Minutes

Board of Commissioners
October 25. 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 October 25, 2012 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Commissioner Absent:	Herb Frady, Chairman
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Floyd L. Jones, County Clerk

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Call to Order, Invocation and Pledge of Allegiance.

Vice Chairman Robert Horgan called the October 25, 2012 Board of Commissioners meeting to order at 7:01 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. Commissioners McCarty and Hearn seconded the motion. No discussion followed. The motion passed 4-0 with Chairman Frady being absent.

PRESENTATION/RECOGNITION:

1. Proclamation of November 4, 2012 as "Retired Educators Day in Fayette County."

Vice Chairman Horgan presented a Proclamation to Ms. Karen Bullock, President of the Georgia Retired Educators Association, and proclaimed Sunday, November 4, 2012 as "Retired Educators Day in Fayette County". Ms. Bullock briefly commented on her many years as an educator in Fayette County. Copies of the request and proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Tom Waller: Mr. Waller commented on the following three items: 1) the West Fayetteville Bypass and his appreciation of those on the Board who oppose its construction and have voted against the incremental funding of the project, 2) the unnecessary paving of Tyrone Road and the establishment of a citizen's review board which would evaluate discretionary projects in the Road Department, and 3) a lack of information on the County's reserve funds.

CONSENT AGENDA:

Commissioner Brown moved to approve Consent Agenda Items 1-4. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0 with Chairman Frady being absent.

1. **Approval of staff's request to award Bid #843- Library Carpet Installation to Mehio's Flooring, doing business as Expressive Flooring, for the purpose of replacing the carpet in designated locations in the Library, at a cost of $35,155.00, 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 2", follows these minutes and is made an official part hereof.**

2. **Approval of staff's recommendation to extend the annual price contract for blended phosphate with Pristine Water Solutions, Inc., for the price of $71.00 per 50 pound pail, and authorization for the Chairman to sign the contract extension contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommendation to award Bid #849 to low-bidders Cole Technology, Inc. (doing business as PMC) and to GMP Environmental, in an aggregate amount of $22,443.21, for the repair and installation of the Raw Water #4 pump and motor at the Lake Horton Pump Station, and authorization for the Chairman to sign the contract or related documents contingent upon the Attorney's review. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

4. **Approval of the October 3, 2012 Board of Commissioners Workshop Minutes and the Board of Commissioners October 11, 2012 Board of Commissioners Minutes.**

NEW BUSINESS:

1. **Discussion concerning the appointment of members to the Ethics Board.**

   Interim County Administrator Jack Krakeel said this item was intended to be a heads-up for the Board of Commissioners since it needed to give due consideration to appointing three members to the Ethics Board. He explained that the Ethics Ordinance that was adopted in 2010 was not populated at that time; therefore, there are currently three vacancies on the Board which will require appointments. He pointed out that since these appointments will be the first appointments to the Ethics Board, the terms for those appointments must be staggered and defined as one-year, two-year, and three-year terms. He added that the Board will also be required to appoint alternate members to the Ethics Board. He reminded the Board that an Ethics Complaint has been filed against County Attorney Scott Bennett, and the Ethics Ordinance requires a hearing within thirty days of the complaint being filed. He said the thirty day time limit will be rapidly approaching, and the Board only has one remaining scheduled meeting before the deadline expires for at least initiating the process. Mr.

Krakeel recommended that the Board, over the course of the following two or three days, and prior to its November 7 Wednesday Workshop, have discussions and bring forth a list of candidates that can be voted upon at the Workshop meeting. He noted that the Ethics Ordinance requires candidates to pass a background check, and since background checks take a day or two to complete, the time line for appointing candidates to the Ethics Board would be even further constricted. He repeated that this information was intended to make the Board aware of the need, and for the individual Commissioners to do their due diligence in identifying, discussing, and voting on candidates at the November 7, 2012 Workshop meeting. Mr. Krakeel then answered various questions from the Board.

The Board agreed to provide nominees for the Ethics Board by Wednesday, October 31, and for those nominees to be voted upon, at the latest, by the November 7, 2012 Board of Commissioners Workshop meeting. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

There was no Administrator's Report.

ATTORNEY'S REPORTS:

Georgia Supreme Court Ruling Concerning Fayette County Solicitor-General Jamie Inagawa's Lawsuit: County Attorney Scott Bennett briefed the Board on the Georgia Supreme Court's ruling in favor of Fayette County Solicitor Jamie Inagawa in his legal suit against Fayette County, Georgia, and he answered questions from the Board. He informed the Board that due to the Supreme Court's ruling, Fayette County owes Mr. Inagawa back pay, and that he would provide additional information to the Board after additional information becomes available concerning how much Mr. Inagawa would be compensated.

STAFF REPORTS:

Atlanta Regional Commission's (ARC) and Georgia Department of Transportation's (GDOT) 2012 Project Solicitation for Fayette County: Public Works Director Phil Mallon provided documentation to the Board before he reminded the Board that over the past months he had approached it to discuss an opportunity to submit new projects to the Atlanta Regional Commission (ARC) so that those projects could be included in the Regional Transportation Improvement Program (TIP). He also reminded the Board that, as part of those held discussions during the May 24, 2012 Board of Commissioners meeting, the Board authorized the three following projects to be submitted to the ARC: 1) Resurfacing three roads, 2) an extension of the multi-use path along Redwine Road in the vicinity of the Starr's Mill school complex, and 3) a City of Fayetteville project. Mr. Mallon reported that the ARC has dropped the City of Fayetteville project claiming that it did not qualify, and that the ARC dropped one of the three roads suggested for resurfacing (although he added a substitute road in its place). He added that the ARC received a number of requests for multi-use paths from across the Region, and that it had decided to place those requests into a scoping study to determine what the true costs would be and if the multi-use paths warrant federal funding. Mr. Mallon stated that he had a subsequent discussion with the ARC and asked if the County reduced the multi-use paths scope or clarified the project, would the ARC reconsider the multi-use project for funding its design, right of way, utilities, and construction. He reported that the ARC would reconsider the project if it was reduced or clarified. Mr. Mallon reported that the reason he was before the Board was because the ARC was asking Fayette County to re-certify that if the remaining two projects were included in the Regional TIP that the County would be fully supportive of those projects and would be willing to commit staffing and financial support for those projects.

Mr. Mallon clarified that the remaining two projects under consideration are: 1) Repaving on State Route 85 Connector, Brooks-Woolsey Road, and a portion of Ebenezer Road, and 2) the multi-use path along Redwine Road toward the Starr's Mill school complex. He reported that the estimated cost for the repaving project was $932,000.00, of which about $745,000.00 would be paid through federal funding, meaning the County could expect to pay approximately $190,000.00. He further reported that the multi-use project was estimated to cost $1.1 million of which the County's cost could be as high as approximately $215,000.00. He noted that a portion of the multi-use path was within Peachtree City's jurisdiction and that the City might pay for their portion of the multi-use path although there is no commitment at this time from City Council. Discussion followed.

The Board consented to recertify the two projects as described by Mr. Mallon and to communicate its recertification to the Atlanta Regional Commission. Copies of the various documents Mr. Mallon provided to the Board, identified as "Attachment 6", follow these minutes and are made an official part hereof.

COMMISSIONERS' REPORTS:

Commissioner Hearn: Commissioner Hearn replied to each of Mr. Tom Waller's three items discussed during the Public Comment section of the Agenda.

Vice Chairman Horgan: Vice Chairman Horgan stated that he was disappointed in the process that occurred in the recent attempt to hire a County Administrator. He spoke about the problems associated with the first attempt to hire a new County Administrator, provided suggestions on ways to improve the process, and recommended that the incoming 2013 Board of Commissioners begin the process again in a manner that would demonstrate to the citizens of Fayette County that the work is being conducted properly.

EXECUTIVE SESSION:

Real Estate Acquisition: Commissioner Hearn moved to recess into Executive Session to discuss Real Estate Property Acquisition. Commissioner McCarty seconded the motion. The motion passed 4-0 with Chairman Frady being absent.

The Board recessed into Executive Session at 7:49 p.m. and returned to Official Session at 7:59 p.m.

Executive Session Affidavit: Commissioner Hearn moved to authorize the Vice Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition was discussed during Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0 with Chairman Frady being absent.

ADJOURNMENT:

Commissioner Brown moved to adjourn the October 25, 2012 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0 with Chairman Frady being absent.

Floyd L. Jones, County Clerk

Robert Horgan, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 15th day of November 2012.

Floyd L. Jones, County Clerk