Minutes

Board of Commissioners
October 6, 2010
3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, October 6, 2010, at 3:30 p.m. in the Commissioners Conference Room, Suite 100 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

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Chairman Smith called the meeting to order.

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

REPORT:

A. PRESENTATION OF THE MONTHLY UPDATE ON THE COUNTY'S 2010 TRANSPORTATION WORK PLAN BY PUBLIC WORKS DIRECTOR PHIL MALLON:

Public Works Director Phil Mallon updated the Board on the County's 2010 transportation work plan. He presented a handout to the Board. A copy of the request and handout, identified as "Attachment No. 1, follow these minutes and are made an official part hereof. He commented on the completion of Snead Road, asphalt resurfacing, right-of-way maintenance, gravel road maintenance, storm sewer infrastructure maintenance and repair, the West Fayetteville Bypass and S.P.L.O.S.T. implementation. He noted that there were five intersection projects that were now complete and he expected Kenwood Road at New Hope Road to be completed during the month of October. He said staff should have a recommendation for project awards at the October 28th Board meeting.

B. PRESENTATION OF STAFF'S PRELIMINARY ENGINEERING REPORT FOR THE PAVING OF SIMS ROAD:

Road Department Director Andy Adams presented the Board with staff's preliminary engineering report for the paving of Sims Road. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official part hereof. He remarked that currently Sims Road was a dead end dirt road. He said staff had received a right-of-way petition indicating that every property owner on the entire road, with the exception of one property owner located at the beginning of the road , who have indicated a willingness to donate County right-of-way. He said it was County policy that 80% of the landowners have to sign the petition for the County to proceed and his department had received 84%.

Commissioner Hearn questioned the prospective costs of this project. He felt it was also important to determine if the homeowners on Sims Road were supportive of connecting through to the City of Peachtree City. Commissioner Maxwell expressed concern with building this road and costing approximately $500,000 for only eleven homes. Chairman Smith said he would need more information on this item.

After further discussion, the Board determined that more information was needed on this issue and staff was directed to prepare criteria for the paving of unpaved roads in unincorporated Fayette County for consideration by the Board at a future meeting.

Commissioner Hearn exited the meeting at 4:53 p.m.

OLD BUSINESS:

C. DISCUSSION OF PROPOSED AMENDMENTS TO THE PERMITS AND INSPECTIONS DEPARTMENT FEE SCHEDULE TO INCREASE THE COMMERCIAL ROOFING/REPAIR PERMIT FEES:

Director of Permits and Inspections Joe Scarborough discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He discussed the current fees as well as the proposed fees and pointed out that surrounding counties' fees were substantially higher. He said this would allow recovery of actual departmental costs involved.

Commissioner Hearn returned to the meeting at 5:00 p.m.

County Administrator Jack Krakeel said he had discussed the proposed fee schedule with Mr. Scarborough and based on the average size roof , the fee schedule was fairly reflective of the time spent for these inspections including overhead charges.

After further discussion, there was a consensus that a Resolution adopting the new Permits and Inspections fee schedule will be placed on a consent agenda in the near future for the Board's consideration.

D. DISCUSSION OF ADDING A STRUCTURE LOCATED AT THE CORNER OF OLD GREENVILLE ROAD AND GOZA ROAD TO THE COUNTY'S NUISANCE ABATEMENT LIST:

Director of Permits and Inspections Joe Scarborough discussed a structure located at 481 Old Greenville Road and the condition of this structure. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof. He noted that the basement of this home was below the flood level and there was no way to keep water out of the basement. He said the permit had expired twice and the County's ordinance would not allow the property owner to get another permit. He said the owner could apply for a new permit but would need a structural

evaluation to determine whether or not the structure could be salvaged. He noted that there have been numerous violations as well as numerous stop work orders for structural concerns.

County Attorney Scott Bennett said the problem was that this structure did not meet the County code and the water was continually coming into the house. He said this would cause the wood structure to rot and the house would fall down. He said the mold and mildew were also problems that would cause the home to become uninhabitable. He said until a nuisance abatement is filed with the court, the court would not have jurisdiction to actually order the property owner to fix this. He remarked that a letter would need to come from a member of the Board of Commissioners asking Mr. Scarborough to investigate this situation to get this process started. Commissioner Maxwell said he would be glad to sign a letter to begin this process.

It was the consensus of the Board that staff add the structure located at 481 Old Greenville Road to the County's nuisance abatement list and the process would begin with a complaint letter executed by Commissioner Maxwell to begin this process.

E. CONTINUED DISCUSSION OF PROPOSED AMENDMENTS WHICH UPDATE THE FAYETTE COUNTY ZONING ORDINANCE IN ITS ENTIRETY AND WHICH WOULD ADD IT TO THE FAYETTE COUNTY CODE OF ORDINANCES:

Director of Community Development Pete Frisina discussed various portions of the ordinance including cell towers, home occupations, the number of animals allowed in a certain zoning district and the issue of solar panels were outlined in the Executive Summary with the Board. A copy of the request and Executive Summary, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

After further discussion regarding proposed changes in the Zoning Ordinance, the Board authorized staff to advertise this item for public hearing and adoption by the Board on December 9, 2010.

Chairman Smith called for a short recess at 5:40 p.m.

Chairman Smith called the meeting back to order at 5: 48 p.m.

F. ARCHITECTS FOR THE LIBRARY'S CURRENT EXPANSION PROJECT LORD, AECK, AND SARGENT WILL PRESENT DRAWINGS AND OTHER INFORMATION TO THE BOARD REGARDING THIS PROJECT:

Library Director Chris Snell discussed the library's current expansion project with the Board and Frank Andre representing the architectural firm of Lord, Aeck and Sargent presented and discussed drawings for the project. A copy of the request and presentation, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. Mrs. Snell remarked that completion of the new library expansion should occur in July or August, 2011. She commended Permits and Inspections Director Joe Scarborough and Building and Grounds Maintenance Director Greg Ownby for all of the hard work and diligence in making this project flow smoothly.

G. DISCUSSION OF STAFF'S RECOMMENDATION CONCERNING A POLICY FOR THE DISPOSITION OF REQUESTS FOR ASSISTANCE WITH THE INTERMENT OF INDIGENT PERSONS:

Executive Assistant Carol Chandler discussed the proposed policy for disposition of requests for assistance with the interment of indigent persons with the Board. A copy of the request and proposed policy, identified as "Attachment No.

7", follow these minutes and are made an official part hereof. After a brief discussion, Ms. Chandler remarked that this item would be on the Board's October 14th meeting agenda for consideration of adoption.

NEW BUSINESS:

H. DISCUSSION OF STAFF'S RECOMMENDATION THAT AMENDMENTS BE MADE TO THE EXISTING POLICY WHICH ADDRESSES FILMING ON COUNTY PROPERTY BY MOVIE AND TELEVISION COMPANIES:

Executive Assistant Carol Chandler discussed the proposed amendments to the existing policy regarding the filming on County property by movie and television companies. A copy of the request and proposed policy, identified as "Attachment No. 8", follow these minutes and are made an official part hereof. After a brief discussion, Ms. Chandler remarked that this item would be on the Board's October 14th meeting agenda for consideration of adoption.

I. CONSIDERATION OF A REQUEST FROM HUMAN RESOURCES THAT THE COUNTY CONSIDER THE SELECTION OF A NEW THIRD PARTY ADMINISTRATOR FOR ITS WORKERS COMPENSATION INSURANCE PROGRAM:

Human Resources Director Connie Boehnke discussed this item with the Board. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof. She said staff had prepared an RFP with the assistance of Pacific General and Atlantic General Underwriters, Inc. She said seven responses had been received and this had been narrowed down to two vendors including Affinity Service Group and CorVel Enterprise Comp, Inc. She said there would have to be a 60 day notification to the current Third Party Administrator. She said staff would be presenting their recommendation to the Board at the October 14th meeting.

J. APPROVAL OF STAFF'S RECOMMENDATION FOR FINAL SUPPLEMENTAL BUDGET ADJUSTMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2010:

Chief Financial Officer Mary Holland discussed this item with the Board. A copy of the request and backup, identified as "Attachment No. 10", follows these minutes and are made an official part hereof. She asked for the Board's consideration for approval of final supplemental budget adjustments for the fiscal year ending June 30, 2010. She said she would need to run the close out and run the financials before the auditors come back in two weeks.

Commissioner Hearn made a motion to approve staff's recommendation for final supplemental budget adjustments as presented for the fiscal year ending June 30, 2010. Commissioner Horgan seconded the motion. The motion carried 5-0.

K. DISCUSSION OF PROPOSED STREET NAMES RESULTING FROM THE CONSTRUCTION OF THE WEST FAYETTEVILLE BY-PASS AND THE EXTENSION/RE-CONFIGURATION OF EXISTING COUNTY ROADS:

Director of Community Development Pete Frisina discussed the proposed street names resulting from the construction of the West Fayetteville By-Pass and the extension/re-configuration of existing County roads with the Board. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof. He remarked that the northern portion of the roadway was going to open in approximately two weeks. He said the construction of Phase I of the West Fayetteville By-Pass, and the related extension/re-configuration of three existing County roads have created the need to propose street names.

Commissioner maxwell exited the meeting at 6:53 p.m.

Commissioner maxwell returned to the meeting at 6:57 p.m.

After some discussion, the Board agreed that the roadway would be named Veterans Parkway. There was some discussion regarding the speed limit being 45 miles per hour. County Attorney Scott Bennett said this was a County road and in order to prosecute a case and submit it to the State for approval to run the traffic device, there has to be a set speed limit. He said the County would set the speed limit and then go to the State to ask for approval for sight distance as using speed detection devices. County Attorney Scott Bennett stated that he would present the Board with a Resolution adopting these speed limits at the October 14th Board meeting. Chairman Smith remarked that signage would also have to be in place when the roadway opens and there was a consensus of the Board to direct staff to proceed with preparing the signage.

Commissioner Maxwell made a motion to extend Heritage Farm Lane from its current intersection to what will now be known as Lester Road; to extend Lester Road from where Huiet Road used to be so that the roadway will now be known as Lester Road all the way to State Route 54; that from S.R. 54 North the road commonly referred to as the West Fayetteville Bypass Phase I and Phase II, specifically Phase I from S.R. 54 to where it joins into Sandy Creek Road be known as Veterans Parkway; Veterans Parkway will continue North along what has heretofore been the Sandy Creek Road bed, also changing the road's name to Veterans Parkway; Veterans Parkway will continue to what is now known as Tillman Road, continuing up Tillman Road to the point where the proposed new road will diverge from what is now known as Tillman Road, continuing north to its terminus at Highway 92 near Westbridge Road; and that Sandy Creek Road from S.R. 54 to the new intersection with Veterans Parkway will now be known as South Sandy Creek Road. Commissioner Horgan seconded the motion. Discussion followed.

(Note: the intent of this motion is that what has been heretofore known as the West Fayetteville Bypass is now officially named Veterans Parkway from S.R. 54 North along the entire distance of the new roadway to its terminus at S.R. 92).

Commissioner Maxwell amended his motion to make the name changes effective immediately except for the South Sandy Creek section and the Tillman Road section with those name changes going into effect in 90 days. Commissioner Horgan seconded the amended motion. The motion carried 5-0.

L. DISCUSSION OF REVISIONS TO THE ETHICS ORDINANCE:

County Attorney Scott Bennett discussed proposed revisions to the current ethics ordinance. A copy of the request and backup, identified as "Attachment No. 12", follow these minutes and are made an official part hereof. He remarked that the County's current ethics ordinance was twelve years old and had not been revised since that time. He said there were several areas of this ordinance that he considered to be vague or ambiguous.

Chairman Smith expressed concern with the application of the ethics ordinance being applicable to both elected officials and employees of the County. He said employees of the County are under the purview of Mr. Krakeel and to also put them under the purview of an ethics ordinance seemed to him to be a double issue. He said he would like to see the ordinance segregate how employees will be dealt with and noted that there is already a process in place. He said employees were different from elected officials and he felt the process needed to be separate between the two. He felt it would be much simpler if ethical violations were incorporated in the employee handbook and removed from the ethics ordinance.

Commissioner Maxwell expressed concern with the Board of Commissioners making a decision ultimately without hearing any of the evidence. County Attorney Scott Bennett felt citizens with a reputable standing in the community were probably the best persons to sit on the ethics. panel.

After further discussion, the County Attorney was directed to begin drafting an ethics ordinance for the Board's consideration and also to review the employee handbook regarding ethics.

ADMINISTRATOR'S REPORT:
PRICING ANALYSIS FOR FENCING AT KENWOOD PARK: County Administrator Jack Krakeel said he would present the Board with his findings regarding the pricing of fencing at Kenwood Park at the Board's October 14th meeting.

CONSIDERATION TO CONTINUE HEALTHCARE COVERAGE FOR JUDGE FLETCHER SAMS AND HIS ADMINISTRATIVE ASSISTANT: County Administrator Jack Krakeel asked for the Board's consideration to provide the same level of healthcare coverage for Judge Fletcher Sams and his Administrative Assistant for the two month interval before they are covered by the State of Georgia's healthcare plan. He said this would come under Cobra provisions and would cost approximately $2,160.

Commissioner Hearn made a motion to approve the County Administrator's request to allow Judge Fletcher Sams and his Administrative Assistant to continue to receive the same level of healthcare coverage for the next two months until they are covered by the State of Georgia's plan. Commissioner Horgan seconded the motion. Discussion followed.

County Attorney Scott Bennett pointed out that these two individuals are no longer County employees and this would not be action the Board could legally take.

Commissioner Horgan withdrew his second to the motion. The motion failed due to lack of a second.

Commissioner Horgan made a motion to move funds in the amount of $12,000 that had been previously allotted for one of these individuals to be put back into the general fund, since this position had actually become a State position. Commissioner Frady seconded the motion. The motion carried 5-0.

GEBCORP PRESENTATION REGARDING THE COUNTY'S DEFINED BENEFIT RETIREMENT PLAN: County Administrator Jack Krakeel remarked that Steve Vaughn of GEBCorp would present his updated information regarding the County's Defined Benefit Retirement Plan to the Board at the November 18th meeting.

ATTORNEY'S REPORT:
None.

STAFF REPORTS:
None.

BOARD REPORTS:
COMMISSIONER HORGAN: Commissioner Horgan requested information regarding any changes that may result in the County's healthcare plan due to the impact of the National healthcare plan.

County Administrator Jack Krakeel interjected that he would provide this information to him and also noted that the Human Resources Department had sent out information approximately two weeks ago regarding the impact of the changes in the national healthcare plan. He said a synopsis of these changes was also available in the County employee newsletter posted on the County's website. He noted that changes would not go into effect until June 1, 2011 when the County's insurance renewal would go into effect.

EXECUTIVE SESSION: County Administrator Jack Krakeel requested an Executive Session to discuss a matter of personnel.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss a matter of personnel. Commissioner Hearn seconded the motion The motion carried 5-0.

Chairman Smith called the meeting back to order at 8:28 p.m.

Commissioner Horgan made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that a personnel matter was discussed in Executive Session. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

Chairman Smith remarked that the Executive Session had brought forth some inequities in paygrade. He said there was a situation that, through no fault of anyone else, requires the Board to give the County Administrator Jack Krakeel the latitude to fix an unintended consequence of personnel action that will require that funding be allocated from the Contingency Fund to resolve the issue.

Chairman Smith made a motion to authorize the County Administrator Jack Krakeel to address the personnel issue and use up to $20,000 from the contingency fund to resolve the issue. Commissioner Horgan seconded the motion. The motion carried 5-0.

ADJOURNMENT: Hearing no further business to come before the Board, Chairman Smith adjourned the meeting at 8:30 p.m.

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 28th day of October, 2010.

Karen Morley, Chief Deputy Clerk