Minutes

Board of Commissioners
February 14, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, February, 2008, 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 Robert Horgan Eric Maxwell Peter Pfeifer
Staff Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk

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

Acceptance of Agenda:
Motion was made by Commissioner Horgan and seconded by Commissioner Pfeifer to accept the agenda as published. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. RECOGNITION BY THE NATIONAL WEATHER SERVICE FOR RECERTIFICATION AS AN APPROVED STORM READY COMMUNITY:

Acting Chief Allen McCullough remarked that Fayette County had once again been recognized by the National Weather Service as a Storm Ready Community. He remarked that Fayette County was originally designated as a Storm Ready Community in the year 2000 and this was the third time the County had received this designation. He introduced George Knight and Captain Pete Nelms who were also instrumental in this project.

Meteorologist in charge of the National Weather Service Office in Peachtree City Lans Rothfusz commended Fayette County Department of Fire and Emergency Services and recognized Fayette County for being certified as a Storm Ready Community. A copy of the Letter of Recognition, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Pastor Monroe Hodges: Pastor Monroe Hodges remarked on a particular piece of property the Living Rock Church would like to utilize for church purposes.

Steven Chantos: Steven Chantos commented on the issue of the proposed archery ordinance that was listed on tonight's agenda.

John Carmolingo: John Carmolingo commented on the issue of the proposed archery ordinance.

Gordon Furr: Gordon Furr expressed concern over the proposed amendment to the County Code to enable the Water System to take over individual community septic and drip irrigation systems and the loss of wetlands by allowing these systems.

Ray Schmeck: Ray Schmeck commented on the proposed archery ordinance.

Dennis Chase: Dennis Chase commented on the issue of the County taking over community sewer systems and questioned who would maintain these systems as well as enforce them.

Ronnie Duncan: Ronnie Duncan commented on the proposed archery ordinance.

Justin Farmer: Justin Garner commented on the proposed archery ordinance and felt it would discourage the youth from joining this sport.

Kevin Gailey: Kevin Gailey commented on the proposed archery ordinance.

Dennis Kuhr: Dennis Kuhr commented on the proposed archery ordinance and felt there was a serious problem with the deer population in Fayette County.

CONSENT AGENDA: Motion was made by Commissioner Horgan and seconded by Commissioner Frady to approve the consent agenda as presented. The motion carried 5-0.

LIBRARY DONATION:

1. Approval of request from the Library to accept a donation of $25 and to increase the Public Relations Expenditure Account by $25. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

FIRE AND EMERGENCY SERVICES - VEHICLE REPLACEMENT:

2. Approval of request from Fire and Emergency Services to replace a 2005 Ford Expedition totaled in an accident with funding to come from Traveler's Insurance in the amount of $11,068 and the

remaining balance from the Vehicle Replacement Fund. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

MINUTES:

3. Approval of minutes for the Board of Commissioners' meeting held on January 24, 2008 and minutes for the Special Called Board of Commissioners' Budget Workshop held on January 31, 2008.

OLD BUSINESS:

B. FURTHER DISCUSSION OF ARCHERY AND BOW HUNTING REGULATIONS IN FAYETTE COUNTY:

Chairman Smith asked if the Board had any questions on this issue and Commissioner Maxwell said he would like to make a motion.

Motion was made by Commissioner Maxwell to adopt the proposed ordinance as prepared by the County Attorney which includes the three parameters as suggested by the department of natural resources, the 50 yard restriction from a property line as well as the nuisance animals portion.

Chairman Smith asked if there was a second to the motion and there was none. The motion died for lack of a second.

RESOLUTION NO. 2008-05 - FRANCHISE FEES FROM CABLE AND VIDEO SERVICE FRANCHISES:

C. Consideration of Resolution No. 2008-05 regarding the franchise fees collected from State cable and video service franchises.

County Attorney Scott Bennett asked for the Board's consideration in adopting Resolution No. 2008-05 and for the Resolution to be sent to the Secretary of State that would allow the County to collect the 5% franchise fees on cable television providers in the County. He noted that the County currently collects 5% under the current contract with the County's cable service provider.

Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adopt Resolution No. 2008-05 as presented and authorization for the Chairman to sign said Resolution and forward it to the Secretary of State. The motion carried 5-0. A copy of Resolution No. 2008-05, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

RESOLUTION NO. 2008-06 - INTRODUCTION OF LOCAL LEGISLATION CONCERNING STATE COURT:

D. Consideration of Resolution No. 2008-06 stating the Board's intention to introduce local legislation concerning the State Court.

County Attorney Scott Bennett remarked that there had been some previous discussions regarding the salary of the State Court Judge and it being below most of the State Courts in the State of Georgia. He said legislation needed to be introduced to reflect the State Court Judge's salary which would now be 90% of the Superior Court Judge's salary plus 90% of the supplement paid to the Superior Court Judge. He said in this legislation the Board had received a request from Judge Sams that a couple of other changes be made to the local legislation to reflect the changes in the law that have occurred since the State Court was created in

Fayette County. He said one of these changes was that the Judge must have seven years as a member of the bar instead of five years. He said the second change that Judge Sams recommended was that there be clarification that there was no statutory right to a jury trial for petty offenses. He said the United States Supreme Court and the Georgia Supreme Court have held that for offenses that have a possible maximum punishment of sixty days or less and/or a fine of $1,000 or less that a person would not have the right to a jury trial in those petty offenses. He said this change would clarify the local legislation so it was clear. He said Judge Sams was also recommending that peremptory strikes used for choosing a jury would go from four down to three. He said the last change that was being recommended would be to recalibrate the Solicitor's salary. He said the Solicitor's salary would not change but the local legislation would base his salary as a percentage of the Superior Court Judge's salary as opposed to the State Court Judge's salary which was in effect a percentage of the Superior Court Judge's salary. He said the Resolution would ask the General Assembly to adopt this local legislation during this session.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to adopt Resolution No. 2008-06 with the changes as discussed by the County Attorney, discussion followed.

Commissioner Horgan asked for clarification that there would be no change to the Solicitor's salary and Attorney Bennett replied that was correct and stated that the actual dollar amount of the Solicitor's salary would remain the same under what he had prepared but the calculation would change. He said instead of the salary being a percentage of the State Court Judge's salary, it would be 68% of the base for a Superior Court Judge's salary.

The motion carried 5-0. A copy of Resolution No. 2008-06, identified as "Attachment No.5", follows these minutes and is made an official part hereof.

MISSION STATEMENT ADOPTED:

E. Consideration of the proposed Mission Statement for Fayette County.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to approve the Mission Statement for Fayette County as presented. The motion carried 5-0. A copy of the Mission Statement, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

JOB CLASSIFICATION AND COMPENSATION STUDY ADOPTED:

F. Further consideration of the proposed job classification and compensation study performed by the University of Georgia.

Acting County Administrator Jack Krakeel remarked that it was staff's recommendation to adopt Plan C that would essentially place employees at 100% of the market and then provide for a phased in approach to the equity adjustments with one step for employees with one or more years of service to be effective July 1st and employees with four years or more of service a step increase to be applied effectively July 1st, 2009. He said it was staff's recommendation that the study be implemented on March 1st with respect to the adjustment on the portion of the compensation that would place employees in the proper step and proper grade as it relates to the market for those positions.

Mark Knowles of the U.G.A. Institute of Government discussed the methodology used in the study. He said each position's job description was used in the marketplace to do a benchmark survey of those positions to see what the market was demanding in terms of pay. He said the Board had been presented with three compensation schedules and the schedule that staff was recommending was 100% of the market. He said each position was then placed on the factor evaluation system which was the foundation of public personnel systems in the United States.

Commissioner Maxwell said Mr. Knowles had presented the Board with three scenarios with one being 100% which was essentially market rate, then 103% which was slightly above the market rate and then 106%. He said he would like to recommend that the Board adopt the 100% plan with the phase in that was proposed.

Commissioner Pfeifer remarked that in the documentation that Mr. Krakeel had provided the Board in Fiscal Year 2001 raises were given in the amount of 5.2% followed by 5.78%, followed by 4.08%, followed by 4.67%, followed by 4.14%, followed by 5.88%, followed by 6.14% and last year there was no performance increase although there was a C.O.L.A. in the amount of 3.3%. He noted the reason there was no performance increase that year was because the County did not have a satisfactory plan to award one. He said the study currently before the Board did not accomplish this either. He said as far as he could see, this was simply an across the board increase for everyone regardless of their performance. He said any performance increase not based on performance was not a performance increase. He also expressed concern with the study being based on a comparative of other entities but no one knew who those entities were and what the comparison was. He said there was also no comparison between the ratings that this study had assigned to each position and what the rating had been previously. He said he could not support this study.

Mr. Knowles remarked that the comparables included the metropolitan counties and the Department of Community Affairs. He said that information was provided and the background information was available if anyone wanted to see it. He said a list of benchmark positions was also listed and used as an established methodology for comparisons within organizations.

Commissioner Pfeifer said he could not be sure that these were not across the board increases and he also could not tell which positions were being increased and which positions were not being increased. He said if they were not all being increased, then some people were getting more than a percentage raise. He asked how he would find out what a certain position's salary was under the old plan and what it would be under the new plan and Mr. Knowles said staff could provide that information to him.

Commissioner Maxwell made a motion and Commissioner Horgan seconded the motion to approve the 100% classification study with the provision that if there is any position within the County that seemed to be out of line that a department head would have the right to file an appeal so that it could be reviewed. The motion carried 4-1 with Commissioner Pfeifer voting in opposition.

WATER COMMITTEE RECOMMENDATION APPROVED REGARDING COMMUNITY SEPTIC AND DRIP IRRIGATION SYSTEMS:

G. Consideration of the Water Committee's recommendation to amend the County Code of Ordinances to enable the Water System to take over individual community septic and drip irrigation systems within a subdivision.

Water System Director Tony Parrott remarked that the proposal before the Board was for a charge of $4.38 per 1,000 gallons with a minimum of $20.00 per month. He noted that the developer would be responsible for the installation of the infrastructure. He said the Water System staff would be responsible for inspecting and testing the system prior to approving it as part of the County's system. He said in addition there would be specifications including a 100% replacement area for both septic and drip. He said individual septic tanks for each lot and a requirement to have the tank pumped every five years was also included.

Commissioner Horgan asked who would be responsible for the 100% replacement area and Mr. Parrott replied that this would be County property and the County would be responsible for the maintenance of it.

Commissioner Frady asked what would be done in case of a complete failure and if the County would have any responsibility to the homeowner who would be depending on the County to service it. Mr. Parrott replied yes that the County would have the same responsibility that it currently has regarding service. Mr. Parrott said this was the reason for the safeguards being built in so there would be a replacement area and a backup system by having two tanks on a septic system. Mr. Parrott remarked that a complete failure of the original drainfield system would be handled by the backup system. Commissioner Frady asked if both of these systems went out would the County have the responsibility and Mr. Parrott responded that if there was a complete failure, it would be the County's responsibility to fix the system.

Chairman Smith asked Mr. Parrott if there was a complete failure of the original system and the backup system and the inability to do spray application if this would be an instance in which the County would truck sewage to a different site. Mr. Parrott replied yes that would be one of the options and another option would be to acquire additional property.

Commissioner Frady clarified that there was no minimum size lot requirement for these systems and it could be a one acre lot as well as a three-acre lot. Mr. Parrott said that was correct and pointed out that these systems would be designed to meet the State Department of Natural Resources guidelines which would include having a geologist perform a soil study with the Water System Consulting Engineer reviewing the plans. Mr. Parrott pointed out that this would operate through a Department of Natural Resources permit. Commissioner Frady said he did not feel he had enough information about this issue and could not support it. He said he did not want to put the County in a position to be responsible for these failed septic systems.

Commissioner Maxwell asked Mr. Parrott what the downside would be if the County did not accept these and Mr. Parrott replied that the Department of Natural Resources would permit a private system. Mr. Parrott noted that the D.N.R. had permitted private systems in the County and the County would require every lot in a subdivision to be part of the system.

Commissioner Frady said he would need more information on the cost of replacement and Mr. Parrott replied that each individual system would be different because of the difference in topography and size of the subdivision. Commissioner Frady said he just could not support this because he did not have enough information on the cost.

Chairman Smith interjected that user fees would be used to pay for these replacements and Commissioner Horgan suggested that those fees could be increased if there was a need to do so. Chairman Smith said if the Board approved adoption that this would make the County more stringent than the State.

Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to approve the Water Committee's recommendation to amend the County Code of Ordinances to enable the Water System to take over individual community septic and drip irrigation systems. The motion carried 4-1 with Commissioner Frady voting in opposition. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT TOILET VOUCHER REBATE PROGRAM APPROVED:

H. Update from the Director of the Water System on the Metropolitan North Georgia Water Planning District Toilet Voucher Rebate Program.

Water System Director Tony Parrott remarked that the District was recommending a rebate of $50.00 for 1.6 gallons per flush toilets and a $100.00 rebate for 1.28 gallons per flush toilets. He said the District would determine customer eligibility and then notify the participating Water Utility to credit the customer account. He asked for the Board's approval of the modified plan and authorization for the Chairman to sign the Memorandum of Agreement.

Commissioner Maxwell made a motion and Commissioner Horgan seconded the motion to spend up to $110,000 to participate in the Metropolitan North Georgia Water Planning District toilet voucher rebate program as presented by the Water System Director. The motion carried 5-0. A copy of the request and the Memorandum of Agreement, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

NEW BUSINESS:

COMMUNITY SERVICE WORKER PROGRAM:

I. Consideration of recommendation from the Facilities Management Director to expand the Community Service Worker Program to include U.S. Probationers.

Water System Director Tony Parrott remarked that the County had the opportunity to use U.S. Probationers to do different projects within the County. He said one of the first projects that was being recommended was a retaining wall to be constructed at McCurry Park. He said the probationers could be used for the labor of moving these blocks to build the wall. He said the U.S. Probationers would provide a supervisor with the crew that was sent and the County had the opportunity to ask for the number of individuals in the crew. He also pointed out that most of these individuals were non-violent criminals and were incarcerated as a result of financial difficulties such as embezzlement, writing bad checks and things of that nature.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to allow the County to enter into an agreement with the Federal government to approve the recommendation from the Facilities Management Director to allow U.S. probationers to participate in the County's Community Service Worker Program on a case by case basis. The motion carried 5-0. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

PRESENTATION BY CHERRY, BEKAERT, AND HOLLAND, LLP OF THE COUNTY'S FISCAL YEAR 2007 AUDIT:

J. Presentation of the results of the Fiscal Year 2007 Audit by the County's Accounting Firm of Cherry, Bekaert, and Holland, LLP.

Beth Tabor representing Cherry, Bekaert & Holland presented the financial highlights for Fayette County's Fiscal Year 2007. A copy of her presentation, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:
There was none.

ATTORNEY'S REPORT:
There was none.

STAFF REPORTS:
There was none.

BOARD REPORTS:
COMMISSIONER MAXWELL: Commissioner Maxwell remarked that a notice of proposed local legislation had been published in one of the local newspapers regarding changing the manner in which County Commissioners are elected. He noted that none of the Commissioners were notified of this legislation. He also remarked that he disagreed with this legislation and the rest of the Board members agreed with Commissioner Maxwell.

EXECUTIVE SESSION:
There was none.

ADJOURNMENT:
Commissioner Frady made a motion and Commissioner Horgan seconded the motion to adjourn the meeting at 8:50 p.m. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of March, 2008.

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Karen Morley, Chief Deputy Clerk