Minutes

Board of Commissioners
April 26, 2012
7:00 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 April 26, 2012, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Chief Deputy Clerk

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Chairman Frady called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

Acceptance of Agenda:

Commissioner Brown moved to accept the Agenda as published. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

Public Comment:

Randy Ognio: Mr. Randy Ognio pointed out several items on the Agenda and commented on each of them. He asked where the money originally came from in order to construct Fire Station Number 4, and said it would be nice for the County to be transparent on these issues. He asked if grant money being applied for by the Promise Place had any guarantee of staying in Fayette County, and noted that the Board's decision would simply ratify a decision that was made earlier in the month. He thought that citizens should have the opportunity to vote on whether or not they wanted to permit alcohol sales on Sunday. He complained that the Recreation Commission's Needs Assessment Survey was a waste of money, that it was overly frustrating, and did not provide trustworthy findings. He suggested that if parents want their children to play at parks then they should raise the money themselves in order to fund the parks. He commented that

the County would have to pay to have someone remove the trees at the Snead Road West paving project since they were badly damaged when they were taken down, and he said this was another evidence of poor planning. He added that paving Snead Road West was a waste of the County's tax money, and that the effort was once again taken to benefit developers. He closed his remarks by questioning how long Bernhard Road would remain closed, and implied that the County was frustrating people by not providing them proper information on the road closure.

Chairman Frady replied that the road will be closed for approximately six months.

Consent Agenda:

Commissioner Horgan moved to approve Consent Agenda Items 1-7. Commissioner Hearn seconded the motion. The motion passed unanimously.

1. **Approval of staff's recommendation to create a capital project budget account for the Public Safety Headquarters/EOC using the funds in the amount of $1.3 million available in Capital Project No. 0550B. A copy of this request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of staff's recommendation to award Bid #823 to Tribond, American Facility Services, and Chi-Ada Corp. for custodial services at the Water System Offices, Public Works, Driver Services, Public Defenders, 911 and the Library effective July 1, 2012 at an aggregate yearly cost of $27,671.52. A copy of this request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommendation to award Bid #824 to Star Valley Landscape Solutions, 3-D Landscaping & Lawn Services, Inc. and North Georgia Landscaping & Construction Group LLC. for the Justice Center, Brooks Park, Kiwanis Park, and McCurry Park Grass Mowing, effective July 1, 2012, at an aggregate yearly cost of $58,212.05 or $57,764.05 with a 2% discount from 3-D Landscaping. A copy of this request, identified as "Attachment 3", follows these minutes and is made an official part herof.**

4. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $1,529.97 for reimbursement for employees assigned to work with various Federal agencies. A copy of this request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

5. **Ratification of the Board's action on April 12, 2012 to approve the request from Promise Place for authorization to file a grant application in Fayette County's name with the Department of Community Affairs in the amount of $30,000; and authorization for the Chairman to execute said application pending review of the County Attorney. A copy of this request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. **Approval of Resolution No. 2012-09 authorizing a referendum election on July 31 to determine whether or not the package sales by retailers of package malt beverages, wine and distilled spirits in unincorporated Fayette County should be allowed on Sundays. A copy of this request and Resolution 2012-09, identified as "Attachment 6", follow these minutes and are made an official part hereof.**

7. **Approval of minutes for the April 12, 2012 Board of Commissioners' meeting.**

Old Business:

1. Discussion of the Fayette County Parks and Recreation Needs Assessment Survey Results as presented by Darryl Hicks of the Fayette County Recreation Commission.

Mr. Darryl Hicks, Vice-Chairman of the Recreation Commission, spoke about the methodology behind and the findings of the Needs Assessment Survey with the Board.

He reminded the Board that in September 2011, he asked for the Board's permission to conduct a survey in order to gauge what the citizens were looking for with regard to recreation needs in Fayette County. He also reminded the Board that a previous Needs Assessment Survey had been conducted in 2003, but it was later determined that the 2003 survey did not necessarily reflect Fayette County's needs. Mr. Hicks informed the Board that for this survey to be conducted, the Recreation Commission decided to obtain the help of a professional , and that the Recreation Commission decided to use statistical information in order to determine whether or not Fayette's citizens responded statistically. He addressed Mr. Ognio's concern about the survey by briefly discussing how the statistical survey and the statistical method works. He noted that the survey presented to the Board was based on 1,600 responses out of approximately 106,000 citizens who live in Fayette County, and he contrasted those responses to Presidential Election surveys that provide reasonable indications based off of a sample of 500 voters. Mr. Hicks explained that although 1,600 citizens responded to the survey, 319 of them did not complete the survey and 1,336 did complete the survey. He informed the Board that the, statistically speaking, out of 106,000 citizens a sample size of 383 responses would be sufficient, meaning Fayette County had a great statistical response. He also added that the 319 citizens who did not complete the survey constituted 19% of the responders, and that still made Fayette County's survey statistically valid because, in general, a survey will have 20-25% of responders who do not complete the survey. He continued that the survey was designed to capture zip codes, and based on the zip codes it was determined that the survey captured a fair representation from across Fayette County. He explained that the survey also worked to draw a distinction between youth programs and adult programs, and that respondents with children between the ages of 8 - 18 answered questions about youth programs and all others answered questions about adult programs. He clarified that neither the survey or its results were intended to push the Commissioners to make a decision, but that they were presented for informational purposes only.

Concerning the results of the survey, Mr. Hicks informed the Board that 71% of the responders like walking trails, that the most popular youth sports were soccer, baseball, and basketball, and that most popular adult sports were swimming and tennis. The survey also revealed that people were also interested in other activities not directly related to sports that would fall into the categories of fitness programs, nature programs, and leisure programs. He emphasized that survey indicated that swimming is on the minds of many of the responders, and that while it was a more expensive program, the people were interested in aquatic centers and related opportunities. He speculated that while the population ages, this request would continue to increase. He spoke about some of the other findings of the survey such as the desire for cultural, leisure, and nature programs. He noted that the number one request from citizens, namely walking trails and bicycle paths, were not the most expensive desire, and neither was the third most sought after desire– nature centers and trails. However, he stated that the second most sought after desire, aquatic centers and swimming, was the most expensive request.

After speaking about other statistics such as the distance citizens live in relation to the parks, their knowledge of Parks and Recreation's activities, and what would prevent someone from enjoying the park, Mr. Hicks spoke about the survey's results pertaining to how to pay for the programs, activities, and facilities. He informed the

Board that the survey indicated that the people did not want to pay more taxes, but that the survey also indicated that the people are interested in discussing how to pay for the programs so long as they do not have to pay for them alone. He floated the possibility of a public / private relationship or partnership that could be established to provide the needs as indicated.

Mr. Hicks told the Board that the Recreation Commission thought long and hard about how to ensure all of the citizens had a chance to participate in the survey. He explained that the Recreation Commission went to every local official and stakeholder in the County to receive input on the survey as it was being framed. He said the survey was then published in the local newspaper, placed on all of the jurisdictions' websites, was sent home with students, and was included with water bills. He stated that the number of responses was excellent and spastically valid and met all of the qualifications needed for the County to learn information. He stated that the verbatim survey and responses would be provided to the Board, and that he hoped he had the Board's blessing to take the results to the other jurisdictions, talk to them about the findings, and then return to the Board with the next step of the process.

Chairman Frady thanked Mr. Hicks, the Recreation Commissioner, Parks and Recreation Director Anita Godbee and her staff, and those who conducted the survey. He said the survey provided great information and he understood why questions had to be asked about how to pay for the needs. He said a survey that did not address that element would be worthless. Commissioner Horgan agreed that the information was great, was money well spent, and that it would help provide information for other areas of government as it helped measure what the citizens were concerned about. Commissioner Brown stated that he had one issue with the survey when it was being beta-tested, and that was a question that asked responders to rank programs from 1 to 10, and that it was forcing him to rank something he did not care anything about. He was glad to see those corrections were made, and that it gave a truer perspective on what people really did care about. He continued that his biggest concern was for a comprehensive plan that did not just include the "County's offerings but also those of the towns and cities." He stressed that there needed to be a discussion on what could be done in order to avoid duplication of services. He said he looked forward to hearing of the discussions from the other jurisdictions about the survey as they worked to figure out how to combine of their efforts. Mr. Hicks agreed with Commissioner Brown saying that his concern was shared by everyone who wanted Fayette County to maximize all of its services with no duplication in costs. Commissioner Hearn thanked Mr. Hicks for his work, as well as all other who had input with the survey. He said the survey provided good information, that it was comprehensive, that it was work well done, and that it would help the Board make better decisions. Commissioner McCarty said that he noticed that the survey indicated that the people did not want to pay more taxes, so there would have to be some hard work involved in order to figure out how to meet the peoples' needs.

County Administrator Jack Krakeel reminded the Board that when the Recreation Commission asked permission to conduct the survey, that the survey was to be Phase One of a four-phase process. He then asked Mr. Hicks if a time frame had been established to complete the other phases specifically in light of the upcoming budget discussions. He said his concern was to ensure that Fayette County was properly positioned for the next fiscal year. Mr. Hicks replied that he intended to return to the Recreation Commission next month to share the results of his various meetings with the jurisdictions. He said that he would return to the Board shortly thereafter with guidance and direction from the Recreation Commission, and that when he returned he would be speaking about goals for Fayette County. Chairman Frady noted that the Board often gets criticized for not being transparent, but that the fact remains that many people do not come to Commissioners' meetings. He explained that this work really began in 2007, but when "people start paying attention to the last inning of a ball game, they usually don't know what happened in the first eight."

The Board took no action on this item. A copy of this request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

New Business:

1. Consideration of proposed revisions to the Parks and Recreation Policy and Procedures Manual.

Recreation Commission Chairman Charles McCollum thanked the Commissioners for their support of the Needs Assessment Survey, and he thanked Mr. Hicks and all involved for their work in the matter. He then reminded the Board that in 2009, the Board of Commissioners approved a Policies and Procedures Manual for the Recreation Association and for all of the youth associations. He said since that approval, the Recreation Commission reviews the policies and procedures every year around September and October to discuss issues that have arisen. He explained that the latest review began in October 2011, and during its review, the Recreation Commission met with all of the associations who had gripes and complaints. He told the Board that based on their discussions with those associations, the Recreation Commission had prepared proposed revisions to the Parks and Recreation's Policies and Procedures Manual for the Board's approval. He said those changes could be found on pages 2, 12, 22, 24, 26, 39 and 40 of the manual, and he concluded his opening remarks saying another review would be held next year as well.

Commissioner Brown questioned if the Policies and Procedures Manual mandated the size of tournaments since it allows for each association to have one tournament without having to pay fees to use the field. He explained that soccer tournaments could be very large and could use up a lot of resources, and if there was a way to scale down the size of the tournament or to charge a fee for trash pickup or something similar. Mr. McCollum replied that the associations still have to pay a "cleanup deposit fee" to the Recreation Department, and as long as everything is put back in order they could get their deposit fee back.

Commissioner Horgan noted that it appeared there was little information provided on the issue of background checks, and he asked who was the ultimate person in the associations who would ensure all of the eligible people had passed a background check. Mr. McCollum answered that background checks are the responsibility of each association's Board of Directors. He further explained that any coach who steps on the field, a team mom, the person who goes into a dugout, and those who stand on the sidelines of a football game have to pass a background check. He continued that Parks and Recreation Director Anita Godbee stays on top of the background checks as well. Commissioner Brown asked if the Fayette County Sheriff's Office conducted the background checks, and Mr. McCollum replied they were conducted by the Fayette County Marshal's Office.

Commissioner Hearn said the revisions looked appropriate and well thought out, but since the manual was a "living, breathing document" other problems would be zeroed in on and addressed. He thanked those who worked on the revisions. Commissioner McCarty agreed with Commissioner Hearn.

County Administrator Jack Krakeel reminded Mr. McCollum and the Board that when the Policies and Procedures Manual was discusses four year earlier, there was a good amount of discussion concerning "half county fees", and that the recommendations to the policy removed that threshold. He explained that current policies are that out of county people who use Fayette County parks pay twice as much as citizens of Fayette County who use the facilities. He specified that he was talking about the Brooks area of the county because there are some associations that have catchment areas that go beyond the Fayette County border so that

those who belong to those associations and play in Fayette County are "forced into that geographic area." He asked if that concern from four years ago had been resolved. Mr. McCollum replied that the issue had been resolved, and explained the issue further and the steps taken to resolve it.

Commissioner Brown moved to approve staff's request to revise the Parks and Recreation's Policies and Procedures Manual as presented by the Fayette County Recreation Commission. Commissioner Horgan seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

2. Consideration of staff's recommendation to dispose of timber associated with the Snead Road West project.

Public Works Director Phil Mallon reminded the Board that the Snead Road West project is similar to other projects that involve the removal of trees. He told the Board that prior to starting a project, Public Works typically meets on an informal basis with local timbering companies before projects begin by bringing them to the site and asking them if they have interest and suggestions on bidding for the trees. He said staff's consistent experience is there is not much of a market out there with regard to tree removal, and that he had spoken to his counterparts in Clayton and Douglas Counties who had similar results with their projects. He said despite those results, staff took the time to locate interest for the trees at the Snead Road West project and had the expected results, so the County removed the trees. He said the plan was then to go through the bid process in order to have someone take the trees, but that the Purchasing Department raised questions about the disposal of County property and the need to get the Board's approval to remove the trees. He then asked the Board for approval to remove the trees and to dispose of them however possible, even through a site like GovDeals.

Commissioner Brown asked if timber was a common item on GovDeals since he was used to seeing items such as vehicles and office equipment on the site. Mr. Mallon replied he was not sure if it was a common item., that he was open to ideas on how to dispose of the trees, and would ensure they were removed or taken away in a transparent manner. He mentioned that there is a lot of hardwood, and that hardwood is taken back to the Public Works Department where it is run through a sawmill and used for trailer beds or other purposes. Mr. Mallon added that the remaining lumber could also be taken to the landfill to be eventually burned up or ground up, but both of those options were expensive. Chairman Frady suggested that if the lumber was ground up then the citizens could use the grindings for their gardens and yards.

Commissioner Brown moved to approve staff's recommendation to dispose of timber from the Snead Road West project via a requisition, GovDeals, or other advertising means. Chairman Frady seconded the motion. The motion passed unanimously.

Mr. Mallon informed the Board that is was not a traditional move to ask the Board to approve of the disposal of lumber, and he asked if it was the Board's desire that he get approval each time lumber had to be removed. Commissioner Hearn answered that the Board needed to give Mr. Mallon the flexibility to remove the lumber in the most efficient method possible. Mr. Mallon suggested that requests to conduct similar projects that would require the removal of lumber could be worded to give that explicit permission. The Board consented to that suggestion. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

Administrator's Reports:

New Budget Meeting Date Scheduled for May 24, 2012: County Administrator Jack Krakeel reminded the Commissioners that staff had previously scheduled the Board for the dates of May 8 and May 9 to hold budget meetings, but now there is a conflict that requires the cancellation of the meeting on May 8. He requested a replacement date from the Board so that staff could be properly prepared to provide it with the budget information and schedule any meetings that may be needed. He asked if the Board could find a date during the week of May 21, 2012. The Board consented to meet on May 24, 2012 for several hours prior to the regularly scheduled Board of Commissioners meeting. It was further agreed that the meeting would begin at 4:00 p.m., and that the SPLOST meeting would be cancelled to accommodate this request.

Announcement of Retirement: County Administrator Jack Krakeel announced that during the previous two days he delivered to the Board his official notification of his retirement date from Fayette County Government. He announced that his retirement would become effective July 1, 2012. He stated that he has had a tremendous career with Fayette County from a personal perspective, having worked for Fayette County for 28 years, but in consultation with his family and after much thought and consideration, he determined it was the appropriate time to retire. He said he wanted to make the announcement collectively to the Board, even though he had spoken individually to each Commissioner, but also to inform his staff who have been wondering about this issue. He told the Board that he has appreciated the confidence the Board has had in him for the last five years and he thanked the Board for the opportunities that were presented to him over these 28 years.

Commissioner Brown thanked Mr. Krakeel for his service.

Commissioner McCarty requested that Mr. Krakeel make himself available to the Board for a while until someone could take his place. Mr. Krakeel replied that he would be more than glad to assist the Board through a transition process since it is permissible in the County's retirement plan to do that for certain key positions. He said this is a decision that the Board would have to make, but he repeated that he would certainly be willing to assist the County through the appropriate transition process after the July date. Chairman Frady said he had spoken to Mr. Krakeel about this issue, and that Mr. Krakeel had indicated he would make himself available up until the first of the next year. He continued that in the process of the budget and other issues going on, he thought it would be appropriate for the Board to keep Mr. Krakeel on in that capacity even though he would get a salary without benefits. Mr. Krakeel clarified that the way the Internal Revenue Service's (IRS) regulations work regarding a transitional period for key employees that have effectively retired, those individuals are not permitted to draw their retirement pay since they would continue in the same capacity as they are currently employed; although they are effectively, for the purposes of the retirement plan, retired July 1, 2012. He further clarified that everything else would stay the same concerning compensation, benefit levels, but that individual would not be eligible to draw retirement until after employment is terminated.

Chairman Frady told Mr. Krakeel that he had been with Fayette County for 20 out of Mr. Krakeel's 28 years with the County, and he said that Mr. Krakeel had been very outstanding in everything he endeavored to do for the County through his assignments. He continued that Mr. Krakeel has had national attention from Fire Services throughout the United States, and that he had reached the pinnacle of success. He thanked Mr. Krakeel for his service, said he had enjoyed working with him, and he added that Mr. Krakeel is a hard worker who gets the job done, and that he and the current and past Boards have appreciated him as well. The Board and audience applauded Mr. Krakeel. Chairman Frady closed saying the Board is not looking forward to Mr. Krakeel leaving the County.

Attorney's Reports:

Remarks about County Administrator Jack Krakeel: County Attorney Scott Bennett began by saying he works with County Administrator Jack Krakeel every day, and that he did not think people realize how much Fayette County would miss him and how much he does. He said he has worked with more than a few city managers and county administrators and county managers, and that he hoped everyone appreciated all Mr. Krakeel does. He said when someone works in other governments, such as he has done, it is easy to see how things do not run at times, but by working at Fayette County he has seen how the work is done. He continued that the way Mr. Krakeel has structured the County's Policy Manual, through the efforts to work on the County's Code, and the other "big things that happen here" since Mr. Krakeel became the County Administrator, coupled with the day to day tasks, should be appreciated by the citizens of Fayette County.

Remarks about the NAACP Lawsuit: County Attorney Scott Bennett informed the Board that Fayette County made the news recently concerning a judge vacating the Consent Order pertaining to the County's lawsuit with the National Association for the Advancement of Colored People's (NAACP) and the Fayette County Board of Education (BOE). He said that there is probably a question out there about why did Fayette County get involved with the BOE's business to start with, but the answer is that the County intervened and filed a motion to vacate that order. He explained that the reason Fayette County took that step, as spelled out in the order, was because there were intimations and statements in the Consent Order that made it appear that the NAACP was the prevailing party and that the allegations in their complaint were true, and that there was a Section 2 Violation. He said the remedy that was agreed to did not fashion a Section 2 Violation since it did not create a minority-majority district of a cohesive voting block. He continued explaining that Fayette County's problem with the Consent Order was that the County was still fighting a lawsuit that the BOE had the judge sign off saying the County would lose the lawsuit without that understanding being established. He informed the Board that the one thing the judge ordered in the order vacating the Consent Order was whether or not there had been established a Section 2 Violation. He concluded that Fayette County's interests were directly effected, that the intent was not to keep the BOE from doing what it wants since there is another way to accomplish what they want to do without the judge getting involved, but they did not take that path. He continued that in the Order to Vacate, the judge pointed out that the order was presented to him as a Consent Order, but they did not notify the judge that Fayette County had no part in it or agree to it or had even seen it. He said the judge was under the impression that Fayette County had no problem with it, so one of the reasons he Vacated his Order was to give Fayette County a chance to present a case as to why the order was inappropriate. He clarified that the County did not just jump into the BOE's business and stop them from doing what they wanted to do, but that the County took the effort because the BOE's decision had an adverse impact on a case that the County is moving forward with. He added that the briefs for this case were due next week, and then the week after that for responses, and the judge will set a hearing up after those response briefs are filed to consider this issue.

Chairman Frady asked if this has effect on the County's reapportionment work. Mr. Bennett replied that the reapportionment, meaning the County's attempt to have five districts with at-large voting, is a separate lawsuit from the previous discussion, and that issue is pending with the Justice Department. He said the judge has approved the proposed five-district map, but now the Justice Department needs to approve it under Section 5.

Commissioners' Reports:

Commissioner Allen McCarty: Commissioner McCarty told County Administrator Jack Krakeel that he did not always agree with what he did, but he did what his instructions were and he did it well. He said Mr. Krakeel did one of the finest jobs at doing his job of anyone that he has ever worked with, and he thanked Mr. Krakeel for his work.

Commissioner Lee Hearn: Commissioner Hearn replied to Mr. Randy Ognio that the roadwork at State Route 85 and Bernhard Road is a Georgia Department of Transportation (GDOT) project, and GDOT has complete control on that project. He said the County would be happy to pass the information along and ask for a finish date, but the GDOT often does only what it wants to do on construction projects in Fayette County. He then thanked Chief Financial Officer Mary Holland and said it was good to see her in the audience. In jest, he told County Administrator Jack Krakeel that he, as Fire Chief, often talked him into more work than he should have committed to as the Public Works Director in terms of grading fire stations, and hauling dirt, and resurfacing. He then told Mr. Krakeel that the Board does appreciate the work he has done, that he would be sorely missed, and that he thought there would be some "fish that will be taking it on th chin" as a result of his retirement.

Executive Session:

Real Estate Acquisition and Litigation: Chairman Frady moved to recess into Executive Session to discuss Real Estate Acquisition and Litigation matters. Commissioner McCarty seconded the motion. The motion passed unanimously.

The Board recesses into Executive Session at 8:03 p.m. and returned to Official Session at 8:20 p.m.

Executive Session Affidavit: Chairman Frady asked the record to reflect that the Board discussed Real Estate Acquisition and Litigation matters during Executive Session and that no decisions had been made.

Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating Real Estate Acquisition and Litigation matters were discussed in Executive Session. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 10," follows these minutes and is made an official part hereof.

Adjournment:

Commissioner Brown moved to adjourn the April 26, 2012 Board of Commissioners meeting. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board of Commissioners adjourned the April 26, 2012 Board of Commissioners meeting at 8:20 p.m.

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Floyd L. Jones, Chief Deputy Clerk Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of May 2012.

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Floyd L. Jones, Chief Deputy Clerk