Minutes

Board of Commissioners
September 27, 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 September 27, 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 Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, Interim County Administrator Floyd Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the September 27, 2012 Board of Commissioners meeting to order at 7:02 p.m. Commissioner Hearn offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

[The following is a full transcript of Mr. Charles Oddo's public comments and subsequent remarks, as requested by Commissioner Steve Brown. This transcript begins at 7:03:40 of the recording.]

County Clerk Floyd Jones: We've got two speakers. The first is Charles Oddo.

Chairman Herb Frady: Alright, Mr. Oddo. If there is anybody out there that don't know Mr. Oddo, he's onboard, coming into the County Commission as a Commissioner in January.

Charles Oddo: Thank you and good evening, Commissioners. Commissioner Frady, and Commissioner Hearn, Commissioner Horgan, on behalf of Commissioners Allen McCarty and Steve Brown, and incoming Commissioners Randy Ognio and David Barlow and myself, Charles Oddo, and on behalf of the citizens of Fayette County, we would like to publically thank you for allowing us the opportunity to participate in the selection of the next County Administrator. The two current commissioners and the three incoming commissioners have been earnestly search in replacement to fill Jack Krakeel's big shoes. It is not a task that we've taken lightly. It goes without saying that the next Board of Commissioners must have a good working relationship with the next County Administrator, and that we form a team that will benefit the entire county. By your unselfish action, you've allowed the new Board of Commissioners to form its team. Fayette County will benefit as a whole because you have encouraged the process to proceed. In the end, we are all citizens of this great county, which you have acknowledged by your actions. And again, Commissioner Frady, Commissioner Hearn, Commissioner Horgan, thank you.

Chairman Frady: Thank you, Chuck, we appreciate that.

Commissioner Brown: Very good.

Chairman Frady: I think it's the only way to do that, whoever's coming in here is going to be working for you and not us. And if we want anybody to blame we can blame him and not us. (Laughter) That's the way it works. Thank you very much.

[This transcript ends at 7:05:27 of the recording.]

Randy Ognio: Mr. Randy Ognio commented on Consent Agenda Items 1 and 2 and on New Business Item 1. Concerning Consent Agenda Item 1, Mr. Ognio questioned the budget adjustment and how the budget figures calculate. Concerning Consent Agenda Item 2, Mr. Ognio was concerned about the broad authority released to one person. Concerning New Business 1, Mr. Ognio questioned why the County was not using its annual waterline contractor to do the work instead of Scarbrough and Rolander.

CONSENT AGENDA:

Commissioner Brown moved to remove Consent Agenda Items 2 and 7 from the Consent Agenda. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Brown moved to approve Consent Agenda Items 1-9 with the exception of Consent Agenda Items 2 and 7. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's recommendation to approve final supplemental budget adjustments for the fiscal year ended June 30, 2012, and to close completed capital and CIP projects. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of the Tax Commissioner's request to adopt Resolution 2012-19, authorizing the Fayette County Tax Commissioner to make the final determinations to waive, in whole or in part, the collection of penalties and interest assessed for failure to comply with laws governing the assessment and collection of ad valorem taxes.**

Commissioner Brown stated he was concerned about the broad implications associated with allowing the Tax Commissioner to waive fees without many restrictions. He pointed out that there was no data supporting the request and he asked why this action needed to be taken. He added that when the Board of Commissioners takes action, it is recorded in a public meeting in front of an audience. He concluded that he could not support Resolution 2012-19 since it grants too much ability to waive "anything and everything" and since it could lead to problems in the future.

Tax Commissioner George Wingo responded that the Georgia State Law supporting Resolution 2012-19 has been on the books for many years, and that most counties have adopted some form of the resolution. He said he requested the authority to waive penalties and interests since he did not want politics involved in the process and since he wanted to make a judgment without people looking over his shoulder. Mr. Wingo further pointed to his history as Tax Commissioner, stating that during the past four years he has collected $1,971,000.00 in penalties alone that accrued to the benefit of Fayette County, and an additional $239,000.00 in penalties and interest, with the interest benefitting taxing authorities such as the Board of Commissioners or the Board of Education. He acknowledged that there is more than one way to establish the authority he sought, but repeated he did not want to be in any process with oversight since it involves second-guessing and people going to Commissioners asking for favors. He concluded by saying his history over the past 20 years as Tax Commissioner speaks for itself and that he knew how to properly judge whether penalties and interest should be waived. Discussion followed.

Commissioner Horgan moved to approve Consent Agenda Item 2. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition. A copy of the request and Resolution 2012-19, identified as "Attachment 2", follow these minutes and are made an official part hereof.

3. **Approval of the Sheriff's Office request to amend the Fiscal Year 2013 Overtime Budget for the Criminal Investigations Division by $54.17 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of staff's request to award Bid #844- High Band Radio to Trans Comm Services, in the amount of $45,426.25, for the purchase of high band radio equipment and programming services, and authorization for the Chairman to sign any contract or related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

5. **Approval of the disposition of tax refunds as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. **Approval of staff's recommendation to award Bid #848- Tractor Purchase to Haney Farm & Ranch, Inc., in the amount of $20,779.00, for the purchase of a Case IH Farmall tractor with attachments, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

7. Approval of the Water Committee's recommendation to allow for the installation of permanent buoys in Lake McIntosh that would mark the Dragon Boat Race course, as requested by the Peachtree City Rotary Club.

Commissioner Brown asked if the Rotary Club could install temporary buoys instead of permanent buoys for the Dragon Boat Race since he worried that the Board would be creating an amenity that would become the personal race track for a certain entity who wanted it for only one purpose. He was also concerned that permanent buoys would restrict the County from some other future use of the lake.

Water System Director Tony Parrott replied that temporary buoys would work, but that permanent buoys would also provide a course that others with non-motorized water craft, such as canoes or paddle boats, could also use. Commissioner Brown asked if there would be other uses for the lake that permanent buoys would interfere with. Mr. Parrott replied there would be no other uses for the lake. Commissioner Brown asked if permanent buoys would interfere with dredging the lake, and Mr. Parrott replied that the lake was engineered so that it would not need to be dredged for at least 30 years, if at all.

Interim County Administrator Jack Krakeel added that this issue was first raised by Peachtree City Council Person Kim Learnard, and that he had met with Mrs. Learnard and a representative of the Peachtree City Rotary Club who is intimately familiar with the Dragon Boat Race. He said that, in the future, they may come to the Board to also ask for consideration to allow a floating dock, which they would pay for, which would facilitate the loading and unloading of boats in the lake. Discussion followed.

Commissioner Horgan moved to approve Consent Agenda Item 7. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to award Chemical Bid #845, for twelve (12) months, to eight companies who bid on chemicals used by the Fayette County Water System for water treatment, and authorization for the Chairman to sign any contracts or related documents contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

9. Approval of the September 5, 2012 Board of Commissioners Workshop Meeting Minutes and the September 13, 2012 Board of Commissioners Meeting Minutes.

NEW BUSINESS:

1. Approval of the Water Committee's recommendation to authorize Scarbrough and Rolander Development, LLC., to extend a 20-inch waterline from Southmill Subdivision to Georgia Highway 85, in the amount of $21,547.60, and to authorize the Chairman to sign any contract or related documents contingent upon the County Attorney's review.

Water System Director Tony Parrott reported that over the years, developers in the County sometimes desire to tie into larger waterlines that may be available. He explained that while the Water System does not want the developer to downsize waterlines, the Board has historically taken a position that there should not be a cost to the developer to extend to a larger line. He mentioned that, depending on the size of the project, the developer will pay the Water System either for his share of the cost, or for smaller projects, the Water System

would pay the developer for the additional work to tie into larger waterlines. Mr. Parrott also explained that this request was based on several problems with wells in the area and due to customer complaints along Padgett Town Road. He suggested that at some point in the future there would be the need to install a 20-inch waterline along Padgett Town Road, and that was the reason his request was to pay Scarbrough and Rolander to install the 20-inch waterline as part of his overall development project.

Commissioner Brown asked why the developer was not asked to pay for the installation of the 20-inch waterline. Mr. Parrott replied that the cost of installing the waterline was prohibitive, and that if the developer was to pay for the waterline, then the subdivision itself would not be developed. Mr. Parrott concluded that the Water Committee's recommendation would help everyone, would not cost much in the scheme of things, and does not come up very often.

Commissioner Hearn asked if Mr. Parrott was confident the price to install the 20-inch waterline was a "good one." Mr. Parrott explained that the price was good. Commissioner Hearn complimented Mr. Parrott and all involved staff since the installation would be a good addition to the Water System and since it helps citizens know that the County is looking past the current day and into the future.

Commissioner Hearn moved to approve the Water Committee's recommendation to authorize Scarbrough and Rolander Development, LLC, to extend a 20-inch waterline from Southmill Subdivision to Georgia Highway 85, in the amount of $21,547.60, and to authorize the Chairman to sign any contract or related documents contingent upon the County Attorney's review. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Appointment of a Voting Delegate to the 2012 Legislative Leadership Conference: Interim County Administrator Jack Krakeel reported that he understood both Commissioners Brown and McCarty would be attending the ACCG Legislative Leadership Conference in Athens beginning over the weekend and continuing into early next week. He continued reporting that staff received a call from the ACCG asking if there is intent on either of the attending Commissioners to participate in the business session as a voting delegate, and if so, information needed to be provided to the ACCG in order for credentials to be prepared. Mr. Krakeel summarized that someone needs to be delegated as the voting delegate. Commissioner McCarty agreed to attend the business session and represent Fayette County as the voting delegate.

The Board consented to allow Commissioner McCarty to represent Fayette County as its voting delegate at the 2012 Legislative Leadership Conference in Athens.

ATTORNEY'S REPORTS:

Attorney Don Comer, who attended the meeting in lieu of County Attorney Scott Bennett, reported that he did not have a report to provide to the Board.

COMMISSIONERS' REPORTS:

Commissioner Hearn: Commissioner Hearn asked Water System Director Tony Parrott asked when the gates would be shut on Lake McIntosh in order to start filling it with water. Mr. Parrott replied that the gates would be shut next month– meaning October.

ADJOURNMENT:

Commissioner Hearn moved to adjourn the September 27, 2012 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The September 27, 2012 Board of Commissioners meeting adjourned at 7:29 p.m.

Floyd L. Jones, County Clerk

Herbert Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of October 2012.

Floyd L. Jones, County Clerk