Minutes

Board of Commissioners
January 7, 2009
5:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on January 7, 2009, at 5:00 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 Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk

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Call to Order, Invocation, and Pledge to the Flag

Chairman Smith called the Wednesday, January 7, 2009 Workshop Meeting to order at 4:59 p.m. Commissioner Hearn gave the Invocation. Chairman Smith led the audience in the Pledge to the Flag.

Acceptance of Agenda

Commissioner Horgan moved to accept the agenda as published and was seconded by Commissioner Frady. No discussion followed. The motion passed unanimously.

<u>ORGANIZATIONAL SESSION:</u>

A. Election of Board Chairman for the year 2009.

Commissioner Maxwell moved that Chairman Jack Smith continue to serve as Chairman of the Board of Commissioners for 2009, and Commissioner Frady seconded the motion. Chairman Smith said he was honored that the Board was considering him to remain as Chairman, that it had been pleasurable to serve with them as Chairman the previous two years, and he looked forward to working with the Board as Chairman in 2009. No further discussion followed. The motion passed unanimously.

B. Election of Board Vice-Chairman for the year 2009.

Commissioner Maxwell moved to elect Commissioner Herb Frady to continue as Vice-Chairman of the Board of Commissioners for 2009. Commissioner Horgan seconded the motion. Chairman Smith said it had been a pleasure to work with Commissioner Frady for the past two years and he looked forward to working with him for another year. No further discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-13, and Commissioner Hearn seconded the motion. Commissioner Maxwell asked for Consent Agenda Items 10, 11 and 12 be removed from the Consent Agenda for discussion, and Commissioner Hearn requested Consent Agenda Item 13 be removed as well. Commissioner Horgan amended his motion to approve Consent Agenda Items 1-9 and was seconded by Commissioner Hearn. No further discussion followed. The motion passed unanimously.

1. **Approval of authorization to sign checks combining any of the following two signatures for transactions exceeded $5,000: Chairman, Vice-Chairman, County Administrator.**

2. **Approval of authorization to sign checks for transactions $4,999 or less: Chairman, Vice-Chairman, County Administrator.**

3. **Approval of the Chairman and Vice-Chairman to execute contracts, resolutions, agreements and other documents approved by the Board of Commissioners.**

4. **Approval of proposed meeting schedule for 2009. A copy of the 2009 Approved Meeting Schedule, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

5. **Approval of Resolution Number 2009-01 appropriating funds necessary for the annual lease payment on the Jail expansion and Justice Center. A copy of Resolution 2009-01, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

6. **Approval of Resolution Number 2009-02 renewing Resolution Number 90-07 which imposes a $1.50 monthly "911" charge upon each exchange access facility subscribed to by telephone subscribers. A copy of Resolution 2009-02, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

7. **Approval of Resolution 2009-03 renewing Resolution Number 90-03A which imposes a $1.00 monthly "911" wireless enhanced charge upon each exchange access facility subscribed to by telephone subscribers. A copy of Resolution 2009-03, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

8. **Approval of staff's recommendation that the travel reimbursement rate for 2009 be reduced from $0.4794 to $0.4510 per mile when privately-owned vehicles are used in lieu of county-owned vehicles for official county business. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

9. Approval of staff's recommendation from the Department of Fire and Emergency Services to award Bid #695 for Fire and EMS Protective Clothing to various vendors. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

10. Approval of staff's request to increase the Library's Donations Revenue Account by $1,000 and to increase the Office Supplies Expenditure Account by $1,000, in order to account for the Fayetteville Rotary Club's $1,000 donation to the Fayette County Public Library. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

11. Approval of staff's recommendation to increase the Library's Donations Revenue Account by $5,000 and to increase the Other Supplies Expenditure Account by $1,000 and the Computer Software Expenditure Account by $4,000, in order to account for Mr. Royal Yates' $5,000 donation to the Fayette County Public Library. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

12. Approval of staff's recommendation to increase the Library's Donation Revenue Account by $60 and to increase the Office Supplies Expenditures Account by $60, in order to account for Ms. Shannon Campbell's $60 donation to the Fayette County Public Library. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

13. Approval of minutes for Board of Commissioners' meetings held on December 3, 3008, December 11, 2008 and December 16, 2008.

Consent Agenda Items 10, 11 and 12: Commissioner Maxwell stated he had asked for Consent Agenda Items 10, 11 and 12 to be removed from the Consent Agenda because he wanted a letter to be sent from the Board of Commissioners thanking those who donated to the library. He asked for Executive Assistant Carol Chandler to write the letter for the Chairman's signature, and the Board consented to his request. Commissioner Maxwell then moved to approve Consent Agenda Items 10, 11 and 12 and to send a letter on behalf of the Board of Commissioners thanking those who donated to the Library. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously.

Consent Agenda Item 13: Chairman Smith stated that Commissioner Hearn was not on the Board of Commissioners during the dates the minutes were recorded, and that was the reason Consent Agenda Item 13 was removed. Chairman Smith then moved to approve Consent Agenda Item 13 and was seconded by Commissioner Frady. No discussion followed. The motion passed 4-0-1 with Commissioner Hearn abstaining from the vote.

OLD BUSINESS:

There were no Agenda Items for Old Business.

NEW BUSINESS:

C. Staff will present a demonstration to the Board on how an audio feature can be added to the County's website.

Executive Assistant Carol Chandler, Information Systems Director Russell Prince and Chief Deputy Clerk Karen Morley gave a presentation and demonstration to the Board regarding a new "searchable audio feature" to be made available on the Fayette County website. Ms. Chandler informed the Board that staff would like to begin

the initiative with the current meeting, and that the searchable audio feature would be made available to the public within the same timeframe as the Action Agenda. Some discussion followed. It was noted that by developing the software "in-house" by utilizing programs already available to the County, and by not purchasing a new software program, Fayette County saved approximately $25,000 for the first year alone. Chairman Smith asked County Attorney Scott Bennett if there were any legal ramifications to be aware of related to this initiative. Mr. Bennett answered that he did not believe there were any legal ramifications since the Board approves the minutes of the meeting which are produced from the audio recording, but this initiative would supply additional information and would lend support to the minutes. He clarified that the recordings do not represent the official actions of the Board, but the approved minutes do represent the official actions of the Board. The Board of Commissioners consented to allow this initiative to be placed into immediate effect, and thanked staff for saving the Fayette County money with this project. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

D. Discussion of the Federal Neighborhood Stabilization Program designed to assist communities in lessening the impact of the nationwide foreclosure crisis.

Fayette County Administrator Jack Krakeel reported that Fayette County was informed by the Georgia Department of Community Affairs shortly before the holidays about a federal grant program to be administered through the Georgia Department of Community Affairs (DCA) designed to assist local communities with respect to the foreclosure crisis that has been impacting communities across the County, and he gave further information about the federal grant program and how it could apply to Fayette County. Mr. Krakeel emphasized this was the first opportunity he had available to present the information to the Board, but there was a very limited time to take action since applications for the grant were due to the DCA no later than January 15, 2009. He added that the Board of Commissioners would be required to hold a public hearing that would need to be advertised five days in advance. Some discussion followed. The consensus of the Board was to authorize staff to begin the process of applying for the grant by advertising a public hearing on Wednesday, January 14, 2009. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

Before continuing to the reports section of the agenda, Chairman Smith publically recognized and introduced Sheriff Wayne Hannah to the audience. He then congratulated Sheriff Hannah for winning the Sheriff's election and thanked him for attending the meeting.

ADMINISTRATOR'S REPORT

There was no Administrator's Report.

ATTORNEY'S REPORT

Sports Lighting Contract: Fayette County Attorney Scott Bennett reminded the Board that it previously awarded a bid to Ozburn Electric to install or repair lights at Kiwanis Park Field 7 and at McCurry Park Softball Field 3 at an aggregate cost of $179,856. He said the County had all the bonds, the insurance requirements had been satisfied, and the contract was ready for the Chairman's signature. Commissioner Horgan moved to authorize the Chairman to sign the contract with Ozburn Electric for $179,856, and was seconded by Commissioner Hearn. No discussion followed. The motion passed unanimously. A copy of the Ozburn Electric contract, identified as "Attachment 12", follows these minutes and is made an official part hereof.

Modification of the McIntosh Trail Community Service Board's Ground Lease Agreement: Fayette County Attorney Scott Bennett reminded the Board that on December 11, 2008 it previously approved a Ground Lease Agreement with McIntosh Trail Community Service Board who is doing business as Fayette Community Health. He said the attorney for McIntosh Community Service Board reviewed the Ground Lease Agreement after the Board gave its approval, and the attorney asked for the Ground Lease Agreement to be modified with respect to insurance. Mr. Bennett explained that the McIntosh Trail Community Service Board is a creation of the State and therefore relies on the State's insurance for all of its properties. He stated that the Board of Commissioners had asked for McIntosh Trail Community Service Board to list Fayette County as insured under their insurance policy, but their attorney has responded that the request cannot be granted under the State's insurance policy. Mr. Bennett added that their attorney asked if the Board would allow for the grounds to be insured as a leasehold interest and for the County to maintain the grounds as owner. Mr. Bennett concluded that there would be limited liability to Fayette County since all construction, maintenance and responsibility were being turned over to the McIntosh Trail Community Service Board, and he recommended approving the modification to the Ground Lease Agreement since he did not believe there was much exposure to Fayette County. Some discussion followed. Commissioner Frady moved to approve the amended Ground Lease Agreement as presented by the County Attorney, and Commissioner Horgan seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the modification to the Ground Lease Agreement, identified as "Attachment 13", follows these minutes and is made an official part hereof.

Personal Care Homes: Fayette County Attorney Scott Bennett reminded the Board that a discussion occurred during the December 3, 2008 Workshop Meeting regarding Personal Care Homes, and that the discussion was prompted by citizen complaints. He stated that research was conducted to determine what regulations can be placed on Personal Care Homes to ensure that they are operating legitimately by providing needed service while preserving the residential character of the neighborhoods in which they are located. He then described the research findings, their implications, and how the County can utilize those findings to regulate Personal Care Homes. Some discussion occurred. Mr. Bennett said the next step he wanted to take was to draft two ordinances, one for occupational tax and one for business licenses, and send them to the Commissioners for their review and suggestions. He added that the County would be required to hold public hearings pertaining to the zoning aspects of the ordinance, and he suggested that the Planning Commission may have additional thoughts to add to this issue. The consensus of the Board was to draft the proposed ordinance changes in legal format and to distribute the changes to the Board for review. Chairman Smith added that he wanted to hold off on public hearings in order to give the Board an opportunity to review the proposed regulations.

DEPARTMENT REPORTS

GDOT Recommendations for the FY 2010-2013 TIP: Director of Public Works Phil Mallon presented a document entitled *GDOT Recommendations for the FY 2010-2013 TIP* to the Board, and he explained that the Georgia Department of Transportation (GDOT) recently completed a study prioritizing and evaluating statewide projects that are sponsored by the GDOT or are receiving state funding. He said the GDOT sent comments to the Atlanta Regional Commission (ARC) on approximately December 1, 2008 about what projects should remain high-priority, should be delayed, or should have funding cuts. He reported that the ARC compiled the information for all the counties in its jurisdiction and sent a database memo to its counties on December 19, 2008. He said the document he was presenting to the Board was a summarized version of the information supplied by the ARC, and then he briefly explained and discussed the projects and their status as listed on the document with the Board. He informed the Board that a meeting would be held on January 12, 2009 with representatives from the ARC, the GDOT, and other transportation agencies for the purpose of allowing Fayette County to express concern or to comment upon projects being delayed or on the funding cuts. Chairman Smith responded that he had one comment to express to the ARC and the GDOT representatives, and it was that he objects to the delays and objects to the funding cuts. Mr. Mallon replied that he would convey the message to

the representatives. Commissioner Frady left the Workshop Meeting during this report at approximately 6:05 p.m. A copy of the document entitled *GDOT Recommendations for the FY 2010-201 TIP*, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Request from GDOT and ARC: Director of Public Works Phil Mallon reported to the Board that due to the potential economic stimulus package being spoken of at the national level, Fayette County has been asked by both the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC) to identify transportation projects that were "ready to go". Mr. Mallon stated that based on memos he had received and based on phone conversations, it was his opinion that the GDOT has some very stringent criteria for determining what is "ready to go". He added that he reviewed Fayette County's active transportation projects, and he did not believe that any of the five criteria required by the GDOT have been met. He mentioned that he sent a letter to the GDOT stating that approximately 15 projects could meet the GDOT's criteria very quickly, and the letter said if the criteria changed or was relaxed those 15 projects could be eligible for consideration. He said the letter was also sent to the ARC, but added that the ARC's request for projects was more open-ended than the GDOT's request. Some discussion followed.

GEMA Grant: Public Safety Director Allen McCullough reported that Public Safety received notification this week from the Georgia Emergency Management Agency (GEMA) that Fayette County Emergency Management Agency was awarded $25,000 in a grant that the County applied for earlier and that the grant money would be used toward the purchase of additional severe weather warning sirens. Chairman Smith replied that was great news and thanked Mr. McCullough for the report.

BOARD REPORTS

Welcome to Commissioner Lee Hearn: Commissioner Maxwell welcomed Commissioner Lee Hearn to the Board of Commissioners and stated he looked forward to working with Commissioner Hearn. Commissioner Hearn thanked Commissioner Maxwell for his comments.

Response to the Fayette County Board of Education: Commissioner Maxwell addressed the December 18, 2008 request received from the Fayette County Board of Education concerning the Georgia Taxpayers Property Tax Relief Act. He said the Board of Education had requested the issuance of additional tax bills to Fayette County taxpayers due to actions taken by the State of Georgia. He mentioned that when he received the letter he had a visceral reaction that has continued to grow every day. He explained that this problem is not a Fayette County Board of Commissioners' problem, and that the problem would be handled by the State Legislature. He added that he has spoken to Senator Ronnie Chance and Representative Matt Ramsey about this issue, and they both assured him that the money would return to Fayette County since the Governor has only placed a temporary hold on the money. He further stated that he concurred with the quote attributed to Fayette County Administrator Jack Krakeel in a local paper reporting that the Board of Commissioners was not in a position to address the issue at this time, and he suggested a formal response be given to the Board of Education. He suggested further that a letter be sent to the entire Fayette County delegation, Fayette County Board of Education Superintendent Dr. John DeCotis, Governor Sonny Perdue, Lt. Governor Casey Cagle, and Speaker of the House Glenn Richardson stating Fayette County is opposed to the State keeping Fayette County's money. He explained that the Board of Commissioners, as well as the municipalities and the Board of Education are experiencing the same burdens that are being imposed on local governments and jurisdictions throughout the State of Georgia. He added that someone "rang an alarm bell" and placed this burden on the Board of Commissioners to make a decision, but stressed that the Board was not in a position to make any decision at this time. The Board consented to Commissioner Maxwell's request. Chairman Smith then gave a further explanation to the audience about the issue at hand and its potential outcomes. A copy of the Fayette County Board of Education's request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

STAFF REPORTS

There were no Staff Reports.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Commissioner Hearn moved to adjourn the January 7, 2009 Wednesday Workshop Meeting and was seconded by Commissioner Horgan. Chairman Smith welcomed Commissioner Hearn to the Board of Commissioners. The motion passed 4-0 with Commissioner Frady not present for the vote.

Floyd L. Jones, 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 22nd day of January 2009.

Floyd L. Jones, Deputy Clerk