

MINUTES
BIBB COUNTY BOARD OF COMMISSIONERS
August 23, 2005
6:00 p.m.

The regular meeting of the Bibb County Board of Commissioners was held in the Commission Boardroom on Tuesday, August 23, 2005 at 6:00 p.m.

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

Staff present: Mr. Virgil Adams, County Attorney; Mr. Steve Layson, Chief Administrative Officer; Mr. Doug Furney, Director of Lake Tobesofkee; Mrs. Barbara Wood, Public Affairs Officer; Mr. Tommy Brown, Human Resources Administrator; Mr. Bill Johnston, Director of Buildings & Properties; Mr. Sam Kitchens, Assistant Buildings and Properties Director; Mr. Ken Sheets, County Engineer; Mr. Tony Rousey, ITS Director; Ms. Deborah Martin, Finance Director; Mrs. Bel Wall, Human Resources; Mr. Kendall Countryman, Human Resources; and Mrs. Shelia Thurmond, Clerk of the Board.

News Media: Mr. Travis Fain, The Telegraph; Ms. Heather Duncan, The Telegraph; and Mr. Brandon Long, Middle Georgia News (Channel 41).

Chairman Bishop recognized Minister Joseph Lowe, Minister of Visitation, Macedonia Baptist Church, and asked everyone to stand for the **PRAYER FOR THE DAY**.

Chairman Bishop asked everyone to remain standing for the Pledge of Allegiance.

ANNOUNCEMENTS: Chairman Bishop announced that a "Meet & Greet" will be held tomorrow morning from 9:30 a.m. until 11:00 a.m. for Steve Layson, Bibb County's New Chief Administrative Officer.

APPROVAL OF MINUTES

On motion of Commissioner Allen and seconded by Commissioner Richardson and carried, the Minutes of the regular meeting of August 9, 2005 were approved as written.

RECOGNITION OF VISITORS: Chairman Bishop recognized and welcomed Mr. Donald H. Richardson, Jr., Mrs. Nettie Thomas and little Miss Jasmine Thomas, Mr. Carlton Williams, Ms. Colleen Giffin, Mrs. Mary Katherine Modena, Mr. Chester Wheeler, Ms. Ayesha Thornton, Ms. Andrail Adams, Ms. Kawrisa Marshall, Mr. Miller Fluellen, Ms. Sarita Hill, Mr. Jimmie Samuel and Mr. Clifford Whitby.

Mr. Jimmie Samuel addressed the Board by stating he was attending the meeting as a citizen representing some other citizens and that he would like to present something this

evening for the Commissioners to consider at the appropriate time. Mr. Samuel stated that he and some others have been concerned about the activities and functions of the Board of Tax Assessors, adding that these particular issues had already been raised before the Commissioners. Mr. Samuel stated that he had for the Board's consideration a State Statute which is part of Title 48, which allows county commissioners to adopt through a resolution – to review the performance of the Board of Tax Assessors. He stated that what it allows is, if the Board chooses to support it, a performance review of the Board of Tax Assessors. He added that they would have 30 days in which to appoint such a group. Mr. Samuel stated that he and others believe there is good cause for this and think that the Commission along with Bibb County taxpayers need to know that everything is going well in that department. He continued that they were talking broader than personnel issues. He added that his office was located in the same building as the Tax Assessors and that he has talked with some of the employees of the Tax Assessors office on a regular basis and moral is pretty low. He reiterated that the Commissioners and taxpayers alike need to know that the Tax Assessors office is run well and competent because it affects the County's business, the City's business and the School Board's business. He continued that if there are errors and problems in that office, it affects everyone in Bibb County which is part of the reason he and others are raising this issue.

Mr. Samuel continued that there is discussion in the community that a review was conducted through the auspices of the Board of Commissioners that indicated that part of the re-val or part of the work that is done at the Tax Assessors office won't be done in a timely manner. Mr. Samuel stated that there are a lot of reasons why it will be good for people to know that things are going well or not going well but it can't be done simply by the folks who are there now. He stated that he thinks leadership is an issue so, there needs to be an independent review to give people all the confidence that the Tax Assessors office is being run well.

Mr. Samuel then stated that he was representing more than 100 property owners in this community (*referring to a signed petition*). He provided a copy of said document to the Clerk for the Commissioners review at the appropriate time.

Commissioner Bivins responded to Mr. Samuel that he agreed with him and that he hopes the Board can follow-up on what he's doing.

Next, Mr. Clifford Whitby addressed the Board by stating that he was present to basically echo what Mr. Samuel said but also speak from a business person's perspective in the community. He stated that he pays significant taxes in Bibb County but beyond that he is a citizen, adding that he was born here and this is his home.

Mr. Whitby stated that there are issues in the Tax Assessors office and that it is a great concern to himself and others in the community that a member of the committee that voted to fire the past Chief Appraiser is now the Chief Appraiser. He stated that whether the Board of Commissioners addresses it or deals with it, it is an issue in the community.

He further stated that what they are proposing is fair, appropriate and necessary and that the citizens of this city and county deserve to know that there are competent individuals in that office performing the services that the Board of Commissioners appoint them to do. Mr. Whitby stated that the Tax Assessors office is characterized in the community as the “tail wagging the dog,” as opposed to the other way around. He stated that they have been told that, basically, the Board of Commissioners has no authority over the Tax Assessors although it appoints them. Mr. Whitby added that for a lot of citizens this is a major issue and they want the Board to know that they feel very strongly about it and want to know what the Board plans to do about it.

REFERRALS:

The following item was referred to **PROPERTIES:**

Correspondence from Mr. Roger Freeman, Manager, Georgia Department of Veterans Service, requesting to expand their location at 653 Second Street by adding a 5 x 12 foot room extension.

The following item was referred to **ENGINEERING/PUBLIC WORKS:**

Correspondence from Mr. Walter D. Wilson, Chairman, Macon-Bibb County Health Department, requesting the Board to support an effort requiring all property owners to pay their apportioned cost to the MWA of installing public sewer in existing subdivisions.

RECORD & INFORMATION:

Monthly departmental reports and agency activities received for record: Clerk of Sate Court

ACTION:

1. Ratification of Resolution paying tribute to Mrs. Nettie Frances Treadwell Gay on the occasion of her 80th birthday.

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

REPORT OF THE CHAIRMAN’S ACTIVITIES

Chairman Bishop announced that he would no longer publish his activities unless there was something significant to report. He stated that he had some pros and cons in doing so and that somebody thought he was only trying to show how much he was doing. He added that he doesn’t want anyone to think he was tooting his own whistle.

COMMITTEE REPORTS:

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

1. The Committee recommends approval of authorization for DFACS to retain and use \$68,332.54 remaining from the FY 2005 appropriation from Bibb County for use during FY 2006.

On motion of Commissioner Hart and carried, the before mentioned recommendation was approved by a four to one (4-1) vote. Commissioner Richardson cast a dissenting vote.

2. The Committee recommends approval of the following supplemental appropriations to the FY 2006 budget for budget rollovers from FY 2005 to FY 2006.

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|------------------------------|-------------|
| General Fund - | \$1,553,577 |
| Capital Improvements Fund - | \$ 451,970 |
| Fire Fund - | \$ 55,000 |
| Tobesofkee Recreation Fund - | \$ 61,000 |

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

3. The Committee recommends the proposal for Generator Preventive Maintenance be awarded to Pro Power Solutions in the amount of \$5,098.00 per year.

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

RISK MANAGEMENT COMMITTEE – No Report.

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

1. The Committee recommends that the attached list of County Roads be submitted to the Georgia Department of Transportation as Bibb County's request for resurfacing under the FY 2007 LARP Program.

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

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

1. The Committee recommends approval of New 2005 alcoholic beverage license for Shoki Japanese Grill and Sushi Bar, Inc. located at 3850 Riverside Drive.

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

2. The Committee recommends that New 2005 alcoholic beverage licenses for Market Place #15 located at 4515 Hartley Bridge Road and Naza Food, Inc. located at 5394 Thomaston Road be approved.

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

3. The Committee recommends that New 2005 alcoholic beverage license for Mini Food #84 located at 260 Tom Hill Sr. Blvd. be approved.

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

4. The Committee recommends that New 2005 Sunday Sales Affidavit for Shoki Japanese Grill & Sushi Bar, Inc. located at 3850 Riverside Drive be approved.

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

MACON WATER AUTHORITY – Commissioner Bivins asked if the Board had the contact to set up the committee for the projects the water authority wants to do.

Chairman Bishop stated that he spoke with Mr. Amerson recently and in that conversation Mr. Amerson asked him if he had received his communication. He stated that the only thing he has received so far was from somebody else talking about the same thing.

Commissioner Bivins stated that if he comes in contact with somebody at the Water Authority, he could have them contact the Chairman or rather the Chairman could contact them because it is something that both sides have expressed an interest in.

Chairman Bishop stated that Mr. Amerson said that he sent a letter but that he has not seen it. He added that it probably needs to be referred to a committee.

Commissioner Bivins then asked if Engineering/Public Works would be the appropriate committee.

Chairman Bishop stated that it would require the Board to do an ordinance to create a special tax district and also require some research by the attorneys. He stated that this is why he had hoped to receive something from Mr. Amerson about what he actually wants to do and how he wants to do it.

Commissioner Bivins stated that was the purpose of the meeting – to discuss it and talk about some parameters where everybody knows what’s desired and then proceed from there. He added that probably the only thing the letter does is to request the meeting. He stated that he would ask Mr. Amerson to call Chairman Bishop so that they can coordinate the meeting.

Chairman Bishop reiterated that he not received the communication but will be glad to do whatever they need to do to talk about it.

HUMAN RESOURCES AND INFORMATION SERVICES COMMITTEE –

Committee Chairman Richardson reported the following:

1. The Committee recommends the following nominations for the Macon-Bibb Hospital Authority.
 - A. Nominations for Mr. Walter Timley’s position expiring September 30, 2005:
 - Mr. Albert Abrams
 - Mr. Steve Kruger
 - Mr. Walter Timley
 - B. Nominations for Dr. Alvin Sewell’s position expiring September 30, 2005:
 - Dr. Emory Johnson
 - Dr. Carl Lane
 - Dr. Alvin Sewell

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

2. The Committee accepts the recommendation of the Board of Assessors to establish the starting salary of the new Chief Appraiser at \$77,688.00 annually.

On motion of Commissioner Richardson and carried, the before mentioned recommendation was approved by a four to one (4-1) vote. Commissioner Bivins cast the dissenting vote.

3. The Committee accepts the recommendation of Chairman Bishop to move Custodial Services under Building and Properties effective September 1, 2005.

DISCUSSION:

Commissioner Bivins stated that he thought the Board decided to let the CAO work this out and that he didn't know they had a solution to it.

Commissioner Richardson stated this action was passed in committee and that the CAO was to work out the details on the transfer of the department.

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

4. The Committee recommends the approval of a temporary employee for the Extension Service for up to nine (9) months at \$10 an hour for nineteen (19) hours a week, to begin October 15, 2005.

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

5. The Committee recommends the approval of a temporary employee for the Clerk of Superior Court up to twelve (12) weeks with the understanding that funding is available.

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

6. The Committee recommends the approval to extend the Temporary Position in the Tax Assessors Office up to two (2) months.

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

7. The Committee recommends approval of the revised Bibb County Government "Cellular Phone Policy," effective August 24, 2005.

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:

The Committee recommends approval of the request from Corvettes Limited of Central Georgia to waive admission fees for a fundraiser event to benefit the Cystic Fibrosis Foundation on September 23, 2005.

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

ORDINANCES & RESOLUTIONS COMMITTEE - No Report.

UNFINISHED BUSINESS – Chairman Bishop reported that, earlier today, the Board met as a committee of the whole (*during the Human Resources Committee meeting*) and re-appointed Mrs. Leigh Ann Junod to the Board of Tax Assessors. He also reported that at this same meeting, the majority of the Board voted in favor of the Board of Tax Assessors remaining at five members.

Chairman Bishop stated that he doesn't have a problem with ratifying the above noted actions if any member of the Board of Commissioners so desired.

Commissioner Bivins responded that he would like for both matters to be ratified at this time.

Chairman Bishop then asked for a motion to ratify both actions.

Commissioner Richardson made a motion that the Board of Commissioners ratify the actions of the committee of the whole today reappointing Leigh Ann Junod to the Board of Tax Assessors and keeping the Board of Tax Assessors at five members. Commissioner Allen seconded the motion and it carried by a three to two (3-2) vote. Commissioners Bivins and Hart cast the dissenting votes.

NEW BUSINESS – Referring to the petition submitted by Mr. Samuel earlier in the meeting as it relates to a performance review of the Board of Tax Assessors, Commissioner Hart stated that one of the things the Commission had asked for was an evaluation by another attorney. He stated that he doesn't think they ever got a report back and so he's not sure whether this should be done in conjunction with that or whether this is something new.

Commissioner Bivins stated that he thought the same attorney was going to give him some information on how to accomplish that and he's never heard anything from him. He stated that he would like to at least have the attorney look at the resolution and that it be assigned to a committee so that when the Board gets together next time, they don't waste time by asking him to look at it and delay any action for two additional weeks. Commissioner Bivins continued that if the County Attorney can go over it between now and the next meeting and look at whatever the State Statute rule is, so the Board will be able to make some kind of a decision or go ahead and take a vote.

Chairman Bishop stated at the time the Board had this done, there was a pending case before Judge Martha Christian and once there was a ruling, the questions that were asked of the attorney were answered by the Judge, more or less.

Commissioner Hart stated that there were actually two separate attorneys looking at it: one that was hired by the Board of Tax Assessors and one that was sort of pulled together by the County which they never heard from.

Virgil Adams, County Attorney, stated that attorney Charles Cox was asked to do two things. He was representing the County because of Attorney Adams' conflict in the lawsuit and also because the County was named. Also as a part of that, he was supposed to look into something that was related to the performance and give information back to Commissioner Bivins.

Chairman Bishop stated that the Board needs to first look at the petition and see if the Board wants to vote to do a resolution. And if the Board doesn't want to do a resolution, Chairman Bishop added there is no need to pay an attorney \$150.00 an hour to do research.

Commissioner Bivins stated that every time the Board has something like this, whether they read it or not, it has always been customary for the attorney to look at it. He further stated that he has never seen a situation before where they've said, let's vote to decide if they want to do it and then have the attorney look at it, adding they usually have the attorney look at things beforehand.

Chairman Bishop stated that he knows the Board can do a resolution and that he doesn't need to ask the attorney that question. He stated that it would still be up to the Board to decide. He further stated that they need to review the information that they received tonight and then decide if they are going to do a resolution regardless of whether they can or not.

Commissioner Richardson stated that, first of all, they have been handed something that may have been taken out of context, out of the code. He stated that he would like to review it to see if it's the proper code section that applies, with all due respect to Mr. Samuel.

Commissioner Bivins stated that if Attorney says it applies and is correct, then the Board can proceed on that, adding that's what he think. He stated that he thinks the Board is looking for ways not to deal with it.

Commissioner Allen then asked what was the possibility of having the County Attorney look at it and after which, bring it back at the next Board meeting for the Commissioners to make a decision. Commissioner Allen also added that there were things left out of the document and the bottom line was that the Board was going to do what's right. He added that he thought it was the Board of Commissioners' job to make sure that the people in appointed positions were doing their job.

Chairman Bishop made a point of clarification that the County Attorney was representing the Board of Tax Assessors and the County Commission. He stated that this was the reason they had to go outside and ask for Attorney Charlie Cox.

Attorney Adams stated that it was primarily because Calvin Hicks, the former Chief Appraiser, was a witness for the County in another case. Mr. Adams further stated that all he can do is advise the Board on what the law says and if the appropriate code sections are quoted.

Commissioner Bivins suggested having the County Attorney look at it and render his opinion to the Board.

Chairman Bishop stated that he doesn't have a problem putting the matter before the Board for a vote in two weeks as to whether or not it wants to do a resolution.

Commissioner Hart suggested that the Board have the County Attorney look at it but also assign it to the appropriate committee to ensure that it gets resolved at the next meeting.

Chairman Bishop added that the proper way to handle this would have been for it to come in letter form and be referred to committee.

Commissioner Allen added that he thinks it should be referred to the Ordinances & Resolutions Committee.

Chairman Bishop further added that it is a matter to be decided by the full Board.

Commissioner Bivins stated that these type things use to go to the Ordinances and Resolutions Committee and added that this is just another deviation from the way things are normally done.

Chairman Bishop disagreed and stated that the Ordinances and Resolutions Committee does not draw up ordinances but that any commissioner can draw up an ordinance or resolution and present the same to the Board to be voted on.

Chairman Bishop stated that either they can have the County Attorney review it and report back to the Board or he can assign it to the Ordinances and Resolutions Committee for consideration and recommendation.

Chairman Bishop continued that most of the time these actions come after there is a failure to do the tax digest on time or failure by somebody to perform a service. He then directed the County Attorney to look into it and report back to the Board.

In another matter, Commissioner Allen asked if the matter discussed earlier today involving the utilization of outside attorneys without Board authorization was not supposed to be brought up at tonight's meeting.

Chairman Bishop stated that normally matters discussed in committee are brought up two weeks later unless it's an emergency.

There being no further business, and on motion duly made and seconded, the meeting was adjourned at 6:20 p.m.

Shelia Thurmond
Clerk of the Board