Minutes

Board of Commissioners
January 10, 2013
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 January 10, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the January 10, 2013 Board of Commissioners meeting to order at 7:03 p.m.

Commissioner Barlow introduced Pastor Carl Dorsey of Bethlehem Baptist Church, and asked him to offer the Invocation. Pastor Dorsey made a few comments and then offered the Invocation.

Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Lee Hearn: Mr. Hearn commented on campaign promises from Commissioner David Barlow to support Commissioner Randy Ognio for Board Chairman and to hire Mr. Bob Ross for County Administrator. He asked for information on the top three candidates for the County Administrator's position, questioned a meeting between the 2013 Board of Commissioners (prior to being sworn into office) and the National Association for the Advancement of Colored People

(NAACP), and Chairman Brown's involvement with the NAACP. He also questioned the Board's intention with the West Fayetteville Bypass and the how it would prepare the 2014 budget.

Bob Ross: Mr. Ross began saying he appreciated Mr. Hearn's confidence in him as County Administrator but he would not take the job if offered to him and that he would have declined the offer. He also commented that "Things progress, be it a campaign or a military effort", that he reserves the right to "get smarter", and that he appreciated Mr. Barlow's flexibility since Commissioner Ognio runs his own business that takes time away from the County. He stated that Mr. Hearn brought up a very valid point about the budget and what direction the County would take with it. He then presented a chart to the Board entitled "Best Value" which compared Fayette County with some of its surrounding jurisdictions. After speaking of his findings, he recommended that the "Board continue the good work here in Fayette County to maintain these high standards and improve on them, and that includes refurbishing those roads that may need it." A copy of Mr. Ross' chart, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Dawn Oparah: Ms. Dawn Oparah commented that she read in *The Citizen* newspaper about the previous County Attorney, and while she was unsure about the validity of the story, she felt wiping computers clean and taking public property was criminal. She continued that she did not know what the Board was doing, but she thought an investigation should be launched. She said that when a person usually leaves their job they leave something for the person who comes after them, and there should be no problem with being able to inspect the records since people were paid by taxpayer's dollars. She repeated her hopes that there would be an investigation, and if any crime had been committed she hoped it would be prosecuted.

CONSENT AGENDA:

Chairman Brown asked to remove Consent Agenda Items 3-7. Commissioner Ognio asked to remove Consent Agenda Item 8.

Commissioner Oddo moved to approve Consent Agenda Items 1, 2, and 9. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of Chairman Steve Brown's nomination of Commissioner David Barlow to serve on the Fayette County Board of Health. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof**

2. **Approval of staff's request to adjust the County's travel expense rate from 45.51 cents to 46.33 cents per mile effective January 1, 2013. 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 annual Bid #860 to Con South, Inc. as the primary vendor and to Bulkhaulers, Inc. as the secondary vendor for dump truck hauling services, in an aggregate amount not to exceed $150,000.00, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

   Chairman Brown moved to approve annual bid award #860 to Con South, Inc. as primary vendor and to Bulkhaulers, Inc. as the secondary vendor for dump truck hauling services for calendar year 2013 with the exception that none of these items are used for the West Fayetteville Bypass.

Commissioner Ognio said he wanted to make a change to Consent Agenda Item #3, saying he wanted to see it approved as staff recommended if fuel is at or above $3.50 a gallon, but he added that if fuel costs drop below $3.50 a contract should be in place with Mar Trucking. He said this arrangement would save Fayette County money.

Chairman Brown accepted Commissioner Ognio's amendment to approve staff's recommendation if fuel is at or above $3.50 a gallon and to have a contract with Mar Trucking should fuel costs drop below $3.50 a gallon. Commissioner McCarty seconded the motion and amendment.

Chairman Brown restated the motion to award the bid to Con South, Incorporated as primary vendor and to Bulkhaulers, Inc. for gas prices $3.50 and above and to Mar Trucking for gas prices below $3.50, and for none of the items to be used for the West Fayetteville Bypass. Discussion followed clarifying the motion and amendment.

Commissioner Barlow noted that the Chairman commented that none of the material would be used for the West Fayetteville Bypass, and he asked about areas that have already been graded and if a broad statement could be made that none of the material would be used for the West Fayetteville Bypass. He said he would be concerned that a project would be left half completed. Chairman Brown replied that, if needed, the Board could readdress the issue, but it needed time to review the projects. Commissioner Oddo said he also wanted to reassess the West Fayetteville Bypass.

The motion to award the bid to Con South, Incorporated as primary vendor, to Bulkhaulers, Inc. for gas prices $3.50 and above, to Mar Trucking for gas prices below $3.50, and for none of the items to be used for the West Fayetteville Bypass passed unanimously. 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 award annual Bid #861 to Hanson's Aggregates of Tyrone for the purchase of eight different virgin stone products and to Stephen's Rock & Dirt, Inc. for the purchase of five recycled stone sizes, in an aggregate amount not to exceed $200,000.00, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.

Chairman Brown moved to approve the Bid #861 with the exception that it not be used for the West Fayetteville Bypass. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to approve Bid #864, awarding two separate annual contracts to Seaco, Inc., for the purchase of CR-2h Emulsion, and authorization for the Chairman to sign the contracts and related documents contingent upon the County Attorney's review.

Chairman Brown moved to approve Bid #864 with the exception that it not be used for the West Fayetteville Bypass.

Commissioner Ognio amended the motion for the bid cost not to exceed $45,000.00, by noting that the "not to exceed" amount was left off of the agenda. Chairman Brown accepted the amendment to the motion. Commissioner McCarty approved the motion and the amendment. No further discussion followed.

The motion to approve Bid #864 with the exception that it not be used for the West Fayetteville Bypass, and that it should not exceed $45,000.00 passed unanimously. 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 award annual Bid #865 to Atlanta Paving & Concrete Construction, Inc. for asphalt milling services to be used on various projects, in an amount not to exceed $250,000.00, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.

Chairman Brown moved to approve Bid #865 with the exception that it not be used for the West Fayetteville Bypass. Commissioner McCarty seconded the motion.

Commissioner Ognio commented that it appeared there were only two bids received on this item, and he hope that in the future there would be an effort to work together to figure out what was needed to receive more bids in order to save money for Fayette County.

The motion to approve Bid #865 with the exception that it not be used for the West Fayetteville Bypass passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

7. Approval of staff's recommendation to award Bid #866 for dust control on gravel roads to South Eastern Road Treatment, for the application of calcium chloride, in the amount of $2,978.00 per mile, in an amount not to exceed $60,000.00, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.

Chairman Brown moved to approve Bid #866 under the provision that it not be used for the West Fayetteville Bypass. Commissioner McCarty seconded the motion.

Commissioner Ognio commented that there was only one bid on this item, that after reviewing the records it appeared to him that the recommended company has "really slaughtered the competition in the past" so the other competition appears discouraged. He said there should be an effort to obtain competition on this item in the future.

The motion to approve Bid #866 under the provision that it not be used for the West Fayetteville Bypass passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

8. Approval of the Sheriff's recommendation to purchase and install a Stage 1 Vapor Recovery System, as required by the Georgia Department of Natural Resources' Environmental Protection Division, and further authorization to utilize $4,600.00 of the General Fund's Unassigned Fund Balance to pay this expense.

Commissioner Ognio asked if there would be bids on this item. County Administrator Rapson replied that, due to the nature of the request involving an environmental issue and since the Natural Resources' Environmental Protection Division involved, that he would recommend passage of the item as an emergency purchase.

Commissioner McCarty moved to Consent Agenda Item 8. Commissioner Oddo 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.

9. Approval of the Water Committee's recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program and to allocate an additional $50,000 to the program. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

NEW BUSINESS:

10. Consideration of a sub-lease contract between the Fayette County Development Authority and the City of Fayetteville, Mainstreet Tourism Association for the space vacated by the Chamber of Commerce on the first floor of the Historic County Courthouse.

Chairman Brown informed the audience that the Board had two documents on the dais. He said the first was a form entitled "Lease Agreement by Main Street Tourism Association from Fayette County Development Authority", dated January 10, 2013, provided by the County Attorney. He continued that the second document had four pages from Mr. Matt Forshee in terms of contract changes that he wanted to see.

Mr. Matt Forshee, President and CEO of the Fayette County Development Authority, and Mr. Brian Wismer of the City of Fayetteville, Mainstreet Tourism Association spoke briefly about this request and their functions.

Commissioner Oddo pointed out that the previous amount of rental income was $20,000.00, but it reduced to $6,000.00. He asked how the parties came up with the $6,000.00 amount. Mr. Wismer replied that the $6,000.00 figure was derived by looking at the available budget and that Mainstreet Fayetteville is not currently paying rent at the Train Depot; since it is city property. He pointed out that others were interested in the location but who did not offer to pay anything.

Chairman Brown read following changes to the contract into the record:

1) The end date originally in the contract reads "December 31, 2033." It will change to "August 31, 2026.

2) The original contract reads "Mainstreet Tourism Association will operate a Welcome Center for six hours a day, five days a week." It will change to "Mainstreet Tourism Association will do its absolute best to offer a Welcome Center on-site eight hours a day, five days a week.

3) Page 6 of the original contract, Section 14, Line One should read: "Landlord and/or the Building Owner will keep the building insured against."

4) Page 6 of the original contract, Section 14, Line Three should read: "Coverage for tenant's personal property, and will maintain general liability".

5) Page 7 of the original contract, on Line Eight should read: "Otherwise for any damages sustained by tenant or any invited guests of the tenant."

Chairman Brown moved to approve the sub-lease contract with the following changes read into the record. Commissioner McCarty seconded the motion.

Commissioner Barlow asked if it would be prudent to have "the legal department" sign off on the sub-lease. Chairman Brown replied the attorney already reviewed it and the proposed changes. County Administrator Rapson suggested that the motion should include a comment in regards to "with final legal approval" in case there is something that was missed in the actual motion.

Chairman Brown amended his motion to include that approval of the sub-lease contract is based on final legal approval and that the Chairman be given the authority to sign the contract. Commissioner McCarty repeated his second to the motion and amendment.

The motion to approve the sub-lease contract with the changes read into the record based on final legal approval and for the Chairman to be given the authority to sign the contract passed unanimously. A copy of the request and approved contract with approved changes, identified as "Attachment 11", follow these minutes and are made an official part hereof.

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

Commissioner Barlow moved that the new County Administrator, Mr. Steve Rapson, be the Fayette County Legislative Coordinator. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

12. Consideration of Commissioner David Barlow's recommendation that members of the Fayette County Board of Commissioners be subject to random drug testing in the same manner required of Fayette County employees.

Commissioner Barlow commented that when he was processing the paperwork to become a Fayette County Commissioner, he questioned when he would need to take a drug test since every job he has taken required drug tests of each new employee. He said he was simply volunteering to take a drug test, and he was told that elected officials are exempt from drug tests. He continued that, similar to the United States Congress passing laws and exempting themselves, he did not want to appear that was above the law. He said he later learned that elected officials are somewhat insulated from drug testing, and that if he had known that earlier he would not have placed this item on the agenda. He explained that, currently, required random drug tests would have to be permitted by the General Assembly and then all County Commissioners throughout Georgia would have to agree to it. Commissioner Barlow then said he was considering going to a private company and getting publically tested, and that he would publish those results in the local papers. Chairman Brown and some of the other Commissioners expressed they would join Commissioner Barlow. Commissioner Barlow summarized that the point of the matter is that the Board is not above the law. The Board took no action on this item. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. Consideration to approve an employment contract between Fayette County, Georgia and Mr. Steve Rapson appointing Mr. Rapson as Fayette County Administrator.

Chairman Brown moved to move New Business Agenda Item 13 to the front of the Consent Agenda. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown stated that the Board had a few contracts with them at the dais. He said one version was an edited version showing edits with blue lines, and he referred to it as the "blue line edited copy." He said there was another copy that was edited with red lines, and he called it the "red line edited copy." He said the Board had a third contract without editing, and he called it the "clean, final copy." He reiterated that the Board had three copies of the contract on the dais.

Commissioner Oddo moved to accept the contract with the corrections. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown invited Mr. Rapson to sit at the staff's table as the new County Administrator, congratulated him, and welcomed him to the team. He added that Mr. Rapson brings a lot of intense experience at all levels and has a strong background in government finance. A copy of the request and approved contract, identified as "Attachment 14", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Administrator Steve Rapson: County Administrator Steve Rapson said he appreciated the opportunity to be the County Administrator and that he looked forward to working and learning all department heads and helping the Board implement its vision for the County.

ATTORNEY'S REPORTS:

Announcement of Executive Session: Interim County Administrator Dennis Davenport reported that he had two items for Executive Session involving pending litigation and one item involving threatened litigation, for a total of three items.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty reminded the audience that he previously announced that the Board would eventually stream its meetings on the internet and air them on Channel 23. He said the work is progressing on the project, but there is no budget available. He said the equipment was expensive, that he was looking at some people to donate equipment, and that he anticipated streaming on the internet and being on Channel 23 within six weeks. He closed saying he retired from broadcast and television and that one of his goals was to be on television.

Commissioner Barlow: Commissioner Barlow responded to Mr. Lee Hearn's comments about promises he made both while he was running for Commissioner and after he was elected.

Commissioner Ognio: Commissioner Randy Ognio publically welcomed Mr. Rapson. He said Fayette County was very fortunate to have such a talented person for the position and it was very fortunate that he came to serve the County.

Commissioner McCarty: Commissioner Allen McCarty added that the previous Commission Board determined that the Commissioner Reports could be about anything, including their duck hunting or golf game if that is what they wanted to talk about. He told everyone that the Commissioner Reports are still wide open for a Commissioner to say things that some people may not agree with. He said it would be part of the report process and most of the time it will be of items that are totally relevant to what the citizens need to know and have to know. He also thanked the audience for coming to the meeting.

Chairman Brown: Chairman Brown responded to Ms. Oparah's comments saying the County held an investigation and that the Marshal's report can be obtained from the County Clerk. He then informed everyone that he was looking to form a committee regarding what the County should do with the old jail facility, and he reminded everyone that the County has been pondering the facility for years, that nothing was in the facility, and that the facility is quickly becoming unusable. He continued that the Board is at a juncture where a decision would have to be made about the old jail facility, and he would start working on forming the committee if no one objected. No objection was raised.

Public Facilities Authority, Region Six Mental Health Board, and Library Board: Chairman Brown explained that openings were available on several boards, authorities and commissions, and he asked for a Commissioner to work with the appropriate staff member to fill those appointments. He pointed out that the County had publically advertised the open positions and received a number of applications.

Commissioner Ognio agreed to work with the applications for the Public Facilities Authority, Commissioner McCarty agreed to work on open positions for the Region Six Mental Health Board, and Commissioner Barlow agreed to review the applications for the Library Board.

EXECUTIVE SESSION:

Legal Items: Chairman Brown moved to recess into Executive Session for three legal items, two pending and one threatened. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 7:52 p.m. and returned to Official Session at 8:18 p.m.

Return to Official Session: Chairman Brown moved to exit Executive Session and reconvene into the regular meeting. Commissioner Ognio seconded the motion. No discussion followed.

Executive Session Affidavit: Chairman Brown moved to give the Chairman to give the authority to sign the Executive Session Affidavit stating the Board discussed two pending legal items and one threatened legal item. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously

ADJOURNMENT:

Commissioner Barlow moved to adjourn the January 10, 2013 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Floyd L. Jones, County Clerk

Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of January 2013.

Floyd L. Jones, County Clerk