

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
JULY 16, 2013**

The Gordon County Board of Commissioners held a Work Session Tuesday, July 16, 2013 at 4:00 p.m. in the conference room of the Administration Building.

MEMBERS PRESENT

**BECKY HOOD, CHAIRMAN
CHAD STEWARD, VICE CHAIRMAN
NORRIS SEXTON, COMMISSIONER
KEVIN CUNNINGHAM, COMMISSIONER
JEFF GAZAWAY, COMMISSIONER**

OTHERS PRESENT

**RANDALL DOWLING, ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
10 GUESTS**

Chairman Hood called the meeting to order.

EMPLOYEE APPEAL HEARING

Chairman Hood advised that County Attorney Smith would facilitate the employee appeal hearing for Mr. Richard O'Mahony. Chairman Hood advised the County Attorney to move forward with the personnel appeal hearing for Mr. Richard O'Mahony.

County Attorney Smith advised that she has three witnesses that she will call. She further advised the Board and Mr. O'Mahony that she would question each of her witnesses, and at the conclusion of each witnesses' testimony, Mr. O'Mahony would be given a chance to question each witness, and that the Board members would also be given a chance to question each witness. At the conclusion of the County's case, Mr. O'Mahony can then call his witnesses or can testify himself. At the conclusion of the evidence, either side is allowed to make any closing remarks. At that point in time, under the rules of the County's personnel ordinance and under the Georgia open meetings act, the Board is allowed to retire to Executive Session to deliberate, however, the Board must come back into session and take a vote in session as to whether to grant the appeal requested by the employee or to uphold the decision rendered by the County.

Witnesses called were Mrs. Christina Humphries, citizen; Mrs. Debbie Vance, Director of E-911; and Mr. Randall Dowling, County Administrator. Under questioning by Attorney Smith, Mrs. Humphries testified to the fact that her residence at 394 B Johnson Road, Fairmount was broken into on June 12, 2013. ADT detected movement in her home and ADT called her. She instructed ADT to call Gordon E-911, which they did. Mrs. Humphries was not at home at the time and she immediately drove to her home, where she was expecting a sheriff's car to be in the driveway. No officers ever appeared and Mrs. Humphries later went to the restaurant where she works and there were three sheriff cars parked at the restaurant. The officers were informed that she had experienced a burglary at her home and when they checked, it was discovered that the information was reported to the Sheriff's Department and officers were dispatched to a different address. Mrs. Humphries stated that her concern was that her children would normally have been there at the house, but just happened to be with her and her husband on that particular day. Mrs. Humphries contacted ADT that day and listened to the ADT recording that proved that the correct address had been given to Gordon E-911 operator which was Mr. O'Mahony. Mrs. Humphries called to speak to the director at E-911, Mrs. Debbie Vance. Mrs. Vance stated to her that she would look into the problem and call her back. Mrs. Vance called her back and told her that the employee would be disciplined for the mistakes in procedure.

Mr. O'Mahony apologized to Mrs. Humphries for the mistake he made and stated to her that his appeal was not for the punishment he received, but for the inconsistencies of past instances.

Mrs. Debbie Vance, Director of E-911 was called to testified and she testified that she investigated the incident by going through the process and checking the employee's file to see if a prior similar incident had occurred and also checked other employee files to see if a similar incident had

occurred prior, but it had not. She checked the Standard Operating Procedures to see what SOPs had been broken, and also did a thorough investigation and listened to the E911 tape of the call. The tape was played for the Board during the hearing and Mrs. Vance pointed out the mistakes made by Mr. O'Mahony during the E911 call and the discrepancy in the address. Mrs. Vance emphasized that address verification is the most important piece of information that an E-911 operator can get. Once she reviewed all of the facts she then made the determination for the discipline of Mr. O'Mahony. The disciplinary action implemented by Mrs. Vance was a written reprimand and a one day suspension without pay. Mr. O'Mahony was notified of his appeal right; which he later did appeal to the County Administrator, Randall Dowling.

Mr. O'Mahony questioned Mrs. Vance about whether his reprimand was consistent with other reprimands of similar types and Mrs. Vance testified that she could not find other similar types to compare. Mr. O'Mahony mentioned several instances that he felt were comparable, but were inconsistent with his reprimand. Mrs. Vance gave her justification for the decisions she made as to what the reprimand was on each one of the instances Mr. O'Mahony mentioned.

Mr. Randall Dowling, County Administrator was called to testified and he testified that he was notified of Mr. O'Mahony's request for an appeal regarding his written reprimand and one day suspension without pay. Mr. Dowling met with Mr. O'Mahony in the Administrator's office for the appeal. He reviewed the documents that Mr. O'Mahony submitted to him and also heard Mr. O'Mahony's explanation of what occurred that resulted in his punishment. Mr. Dowling advised Mr. O'Mahony that he would get back with him regarding his decision. Mr. Dowling contacted E-911 Director Debbie Vance to get her version of the incident. Mr. Dowling advised Mr. O'Mahony by letter that his decision was to uphold the E-911 Director Debbie Vance's disciplinary action implemented. Several days later Mr. Dowling received a copy of an email from Mr. O'Mahony to Annette Berry, County Clerk, requesting an appeal hearing before the Board of Commissioners.

Mr. O'Mahony questioned Mr. Dowling, and Mr. Dowling further testified that Mr. O'Mahony admitted to the mistake, but Mr. O'Mahony's concern was with what he felt was inconsistency in disciplines handed out to other employees for prior mistakes at E-911. Mr. Dowling testified that in looking at the documents submitted to him by Mr. O'Mahony of the instances, some of the employees received higher punishments than Mr. O'Mahony had received and some less punishments. Mr. Dowling testified that the punishment implemented for Mr. O'Mahony was on the lower end of the number of suspension days called for in the personnel policy, of which, called for up to 10 days suspension.

Board members also questioned each witness, in turn, after the County Attorney and Mr. O'Mahony. Mr. O'Mahony presented no witnesses.

Mr. O'Mahony gave a closing statement. County Attorney Smith gave a closing statement.

The presentation of evidence being completed, the Board could now consider their decision. Commissioner Cunningham made a motion to go into Executive Session for deliberation on the appeal by employee Richard O'Mahony. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Steward, and Sexton voted aye. Executive Session began at 5:02 p.m. At 5:12 p.m., Commissioner Steward made a motion to go back into the Work Session. Commissioner Gazaway seconded the motion and Commissioners Steward, Gazaway, Sexton, and Cunningham voted aye. Executive Session adjourned at 5:12 p.m.

Work Session commenced at 5:12 p.m. and Chairman Hood called for a motion from the Board concerning the Board's decision regarding the personnel appeal by employee Richard O'Mahony. Commissioner Steward made a motion to uphold the decision made by the County Administrator for the one day suspension without pay. Commissioner Gazaway seconded the motion. Commissioner Sexton advised that he would abstained from the vote due to Mr. O'Mahony being a member of the church where he is pastor. Commissioners Steward, Gazaway, and Cunningham voted aye. Motion passed.

SPECIAL PRESENTATION

Chairman Hood presented Mr. Al Leonard, Finance Director, with an award of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for Gordon County's comprehensive annual financial report. Gordon County and Finance Director Leonard have received this award for the eighth straight year.

DISCUSSION OF AGENDA ITEMS

The Board discussed each item on the agenda and made no changes, one item was added to the agenda later in the meeting.

Chairman Hood advised that due to an ACCG conference and training meeting September 29 to October 1st, which the Board's members wish to attend, the Board is considering changing or cancelling the October 1, 2013 Regular Meeting. There was a consensus of the Board to add this item to the Agenda for a vote.

Commissioner Cunningham made a motion to adjourn the Work Session, Commissioner Sexton seconded the motion and all voted aye.

There being no further business the meeting adjourned at 5:30 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 16, 2013**

The Gordon County Board of Commissioners held their Regular Meeting on Tuesday, July 16, 2013 at 6:00 p.m. in the Conference Room of the Administration Building.

MEMBERS PRESENT

**BECKY HOOD, CHAIRMAN
CHAD STEWARD, VICE CHAIRMAN
JEFF GAZAWAY, COMMISSIONER
KEVIN CUNNINGHAM, COMMISSIONER
NORRIS SEXTON, COMMISSIONER**

OTHERS PRESENT

**RANDALL DOWLING, ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
10 GUESTS**

Chairman Hood called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was led by Rev. John Allen. The pledge of allegiance was led by Chairman Hood.

APPROVAL OF MINUTES

Chairman Hood asked if there were any additions, omissions, or deletions to the Minutes for the Work Session July 2, 2013, and the Regular Meeting July 2, 2013. Commissioner Cunningham made a motion to approve the minutes. Commissioner Steward seconded the motion and all voted aye. Minutes approved.

ADMINISTRATOR'S REPORT

Administrator Dowling read the report (copy attached).

COMMISSIONERS' REPORT

Commissioner Gazaway commented that he'd attended the ground breaking for the College & Career Academy today.

PUBLIC HEARING FOR ZONING

Commissioner Steward made a motion to open the Public Hearing for Zoning. Commissioner Gazaway seconded the motion and Commissioners Steward, Gazaway, Sexton, and Cunningham voted aye.

APPLICATION #Z13-01 Brian Baxter

County Attorney Smith advised that this is a zoning application for Brian Baxter requesting to rezone from A-1 to RA-1. The property is located at 522 Cook Road in Resaca. This comes to the Board of Commissioners from the Planning Commission with their recommendation for approval. Mr. Brian Baxter spoke to the Board explaining the rezoning request and answered questions from the Board. No one spoke to the Board in opposition to the rezoning request.

Commissioner Cunningham made a motion to approve the rezoning request. Commissioner Sexton seconded the motion and Commissioners Cunningham, Sexton, Gazaway, and Steward voted aye. Motion passed.

APPLICATION #Z13-02 Corey Baxter

County Attorney Smith advised that this is a zoning application for Corey Baxter requesting to rezone from A-1 to RA-1. The property is located at 536 Cook Road in Resaca. This comes to the Board of Commissioners from the Planning Commission with their recommendation for approval. No one came before the Board to speak for or in opposition to the rezoning request.

Commissioner Gazaway made a motion to approve the rezoning request. Commissioner Cunningham seconded the motion and Commissioners Gazaway, Cunningham, Steward, and Sexton voted aye. Motion passed.

COMMENTS FROM THE PUBLIC – GERMANE TO THE AGENDA

None

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESS**BID AWARD FOR LAWN CARE SERVICES FOR VARIOUS COUNTY FACILITIES**

Administrator Dowling advised that this is a bid award for lawn care services for various county facilities. Gordon County solicited for bids from private companies to provide law care services for 21 county facilities. Eight vendors responded with sealed written bids. County staff reviewed and evaluated all submitted bids. Staff recommends awarding the bid to Johnson Lawncare for an annual price of \$26,995. Funds for this service were budgeted and the contract with Johnson will begin September 1st.

Commissioner Steward made a motion to award the bid to Johnson Lawncare. Commissioner Cunningham seconded the motion and Commissioners Cunningham, Steward, Gazaway, and Sexton voted aye. Motion passed.

GEORGIA DOT LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG) 2013

Administrator Dowling advised the Board that this is the Georgia Department of Transportation local maintenance and improvement grant, LMIG, for 2013. This is an annual grant given to each county in Georgia based on a formula. Gordon County typically gets about \$400,000 to \$500,000 a year. Barry Hice, Director of Public Works, is recommending that we submit to DOT four roads for LMIG – McDaniel Station Road, County Line Road, Liberty Church Road, and Oostanaula Bend Road.

Commissioner Sexton made a motion to approve submitting the Local Maintenance and Improvement Grant to DOT. Commissioner Cunningham seconded the motion and Commissioners Cunningham, Sexton, Steward and Gazaway voted aye. Motion passed.

DECLARATION OF SURPLUS COUNTY PROPERTY FOR SHERIFF'S DEPARTMENT FOR FOUR VEHICLES

Administrator Dowling advised that this is a request from the Sheriff's Department for Board approval of a declaration of surplus county property for four vehicles, a 2005 Dodge Magnum, 1990 Ford Truck, 1994 Nissan Truck, and a 2000 Volkswagen Jetta.

Commissioner Cunningham made a motion to approve declaring four vehicles surplus county property for the Sheriff's Department. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Sexton, Gazaway and Steward voted aye. Motion passed

RE-APPOINTMENT OF ANGELA HARRIS TO THE LIBRARY BOARD FOR A THREE-YEAR TERM ENDING JUNE 1, 2016

Administrator Dowling advised that this is a re-appointment of Angela Harris to the Library Board for a three-year term ending June 1, 2016.

Commissioner Cunningham made a motion to approve the re-appointment of Angela Harris to the Library Board. Commissioner Gazaway seconded the motion and Commissioners Gazaway, Cunningham, Steward and Sexton voted aye. Motion passed.

APPROVAL OF BOARD TO CANCEL THE OCTOBER 1, 2013 REGULAR MEETING DUE TO A BOARD CONFLICT

Administrator Dowling advised that this is for the Board to consider cancelling the October 1, 2013 Regular Meeting due to a conflict with an ACCG Conference.

Commissioner Sexton made a motion to cancel the Regular Meeting of the Board of Commissioners scheduled for October 1, 2013 due to an ACCG Conference. Commissioner Gazaway seconded the motion and Commissioners Sexton, Gazaway, Cunningham, and Steward voted aye. Motion passed.

ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting. Commissioner Gazaway seconded the motion and all voted aye. There being no further business, the meeting was adjourned at 6:30 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman