

MINUTES OF REGULAR MEETING
BIBB COUNTY BOARD OF COMMISSIONERS

February 17, 2009

The regular monthly meeting of the Bibb County Board of Commissioners was held on Tuesday, February 17, 2009 at 6:00 p.m., in the Commissioners Boardroom at the Bibb County Courthouse. Board Members present were Chairman Samuel F. Hart, Sr., Vice Chairman Joe O. Allen, Commissioner Elmo A. Richardson, Jr., Commissioner Lonzy Edwards and Commissioner Bert Bivins, III.

Staff in attendance was Steve Layson, Chief Administrative Officer; Virgil Adams, County Attorney; Ken Sheets, County Engineer; Cliff Howard, Public Works; Deborah Martin, Finance Director; Doug Furney, Director of Lake Tobesofkee; Marilu Cowan, Director of Human Resources; Sam Kitchens, Director of Buildings and Properties; Tony Rousey, Director of Information Technology Services; Shelia Thurmond, Clerk of the Board, and Barbara Wood, Public Relations.

News media in attendance included Jennifer Burk of The Telegraph.

Reverend I.E. Mack, Pastor, Unionville Baptist Church, rendered the Invocation.

The Pledge of Allegiance to the Flag was recited.

ANNOUNCEMENTS

Chairman Hart announced that the Community Leadership Conference will be held on Tuesday, February 24 and Wednesday, February 25, 2009 at Lake Blackshear in Cordele, GA.

Chairman Hart announced that Macon Day at the State Capitol is Thursday, February 26th and if anyone had any questions, they should contact Shelia Thurmond, Clerk of the Board.

APPROVAL OF MINUTES

On motion of Commissioner Allen, seconded by Commissioner Richardson and carried, the Minutes of the regular monthly meeting on February 3, 2009 were approved.

RECOGNITION OF VISITORS

Prior to the presentation of Mutual Aid Checks, Chairman Hart issued the following statement:

“During the aftermath of the Mother’s Day tornadoes, Bibb County was inundated with damage and debris. Our Public Works Department was stretched to their limits and working six days a week. We were fortunate in that we have some “very good neighbors” and we call on them for assistance. They responded gladly and helped us survive those days, weeks and months following the tornadoes. We couldn’t have done it without your help and we are so grateful to each of you.

Today, we would like to present to representatives of the local governments who came to our aid a check covering a partial reimbursement from FEMA, GEMA, and Bibb County. FEMA paid 75%, GEMA provided 13.75% and Bibb County provided 11.25%.”

Chairman Hart, assisted by all members of the Board, made the following presentations:

Byron Police Department	\$4,838.84
Byron Fire Department	\$1,037.00
Byron Public Works	\$ 955.00

Chief J.D. Moseby of the Byron Fire Department accepted the above noted checks.

Fort Valley Police Department	\$4,061.65
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Chief John David Anderson accepted the above noted check for his department.

Houston County Public Works	\$69,495.67
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Tommy Stalnaker, Public Works Director, along with Road Supervisor Travis McLendon and Fire Chief Jimmy Williams, accepted the above noted check.

Jones County Public Works	\$45,990.30
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Chief Administrative Officer Mike Underwood, along with Public Works Director Laten Bonial, accepted the above noted check.

Monroe County Public Works	\$11,900.44
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Public Works Director Sid Banks accepted the above noted check.

Peach County Sheriff's Department	\$7,056.41
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Sheriff Terry Deese accepted the above noted check.

The total amount disbursed was \$145,335.30.

Chairman Hart stated that Bibb County is sincerely grateful for the willing assistance offered by our neighbor counties. He also stated that our own Public Works Department responded with their usual cooperative and "can do" spirit and that the Board is especially proud of them. He then recognized Ken Sheets, County Engineer/Public Works Director, for comments.

Ken Sheets stated that they looked forward everyday for those six weeks seeing those trucks from Jones and Monroe counties come rolling in. He stated that he really appreciated it and hopes Bibb County can repay the favor.

Ms. Susan Green of Advanced Disposal Services addressed the Board regarding the RFQ for solid waste services.

REFERRALS:

The following items were referred to the **Engineering/Public Works Committee:**

1. Petitions from Mr. Fred Browning for the registration of Maries Garden Trail and Browning Pointe Road as public roads of Bibb County.

2. Correspondence from Mayor Richard Mullis, Payne City, requesting the assistance of Bibb County in resurfacing of Comer Terrace Lane and Gardner Street Lane in Payne City.
3. Correspondence from Mr. Patrick Jones, Flash Foods, Inc., requesting the closing of Wesleyan Drive at the intersection of Riverside Drive.
4. Correspondence from the Macon Little League Board of Directors requesting the County assistance with getting the ball park and supporting areas ready for the upcoming youth baseball this April.

The following item was referred to the **License and Tax Committee:**

Correspondence from Mr. Dan Howard, Realtor with Coldwell Banker, requesting a reduction in the taxes due for property located at 3261 Seminole Avenue.

RECORD AND INFORMATION:

Pursuant to the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§2101 et seq. and regulations promulgated thereunder, Wal-Mart Stores, Inc. hereby gives notice that its Return Center located at 3220 Avondale Mill Road in Macon will permanently close on or about September 13, 2009. The anticipated closure will affect approximately 399 positions.

ACTION:

1. Ratification of Resolution of the Board of Commissioners presented to the following retirees:
 - presented to Elizabeth Lyles in recognition of her retirement on December 31, 2008 from the Bibb County Superior Court Judges Office where she worked as a court reporter for ten years;
 - presented to Frank Fields in recognition of his retirement as Executive Director of River Edge Behavioral Health Center after 15 years; and
 - presented to Volunteer Macon in recognition of "National Earned Income Tax Credit" Day in Bibb County.

On motion of Commissioner Edwards, seconded by Commissioner Richardson and carried, the before mentioned resolutions were ratified unanimously.

2. Ratification of the action of August 5, 2008 by the Properties Committee, acting as the Committee of the Whole, authorizing Mr. Conie Mac Darnell to proceed with purchasing properties for the footprint of the new courthouse in an amount not to exceed \$2,100,000.

DISCUSSION

County Attorney Virgil Adams made the following statement relative to Action items 2 and 3 being on the agenda:

"As you know, we've had some citizens who have filed a complaint contesting the vote that was taken by this Board at those two meetings. As I have said before and say to you right now, the votes that you took were perfectly legal and in accordance with the Georgia Open Meetings Act. In fact, the only exception under the Georgia Open

Meetings Act which allows you to take a vote in private is regarding the acquisition of real estate. You did that, you've always done that, every other agency I know does that, every other attorney I know is of the same opinion. However, any time there is a question with respect to a vote that was taken regarding the Open Meetings Act, there's a fail safe or lifeline or insurance, whatever you want to call it, that allows you to just simply ratify the vote and that clears any question with respect to its legality. I don't think it's necessary, but I would not be doing my job if I did not bring that to your attention and suggest that you go ahead and ratify the votes. It's sort of like free insurance, it's free. So, it's there for you to take advantage of. Again, I want to stress this is not an admission that the vote in private, either one of these votes, was not legal. They were perfectly legal and I want to make sure that's clear with everybody. They were perfectly legal. If you want to discuss acquiring real estate next week, my advice would be you can take that vote in closed session. However, we are simply ratifying the vote because this is a mechanism that's available to us to clear any question whether it's necessary or not."

On motion of Commissioner Richardson, seconded by Commissioner Edwards and carried, the before mentioned action was ratified unanimously.

3. Ratification of the action of November 18, 2008 by the Committee of the Whole authorizing Mr. Conie Mac Darnell to proceed with purchasing Block B property for an amount not to exceed \$1,200,000.

On motion of Commissioner Edwards, seconded by Commissioner Richardson and carried, the before mentioned action was ratified unanimously.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE – Chairman Sam Hart reported the following:

1. Ratification of the action of the Committee of the Whole approving the request for Bibb County to serve as applicant for the Office on Violence Against Women FY2009 Safe Havens: Supervised Visitation and Safe Exchange Grant Program.

On motion of Commissioner Allen, seconded by Commissioner Richardson and carried, the before mentioned item was ratified.

2. Ratification of the action of the Committee of the Whole approving a 14-bed Recovery Residence for men with addiction and a 20-28 bed Child and Adolescent Psychiatric Crisis Stabilization facility and that alternate site options be explored along with various funding sources that will not require expenditure of County funds.

On motion of Commissioner Edwards, seconded by Commissioner Allen and carried, the before mentioned item was ratified.

ENGINEERING/PUBLIC WORKS COMMITTEE – Committee Chairman Allen reported the following:

1. The Committee recommends that Utility Support Systems, Inc. be approved as the replacement for Mr. Dudley Ellis to provide professional services as independent consultant to

review bills submitted by Georgia Power Company to the Macon-Bibb County Road Improvement Program, per the 2003 settlement agreement.

On motion of Commissioner Allen and carried, the before mentioned recommendation was approved as presented.

2. The Committee recommends that the Neighborhood Stabilization Program (DCA) Application be amended to move \$500,000 from Activity 3 into Activity 2, which provides funds for demolition activities.

On motion of Commissioner Allen and carried, the before mentioned recommendation was approved as presented.

3. The Committee recommends that the petition to register Madison Park Drive as a public road be approved and that said road be placed on the Official Road Register for maintenance by County forces.

On motion of Commissioner Allen and carried, the before mentioned recommendation was approved as presented.

4. The Committee recommends approval of Budget Modification No. 28 for the Macon-Bibb County Road Improvement Program.

On motion of Commissioner Allen and carried, the before mentioned recommendation was approved as presented.

LICENSE & TAX COMMITTEE – Committee Chairman Richardson reported the following:

1. The Committee recommends approving Ms. Amanda Smith's request to have property taxes and fees billed to her business be reversed.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

2. The Committee recommends that the request from Mr. Robert Spiegel to waive back taxes for the 2007 year on the properties located at 3670 Eisenhower Parkway, 3640 Macon Tech Drive, 3539 Stallings Drive .and 3660 Eisenhower Parkway be respectfully denied.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

3. The Committee recommends approving a refund to Mr. Gary Wakeford, President, Syncro Medical Innovations, for the 2008 tax year.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

MACON WATER AUTHORITY – No Report.

HEALTH DEPARTMENT – No Report.

LAND BANK AUTHORITY – No Report.

FINANCE, TAX AND REVENUE COMMITTEE – Committee Chairman Richardson reported the following:

1. The Committee recommends authorization for Chairman Hart to sign a Resolution reaffirming Bibb County's intent to reimburse the County's General Fund for costs associated with the acquisition of property for a new Judicial Center from future bond proceeds.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

2. The Committee recommends approval of a supplemental appropriation to the FY 2009 General Fund budget in the amount of \$3.3 million for the purchase of property for the Justice Center.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

3. The Committee recommends authorization for Chairman Hart to sign a letter of Guarantee for the EIP Grant for Project Kumho.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

4. The Committee recommends approval of a Supplemental Appropriation to the FY 2009 General Fund Budget in the amount of \$28,905 to clear the Significant Deficiency cited by the external auditors concerning record keeping by Civil Court. The supplemental will be in the form of a Due to/Due From with no actual cash transferred.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

5. The Committee recommends awarding the bid for Water and Sewer Installation for Arrowhead Park at Lake Tobesofkee to Pyles Plumbing and Utility Contractors in the amount of \$63,750.00.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

6. The Committee recommends awarding the bid for Bath House Renovations for Arrowhead Park at Lake Tobesofkee to Renfroe Construction in the amount of \$233,000.00.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

7. The Committee recommends awarding the bid for Early Warning Sirens for Emergency Management to Macon Communications in the amount of \$43,554.00.
The Committee further recommends approval of a supplemental appropriation in the amount of \$5,554.00.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved as presented.

RISK MANAGEMENT/PUBLIC SAFETY COMMITTEE – No Report.

ORDINANCE & RESOLUTION COMMITTEE – No Report.

PROPERTIES COMMITTEE – Committee Chairman Bivins reported the following:

1. The Committee recommends approval of the request from the Baptist Ministers Union of Macon and Vicinity for use of the County parking lot at the corner of Third and Hawthorne Streets during their Revival services on March 9 – 13, 2009 at 6:00 p.m. nightly at the Fulton Baptist Church located at 506 Hawthorne Street.

On motion of Commissioner Bivins and carried, the before mentioned recommendation was approved as presented.

HUMAN RESOURCES AND INFORMATION SERVICES COMMITTEE – No Report.

TOBESOFKEE COMMITTEE – No Report.

NEW BUSINESS – None.

There being no further business and on motion duly made and seconded, the meeting was adjourned at 6:30 p.m.

Shelia Thurmond, Clerk of the Board