

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, April 12, 2001, at 7:00 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
 Linda Wells, Vice Chair
 Harold Bost
 Herb Frady
 A.G. VanLandingham

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
 Carol Chandler, Executive Assistant
 William R. McNally, County Attorney
 Karen Morley, Chief Deputy Clerk

Chairman Dunn called the meeting to order, offered the invocation and led the pledge to the Flag.

EMPLOYEE INCENTIVE PLAN ADOPTED:

Director of Human Resources Connie Boehnke remarked that this was further discussion of the employee incentive plan. She said the plan had been developed from a variety of employees from several departments within the county organization. She said that she would be more than happy to go through a complete presentation. She remarked that the plan was pretty well self-explanatory.

Commissioner Wells said the Board had previously discussed this and she would like to make a motion.

On motion made by Commissioner Wells, seconded by Commissioner Bost to adopt the Employee Incentive Plan as presented, discussion followed.

Commissioner VanLandingham said he had some questions. He said he had some questions on page 4 and page 6. He questioned the incoming suggestions being reviewed by one person. He said he would rather see those go to the committee.

Mrs. Boehnke replied they would. She said all that would be done on the Human Resources side would be to ensure that everything the committee would need would be there for them to make that determination.

Commissioner VanLandingham said he also had questions on pages 8 and 9. He commented on item 3b. He said at no. 1 it stated that more than one or less than half. He asked what more than one and less than half was referring to.

April 12, 2001

Page 2

Commissioner Frady remarked that the only thing that was missing was the single operations, office or work unit (more than one or less than half) 20 points.

Commissioner VanLandingham commented on page 10 and the payment of awards. He said he knew of no time when the county would be without a County Administrator or a designee. He said if there was ever another Director of Human Resources he did not know who that would be. He said he preferred to leave this with the County Administrator or the designee.

Commissioner VanLandingham felt if the county was in between County Administrators, that person would not be able to appoint a designee. He said he preferred that the Director of Human Resources be deleted from this paragraph.

Commissioner Frady asked Commissioner VanLandingham if he wanted Commissioner Wells to amend her motion to state that the Director of Human Resources be deleted and it would be the County Administrator or his designee.

Chairman Dunn asked Commissioner VanLandingham if it would be alright for the County Administrator to designate the Director of Human Resources.

Commissioner VanLandingham replied that would be fine but he did not want it spelled out in the plan.

Chairman Dunn remarked that the Director of Human Resources was the administrator of the program and this made sense to him.

Commissioner VanLandingham said it was fine with him if the Board turned down his suggestion.

The motion carried 5-0. A copy of the Employee Incentive Plan, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

CONSENT AGENDA: On motion made by Commissioner Bost, seconded by Commissioner Wells to approve the consent agenda as presented. The motion carried 5-0.

HEAVEN BOUND PENTECOSTAL FELLOWSHIP CHURCH: Approval of Water Committee's recommendation to allow the Heaven Bound Pentecostal Fellowship Church to use the grounds at Starr's Mill on Saturday, July 28th, 2001.

HIS HOUSE COMMUNITY CHURCH: Approval of request from His House Community Church to use the Heritage Fountain area and parking lot for the annual March for Jesus rally to be held on Saturday, May 12th from 9:00 a.m. to 1:00 p.m.

April 12, 2001

Page 3

JEFF DAVIS PLANTATION (PHASE V) - STREET LIGHT DISTRICT: Approval of request from the Engineering Department to accept Jeff Davis Plantation (Phase V) as a street light district in Fayette County.

MELBOURNE ESTATES - STREET LIGHT DISTRICT: Approval of request from the Engineering Department to accept Melbourne Estates as a street light district in Fayette County.

MINUTES: Approval of minutes for Board of Commissioners' meeting held on April 4, 2001.

PUBLIC COMMENT:

Members of the public are allowed up to three minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

There was no public comment.

STAFF REPORTS:

PROPERTY AND CASUALTY INSURANCE: Commissioner Bost remarked that last year the county had gone out for a quote and Saville and Associates was the winning bidder. He said it was hoped that the premium would have been a good one for several years but Saville's quote for this year was over a 50% increase over last year in the county's property and casualty insurance by Saville Insurance Company. He suggested McNeary and Associates prepare bid packages in an amount not to exceed \$9,800, receive quotes and present these to the Board for a decision. He said Tom Watson of McNeary and Associates would review the policies and all of this was included in the consulting fee. He remarked that the county had no one on staff that had the level of expertise or the time to accomplish this. He remarked that the Finance Department was in the middle of the budget review and they would not have any extra time.

Commissioner Frady asked County Administrator Chris Cofty for his thoughts on this.

Mr. Cofty replied that he had spoken to Finance Director Mark Pullium earlier this week and based on conversations with him, it was his recommendation that the county look at trying to get some outside help. He said the Finance Department was tied up with the budget review right now and he would hate to pull Mr. Pullium away from that at this point in time. He said he was really looking at line item by line item on departments' budgets and he would recommend that the county look for some outside help in this area.

Commissioner Wells interjected that she had attended some advanced training on Monday and Tuesday. She said one of the gentlemen that she was sitting next to had been in this field for twenty some odd years. She said she had explained to this gentleman about what was

April 12, 2001

Page 4

happening with the insurance and the substantial increase. She asked him if this was something that would be an industry standard. She said this gentleman also did this type of service and he said he would check on it. She said he called her back today to say that the county had the very best company out there in the industry. He told Commissioner Wells that one of the reasons the premium was increasing so substantially was because the county had a number of losses this year. She said this gentleman could have tried to sell the county a bill of goods. She said she felt comfortable with an independent person coming back to her and giving her a glowing report. She said she could understand why the Board might want to consider letting it go out for bids again but she cautioned the Board not to be so concerned about the increase in premiums. She said when one pays insurance it was to cover losses and the county had some losses this year. She said she did not want the Board to jump to somebody who had a lower premium. She said it might not be as good a coverage and they might not be there when the county needed them to be there.

Commissioner Bost said he would like to add something that might alter that. He said the county had previously been with St. Paul Insurance. He said he did not know if the gentleman was referring to St. Paul or Saville.

Commissioner Wells interjected he was speaking of St. Paul.

Commissioner Bost remarked that under the law enforcement liability the St. Paul quote was a lot more than what was obtained from C.N.A. He said his quote included C.N.A Insurance Company under the law enforcement liability portion. He said this was the portion that had increased and more than doubled. He said the public officials liability also went up to approximately 60% and that was Diamond State's Insurance. He said this was part of Bob Saville's quote. He said there was no doubt about St. Paul Insurance being exceptionally good. He said quotes were obtained from C.N.A and Diamond States because he got a substantially better quote from them than he did with St. Paul. He said it was not St. Paul across the board like the county had this year.

Commissioner Frady asked when the county had gotten this quote and Commissioner Bost remarked this quote was received two days ago.

Commissioner Bost said he would prefer not to discuss the exact quote because if the Board sent this out for bid it would not be fair to Bob Saville Associates. He said the bottom line quote was more than 50% above last year.

Commissioner VanLandingham asked when the Board would need to get this done.

Commissioner Bost replied that July 1st was the effective date. He said it would take a little while to prepare everything and it would take the insurance companies approximately thirty days to get their quotes back.

April 12, 2001

Page 5

Commissioner Wells said this was her concern. She said this was compressing something that was very important in a very short period of time. She said she wanted the Board to be careful that it did not just change the coverage just because of the dollar. She said there were a lot of companies out there who could write insurance policies but it did not mean that they were the most reputable.

Commissioner Bost said the rating of the company would have to be considered before any quote was accepted. He said St. Paul was good but he did not know what C.N.A. or Diamond States rating was.

Commissioner VanLandingham said he did know that he had very little information. He said he hated to vote on this with such little information.

Chairman Dunn remarked that his concerns would be that the county had this company for an unofficial three year time period. He said there was potential that the county was underbid to get the business and now the county would have two very high years at the end.

Commissioner Wells said she was not disagreeing with that. She said she was not saying that the county should not go out there and bid. She said she was just cautioning the Board that it needed to be very careful that it was not just the dollars that were driving that particular market. She said the county had some very significant losses this year and finding another company might not be the best thing to do.

Chairman Dunn remarked that this involved the property and casualty and personal liability and was only one portion of the program. He felt it would not be that difficult to analyze. He said he would also like to point out that while the county had incidents this year, the county was also exonerated in the incidents. He said he would not agree with the county being charged an exorbitant rates for incidents that the county was not responsible for.

Commissioner Wells said there was still defense of those charges that had a cost attached to them.

Commissioner Frady asked when the drop dead date would be for the Board to decide on this.

Commissioner Wells felt the Board needed to take action on this tonight or as soon as possible.

Commissioner Bost interjected the Board would have to decide absolutely no later than the next Commission meeting.

Commissioner Frady remarked that he would like to have a chance to take a look at some of this.

Chairman Dunn said this would go into effect July 1st and the Board would need to decide one month before that.

Commissioner Bost interjected that it would take a minimum of thirty days for the insurance companies to get the bids back once they received the package.

Commissioner Wells said she was not saying that the Board should not do this but was cautioning the Board to be aware on the front end that there might be more than dollars attached to a decision. She said she did not want the Board to rush it.

Commissioner Frady asked Commissioner Wells if she thought the Board should do this as soon as possible.

Commissioner Wells replied yes. She said the Board had done things at the last minute before, reacted at hast and repented at leisure.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to contract with McNeary and Associates to review the county's property and casualty insurance and secure the proper bids in an amount not to exceed \$9,800. The motion carried 5-0.

HOLLINGSWORTH HOUSE: Attorney McNally remarked that at the last meeting the Board had voted to deed certain property connected to the Hollingsworth House over to the City of Fayetteville. He said he had met with Mr. Morgan and arrived at the spot that the Board desired to give to the City and that was the property up to the roadway connecting the County and the Board of Education. He suggested that a survey be done of this portion that the County would be giving to the City of Fayetteville. He said there was already a good legal description of the property as it now existed and if the county tried to do something "homemade" it would mess up the entire process of the legal description that the county already had. He said he had obtained an estimate for a fixed price of \$675 to do the survey. He asked for the Board's consideration in authorizing him to get that survey in order to properly do a deed over to the City of Fayetteville.

On motion made by Commissioner Wells, seconded by Commissioner Frady to have a survey done on the Hollingsworth House property at a cost of \$675, discussion followed.

Chairman Dunn said he agreed with doing this 100%. He said there would be a time in the future when this piece of property could be sold and he wanted to protect the City of Fayetteville's interest on that property. He said since the County wanted the City to have this

April 12, 2001

Page 7

property for their use, the Board should make sure the City would always have it for their use.

Commissioner VanLandingham asked if the survey would include all of the property and not just the parking lot.

Attorney McNally replied that the survey would include the entire piece of property.

The motion carried 5-0.

PEACHTREE CITY ROTARY CLUB - INTERACT CLUB: Attorney McNally remarked that the Peachtree City Rotary Club sponsors an Interact Club at Starr's Mill High School. He said they would like the Commission's permission to clean up the area along the nature walk which the Board had received from the various owners from Starr's Mill High School down to the Mill itself. He stated that they had requested to do that and it would require the Board's approval for them to go on to the property.

On motion made by Commissioner Bost, seconded by Chairman Dunn to approve the Starr's Mill Interact Club to clean up the area along the nature walk from Starr's Mill High School down to the Mill itself, discussion followed.

Commissioner Wells asked if this area was still part of the county's mitigation and wetlands and questioned if anyone should be in there.

Attorney McNally replied yes. He said the students would be going in there for the purpose of cleaning up papers and things of that nature. He said they would not be disturbing the wetlands. He said he had spoken to the Club sponsor, Mr. Outlaw from the Peachtree City Club, and he assured him that this was just a matter of picking up papers and trash. He said they would not be disturbing the wetlands.

Chairman Dunn said he had no problem with the students doing this as long as the only thing they would be doing in there was picking up trash.

Attorney McNally interjected that staff was reluctant to advise the Board to allow the students to go on to the property because of this wetland matter. He said Mr. Outlaw had called and clarified what their intent was and assured him that they would do nothing but pick up trash. He said he had discussed with Mr. Outlaw the fact that the county would be happy to have their assistance at a later time when the county was prepared to do the project in the mitigation process.

Commissioner Wells asked Mr. Cofty for his thoughts on this.

April 12, 2001

Page 8

Mr. Cofty replied that he would advise the Board to approve the request based on prior conversation that he had with Attorney McNally today on this issue. He said he had also spoken with Mr. Outlaw this morning. He said Attorney McNally felt it was alright for the students to do this and they would in no way jeopardize the mitigation process down there. He said he was aware that this contradicted information that the Board was given earlier but Attorney McNally reviewed it and he felt it was alright to allow the students to do this.

Commissioner Wells asked if this would be a one time thing and there would be an understanding that they could not go in at will and they would have to get authorization each and every time that they went in. She said this should be clearly defined to them. She felt it was wonderful that there was a group of people who wanted to do this but she did not want to jeopardize the mitigation. She said the county was responsible for planting and counting acorns and there had to be a certain number of trees coming up. She said she would not want to do anything to set that back at all.

Commissioner Frady said he did not have a problem with the request. He questioned if the county would have any liability.

Attorney McNally replied yes. He said he could not prevent someone from trying to make a claim against the county for a snake bite or something like that. He said that would be a concern. He said he did not want to be looked upon as the grinch who stole Christmas. He felt this was a very admirable thing for the high school students to do. He said he hoped that whoever would be going down there with them understood that there were a lot of snakes down there in that wet type of area.

Commissioner Frady said he could not imagine anyone going in there that did not have some type of experience.

Chairman Dunn said he liked the idea of civic action on the part of the young people.

The motion carried 4-1 with Commissioner Wells opposing the motion.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss three legal items.

METRO NORTH GEORGIA WATER PLANNING DISTRICT: Chairman Dunn remarked on the Metro North Georgia Water Planning District that came about as a result of Senate Bill 130. He said there would have to be a meeting to determine who Fayette County's representative on that board would be. He said the board would consist of six permanent members and they would include the County Commission Chairmen from Clayton County, Cobb County, DeKalb County, Fulton County, Gwinnett County and the Mayor of Atlanta. He said the Governor, Lieutenant Governor and Speaker of the House have ten appointees. He

April 12, 2001

Page 9

said the remainder of the thirteen counties needed to decide who they would send to be on the first of a three year term on this board. He said this board was crucial because they would be discussing storm water runoff planning, clean water planning and also supply planning. He said the supply planning worried him because Fayette County did have a supply and some other counties did not. He felt this needed to be taken seriously. He stated according to the law there would have to be a caucus among the Commissioners and Mayors of all the cities in the county that have either discharge permits or withdrawal permits. He said the Board of Commissioners would need to arrange for a meeting between this board and the Mayors of Fayetteville and Brooks. He said the Town of Brooks had a small withdrawal permit and the City of Fayetteville had a withdrawal and a discharge permit.

Commissioner Frady asked about Peachtree City.

Chairman Dunn replied that Peachtree City did not have a permit. He said their permit was in the hands of the water authority and the water authority was not included in the law. He said it would either be the Chairman of this Board and the Mayor of one of those two cities who would be the representative. He said the request that he had received from Atlanta was that they would like to know as soon as possible and hopefully by the end of the month. He said one of the things that the law also provided was that a substantial amount of dues would be paid by each member. He said this would be done in very much the same way that the A.R.C. handled their dues. He felt it very critical that the Commission have good representation on that board. He said there would also be some committees below that board that would have to do with the river basins. He said the Commission would be a member of a subcommittee with the Flint River Basin. He said there would also be some technical expertise subcommittees where people from either the county's or city's water would be attending meetings as well. He said there was a provision in the law that stated the county could opt out. He said if the county opted out, there would be no more permits to withdraw water. He said this was a very important issue and the county would definitely be participating.

RESIGNATION OF COMMISSIONER HAROLD BOST: Chairman Dunn announced that prior to tonight's meeting he had received Commissioner Bost's resignation effective April 20, 2001. He said a special election would need to be held on June 19, 2001 to fill his term. He said in the time period that he had served on this Board with his good friend it had been a total pleasure. He said there were very few people in the world that he would trust more than Harold Bost. He said Harold was a man of total integrity and total honesty and he ran his Board while he was the Chairman in that way and he conducts himself that way every day of his life. He said he had nothing but 100% respect for him. He said Harold had come along at a critical time in the history of this county. He felt Harold's impact would be felt for many, many years to come. He said the county was on the right path and Harold had helped the county get there. He said he did not know how a man of his caliber would be replaced but it must be done. He asked Harold if he had any comments and Harold replied that he did not.

Commissioner VanLandingham said he would like to thank Harold for everything that he had done. He said he knew Harold had some difficult times but he had stood right in the middle and been a guardian for the county and he said he appreciated that very much.

Chairman Dunn remarked that a special election would have to be called very soon to replace Harold. He said the Board of Elections must call that and their next meeting would be April 23rd. He said the next time by law that there could be an election would be June 19th. He said if this was going to be done then the Board would have to make a motion to request the Board of Elections to call a special election on June 19th.

Commissioner Frady asked if the Probate Judge would play a part in calling an election.

Attorney McNally responded in this county the Board of Elections had replace the Probate Judge as far as elections were concerned. He said the law provided that special elections were now held only four times per year and that the Board of Elections must issue the call for that election. He said the call would have to be at least twenty-nine days prior to one of the stipulated dates. He remarked that the next date would be the second Tuesday in June which would be June 19th.

On motion made by Commissioner VanLandingham, seconded by Chairman Dunn to request the Board of Elections to call a special election to be held on June 19, 2001. The motion carried 5-0.

EXECUTIVE SESSION: On motion made by Commissioner Wells, seconded by Commissioner VanLandingham to adjourn to executive session to discuss three legal matters. The motion carried 5-0.

LEGAL: Attorney McNally briefed the Board on a legal matter.

The Board took no action on this matter.

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The Board took no action on this matter.

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The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Chairman Dunn to execute the Executive Session

April 12, 2001

Page 11

Affidavit affirming that three legal matters were discussed in executive session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 8:00p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of April, 2001.

Karen Morley, Chief Deputy Clerk