be packaged in a different way than the five factors presented by the E.P.A. and come to the conclusion that Fayette County would not be in the eighteen county area for non-attainment for ozone. He remarked that the five factors that the E.P.A.

looks at were (1) air quality data; (2) emissions data; (3) weather patterns; (4) topography/geography of a particular area; and (5) the jurisdictional boundaries indicating if a county is adjacent to a county that has a violating monitor.

Commissioner Horgan asked if Tanner & Associates was successful in the process of having the County deemed non-attainment, what benefits would Fayette County receive from this. Mr. Barnes commented that there was an article today stating that the Atlanta region currently meets Federal Clean Air Quality Standards. He said if Fayette County continues to meet those standards, then it would have this type of headline as opposed to an adjacent county who does not meet those standards. He said the fact that a County in Georgia would meet the Federal Clean Air Quality Standards was a significant factor in the United States considering how those standards have been ratcheted down across the board. He said meeting these standards would be attractive to people and businesses looking for quality of life issues. Mr. Barnes replied this status would remain until the ozone standards changed. Mr. Barnes said this change in standards was driven by litigation, but it felt it safe to say that the zone standards would not be changed again for another 8 to 10 years at least and maybe longer.

Commissioner McCarty asked Mr. Barnes for the cost to the County to retain Joe Tanner & Associates. Mr. Barnes replied that this would involve two phases. He said the cost of Phase I would be $15,000 to go to E.P.D. and convince them that Fayette County should be removed from non-attainment list over to the unclassified. He said if they are successful with that, they would proceed into Phase II at a cost of $20,000 to try and convince E.P.A. that Fayette County should be moved off their list into the attainment unclassified. Mr. Barnes remarked if this was not successful with the State during Phase I, then the process would not proceed to Phase II. He said the County would have a decision by the State by February 29th and the Federal Government would make their decision by May 29th.

County Administrator Jack Krakeel remarked that the County has been in a non-attainment classification and this was an effort to get the County out of that non-attainment classification into an unclassified status.

Chairman Frady asked for the Board's pleasure in this matter.

Commissioner McCarty made a motion to enter into an Agreement of Services with Joe Tanner & Associates to assist Fayette County in being removed from the proposed Atlanta Air Quality Ozone Non-Attainment area by the United States Environmental Protection Agency in the amount of $15,000 for Phase I and Phase II in the amount of $20,000, contingent upon completion of Phase I, with said monies to come out of the County's reserve fund. Commissioner Horgan seconded the motion. The motion carried 4-0. Commissioner Hearn was absent. A copy of the Agreement for Consultation and Support Services, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

Administrator's Reports:
There were none.

Commissioners' Reports: Commissioner Brown commented on the survey sent out by the Water System and questioned if an official press release had been sent out to the media regarding this survey. County Administrator Jack Krakeel said he would be glad to have staff issue a press release regarding this survey.

Commissioner Brown also commented on the article in the Atlanta Journal and Constitution by Representative Ed Setzler, member of the House Transportation Committee, in regard to the Transportation Investment Act. He said Representative Setzler had made some excellent points including (1) questioning the constitutionality of the TIA; (2) questioning if the projects on the list would actually relieve traffic congestion; and (3) questioning the large amount of

expenditure for the mass transit projects. He felt Representative Setzler's comments were significant especially coming from someone who is a member of the House Transportation Committee.

Adjournment: Hearing no further business to come before the Board, Commissioner Brown made a motion to adjourn the meeting at 7:50 p.m. Commissioner McCarty seconded the motion. The motion carried 4-0. Commissioner Hearn was absent.

Karen Morley, Chief Deputy Clerk

Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9th day of February, 2012.

Karen Morley, Chief Deputy Clerk