

MINUTES
BIBB COUNTY BOARD OF COMMISSIONERS
May 1, 2007
6:00 P.M.

The regular meeting of the Bibb County Board of Commissioners was held in the Commission Boardroom on Tuesday, May 1, 2007 at 6:00 p.m.

Board Members present: Chairman Charles W. Bishop, Vice Chairman Samuel F. Hart, Sr., Commissioner Bert Bivins, III, Commissioner Elmo A. Richardson Jr. and Commissioner Joe O. Allen.

Staff present: Mr. Steve Layson, Chief Administrative Officer, Mr. Virgil Adams, County Attorney; Mr. Ken Sheets, County Engineer; Mr. Tommy Brown, Director of Human Resources; Mr. Doug Furney, Director of Lake Tobesofkee; Ms. Deborah Martin, Finance Director; Mr. Tony Rousey, Director of ITS; Mrs. Shelia Thurmond, Clerk of the Board; Mrs. Janice Ross, Board of Commissioners.

News Media: Mr. Keich Whicker, The Telegraph.

PRAYER FOR THE DAY

Due to the absence of a guest minister, the prayer for the day was omitted.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS

On behalf of the Board of Commissioners, Chairman Bishop presented Vice Chairman Samuel F. Hart, Sr., with a Certificate and Pin representing his ten years of service to Bibb County as a County Commissioner representing District One.

Vice Chairman Hart remarked that it has been a pleasure working with this group.

APPROVAL OF MINUTES

On motion of Commissioner Richardson, seconded by Commissioner Hart and carried, the Minutes of the Regular Meeting on April 17, 2007, Special Called Meeting of April 25, 2007 and Special Called Meeting of March 22, 2007 were approved as written.

RECOGNITION OF VISITORS

Chairman Bishop recognized and welcomed the following visitors:

Donald Banks
Hazel Giddens

Ayesha Thornton
Norma Banks

Chairman Bishop called on the Clerk of the Board for the reading of the Board Agenda.

REFERRALS:

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

1. Correspondence from Mr. Jerime Buffington, Widner & Associates, Inc., requesting approval for a private roadway for Dobson Road R1AAA Cluster Development, which will be an extension of Dobson Road on Lake Tobesofkee.
2. Petitions for the registration of Liberty Trace and Liberty Ridge Drive in Liberty Ridge Subdivision as public roads of Bibb County.

RECORD AND INFORMATION:

NONE.

ACTION:

1. Ratification of the following resolutions of the Board of Commissioners:
 - presented to each of the 2007 Macon Sports Hall of Fame inductees. There were a total of 14 inductees, four of which were presented posthumously;
 - presented in recognition of "Fair Housing Month" (April 2007) in Bibb County; and
 - presented in recognition of "Alcohol Awareness Month" (April 2007) in Bibb County.

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

2. Board confirmation of the appointment of Mr. William T. "Billy" Thigpen, Jr. and Mr. Donald E. "Don" Banks, Jr. as members of the Bibb County Civil Service Board. *Note: As required by law, a Legal Ad was published in The Telegraph on April 24, 2007 giving notice of the nominees and that confirmation would take place at tonight's meeting.*

Chairman Bishop recognized Mr. Banks and thanked him for volunteering to serve on the Civil Service Board because it requires a lot of time, a lot of reading, and a lot of dedication. On behalf of the Board, Chairman Bishop said that he wanted to publicly thank him for his willingness to serve.

On motion of Commissioner Hart, seconded by Commissioner Allen and carried, the before mentioned item was approved as presented.

3. Approval of grant proposal for the North Central Health District, Office of Emergency Preparedness (Pandemic Flu Planning Funding Request).

On motion of Commissioner Richardson, seconded by Commissioner Hart and carried, the before mentioned item was approved as presented.

COMMITTEE REPORTS:

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

1. The Finance Committee recommends approval of a supplemental appropriation to the FY 2007 Tobesofkee Fund budget in the amount of \$10,750.00 to cover cost of Streamflow Gage Contract for Tobesofkee Creek.

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

2. The Finance Committee recommends approval of a supplemental appropriation to the FY 2007 General Fund budget in the amount of \$25,000.00 for the Public Defender's Office.

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

3. The Finance Committee recommends that Bibb County ratify the funding for the Booker T. Washington Community Center as appropriated in the FY 2007 General Fund budget.

On motion of Commissioner Hart and carried, the before mentioned recommendation was approved by a three to two (3-2) vote. Chairman Bishop and Commissioner Richardson cast the dissenting votes.

4. The Finance Committee recommends approval of the resolution regarding the Georgia Environmental Facilities Authority Agreement for Land Conservation Grant Program designating persons approved to sign documents relating to the agreement and recommends approval of the authorization of Chairman Bishop to sign the resolution and the agreement between the Georgia Environmental Facilities Authority and Bibb County.

The Committee further recommends that Chairman Bishop be authorized to sign the resolution for the loan agreement and that Bibb County reimburse Mr. Jordan \$16,781.48 for soft cost associated with the sale of the property.

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

5. The Finance Committee recommends that Steve Layson, Deborah Martin and Tommy Brown use the necessary resources to develop information on a plan for GASB 45 and bring this back to the Committee.

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

6. The Finance Committee recommends approval for Chairman Bishop to sign two leases for copiers for the Superior Court Clerk's Office.

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

7. The Finance Committee recommends approval of a supplemental appropriation to the FY 2007 Worker's Compensation Fund in the amount of \$165,000.00 to cover the cost of settlements.

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

8. The Finance Committee recommends approval of a supplemental appropriation to the FY 2007 General Fund budget in the amount of \$11,584.00 to cover the cost of a temporary for the Board of Commissioners Office.

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

9. The Finance Committee recommends awarding the proposal for Roof Replacement for the Claystone Pavilion and the Fish n' Pig Restaurant to LE Schwartz and Son, Inc. in the amount of \$26,579.00.

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

10. Finance Committee recommends awarding the bid for Intercom and Security Cameras to ADT in the amount of \$40,000.00.

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

11. Finance Committee recommends awarding the bid for Vehicle Modifications to Macon Communications in the amount of \$44,633.85.

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

12. Finance Committee recommends extending the following Term Contracts to cover the period of July 1, 2007 through June 30, 2008 at the same unit prices.

Early Warning Siren Maintenance	Macon Communications
Inmate Uniforms (split award)	Georgia Correctional Industries
	Bob Barker Company
Laundry Chemicals	Georgia Correctional Industries
Dentifrice	Amercare
Safety Shoes	Red Wing Shoes
Printing	The Print Shop
Can Liners	Associated Paper

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

RISK MANAGEMENT COMMITTEE – No Report.

LICENSE & TAX COMMITTEE – No Report.

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

1. The Committee recommends that the petitions from Sivica Communities, Inc. for the registration of Ivy Brook Way, Hawthorn Trail (east portion), Ironwood Court, Poplar Pass, Hawthorn Trail (west portion), Cottonwood Court and Autumn Leaves Lane be approved and that said roads be placed in the Official Road Register for maintenance by County forces. (The Highlands Subdivision, Phase IIB)

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

2. The Committee recommends that the request of Carreker Development, Inc. for a sewer line easement through the County-owned detention facility off Vinson Road be approved subject to the necessary precautions being made for soil erosion and subject to review by the County Attorney.

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

3. The Committee recommends that the petitions from Sivica Communities, Inc. for the registration of Harvest Walk, Cold Creek Parkway (2 portions), Ivy Brook Way (2 portions) and Hawthorn Trail be approved and that said roads be placed in the Official Road Register for maintenance by County forces. (The Highlands Subdivision, Phase I & IIA)

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

MACON WATER AUTHORITY – No Report.

HEALTH DEPARTMENT – No Report.

MACON-BIBB COUNTY LAND BANK AUTHORITY – Commissioner Bivins stated that the County doesn't have but one representative on the Land Bank Authority and it needs to appoint another person to serve. He stated that he had talked with Chuck O'Neal about serving and he stated that he would serve. Commissioner Bivins stated that he thinks Chuck would make a good representative.

Chairman Bishop stated that there are several other appointments to be made to other agencies/boards and he'll just refer it for now and will deal with it when the others are done.

Commissioner Bivins stated that there was a committee meeting yesterday to finalize some things relative to the pandemic flu and that he talked with the regional health office earlier today who advised that they had received two of the applications. He stated that the

application he recommended was the one that went in as a result of the meeting yesterday with the pandemic flu committee. He said there will be another meeting on the 16th.

HUMAN RESOURCES AND INFORMATION SERVICES COMMITTEE – Committee

Chairman Richardson reported the following:

1. The Human Resources and Information Services Committee accepts the recommendation of the Deputy Tax Commissioner, Mr. Wade McCord, to change the existing Temporary Position from four (4) months to year round. This position will be part-time and will not exceed 25 hours per week.

- Job changed from Tax Office Clerk – 4 months to Tax Office Clerk (part-time)
- Position classification to change from C18 to C13 Step-2

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

2. The Human Resources and Information Services Committee recommends approval of a part-time temporary position for the State Court office, at an hourly rate of \$12, and to bring the existing temporary position salary to the same pay rate. No additional funds for these positions will be required for FY07, per Judge Adams' verification with Finance.

Funding for these positions for FY08 must be requested during budget.

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

PROPERTIES COMMITTEE – No Report.

TOBESOFKEE COMMITTEE – Committee Chairman Allen reported the following:

1. The Tobesofkee Committee recommends approval of the request from the Ocmulgee District of the Boy Scouts of America to use Arrowhead Park June 11th - June 15th, 2007 for their Annual Cub Scout Day Camp and that all fees be waived.

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

2. The Tobesofkee Committee recommends approval of a "Disc Golf" course to be built in Claystone Park by Leadership Macon at no cost to the County.

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

ORDINANCES & RESOLUTIONS COMMITTEE – No Report.

COUNTY ATTORNEY – Virgil Adams presented an ordinance for the Board's consideration. The caption of which read as follows:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BIBB COUNTY, GEORGIA, TO AMEND 5-26B OF ARTICLE II OF THE CODE OF BIBB COUNTY ENTITLED, "DETERMINATION OF VIOLATIONS/SUMMONS"; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

The above mentioned ordinance was adopted unanimously.

UNFINISHED BUSINESS – None.

NEW BUSINESS – Commissioner Bivins stated that he had one matter he'd like to bring up and distributed copies of correspondence to each member of the Board. At this point, Commissioner Bivins' comments and those of other board members are verbatim:

Commissioner Bivins: This is a section of the code that talks about the enactment of ordinances. And the highlighted section goes down saying what to do and it mentions the following rules, any or all of which may be suspended by unanimous consent of the Board of Commissioners – and I'm not asking for a suspension – shall govern the manner of introduction, consideration and passage of ordinances. And the first thing it says is every proposed ordinance must be in writing and may be introduced by any member of the Board of Commissioners of the County, at any meeting of the Board. And I gave copies to the Clerk if she would pass those out – copies of the proposed ordinance. And number two (2) down here, it says, shall embrace but one subject. In other words, this is just an outline that tells you how to do it and I tried to comply with that. On the other page is, upon introduction of a proposed ordinance, copies shall immediately be prepared and distributed by the Clerk to each member of the Board of Commissioners of the County and to the County Attorney. No ordinance or section thereof may be revised or amended by its title of section and I tried to comply with that. And if the Clerk passes these out, then you could see. Each proposed ordinance may be read by title only when call for passage but upon the demand of any member of the Board of Commissioners of the County, the proposed ordinance shall be read in full prior to vote thereof. If voting upon the passage of all ordinances shall be taken by ayes and nays unless the vote be unanimous, the names of the commissioners voting for and against each proposed ordinance shall be ---.

Chairman Bishop: Let me, before you go through all that

Commissioner Bivins: What I'm asking is that, this is a first reading, if we could pass it out.

Chairman Bishop: Let me stop you a minute there

Commissioner Bivins: Let me finish and then you can do whatever you want.

Chairman Bishop: Okay

Commissioner Bivins: I'd like to have it passed out to everybody, now, and we can do a first reading and then I would like for it to be brought up at the next full Board meeting for consideration by the Board.

Chairman Bishop: Let me say this. It's fine for you to discuss it. Are you not asking for a vote on this? Is that what you're saying?

Commissioner Bivins: I'm not asking for a vote tonight. What I'm asking for is – we're doing a first reading of an ordinance that's to be coming up at the next full Board meeting. And if we could, I'd like for the Clerk to pass those out.

Commissioner Richardson: As far as I know, we have not voted to suspend any rules.

Chairman Bishop: That's right!

Commissioner Bivins: Right! It says you can suspend the rules. I don't want the rules suspended. I want us to follow the rules as they are and the couple of sheets I just passed out. I don't want them suspended because what I've just gone through is it tells you how to do it and I'm trying to do it that way. Now, if you want to suspend the rules ---

Chairman Bishop: And I'm fixing to refer it to Ordinances and Resolutions.

Commissioner Bivins: Well, I'm requesting that it goes before the full Board; I'm not asking for it to go before Ordinances and Resolutions.

Commissioner Richardson: You can only do that, according to this, unless it's suspended by unanimous consent.

Commissioner Bivins: It doesn't say that!

Commissioner Richardson: It certainly does! I'm reading it – I'm looking at it right here.

Commissioner Bivins: It says the following rules, any or all of which may be suspended. I'm not asking for them to be suspended. I want to follow them. Number 1, 2. Number 3 has something to do with money - I'm not dealing with that. All the way down through Number 8. I'm not asking for any suspension. If somebody wants the rules suspended, they can propose that. That's not what I'm proposing. I want ---

Commissioner Richardson: You can't bring it up unless we suspend the rules.

Commissioner Bivins: No, that's not what it says.

Commissioner Richardson: That's exactly what it says.

Commissioner Bivins: You see what you want to see.

Commissioner Richardson: You see what you want to see too.

Commissioner Bivins: It says the following rules, any or all of which may be suspended. Now, I'm not saying suspend them. I want to go by them. I want to follow them.

Chairman Bishop: All I'm saying is that I'm willing to refer it to Ordinances and Resolutions.

Commissioner Bivins: I asked that it be placed on the full Board Agenda.

Chairman Bishop: To put an item on the Agenda, it has to be put on there either by committee or by unanimous consent of the Board of Commissioners.

Commissioner Bivins: Okay, I've asked and I've followed the rules. So, it's clear that you don't intend to do that. So, we'll leave it at that.

Commissioner Allen: May I ask the County Attorney something, please sir? Is it okay that I ask, Mr. Chairman?

Chairman Bishop: Yeah!

Commissioner Allen: Mr. Attorney, does it have to go to committee? It was my understanding that he wants it brought back to the full Board. It's right here in the Code.

Chairman Bishop: You can discuss anything you want to at a full Board meeting. Any commissioner can present an ordinance and it can only be passed by three (3) votes but it can only be put on the agenda through committee or through unanimous consent of the Board of Commissioners as an agenda action item.

Commissioner Bivins: And you did say you have veto powers, right?

Chairman Bishop: I think that if it's unanimous consent, you've got veto powers.

Commissioner Bivins: No, I don't.

Chairman Bishop: If it takes unanimous consent and you don't want it put on there, you've got veto powers too.

Commissioner Bivins: No, I asked for it to come before the full Board where everybody can vote. That's what I asked. But, I've made my presentation and I'm finished.

Chairman Bishop: Okay, Okay!

Commissioner Bivins: But, I'm not requesting it to go on the Human Resources Committee.

Chairman Bishop: Okay! And do I have a motion we refer this item to Ordinances and Resolutions?

Commissioner Allen: Mr. Chairman, may I ask a question please? The things we did here today, the ratification of the Macon Sports Hall of Fame, that didn't go to committee.

Chairman Bishop: It went in a committee. It came out of committee, it certainly did.

Commissioner Allen: What committee?

Chairman Bishop: Wasn't it put the agenda for Committee as the Whole?

Commissioner Bivins: I don't remember seeing that until now.

Chairman Bishop: Which one you talking about?

Commissioner Allen: Fair Housing Month (resolution)

Clerk of the Board: He's talking the resolutions were ratified tonight.

Commissioner Allen: The resolutions that we just went over – we didn't do that.

Chairman Bishop: Which committee did it come through? It didn't come out here and get put on the Board. It came out of committee today.

Commissioner Bivins: I don't remember it, but then I'm old so, maybe I forget stuff.

Commissioner Allen: It came as a Committee as a Whole.

Chairman Bishop: And it think it was put on there by unanimous consent. Wasn't you on that committee? Did you object to it being put on there? That's all I'm saying. If you objected, you should have objected when it came before the committee. You've got just as much veto power as anybody else.

Commissioner Allen: I still have not got my ruling from the County Attorney. I'm just asking a question. All I want to know is –

Chairman Bishop: Let him take his time to research it.

Commissioner Allen: I think he's had time to research it.

County Attorney Adams: I'll be happy to do it; I don't have anything in front of me.

Commissioner Allen: I would like, as a commissioner from District 4, ask that you do research and find out if this Board --. Commissioner Bivins has a point and I understand where he's coming from and even if I were Chairman, I would allow the vote to take place. I think it should be researched. I think we should all have an understanding because I don't agree with the Chairman on this issue. Whereas, I've been here on and off for 14 or 15 years now and we've never had this come up like this before. I'd like for that to be researched.

Chairman Bishop: I don't think ya'll have ever tried to change the Chairman's duties and responsibilities before. I think that's a precedent.

County Attorney Adams: And that specific question is whether --

Commissioner Bivins; I don't think anybody ever really saw it as needed.

County Attorney Adams: Whether all items have to be referred?

Commissioner Allen: Right! Can they come without having to --. I mean because the Chairman does have veto powers per se which I'm not sure ---but basically, he says he has veto powers through committee as an ex officio member.

Chairman Bishop: Wrong! You said that! No, don't say I said--. I never said that.

Commissioner Allen: I said because you said that veto stuff on me before.

Chairman Bishop: No, I voted to make or break a tie. Today, I chose not to vote and I let something come out.

Commissioner Allen: And I appreciate you doing that today, I really do. And I told you, thank you, but it's not the prerogative of a board member, whether he or she on this Board, has a right –

Chairman Bishop: Oh, I think it's been like that for—

Commissioner Allen: No sir. I have been under Larry Justice and I have been under you and the ten years I was under Larry Justice, that never occurred, never.

Chairman Bishop: Maybe ya'll didn't question.

Commissioner Bivins: Well, we're dealing with reasonable people. So, everything is –

Commissioner Allen: You understand the question?

County Attorney Adams: No – I don't think we ever got to it.

Commissioner Allen: Basically, what can the Chairman do? What can the Board do? If the Board wants to pass something, under the rules that we're dealing with now, three members of this Board can't get anything passed if the Chairman refuses to let it go through, either through this Board here and/or committee, it can't pass if the Chairman does not want it to go through. That's not right! It's just not right! If I was sitting in the Chairman's seat, it would not be right for Joe Allen to be able to say, I'm not going to let this pass because I don't like. That's not right. That's wrong, Mr. Chairman, because you've got the entire power of the Board at your hand.

Chairman Bishop: If you can't put an item on the agenda without unanimous consent. Joe, you can keep it from going on the agenda.

Commissioner Bivins: I still don't think he understands your question.

Vice Chairman Hart: I think the more appropriate one might be to research and see what does Subsection 8 means under Meetings. I think where the Chairman of the Board of Commissioners shall implement the policies established by the Board; however, any directive by the Chairman will change or modify such policies shall first be to refer either to a committee or to the full Board before implementation. So, what I think he's asked for if for it to be referred. So an interpretation of what does that mean.

Commissioner Allen: That's exactly what I was asking. Thank you.

County Attorney Adams: So, you're talking about either voting in full Board or having to refer items to committee?

Vice Chairman Hart: As related to that Subsection 8.

Chairman Bishop: While you're researching that, let us know if it don't say that it takes a unanimous consent of the Board to put an action item on the agenda – period or it has to come out of committee. And that means that Commissioner Bivins has got veto power over putting something on the agenda if he don't want to and it's not on there coming out of committee. And Commissioner Allen has got veto powers if he don't want it on there if it takes unanimous consent. It's got to deal with when you start changing stuff like the power

of other commissioners and interfering with the rules that have been in place for years that it takes unanimous consent, and it takes a lot more than three people getting together and drawing up an ordinance that's not even ---.

Commissioner Bivins: Those of us who've been around here a while are trying to do it the way we've seen it done all the time. So, if it's changed, it changed recently.

Chairman Bishop: I don't think you can take the power of the Chairman away to voting. That's what you've got in this thing that you've got drawn up here. You can decide when I can vote – I don't think so.

Commissioner Bivins: You'll say anything to try and confuse somebody and I give you credit for understanding anything---

Chairman Bishop: Let me read it to you, Mr. Bivins. It says unless the Chairman is determined by the Board of Commissioners to be one of three members of a committee, he will function with a voice on all committees but not be entitled to vote on the committee.

Commissioner Bivins: Now, that is what I mean but –

Chairman Bishop: So, you're saying three commissioners going to tell whether I can vote or not – I don't think so.

Commissioner Bivins: You're saying that I'm trying to stop you from voting; I trying to stop you from stopping other people from voting where we can have a democratic process on this board because we do not have it now.

Chairman Bishop: We just ought to do away with committees then and have all committees as a whole.

Commissioner Bivins: I would rather have that than this.

Commissioner Allen: I rather that than this. Committee as a whole. And basically, with Commissioner Hart fixing to leave, we're going to need a committee as a whole on every committee because we're going to be lost one of our commissioners.

Commissioner Bivins: Anyway, I'm not requesting that it go on the committee, so, I'm finished.

County Attorney Adams: Can I get a copy of that?

Chairman Bishop: It's not in ordinance form, I can tell you that.

There being no further business and on motion duly made and seconded, the meeting was adjourned at 6:40 p.m.

Shelia Thurmond, Clerk of the Board