



Action Agenda

Board of Commissioners
July 23, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, July 23, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Jack Smith, Chairman
Herb Frady, Vice Chairman
Lee Hearn
Robert Horgan
Eric Maxwell

Staff Present:

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Smith called the meeting to order.
Commissioner Hearn offered the Invocation
Pledge of Allegiance.

ACCEPTANCE OF AGENDA:

COMMISSIONER HEARN MADE A MOTION TO ACCEPT THE AGENDA AS PRESENTED. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

PRESENTATION/RECOGNITION:

A. Ted Mallory and Mike Brady will present an overview of the Veterans' Memorial project located at Falcon Field.

TED MALLORY AND MIKE BRADY PRESENTED AN OVERVIEW OF THE VETERANS' MEMORIAL PROJECT LOCATED AT FALCON FIELD IN PEACHTREE CITY.

PUBLIC COMMENT:

LARRY TORLEY: Larry Torley asked for Commissioner Horgan to do the right thing and resign. He presented the Board with the application for a recall and ask the Board to take this opportunity to make a public statement and also to sign this application.

BOB ROSS: Bob Ross felt it was time for Commissioner Horgan to step down. He said his deeds had broken trust with the public had caused mistrust in the community. He noted that a recall was going to cost the taxpayers money and he asked Commissioner Horgan to step up and step down.

DENNIS BENSON: Dennis Benson remarked that he was a retired Captain in the U.S. Navy and he learned duty, honor and respect. He remarked that Commissioner Horgan's use of marijuana would not go unnoticed. He assured the Board that the citizens would not forget this.

GORDON FURR: Gordon Furr spoke in opposition to the West Fayetteville Bypass especially in these economic times. He noted that the maintenance of this road would be a huge cost to taxpayers. He also asked that Commissioner Horgan do the right thing and step down from the Commission as well as from the Fayette County Board of Health.

HAROLD BOST: Harold Bost said there was a negative cloud hanging over the community and this Commission. He said Robert Horgan should resign as Commissioner. He stated that Commissioner Horgan had never apologized for his individual actions or his poor judgment. He said Commissioner Horgan could no longer be trusted and pointed out that a recall was well in progress.

CONSENT AGENDA: COMMISSIONER FRADY MADE A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

1. Approval of staff's request for funding from the contingency fund to install a dosing tank and new drain field line to connect to the existing septic tank at the Animal Shelter at a cost of approximately \$5,500.
2. Approval of reappointment of Mary Shaver, Brian Cardoza and Jack Smith to the Fayette County Public Facilities Authority for a term to commence immediately and to expire July 22, 2010, and until successors have been appointed.
3. Approval of minutes for Board of Commissioners' meetings held on June 25, 2009, July 1, 2009, July 9, 2009 and July 13, 2009.

OLD BUSINESS:

- B. Consideration of staff's recommendation to continue the annual maintenance agreement between Fayette County and Motorola for the 800 MHz ASTRO Simulcast System and to authorize the Chairman to execute the renewal contract for the term July 1, 2009 through June 30, 2010.

COMMISSIONER FRADY MADE A MOTION TO APPROVE THE ANNUAL MAINTENANCE AGREEMENT BETWEEN FAYETTE COUNTY AND MOTOROLA FOR THE 800 MHz ASTRO SIMULCAST SYSTEM AND TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE RENEWAL CONTRACT FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

NEW BUSINESS:

- C. Presentation of conceptual GATEway Landscape designs for State Highways 85 and 74 and request for permission to submit two grants to the Georgia Department of Transportation GATEway Grant Program.

COMMISSIONER HEARN MADE A MOTION TO APPROVE THE SUBMISSION OF TWO GRANTS TO THE GEORGIA DEPARTMENT OF TRANSPORTATION GATEWAY GRANT PROGRAM REGARDING LANDSCAPE DESIGNS FOR STATE HIGHWAYS 85 AND 74. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

- D. Consideration of staff's recommended amendments to the County Policies and Procedures Manual, Human Resources Section, pertaining to unused sick leave upon an employee's retirement from the County.

COMMISSIONER MAXWELL MADE A MOTION TO APPROVE STAFF'S RECOMMENDATION TO AMEND THE COUNTY POLICIES AND PROCEDURES MANUAL, HUMAN RESOURCES POLICY 420.17, PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT, TO PROVIDE THAT UPON DEPARTURE FROM THE COUNTY'S EMPLOYMENT IN GOOD STANDING, REGULAR FULL TIME EMPLOYEES VESTED IN THE COUNTY'S DEFINED BENEFIT RETIREMENT PLAN SHALL HAVE 100% OF THEIR SICK LEAVE ACCRUAL BALANCE CONVERTED TO CREDITED SERVICE IN THE DEFINED BENEFIT RETIREMENT PLAN, UNLESS OTHERWISE PROVIDED FOR IN AN EMPLOYMENT CONTRACT. COMMISSIONER FRADY SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ADMINISTRATOR'S REPORT:

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE : County Administrator Jack Krakeel said that earlier in the year he had asked for the Board's consideration of an Intergovernmental Agreement with the City of Peachtree City for paving a portion of Redwine Road lying within the City limits. He said he had now received a similar request from the City of Fayetteville regarding Banks Road and Gingercake Road where work would begin within the next week to week and a half. He asked for authorization to work with the City of Fayetteville regarding the pavement of the portion of the roads that lie within the City. He noted that these roads are a part of the contract that the County has with a general contractor who is doing full depth reclamation work on several County roads.

COMMISSIONER HEARN MADE A MOTION TO AUTHORIZE NEGOTIATIONS WITH THE CITY OF FAYETTEVILLE FOR THE PAVING OF PORTIONS OF BANKS ROAD AND GINGERCAGE ROAD THAT LIE WITHIN THE CITY, WHILE THE COUNTY'S CONTRACTOR IS IN THE PROCESS OF PERFORMING FULL DEPTH RECLAMATION WORK ON SAID ROADS; AND THAT THE CHAIRMAN BE AUTHORIZED TO EXECUTE ANY RESULTING AGREEMENTS WITH THE CITY OF FAYETTEVILLE. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

ATTORNEY'S REPORT:

INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF WOOLSEY: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute an Intergovernmental Agreement with the Town of Woolsey to allow the Judge of State Court of Fayette County to serve as the Judge of the Municipal Court for the Town of Woolsey and amend and restate the Municipal Court Agreement to appoint the State Court of Fayette County Judge and Solicitor to sit as a Municipal Court Judge and Solicitor.

COMMISSIONER FRADY MADE A MOTION TO APPROVE THE INTERGOVERNMENTAL AGREEMENT AND FOR AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE SAME WITH THE TOWN OF WOOLSEY TO ALLOW THE JUDGE OF STATE COURT OF FAYETTE COUNTY TO SERVE AS THE JUDGE OF THE MUNICIPAL COURT FOR THE TOWN OF WOOLSEY AND TO AMEND AND RESTATE THE MUNICIPAL COURT AGREEMENT TO APPOINT THE STATE COURT OF FAYETTE COUNTY JUDGE AND SOLICITOR TO SIT AS A MUNICIPAL COURT JUDGE AND SOLICITOR. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

INTERGOVERNMENTAL AGREEMENT WITH CLAYTON COUNTY: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute an Intergovernmental Agreement with Clayton County for repair and resurfacing approximately 1,800 feet of Corinth Road that is located in Clayton County. He noted that Fayette

County is resurfacing its portion of the road and that Clayton County will reimburse Fayette County for all cost of labor, equipment and materials up to \$103,500.

COMMISSIONER HEARN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CLAYTON COUNTY FOR REPAIR AND RESURFACING APPROXIMATELY 1,800 FEET OF CORINTH ROAD THAT IS LOCATED IN CLAYTON COUNTY. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

STAFF REPORTS:

COMMANDER DAVID SCARBROUGH: Commander David Scarbrough of Fire and Emergency Services asked for the Board's consideration to move \$2,553.65 from Fire Contingency to Computer Equipment to replace a computer used for GIS administration for Fire and EMS departments.

COMMISSIONER HORGAN MADE A MOTION TO APPROVE STAFF'S REQUEST TO MOVE \$2,553.65 FROM FIRE CONTINGENCY TO COMPUTER EQUIPMENT TO REPLACE A COMPUTER USED FOR GIS ADMINISTRATION FOR FIRE AND EMS DEPARTMENTS. COMMISSIONER HEARN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

PUBLIC WORKS DIRECTOR PHIL MALLON:

UPDATE ON RIGHT-OF-WAY MOWING: Public Works Director Phil Mallon provided an update on the right-of-way mowing for the State Routes on Highways. He said he had previously requested authorization from D.O.T. to mow the medians on the State Routes. He said he had submitted the permit and as of this morning, D.O.T. would provide the contract tomorrow or first thing on Monday morning. He said as soon as this contract was received, the County would begin this work.

AWARD CHANGE ORDER TO THE MILLER GROUP FOR DRAINAGE IMPROVEMENTS: Public Works Director Phil Mallon asked for the Board's consideration to authorize the Chairman to execute a Change Order to be awarded to The Miller Group for drainage improvements to the existing asphalt resurfacing with full depth reclamation contract in the amount of \$13,775.

COMMISSIONER HEARN MADE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE A CHANGE ORDER TO BE AWARDED TO THE MILLER GROUP FOR DRAINAGE IMPROVEMENTS TO THE EXISTING ASPHALT RESURFACING WITH FULL DEPTH RECLAMATION CONTRACT IN THE AMOUNT OF \$13,775. COMMISSIONER HORGAN SECONDED THE MOTION. THE MOTION CARRIED 5-0.

TEMPORARY CLOSURE OF BERNHARD ROAD FOR A PERIOD OF UP TO SIX MONTHS: Public Works Director Phil Mallon remarked that the County had received a letter from the Georgia Department of Transportation asking for concurrence to temporarily close Bernhard Road for a period of up to six months. He said this was due to the intersection improvements at Bernhard Road and SR 85. He said this would be a huge impact on the residents in this area. He asked for the Board's consideration to draft a letter in response to G.D.O.T. stating that the Board of Commissioners concur with this road closure plan.

THERE WAS A CONSENSUS OF THE BOARD TO DRAFT A LETTER FOR THE CHAIRMAN'S SIGNATURE IN RESPONSE TO G.D.O.T. STATING THAT THE BOARD CONCURRED WITH THIS ROAD CLOSURE PLAN.

BOARD REPORTS:
NONE.

EXECUTIVE SESSION:
NONE.

ADJOURNMENT:

There being no further business to come before the Board, Chairman Smith adjourned the meeting at 8:45 p.m.

Karen Morley, Chief Deputy Clerk