BOARD OF COMMISSIONERS
Jack Smith, Chairman
Herb Frady, Vice-Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

★

STAFF
Jack Krakeel, Interim County Administrator
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Floyd Jones, Deputy Clerk

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MEETING LOCATION
Commissioner's Conference Room
Administrative Complex
140 Stonewall Avenue
Fayetteville, GA 30214

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MEETING TIME
1st Wednesday each month at 3:30 p.m.

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COMMISSION OFFICE
Administrative Complex
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Workshop Minutes

Board of Commissioners
September 5, 2007
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia met in Official Session on September 5, 2007 at 3:30 p.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present: Jack Smith, Chairman
Herb Frady, Vice-Chairman
Robert Horgan
Eric Maxwell
Peter Pfeifer

Staff Present: Jack Krakeel, Interim County Administrator
Don Comer, Interim County Attorney
Peggy Butler, Chief Deputy Clerk
Floyd L. Jones, Deputy Clerk

Chairman Smith called the Workshop Meeting for September 5, 2007, to order at 3:30 p.m.

Acceptance of the Agenda:

Commissioner Frady motioned to approve the agenda and was seconded by Commissioner Horgan. Chairman Smith said there were two items on the agenda needing to be postponed. He said Item 14 on the consent agenda was one of the items to postpone since Tyler Technologies was unable to get a contract to the county in time for review and as soon as the county received the required information then the item could be addressed. He said Item G in New Business also needed to be postponed because there were some unresolved issues remaining. He motioned for Items 14 and G to be removed from the agenda, and was seconded by Commissioner Horgan. Chairman Smith announced there was a motion and a second, called for discussion, heard none, and asked for a vote on the motion. The motion to remove items 14 and G from the consent agenda passed unanimously. Chairman Smith asked if there was discussion on the original motion to approve the agenda as modified, heard

none, and asked for a vote on the motion. The motion to approve the agenda as modified passed unanimously. A copy of the September 5, 2007, Workshop Meeting's agenda, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Consent Agenda:

1. **Approval of supplemental budget adjustments for fiscal year ending June 30, 2007.** A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

2. **Approval for the Chairman to sign the Fiscal Year 2008 Appropriation Certificate for the 1998 Georgia Local Government Equipment Pool Lease.** A copy of the request and the Appropriation Certificate, identified as "Attachment 3", follow these minutes and are made an official part hereof.

3. **Approval for the Board of Commissioners to deny Forsyth County access to Fayette County's 800 MHZ frequencies.** A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. **Approval for E-911 Communications to retain the law firm of Holland & Knight to assist in the Rebanding of the 821 MHZ radio system.** A copy of the request, service agreement, and conflict waiver, identified as "Attachment 5" follow these minutes and are made an official part hereof.

5. **Approval for E-911 Communications to dispose of old, worn, faded and torn E-911 employee uniforms**. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

6. **Approval of the Vehicle Replacement Committee's recommendation for the Sheriff's Office Field Operations Division to replace six vehicles, and to transfer $201,802 from the Vehicle Replacement Fund for this purpose**. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

7. **Approval of staff's recommendation to award Proposal #623 for Water System Building Cleaning to the company offering the best price which was C&T Janitorial Services at a cost of $710 a month.** A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

8. **Approval of staff's recommendation to award bid #627 for chemicals to low bidders General Chemical Performance Products, Brenntag Mid-South, Industrial Chemicals, Southern Lime and Pristine Water Solutions for phosphates at $82.50 per pail.** A copy of the request, identified as "Attachment 9", follows these minutes and is an official part hereof.

9. **Approval of Water Committee's recommendation to grant permission to Planterra Ridge Golf Course for temporary construction access for trucks off the existing right-of-way.** A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

10. **Approval of staff's recommendation for Water System participation in the American Water Works Association Research Foundation Project with $3,000 being transferred from the Renewal and Extension Fund to cover this expenditure.** A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. **Approval of Resolution 2007-14 approving ownership of Betty Jean Lane in the Jerl Estates Subdivision.** A copy of Resolution 2007-14, identified as "Attachment 12", follows these minutes and is made an official part hereof.

12. **Approval of Resolution 2007-15 authorizing the provision of office space in the McElroy House for the Georgia Clean Air Force**. A copy of Resolution 2007-15, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. **Approval of Resolution 2007-16 authorizing the county to accept conveyance of right-of-way for the portion of Sneed Road between Chappel Road and Old Grandville Road**. A copy of Resolution 2007-16, identified as "Attachment 14", follows these minutes and is made an official part hereof.

15. **Approval of Annual Report of E-911 Collection and Expenditures and authorization for the Chairman to execute the report**. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

16. **Approval of minutes for Board of Commissioner's meeting held on August 1, 2007.**

Chairman Smith announced the first order of business was to approve the consent agenda and asked for a motion to approve Items 1-13 and Items 15-16. Commissioner Frady motioned to accept the agenda excluding Item 14 and was seconded by Commissioner Horgan. Chairman Smith announced he had a motion and a second, and asked for discussion. Commissioner Maxwell said he wanted to discuss Item 16, and asked Commissioner Frady if he would amend his motion to exclude Item 16. Commissioner Frady amended his original motion to approve the consent agenda excluding Items 14 and 16 and was seconded by Commissioner Horgan. Chairman Smith clarified a motion was made to approve the consent agenda excluding Items 14 and 16. He asked for discussion, heard none, and asked for a vote on the motion. The motion passed unanimously.

Commissioner Maxwell addressed Item 16 of the consent agenda. He said at the end of the meeting on August 1, 2007, before adjourning to an executive session, he announced he had one legal matter to discuss alongside Mr. Jack Krakeel's one real-estate item. He said Commissioner Pfeifer had questioned the legal item because no attorney was present, but he had already pushed away from the microphone

and was going down the ramp when he replied it did not matter if the item was discussed as a legal item or a personnel item. He conceded, in retrospect, the item should have been considered a personnel item, and stated the executive session affidavit reflected a real-estate item and a legal item was addressed. He said the executive session really should reflect a real-estate item and a personnel item was discussed. He asked for the minutes of August 1, 2007, to be amended to reflect his statement regarding the legal item could be discussed as a personnel item.

Chairman Smith asked Attorney Don Comer how to correct the minutes and the executive session affidavit. Mr. Comer said there would need to be a motion to amend the minutes in order to reflect Commissioner Maxwell's statement, followed by a second motion to amend the executive session affidavit so it reads one real-estate item and one personnel item was discussed. Commissioner Maxwell motioned to amend the minutes for August 1, 2007 stating a personnel item was discussed instead of a legal item, and the motion was seconded by Commissioner Horgan. Chairman Smith asked for discussion, heard none, and called for a vote on the motion. The motion passed unanimously. Commissioner Maxwell made a second motion to amend the executive session affidavit correctly stating the reason for adjourning to executive session was to discuss one real-estate item and one personnel item, and the motion was seconded by Commissioner Horgan. Chairman Smith asked if there was any discussion, heard none, and called for a vote on the motion. The motion passed unanimously. Commissioner Maxwell made a third motion to approve the minutes as amended and was seconded by Commissioner Horgan. Chairman Smith asked if there was any discussion, heard none, and called for a vote on the motion. The motion passed unanimously.

Old Business:

A. Discussion of Resolution 2007-18 affirming authorization for the Interim County Administrator to retain the services of an attorney to assist the County in legal matters on an interim basis. A copy of Resolution 2007-18, identified as "Attachment 16", follows these minutes and is made an official part hereof.

Chairman Smith announced Item A under Old Business as the next topic, and read its introduction from the agenda. He explained the reason this item was on the agenda was because the Board believes it has the authority to direct the interim county administrator to select an attorney but was unsure if the authority was officially given. He said the item was on the agenda in order to reflect authorization was given to the interim county administrator to obtain legal services by the Board, and to record legal services were actually attained on August 3, 2007. Commissioner Pfeifer motioned to accept Resolution 2007-18 and was seconded by Commissioner Horgan. Chairman Smith asked for discussion, heard none, and called for a vote on the motion. The motion passed unanimously.

B. Report from the Retirement Study Committee. Copies of the Retirement Study Committee's Report, identified as "Attachment 17", follow these minutes and are made an official part hereof.

Chairman Smith announced Item B under Old Business as the next topic, read its introduction from the agenda, and asked Attorney John Kimball to give his presentation.

Mr. Kimball's presentation can be broken down into several sections: general introduction, an overview of the Retirement Study Committee (RSC), the RSC's findings, a brief overview of current county expenditures, available retirement plan options, unanswered questions, a summary, and a time for questions and answers. The minutes will reflect various sections of Mr. Kimball's presentation.

Mr. Kimball introduced himself as a lawyer and a citizen of Fayette County. He said he has a practice in residential real-estate, and had previously worked in public service as a staff attorney to Mr. Don Comer. He said Mr. Krakeel knew his background, and asked if he would consent to sit in the RSC, review the county's current retirement plan, and determine if a Defined Benefit (DB) plan is feasible for the county.

Mr. Kimball said the RSC convened in June and has had numerous meetings before reaching their conclusion. He said GEBCorp had been enlisted to help the RSC in their review. He told the Commissioners GEBCorp had done an actuarial study using information supplied by the RSC related to general and public safety employees. GEBCorp, he explained, is an entity half-owned by private enterprise and half-owned by the ACCG, is an inter-manager for a host of public entities in the State of Georgia, and performed the study for the RSC at no cost to the county.

Mr. Kimball stated the feedback from GEBCorp demonstrated a DB plan is feasible for the county.

Mr. Kimball said the most important information in the GEBCorp findings was what the county is already spending on its retirement plan. The county, he explained, contributes 4% into the 401(a) plan and matches approximately 2.6% of employee contributions into the 457 plan, meaning the county's total expenditure for its current retirement plan is about 6.6%. He said county employees voluntarily contribute about 6.32% of their salary so if their voluntary contribution is added to the county's expenditure the total amount spent for the county's retirement plan is approximately 12.92%.

Mr. Kimball said since the retirement plan for the county already costs approximately 13%, several options were available. He asked the Commissioners to look at the table on page 16 of his report explaining various retirement plans were listed for their review, and those retirement plans were distinguished as either Deferred Compensation (DC) plans or DB plans. He said the descriptor "all" refers to all Fayette County employees regardless of service performed but the descriptor "PS" referred only to public safety employees. He quickly pointed out the various costs of each plan saying the Board would have to decide what component would belong to the DB plan if they wanted one. He focused on all-past service DB plans explaining they all have unfunded liabilities attached to them. Unfunded liabilities, he clarified, are the *carte blanche* costs for giving credit for an all-past service DB plan. He told the Commissions the RSC discussed the all-past service DB plan at length because they did not want the county to take on another financial obligation, but what became apparent were the current funds on balance in the 401(a) plan and the 457 plan were more than adequate for most employees to pay into and receive credit for an all-past service DB plan, meaning the county would incur little to no unfunded liability expense. He repeated an all-past service plan was feasible if the monies on balance in the 401(a) plan and the 457 plan were used to purchase past credit, and the county would have little to no unfunded liability obligation. He informed the Board of what other counties had done, namely when they set a random dollar figure and tell the

employees if they want credit for past service they had to pay that amount, but juxtaposed their practices saying it would not make sense for Fayette County to follow their example because the cost for a five-year county employee would not be the same for an employee who had worked for 25 years. He said the best course of action would be for the employees to purchase their own all-past service credit by using their own 401(a) plan, 457 plan, or some other source. He mentioned employees could be surveyed to determine if they want a DB plan, and if so, what version of the plan.

Mr. Kimball reminded the Commissioners of some remaining, unanswered questions printed on page 17 of his presentation. He read the questions out loud, but singled out question five as the most salient of the questions, because if a small minority of the employees wanted a DB plan the process would have to be reconsidered.

Mr. Kimball continued saying a DB plan was feasible for the county, and continued emphasizing the county's current expenditure and what could be obtained for the same amount of expense. He mentioned the other reports he had supplied demonstrated the DC plan currently in use by the county was not adequate addressing the retirement issue.

Chairman Smith asked if he had really heard Mr. Kimball say a DB plan was feasible to do with the county's current contribution rate, and the county could actually save money. Mr. Kimball said Chairman Smith had correctly heard and understood the DB plan was feasible and could save the county money. He qualified his remarks saying he was no actuary, and he had not written the reports or presentation the Commissioners had before them. He asked the Commissioners to look at the information located on pages 11 of the report, and explained some employees (represented as little green circles) would exceed the Target Income Replacement Ratio (TIRR). He said TIRR Model One projected a 50% replacement ratio and TIRR Model Two projected a 60% replacement ratio. Social Security, he explained, would give approximately a 40% replacement ratio, so a DB plan working in tandem with Social Security would supply approximately 90-100% TIRR. Referring to page 11, he said those employees who exceed the TIRR generally save their money and therefore benefit from the principle of compound interest. He pointed out at a good number of employees currently will not retire with TIRR, and said that number compelled the RSC to look at other methods to improve the current retirement plan. He asked the Commissioners to look at the chart on page 12 where a 4% base increase is calculated with the current plan, and explained the only effect to the retirement plan was the numbers shifted upward from the plan on page 11, and many employees still would not attain TIRR. He compared the finding on pages 11 and 12 depicting DC plans to those on pages 13 and 14 picturing DB plans, and concluded DB plans are more efficient for getting employees on a linear path for the TIRR. He mentioned the model on page 14 was for a 2% future service only plan for all employees, the cost for the plan was located on page 16 of the report, and added the cost was total funding not limited to only employer funding.

Chairman Smith asked if the funding cost could be paid by a mixture of employer and employee contributions. Mr. Kimball implied it could, but hastened to add the RSC did not express any opinion on what the mix draw should be. He said if the Commissioners wanted to have a DB plan, they would have to determine what the mix draw should be. He continued to page 16 showing the percentage of covered

payroll generally increased by ½% if a 1% Cost of Living Adjustment (COLA) was added to an all employee DB plan. He confessed when he first became the chairman of the RSC he believed adoption of a DB plan would not be prudent, and his belief was compounded since so many entities are dropping DB plans in favor of DC plans for various reasons. The GEBCorp staff, he said, was incredibly conservative and they reserved a 7% return annually while performing their actuarial studies.

Commissioner Frady asked what percentages were under discussion. Mr. Kimball said the percentage of salaries was under discussion. Commissioner Frady asked if all salaries were being discussed. Mr. Kimball replied they were all being discussed. He explained the county contributes 4% as a base-level contribution and another 4% could be contributed based upon employee participation, clarifying every dollar an employee contributes is doubled by the county's contribution. The county's contributions, he explained, are placed into the 401(a) plan and employees' contributions are placed in the 457 DC plan. Employees are generally contributing 6.32% of their salary, he said, meaning the county's contribution rate was approximately 6.6%. He totaled employee and employer contribution rates as approximately 12.92%, and, referencing page 16, pointed out what plans could be created with the 12.92% current contribution to the retirement plan.

At this point, Mr. Kimball admittedly moved off the topic to address a related issue. The findings from GEBCorp are counterintuitive from what is reported in the media, he explained, due to the youth of Fayette County's employees. He said the studies revealed most of the county's employees are younger in comparison to other counties, and over half of the employees do not live in the county, meaning the county has to attract and retain employees from other areas. As chairman of the RSC, he established a study using five-year windows to study county employee retention rates. He told the Commissioners, based on page six, 65.5% of county employees have less than 10 years of service, meaning employee retention, especially in relation to public safety employees, is not good. He further explained his findings using the Sheriff's Department as his example. He said 190 employees were separated from the Sheriff's Office, and while some of them were dismissed due to job performance, many of them left for some other form of service. He conceded some of the turnover is systematic since the Sheriff uses the Detention Officer position as a proving ground to weed out those employees who do and do not have a future in law enforcement. He continued building on his example, and told the Commissioners if they looked at the number of people who have come and gone in comparison to the number of employees' on the Sheriff's staff, they would notice some positions have been replaced a multiplicity of times resulting in an almost 100% turnover rate in the last five years. Commissioner Horgan asked if the RSC received a report of the exit interviews. Mr. Kimball said the RSC had received the report, reported approximately 31% of staff from the Sheriff's Department found other employment related to a law enforcement agency for one reason or another, and added many dollars were being spent to train employees who are not remaining employed with the county.

Chairman Smith asked for clarification if an employee who worked for 30 years in a 2% DB plan would retire with 60% retirement. Mr. Kimball verified a DB plan, using Chairman Smith's example, would enable the employee to have 60% retirement.

Mr. Kimball, Chairman Smith recalled, had mentioned an employee buyback for all-past service credit, and Chairman Smith wanted to know if the employees' buyback was a requirement to make the DB plan feasible. Mr. Kimball said it was not a requirement for employees to purchased credit for past service in order to make a DB plan feasible, since the Board could simply allow for the employees to participate in a future service only plan. He mentioned the county could save money if it chose to adopt a future service DB plan, and demonstrated his assertion by reviewing the costs located on page 16. He added if the employees want an all-past service DB plan there would be a small cost to the plan and the employees would have to surrender their money to the plan at the net present value.

Commissioner Frady asked if he understood if an employee was hired at 20 years old and retired at age 60, would the employee be able to retire at age 50 with 60% retirement. Mr. Kimball replied the scenario was not entirely correct because the employee would have an actuarially reduced benefit, clarifying the DB plan assumes employees will retire at age 65. Commissioner Frady drew from his scenario, and asked if what was being said was the employee would have to work from age 20 to age 65 before drawing 60% retirement. Mr. Kimball acknowledged Commissioner Frady was correct, adding the employee would have to work from age 20 to age 65 before immediately drawing from the DB plan. Commissioner Frady noted, based on the answer, it did not matter if the employee worked 30 years. M. Kimball said the DB plan would have caps before conceding the RSC had not addressed the minutia details of the plan since their only goal was to determine if the DC plan was feasible. Commissioner Frady asked if there were any figures indicating the amount of dollars an employee would receive at retirement. Mr. Kimball said GEBCorp had taken data such as life expectancy and projected years of service, and used the data to generate the cost of funding figures. Commissioner Frady repeated his question of whether there were any figures indicating the amount of dollars an employee would receive at retirement. Mr. Kimball told Commissioner Frady the employee would be able to draw 2% of average salary based on the employee's last five years of service, clarifying the actuaries' work of projecting employees' income for the last five years of service, averaging the income, and concluding the average would be the TIRR to be attained. He gave an example of an employee who earned an average yearly salary of $50,000 for the last five years of employment, and said the TIRR would seek to replace $40,000 to $45,000.

Chairman Smith said he understood the DB plan was an integrated Social Security plan, and wanted to know if he correctly understood only 60% of salary would be replaced. Mr. Kimball said Chairman Smith was correct, adding the remaining 40% of TIRR would be supplied by Social Security. He said if 50% of salary was replaced and if Social Security would supply approximately 40% of salary, the TIRR would be 90%. He told the Commissioners additional TIRR could be added to the DB plan by allowing the employees to continue contributing money to a 457 DC. He mentioned the retirement plan itself was not a plan where the employee would have a certain amount of money but there would be no actuarial cost for the benefit since it is based on a formula for income replacement based on years of service at retirement age.

Commissioner Frady, basing his question on the rising age for retirement, asked what age new employees would have to attain before they could draw from Social Security. Mr. Kimball said the age would likely be around 70 to 75 years of age.

Commissioner Pfeifer said the citizens considered the retirement benefit discussion to be a major issue, and suggested at least three public meetings could be held throughout the county for the citizens to hear and make a decision. Chairman Smith said even the Commissioners did not have enough information to make a decision, and suggested the Commissioners review the information before deciding if they want to reconstitute the RSC or establish a new committee to determine what a new plan would entail. He said the decisions regarding a retirement plan would take some time and he did not envision any action to be taken on a retirement plan in the near future.

Commissioner Frady asked how many employees are participating in the current retirement program. Ms. Connie Boehnke reported 80% of county employees are participating in the current DC plan. She asked the Commissioners to refer to page seven of the report before pointing out 51% of the employees contribute 8% or more of their salary to the DC plan. Mr. Kimball quickly added 109 employees, meaning 16% of employees, do not contribute at all. Commissioner Frady asked if there was a way to project how employees under both the DC plan and the DB plan would fare in 30 years. Mr. Kimball said it was possible, the RSC had answered the question, and referred to pages 11 through 14 for a recap of the information contained.

Commissioner Frady wondered how often employees are able to change their plan after they are vested. Ms. Boehnke said employees could change their plan every month. Commissioner Frady replied the retirement plan was actually more like an investment program, adding he did not think anyone ought to try to make money from it. He asked if it would be possible for employees to change the plan if it were a DB plan. Mr. Kimball said it would not be possible since the new retirement plan would be a DB plan and not "a bucket of money". Commissioner Frady asked for clarity if under a DB plan the employee could not touch the money, and was told his understanding was correct. Chairman Smith added the county would have the option to hire a professional money-manager who would manage the money. Commissioner Frady agreed, said he knew of some employees who wanted to change their retirement plan on a daily basis, and acknowledged his question was answered.

Commissioner Maxwell thought the next question was "where do we go from here". He said since he sat on the RSC he was ready to have further study, but acknowledged some of the other Commissioners had not been through the three and four-hours marathon sessions, had not heard from the GEBCorp representative, and realized come of the Commissioners would need to hear the professional GEBCorp presentation. He conceded when he sat on the RSC, he was skeptical if a DB plan could be adopted on a revenue neutral basis with no tax increases or additional county contributions, but he had learned a DB plan could be adopted meeting his criteria by using 401(a) money should the employees chose to buy credit for past years of service. He said it was interesting to learn what is being attempted is not replacing 100% of an employee's salary, but what was being attempted was replacing only 50% or 60% of employees' salaries with Social Security replacing the remaining 40%. He added if the employees contributed another 10% from outside funding they could virtually have a 100% retirement. He recapped on his earlier statement about the need for the other Commissioners to hear the actuarial side of the information as presented by a GEBCorp representative and gave another option to establishing another committee to answer the questions on page 17. Other questions would arise such as when a DB plan

would come into effect and how much would it take to purchase past credit, he said before adding he was ready to study those questions. He confesses there were "unknowns" out there, but reiterated the actuaries were saying a DB plan is feasible and can be adopted in a revenue neutral scenario. He mentioned the criticism the DB plans are facing in the corporate world, explaining the abandonment of the DB plan was due to corporations funding those plans with current income. He juxtaposed the county's potential DB plan with DB plans in the corporate world, and said the county would not fund their DB plan with current income because there is $20,000,000 belonging to the employees in 401(a), and if the 401(a) money could be transferred to DB plan, the DB plan would be fully funded. He added if the transfer of funds from the 401(a) occurred, the DB plan would be able to be funded on an annual basis just as the DC plan is currently being funded, and the danger of having unfunded liabilities would be eliminated. He closed saying he did not know if his information helped the Commissioners make a decision one way or the other, but he was ready to establish a committee to answer the previously mentioned six questions.

Chairman Smith said Commissioner Maxwell had given a true statement since, if a future service DB plan was adopted, there would be no prior service cost, but if an all-past service DB plan was enacted the employees would have to fund their own past service cost. He asked Commissioner Maxwell if there was enough money in the employee pool so if everyone chose to buy their past service there would be no unfunded liability the county would have to pay. Commissioner Maxwell said there was enough money in the employee pool freeing the county from paying for unfunded liabilities.

Commissioner Maxwell asked Interim Fire Chief Allan McCullough if he had anything he would like to add to the discussion. Chief McCullough said what Mr. Kimball had reported covered most of his major points. He added the findings from GEBCorp mirrored Fire and EMS' internal documents and demonstrated a high turnover not only in Five and Emergency Services and the Sheriff's Department, but also in Emergency 911 Communications and the Animal Shelter. Commissioner Maxwell stated one interesting fact was Fayette County was the only county in the southern crescent of metro-Atlanta without a DB plan. He linked the issue to the related fact of a 11-year gap between the average age of public service employees and the average age of general employees, juxtaposed to an average of one year differential between those classes of employees. Commissioner Maxwell stated those numbers reflect a high turnover rate as many employees are being lost to counties such as Henry County and cities such a Fairburn. He noted Fairburn had recently acquired some of Fayette County's command staff along with five other employees. He informed the Commissioners it takes an average of five years to train a public safety employee in order for the employee to be fully competent, but those employees are leaving Fayette County's service after five to seven years because their new employers have DB plans. He emphasized the dedication of public safety employees and how they were dedicating their lives for public safety, but they were, generally, going to Henry County, Clayton County, Griffin and Peachtree City because those jurisdictions have DB plans. He recapped the county's retirement plan could be changed without spending a dime, and by doing so Fayette County would be brought into competition with other counties and cities. He asked why other counties and communities could have DB plans, but Fayette County could not before suggesting the answer to his question was based on reluctance to change.

Commissioner Frady said he would look at the reports very closely, but wanted to know what was the difference between the DB plans in discussion and the DB plans the business world is abandoning. Commissioner Maxwell gave two parts to his answer. The first part, he said, is there is a distinction between public sector employees and private sector employees. He explained the private sector is generally running from the DB plans, but the employees working in private sector have a higher wage rate than do employees working in the public sector. He explained public sector employees are willing, in general, to give up a portion of their income for a better benefit since governments generally offer better benefit packages. He told the Commissioners Fayette County has operated, in a large part, like a private corporation for a long time. He admitted his reluctance when he jointed the RSC, and wanted to know why there was a need for change. He repeated if the DB plan was going to cost the county money, he would resist changing to the DB plan, but if the change could occur and be revenue neutral he would be willing to consider it. The second part of his answer to Commissioner Frady's question was corporations are abandoning their DB plans because the corporations robbed the assets out of their DB plans and spent them, or they did not fully fund the plan in the first place. He concluded similar problems would not occur with the proposed DB plan because the county would not be able to touch the money, he would "throw a fit" if the money was touched, and mentioned the DB plan could be structured so its money could never be touched.

Commissioner Frady said the county is conducting studies on salaries so the county should not be out of line with private industry. He repeated the county was striving to pay proper salaries, was paying a significant amount of money to have surveys accomplished, and was already in line, as far as he knew, with the pay experienced in private industry.

Chairman Smith understood Commissioner Maxwell was intricately involved in the RSC's process and wanted to go forward, but he was reluctant to go forward since he was not part of the process. He recommended the retirement discussion could be resumed at the next workshop meeting, and by doing so the Commissioners would have time to digest the information they just received. Commissioner Maxwell replied he would like to have the GEBCorp representative address the Commissioners about the retirement plan. He also understood Commissioner Pfeifer's concern about public participation but said the public was able to come to the meetings, and they were aware the topic was being discusses since he was receiving phone calls at his home from citizens who were both for and against the DB plan. Mr. Kimball suggested the public discussions could be held in the Commissioner's Chambers enabling the citizens to come and review the information for themselves. Chairman Smith said citizens could come to the workshop meetings. He recapped his recommendation, thanked the RSC for their hard work, and mentioned the documents reflected the many hours of hard work committed to the study. He told Mr. Kimball he and the other members of the RSC were to be commended on a job well done and they did exactly what was asked of them. He concluded saying from one standpoint the work of the RSC was finished, but he would like to reserve the right to possible enlist the RSC for a future date to hopefully answer the questions when the time comes. Once again, he thanked them for their past service and expressed his anticipation for their future service.

The consensus of the Board was to further discuss retirement benefits at the October 3, 2007, Workshop Agenda Meeting and to have a member from GEBCorp address the Commissioners.

C. Further discussion of Transportation issues. Tabled from the August 20th Special Called Meeting.

D. Further discussion of Special Service Districts for: (1) Storm Water; (2) Community Septic; (3) Street Lights; and (4) Traffic Calming. Tabled from the August 20th Special Called Meeting.

Chairman Smith announced Items C and D under Old Business were the next items of business. He mentioned those items had been carried over from the last meeting and asked if they could be tabled until the end of the current meeting where they would be addressed should time permit. He asked if there was any objection, and there was none.

E. Further discussion of a policy to waive the fee for GIS data requests from any nonprofit organizations and consideration of Resolution 2007-19 amending the County's existing GIS Data Fee Schedule and Policy. A copy of the request and Resolution 2007-19, identified as "Attachment 18", follow these minutes and are made an official part hereof.

Chairman Smith announced Item E under Old Business was the next item of business, read its introduction from the agenda, and asked Mr. Krakeel to address the item.

Mr. Krakeel told the Board they had requested, at the last meeting, for staff to look at the current policy regarding GIS data. He said the booklet they were provided included recommended language for inclusion into the current policy in lieu of developing a separate policy pertaining only to nonprofit entities. He believed the language could be incorporated into the current policy under those institutions not charged for receiving GIS data including the Federal Government, state governments, state authorities, regional development centers, local governments and educational institutes. He said nonprofit organizations would be added to the current policy's single-user agreement with two qualifiers. The first qualifier, he said, was the nonprofit organization could not sell the data under a commercial license agreement. The second qualifier, he continued, was the nonprofit entity would have to agree not to use or permit the use of GIS data by any other entity for any purpose deemed adversarial to the county. He added Mr. Comer had prepared a resolution to amend the GIS Data Fee Schedule and Policy to reflect the changes.

Commissioner Pfeifer motioned to adopt Resolution 2007-19 and was seconded by Commissioner Horgan. Chairman Smith asked if there was any discussion, heard none, and called for a vote on the motion.

The motion to adopt Resolution 2007-19 passed with a unanimous vote.

New Business:

F. Discussion of Resolution 2007-20 authorizing the abandonment of any interest that Fayette County may have in a site on Handly Road known as the "Old Stop Courthouse". A copy of Resolution 2007-20, identified as "Attachment 19", follows these minutes and is made an official part hereof.

Chairman Smith announced Item F under New Business was the next item of business, read its introduction from the agenda, and asked Mr. Krakeel to explain the item.

Mr. Krakeel said the situation began over 100 years ago when a property owner provided the county a parcel of land for the use and construction of a structure to be used for a voting district. He said ten years ago, information regarding the parcel of property was researched, and it was determined the voting precinct was not built on the parcel of land deeded to the county, but on a separate piece of land very close in proximity to the original parcel of land. When the error was discovered, he explained, the county corrected the mistake by issuing a quit claim deed to the heirs of the estate for the unused piece of land. He said the current owners are now trying to develop their property in order to sell it, but the land directly underneath the voting precinct belongs to the county due to acquired property rights. He emphasized no other land belongs to the county except for the land directly underneath the voting precinct. He described the condition of the voting precinct as a concrete block structure with fallen-in walls, no roof, and trees growing out of it. He stated the way to legally correct the mistake was for the county to provide an appropriate conveyance by abandoning the section of property the concrete blocks are lying on back to the original property owners.

Chairman Smith added the county could have potential legal liabilities should someone visit the dilapidated building on county property and incur consequential damages.

Commissioner Pfeifer motioned to approve Resolution 2007-20 and was seconded by Commissioner Horgan. Commissioner Horgan asked if there was any cleanup cost associated with the abandonment the county would incur. Mr. Krakeel said the property owners indicated they would take care of any cleanup costs for removing the blocks. Chairman Smith asked for further discussion, heard none, and called for a vote on the motion.

The motion to approve Resolution 2007-20 passed with a unanimous vote.

H. Consideration of proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions, Business Vehicles and Article VI. District Use Requirements, Section 617. O0I, Office-Institutional District regarding the parking of business vehicles and on-site maintenance or fueling facilities as presented by the Planning and Zoning Department. A copy of the request, identified as "Attachment 20", follows these minutes and is made an official part hereof.

Chairman Smith announced Item H under New Business was the next item of business, read its introduction from the agenda, and asked the Planning and Zoning staff to begin their presentation.

Mr. Dennis Dutton reminded the Board they adopted, on July 26, 2007, to allow non-emergency transports into the O-I district, namely into the hospital district. In light of their action, he informed the Commissioners the Planning Commission now had three other related items to address: 1) defining the business vehicles in the O-I zone, 2) requirements for vehicles to park to the side or rear of the building and 3) prohibiting any on-site maintenance or fueling facilities. He said the reason for these concerns is because O-I is transitional zoning, meaning it is mainly a low-density development and intended for professional developments, and the Planning Commission did not want to see an overload of commercial vehicles parked in the front so they were bringing their concerns to the Board for consideration.

Commissioner Horgan asked if the word "trailer" could be defined as a 18-wheeler. Mr. Dutton said the definition was tied to utility trailers. Commissioner Horgan asked if someone could park a 18-wheeler in the O-I. Mr. Pete Frisina replied no 18-wheeler would be allowed to park in an O-I, but there was no expectation to see a 18-wheeler in an O-I. He added utility trailers could be used by an O-I business, and the intent of the proposed amendments was to ensure those trailers would be parked to the side or rear of the building. Commissioner Horgan said he saw trailer bodies, parked at the side of buildings, being used for filing and storage of items, and over time they became a "permanent fixture" to the side of the building. Mr. Frisina stated he would not expect to see those in an O-I district, and Mr. Dutton added the trailer would not be permitted.

Chairman Smith asked what would be the prohibition if he bought a tractor trailer, painted the name of his business on it, and parked it in front of his O-I business. When Mr. Dutton began to explain permitted uses in an O-I, Chairman Smith interrupted him, and restated his scenario saying he bought a tractor-trailer, parked it in front of his O-I building because his permitted square-footage of signage was not enough for him, painted the name of his business on it, and asked what would prohibit him. Mr. Dutton said a person would have to meet M-1 or M-2 in order to have a tractor-trailer. Chairman Smith interrupted him again saying the tractor-trailer was his business vehicle and he drives it to visit his clients. Mr. Frisina conceded the Planning Commissioner would have to work on the question.

Commissioner Horgan pressed the question of what would prevent him from parking a trailer body on the side of his building as Chairman Smith quipped "his side of the building happens to face the highway". Mr. Dutton said he could not address the signage issue. Commissioner Horgan told him to forget about the sign, but only to answer what would prevent him from parking a trailer body on the side of his building, store files and other materials in it until it is full, then park another trailer body next to the first one. Mr. Dutton admitted the difficulty he had explaining the ordinance, but said if a tractor-trailer was making a delivery it would be permitted and if it is used for any other reason it is not permitted. He conceded the ordinance was open to interpretation and could result in an argument, but the purpose of the ordinance would dictate its interpretation.

Mr. Krakeel asked if the proposed amendments would address the problems in discussion. Mr. Frisina said if "trailer" was interpreted in the broadest of contexts, then certainly a 18-wheeler would be under the definition of "trailer". He admitted he did not have the actual ordinance in from of him, could not recall if there was current wording in the ordinance prohibiting 18-wheelers parked in an O-I district, and added most other districts require some kind of screening process in order to park large business vehicles.

Chairman Smith asked how the proposed amendments would be enforced, and asked more specifically how would law enforcement know what is a business vehicle. Mr. Frisina said vehicles owned by businesses are business vehicles. Chairman Smith asked a second time how would it be determined a vehicle is a business vehicle and hypothesized if law enforcement would have to "run plates" on every car parked in front of a business. Mr. Frisina said continually running plates was not necessary unless the situation becomes noticeable. He assumed if a business closes at 5:00 p.m. and reopens the following morning it would be safe to assume vehicles parked in the parking lot would be business vehicles.

Commissioner Frady asked if there were an ordinance prohibiting mobile signs. Mr. Frisina said there was no such ordinance. Commissioner Frady asked if it was possible to remove the wheels from a vehicle and store it in front of a business. Mr. Frisina said the ordinance prohibits making a vehicle inoperable so it cannot be driven, and the vehicle would be considered a sign if its only function was to supply information about a business. He mentioned if the vehicle is operable and has business information on it, there is no regulation mitigating it use.

Chairman Smith asked if the proposed amendments were intended to regulate parking after business hours. Mr. Frisina explained the original discussions revolved around ambulance-type vehicles, but the Planning Commission waned to expand the ordinance so there would not be a clutter of business vehicles, especially vehicles with logos and advertisements painted on them, parked in front of a business. He clarified the purpose for the proposed amendments was to bring a more pristine look to the O-I district as opposed to allowing the O-I district to appear like an industrial district.

Commissioner Horgan said the definition of "truck" could also be interpreted broadly since a truck could be understood to refer to a Ford F-150 or a 24' moving vehicle. He acknowledged consideration was being made for ambulance-type vehicles, but was concerned the application of the proposed amendment could be interpreted broadly. Mr. Frisina maintained most vehicles in the O-I district would be passenger vehicles such as vans, trucks, and possible utility trailers. Commissioner Horgan asked about the uses of utility trailers, such as those used by landscapers. Mr. Frisina said landscaping equipment would normally not be seen in an O-I district and added the Planning Commissioners wanted "trailer" included in the definition since it could also have a design or logo on it.

Chairman Smith asked Sheriff Randall Johnson if the amendment was practical to enforce. Sheriff Johnson said practicality depended on what was required, but from what he was hearing the proposals were not practical to enforce. Lieutenant Colonel Wayne Hannah said procedures for enforcing the ordinance could entail checking vehicle registrations to determine if the vehicle belonged to a business before concurring with Sheriff Johnson's assessment.

Commissioner Maxwell said he had a problem with the proposed amendments since Mr. Comer had not looked at them and he was under the impression the proposals dealt only with aesthetics. He drew on his experience as an attorney, mentioning he had seen these types of situations in the past where a person could place the vehicle in their personal name, instead of the business, and paint the vehicle in whatever manner they chose. After asking if and learning his interpretation was correct, Commissioner Maxwell said the ordinance was not a good ordinance. He mentioned if the ordinance was enacted many businesses would be brought into a status of nonconformity and gave examples of business on the outskirts of Peachtree City. He concluded the proposed amendments would need much work. Mr. Frisina said the changes would be geared mainly for office buildings since there are not many commercial buildings in an O-I district.

Commissioner Frady wondered how the distinction would be drawn between vehicles with information painted on their sides compared to vehicles with attached magnetic signs. Mr. Frisina reminded the Commissions of the Planning Commission's desire for direction. Commissioner Maxwell said the proposed amendments would need to be reviewed by Mr. Comer.

Mr. Krakeel reminded everyone the reason for the workshop meetings was so questions could be asked and answered away from the Thursday night regular meeting. New initiatives come from a number of sources, he reminded the Commissioners, and the workshop meetings allowed them to have adequate information, allowed staff to answer questions, and allowed staff to seek direction on how to proceed. He added no more time would have to be spent on this particular issue during this meeting, but added his suggestion was entirely for the Board to decide.

Chairman Smith asked the Commissioner how they wanted to proceed. Commissioner Frady quipped the Board would not like to see a tractor-trailer parked permanently in front of a building. Chairman Smith asked if the proposed amendments should be sent to Mr. Comer for review or should they be dropped. Commissioner Horgan answered the proposals needed to be addressed before he recommended they should be sent for legal review and revision. Commissioner Frady agreed with Commissioner Horgan. This was the consensus of the Board. Chairman Smith closed saying he was confident the Board did not want to see any on-site maintenance and fueling facilities in an O-I zone.

The consensus of the Board was to send this item to Mr. Comer for legal review and revision.

I. Consideration of request from the Engineering Department to approve the Board of Education's request to run a sanitary sewer line along Jenkins Road in the County right-of-way to a Town of Tyrone sanitary sewer manhole located on a neighboring property. A copy of the request, identified as "Attachment 21", follows these minutes and are made an official part hereof.

Commissioner Frady asked who was going to own the sewer line. Mr. Phil Mallon replied the sewer line would be an extension fo the City of Tyrone's sewer line equipment. Commissioner Frady asked if it would be in the right-of-way. Mr. Mallon said it would be in the right-of-way. Commissioner Frady asked who would move the sewer line should it ever need to be moved. Mr. Mallon informed the Commissioners the

normal procedure was for the owner of the utility to move the utility when it is in the right-of-way. Commissioner Frady asked if the sewer line would be located under the road, and was informed it would be placed in parallel to the road for a distance of approximately 110 feet. The Engineering Department, Mr. Mallon added, was supportive of the project, especially since the county could benefit in the arena of emergency response. He said the Engineering Department had worked with the Board of Education on a number of projects for many years and they had been very good to work with by "bending over backward" to meet voluntary and mandatory regulations.

Commissioner Horgan asked what would happen to the sewer system and who would be responsible for dismantling it. Mr. Mallon asked Mr. Mike Satterfield of Fayette County's Board of Education to answer the question. Mr. Satterfield said the Board of Education had not made a final decision regarding what would happen with the sewer or who would dismantle it, but added several options were available such as selling parts of the sewer after it is dismantled. He explained the sewer plant is 18 years old, but while it has not needed any capital improvements, the time would come when many dollars would be spent to maintain it. He told the Commissioner's the sewer plant costs $150,000 yearly to operate and it was estimated the cost would be cut in half if only a sewer bill was paid.

Commissioner Frady, looking at a diagram, asked if it pictured the potential site for the force main. Mr. Mallon said it did. Commissioner Frady asked why the force main should not be placed as far away from the concrete as possible. Mr. Mallon said the relation of the force main to the road and the right-of-way was only for schematic purposes, but after approval is granted there would be a check of where existing utilities are located.

Commissioner Horgan asked what was in the area adjacent to the proposed line. Mr. Satterfield replied the line would extend across the southern end of the stadium, turn along the stadium's west side, and continue until it intersected with Jenkins Road, turn left where it passes a marshy area and a church where it would then link into Tyrone's sewer line. Commissioner Horgan asked what size line was proposed. Mr. Mallon said since the line would be a force main, it would be small in diameter. He mentioned once a sewer is open in one area, it opens the opportunity for other people to tie into it.

Commissioner Frady asked if only the high school would be connected to the sewer line. Mr. Satterfield said three schools would be connected to the sewer line since gravity feed all three schools down to Sandy Creek High School. A pump station would be added, he mentioned, behind the softball fields in order to establish a feed, and the work would entail boring under the football field.

Commissioner Maxwell said he had one fundamental question, and the question was "what is the difference between a school and a church?" He said this was the exact same issue addressed a month earlier when a church wanted to tie into Peachtree City's sewage line and the issue was denied by the Board. He informed the Commissioners of his desire to support the request, but did not know how to be consistent when a church is denied the ability but a school is given approval. He told the Commissioners to "figure a way out of that box" and he would support the request and save the taxpayer's money.

Commissioner Frady made a motion to approve the request as presented so it could be further discussed, and was seconded by Commissioner Horgan. Chairman Smith announced he had a motion and a second to approve the request as presented.

Commissioner Maxwell asked if they knew the difference between a church and a school. Mr. Comer said the school is public property and the church is private property, admitted his uncertainty if the distinction would help in the discussion, then added an argument could be made stating the Board has a duty to assist public entities as opposed to private entities. Mr. Comer suggested the county could also be in a position to grant an easement to the school and there should be certain conditions placed upon the easement regarding if there is a cost to the county should the sewer line be moved and the other condition would be a prohibition against anyone tying onto the sewer line.

Chairman Smith asked Mr. Satterfield what was his time frame for accomplishing this work since he was concerned some legal implications would need to be addressed. Mr. Satterfield said the work was already bid on and awarded so the work could begin at any time. He added there was much work to do on the property, so if it took three or four weeks to iron out any details, there would be no problem. Chairman Smith said the consensus he was getting from the Commissioners was they wanted to approve the request, but they wanted to know they were not "stepping on their toes" by giving the approval. He suggested Mr. Comer should work out the legal fine points with a special emphasis given to the distinction between public and private entities. Commissioner Maxwell said he agreed with Chairman Smith in a global sense, but he was not going to support the request because it would effectively exempt a government entity from regular rules resulting in bad public policy. He concluded the Commissioners could be inconsistent if they wanted, but wanted his objection on record.

Mr. Mallon informed the Board Captain Pete Nelms had concluded there was a very real hazard associated with chlorine gas on-site, and if the request was approved the threat of the gas would also be eliminated. Mr. Krakeel asked if the site was currently using chlorine gas tablets. Mr. Satterfield said chlorine gas tablets were in use at the site then informed the Commissioners a fire and occurred at the plan about ten years ago and formed a small chlorine gas cloud.

Chairman Smith asked Commissioner Frady if he would withdraw his motion so Mr. Comer could look at the request. Commissioner Frady said he would not withdraw his motion. Chairman Smith asked if there was any other discussion. Commissioner Frady asked what legal implications existed. Chairman Smith said there were at least two legal implications. He said the first legal implication was based on public entities versus private entities, although he understood there was a *bona fide* distinction. The second legal implication, he said, was due to running a line from county property to city property through a right-of-way. He clarified in one case there was fronting on private property, but in the other case there was no fronting. He admitted he did not know if there was a distinctive difference, but wanted a legal opinion on the matter. Commissioner Frady said he did not know how else it could be done since the right-of-way would be affected in both cases. Chairman Smith said the issue was an access issue, and if the sewer line is running past private property access to the sewer line from the private property cannot be denied regardless of whether or not the line is in the county's right-of-way. He said in this particular case, there

would be no fronting on private property since the line was going directly to Tyrone's sewer system. Mr. Satterfield asked Chairman Smith if he was referring to the 500' rule, and Chairman Smith said he was. Mr. Satterfield said they would be within 500 feet of the Town of Tyrone's line, since he recalled the distance from their property to the line was about 100 feet. Mr. Krakeel said the work should require an easement to go through the county's right-of-way.

Chairman Smith asked if there was any further discussion, heard none, and called for a vote on the motion to approve the request and grant an easement through county property. The motion failed in a 2-3 vote with Chairman Smith, Commissioner Pfeifer and Commissioner Maxwell voting in opposition to the motion.

The motion to approve the request as presented and to grant an easement through county property failed in a 2-3 vote.

J. Consideration of request from the Engineering Department to revise the Street Design Standards and Specifications regarding Article III of the Development Regulation. A copy of the request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

Mr. Jeremy Greenberg informed the Commissioners the Engineering Department is requesting permission to proceed with revisions of Fayette County's Design Standards and Specifications as outlined in Article III in the Development Regulations. He stated the request had been prompted by inconsistencies of accepted engineering industry, by design professionals, and by the building community. He added the revisions were not mandated by state. He listed some items would be revised such as 1) subdivision entrance landscaping, 2) pile-ons, 3) median standards, 4) sidewalks, 5) street trees, 6) utility layouts, 7) street lane requirements, 8) multi-use gas standards and 9) sight-distance issues. He said there had been input from the Storm Water Advisory Committee, the Engineering Department, the Planning Commission, design professionals and county staff. He mentioned this request could be handled by the Engineering Department's current staff so consultant costs could be avoided.

Commissioner Frady asked what the Engineering Department was going to do, and asked if the request dealt with toppings. Mr. Mallon said the Engineering Department was going to conduct a comprehensive review and would rewrite the entire street ordinance. Mr. Greenberg reiterated there were many inconsistencies in the Design Standards, those inconsistencies confused design professionals, and there was no current way to alleviate their confusion.

Commissioner Maxwell said he understood the work would be done solely by the Engineering Department's current staff, but did not see how it could be done. Mr. Mallon said he expected to work on the revisions for the rest of the year, and he could only guess at the amount of hours the work would take. He guessed the amount of time would be close to 40 hours for himself and Mr. Greenberg, not including time to meet with representative groups. Commissioner Maxwell asked how he would spend the 40 hours. Mr. Mallon said there were a number of steps to complete. The first step, he explained, would be to review the existing ordinances and contrast them to surrounding counties and other areas around the country to glean ideas. The next step, he added, would be to sit down with the Storm Water Technical

Advisory Committee and hear their input of what works and what does not work. He concluded the third step would be to rewrite and draft the new ordinance.

Commissioner Maxwell asked if the need for revision was driven by functional and safety issues, or only by aesthetic issues. Mr. Mallon replied the need was most functional and safety driven. Commissioner Maxwell replied he did not know how the revisions could not be done based on the answer given. Mr. Mallon mentioned the need to revise the ordinance was well overdue. Commissioner Maxwell asked for an example of the problems being addressed. Mr. Mallon said one example was many developers want to build a divided street in a landscaping development with trees or fountains, but there is nothing in the ordinance related to their desire. He explained the lack of information in the ordinance placed the Engineering Department in a position of approving something not explicitly in the ordinance or telling the developers they cannot build it even though the developers are willing to assume complete ownership. Mr. Mallon gave a second example about street trees, and how the ordinance does not regulate the species of trees, how close they are planted to the street, or who will be responsible for them in the long run. Mr. Mallon's third example regarded the county's sight-distance requirement. He explained neither he nor any other engineer to whom he had spoken could say why the county had a vertical and horizontal sight-distance requirement. He said the county's sight-distance requirement should be based on stopping sight-distance, and it should reference AASHTO (American Association of State Highway and Transportation Officials). He added he would hate to explain in court why the county's standard is different from AASHTO's. Commissioner Maxwell asked if there was a model they would utilize. Mr. Mallon said there were no technical guidelines, but AASHTO, surrounding counties, and various cities would be referenced as examples. He reiterated there is no model ordinance.

Chairman Smith asked if the proposed revisions were a result of changing rules and regulations. Mr. Mallon said the revisions were not based on changing rules and regulations, but rather because the Engineering Department felt it should be done.

Chairman Smith asked the Commissioners if they had any other questions, adding the Engineering Department was only looking for direction. After hearing no other discussion, Chairman Smith told Mr. Mallon and Mr. Greenberg to "go forward and conquer." Mr. Mallon informed the Commissioners he would come back to them regarding this issue in either December or January.

The consensus of the Board was for the Engineering Department to continue with the proposed revisions to the ordinance and to return in either December or January.

K. Discussion by Interim County Attorney Don Comer regarding the Georgia Security and Immigration Compliance Act and consideration of approval of Resolution Number 2007-22 authorizing a Memorandum of Understanding between Fayette County and the United States Department of Homeland Security providing for the County's participation in the Systematic Alien Verification for Entitlements Program. A copy of the request and Resolution 2007-22, identified as "Attachment 23", follow these minutes and are made an official part hereof.

Mr. Comer informed the Board certain Federal legislation has trickled down to the State concerning the verification of immigration. He told them the Department of Homeland Security (DHS) has a model agreement they are sending to all counties enabling counties to verify certain immigration data. He said it is a "sign-on" situation, and if utilized there would be a small fee for the service. He said business license would be coming under this agreement since immigration status data will be required on all business license renewals. He mentioned he would be going to Athens, Georgia in a few days and would have more information to give about this issue at a later date. He said the resolution before the Board would allow the county to use the services provided by DHS.

Commissioner Horgan asked if other counties were involved. Mr. Comer said all counties would have to do this. He explained State law required immigration verification in respect to most services provided by public entities, meaning virtually every department in the government would be affected since almost all of them provide public services. He said there are some exceptions and exemptions to the law. He specified medical information would be exempt from the law. Commissioner Horgan asked if the Health Department and schools were exempt. Mr. Comer said the Health Department would be exempt, but did not know if schools were exempt. He said the list of exemptions was lengthy, but he was certain business licenses were not exempt.

Commissioner Pfeifer said information provided by ACCG said the resolution had to be in effect from July 1, 2007. Mr. Comer said the agreement went into effect July 1, 2007, and added the county is well ahead of the curve and county employees were doing what they were supposed to do. He said many counties and jurisdictions have not been in contact with DHS to get the model agreement. He said the ACCG had sent the information about the agreement to county attorneys and city attorneys informing them of their obligations. Commissioner Pfeifer asked if this procedure of verifying immigration status was still being followed when a person was incarcerated. Mr. Comer said he was not sure then recapped the agreement is simply a verification stating DHS has the data. He explained the county would have the name, address, Social Security number or whatever information was needed for DHS to take the information, process it, and sent it back to the county. He said, after DHS gives information to the county, the county could act on it.

Commissioner Horgan asked if there was any contract currently in effect which would be immediately affected if the county went forward with the agreement. Mr. Comer said the agreement had nothing to do with contracts, but was only a means to allow immigration verification, but said its language still has to be included in the contracts. He clarified his answer to say if contracts involve companies with more than 500 employees, those contracts would be immediately affected. Chairman Smith asked when would the county need to make the determination. Mr. Comer said the county relied on DHS, but if the county's knowledge is contrary to the information supplied by DHS, the county would have a duty. He stressed the county would rely on DHS since it does not necessarily have the ability to go in and do an investigation to determine whether or not a company has the requisite employees.

Chairman Smith asked if the verification process dealt only with new employees. Mr. Comer replied verification process would not deal only with new employees since the agreement would be used in

relation to business licenses initially. Mr. Krakeel added the agreement allows the county to verify a person a legal resident of the United States when they make application for a business license. He added DHS has a data base, and when the county submits information, DHS will run it through their data base and give the results. Mr. Comer said the process is currently in place for all new county employees, it would be an expansion of what is currently being done, and the agreement would assist the county.

Commissioner Maxwell motioned to adopt Resolution 2007-22 and was seconded by Commissioner Pfeifer. Commissioner Maxwell asked Mr. Comer if he had read the agreement, and Mr. Comer said he had. After hearing no further discussion, Chairman Smith called for a vote on the motion.

The motion to approve Resolution 2007-22 passed with a unanimous vote.

L. Consideration of Water Committee recommendation to approve a proposed policy for Film Permits. A copy of the request and the Film Permitting Policy, identified as "Attachment 24", follow these minutes and are made an official part hereof.

Mr. Parrott said making movies in Georgia is big business. He said Georgia has a film bureau, and over the years the bureau has requested the use of different locations for filming such as Starr's Mill and the Water System's main tank. He said the county did not have a policy for film permits, and so he wanted his recommendation to extend to all the county departments and not be limited only to the Water Department. He said his recommendation was available for the Board's review, and his recommendation standardized the way for filming companies to apply for and obtain a permit, make sure they have appropriate insurance, and ensure traffic situations are handled appropriately.

Commissioner Frady asked if there was a charge in place for a permit, and Mr. Parrott replied there was no charge.

Commissioner Pfeifer mentioned there had been a situation several years ago when someone wanted to use Starr's Mill for an inappropriate film about a rape at a party. He said Starr's Mill was not permitted for the film. He asked if someone was going to review the scripts. Mr. Parrott said staff review of the scripts was outlined in the policy.

Commissioner Horgan asked why there should be no fee for the permit in consideration of all of the aspects involved in a filming project such as leaving the property clean, having insurance, and various paperwork. He recalled Mr. Parrott had said making movies in Georgia is big business, and wondered why there should be no fee. Commissioner Frady agreed with Commissioner Horgan saying a fee should be set for a permit. Mr. Parrott agreed a permit could be set for a film, but wanted the Commissioners to consider when *Sweet Home Alabama* was filmed, the film crew painted the pump house and did work at the park, so the county did benefit from their donation.

Chairman Smith asked who was the Director of Facilities manager. Mr. Parrott said he was.

Commissioner Maxwell wanted to know where Mr. Parrott's policy had come from and if Mr. Parrott had created it from scratch. Mr. Parrott said he did not create the policy from scratch, but he had based the policy on existing policies in use by the City of Savannah and Coweta County. Commissioner Maxwell said he thought he read Coweta County charges a fee for film permits and asked if he was correct. Chairman Smith replied Coweta County has film permits for particular buildings, but not for everything. The City of Savannah, he added, charges a $1,000 fee if a historic building is used.

Commissioner Maxwell asked why Mr. Parrott had not suggested a fee for the permit and asked if he would be open to the idea. Mr. Parrott replied he was open to the idea of having a fee for film permits, but did not recommend a fee since the film itself would bring income to the county. Film companies, he elaborated, handle most of their own expenses, handle their own trash cleanup, handle their own security, handle their own electricity. He explained since film companies take care of themselves, the county does not experience any cost for services. Commissioner Frady said the film companies would need a police officer to direct traffic. Mr. Parrott agreed before adding the film company handles traffic and pays for police service.

Commissioner Maxwell said he would like to be competitive with Coweta County. He told the Commissioners he had recently read a publication indicating the film business was about to increase in Georgia due to tax incentives, and he wanted to be competitive with Senoia. He suggested a fee should be required for a film permit, but admitted he did not know how much to charge the criteria needed for a charge. Mr. Krakeel said there is no real frequency of filming in the county, but reiterated the policy would be countywide in scope and not limited only to the Water Department. Commissioner Maxwell suggested the fee would not need to be a specific amount, but rather could be negotiated. Mr. Krakeel said a nominal fee could apply, and if a permit fee would be required for filming it should be similar to other permit fees.

Chairman Smith drew a distinction between general government buildings where work is routinely performed as opposed to other governmental buildings where little to no work is routinely performed. He said if the film used general buildings such as the courthouse, it would bring certain disruption, so the fee should be based on the buildings use and disruption. He said he was uncertain about the amount of the fee, but said the fee should be nominal since inspection would have to place to ensure the filming location was clean and no damage had occurred. Commissioner Frady added if a permit was required then administrative time would also be required. He suggested the permit fee should be $500 for buildings in current use and $100 for all other locations with little governmental disruption. Commissioner Pfeifer asked if the permit should be negotiated on a case-by-case basis. Mr. Krakeel said by charging a fee on a case-by-case basis the employees would be in a situation where they have to determine the rate. He suggested the permit fee should be a flat fee.

Commissioner Maxwell said the courthouse would not be closed down, especially when judges are present, for only $500 a day, so not only would the permit be controlled but the issuance of a permit would also be controlled, clarifying there are times when it does not benefit the county to issue permits. He indicated he was also open to discuss fee amounts. Commissioner Horgan said $500 sounded good to

him. Mr. Krakeel reiterated his preference for a flat fee with the caveat being if too much disruption occurred or was expected the permit could be denied. He explained it was very difficult to place a dollar value on a crew who wanted to use all three floors of the courthouse compared to the use of only one floor, and it was difficult to determine the cost for a person in the courthouse's bell tower shooting a flaming arrow versus a wedding staged on the courthouse grounds. He admitted he was not sure what the cost implications would be for the county.

Chairman Smith asked Mr. Krakeel what amount he would recommend for a permit fee. Mr. Krakeel recommended a flat fee of $500 for occupied building in Fayette County with the right to deny a permit if it causes undue hardship on the continued operation of county government. Commissioner Frady made a motion based on Mr. Krakeel's suggestion. Commissioner Maxwell asked if passive buildings were going to have a $100 permit fee and active buildings were going to have $500 permit fee, and wanted to know if those suggestions were the basis for Commission Frady's motion. Commissioner Frady indicated Commissioner Maxwell had heard the motion correctly and was seconded by Commissioner Horgan. After hearing no further discussion, Chairman Smith asked for a vote on the motion to approve the film permits policy with the understanding the county would charge $100 a day for passive structures and $500 a day for active structures and the county has the right to issue or deny the permit based on disruption of county business and in cases not deemed in the county's best interest.

The motion to approve the Film Permits policy with the noted amendments passed with a unanimous vote.

M. Discussion of Employee Call-Back, Nepotism, and Whistleblower Policies. A copy of the request and the call-back, nepotism and whistleblower policies, identified as "Attachment 25", follow these minutes and are made an official part hereof.

Chairman Smith announced Item M under New Business was the next item of business and read its introduction from the agenda. In the course of this discussion, it was decided by the Commissioners each of the items should be addressed and voted upon separately.

Mr. Lewis Patterson gave a general introduction for all three policies before paying particular attention to the Employee Call-Back policy. He informed the Commissioners the policies had been reviewed by legal and senior staff. He said the Call-Back and Nepotism policies are modifications of what are already in place, but the whistleblower policy was a new policy.

Mr. Patterson said the proposed call-back policy was an attempt to get back to compliance with the Fair Labor Standards Act, would establish the amount a person would be paid when called back, and would apply only for emergency situations. He added the policy would not be applicable when an employee is called back due to a routine staffing shortage.

Commissioner Horgan asked if a list existed which described what is and is not an emergency. Mr. Patterson said the definition of emergency duty is necessitated by a serious situation or an unexpected

occurrence requiring immediate action, and told the Commissioners the definition is the last sentence of the call-back policy. Commissioner Horgan asked who made the decision of whether or not a situation was a true emergency. Mr. Krakeel said some of those decisions are automatic. He gave an example of an animal control officer who is off-duty when a person is bitten, saying a call-back could be warranted. He gave another example of a broken 12" water line, saying a supervisor might need to call in a crew to work on its repair. He contradicted those examples with a scenario when an employee is off-duty and is called in because of an excessive number of sicknesses in a department, and clarified the situation as a non-emergency. He said, based on some situations, department heads or senior level managers would make a decision based on an emergency, but at other times emergency call-back is automatic.

Commissioner Horgan asked if the employee's time card would automatically record emergency duty or would there be a process the employee would have to take. Mr. Krakeel said employees would record their call-back hours the next day they come to work.

Commissioner Pfeifer asked if the call-back was part of the job description and if employees were subject to it. Mr. Krakeel said call-back was part of the employees' job description, but the call-back policy was being handled by different departments in different ways. He emphasized the discussion on the call-back policy was an attempt to bring some consistency and uniformity to the process and to ensure all departments are operating in concert with one policy in handling the issue.

Chairman Smith asked what would be the financial impact the county would incur with the change. Mr. Krakeel said he did not expect a substantially greater financial impact compared to what the county has historically incurred. He emphasized the policy was for emergency situations only. He added another level to the problem existing in the county, explaining at times an employee is paid from the time they leave their house, at times an employee starts receiving pay after arriving at the work site, at times departments do not pay the two-hour pay requirement, meaning different applications are at work throughout the county. The policy's goal, he recapped, was to bring uniformity to the process and clarify the on-call provision.

Commissioner Maxwell asked, if a person was called back and worked four hours, would they be paid for four hours at a rate of one and one-half hours for two hours and have regular pay for the last two hours. Mr. Krakeel said the employee would be paid for two hours at one and one-half times their regular rate regardless whether they worked ten minutes or ten hours. He explained if an employee works 40 hours in a week, and then works an additional five hour due to a call-back situation, those additional five hours would be paid at one and one-half hours of the regular rate. Commissioner Maxwell asked what would occur if the call-back began at the beginning of the week, and wanted to know if the employee's hours would be reduced to compensate for the hours worked for the call-back. Mr. Krakeel said the employee's hours would not be reduced resulting in a 45-hour work week for the employee. Commissioner Horgan asked if only two and one-half hours would be paid at time and a half. Mr. Krakeel reiterated all five additional hours would be paid time and a half, adding anything in excess of 40 hours requires overtime payment in accordance to the Fair Labor Standards Act.

Chairman Smith asked if the fundamental reason for the policy was to standardize the minimum at two hours. Mr. Krakeel said the policy needed to be standardized so there would be absolutely no question how department heads need to handle the call-back policy since currently there are varying interpretations on how to handle the policy.

Commissioner Maxwell said his concern was based on the law of unintended consequences, especially in relation to financial implications. He feared there would be more "emergencies" and wanted an ability to track them. Mr. Patterson said the Human Resources department would ensure department heads would comply to the ordinance.

Commissioner Pfeifer made a motion to adopt the call-back policy and was seconded by Commissioner Horgan. After hearing no discussion, Chairman Smith asked for a vote on the motion.

The motion to approve the Call-Back policy passed with a unanimous vote.

Mr. Patterson said the Nepotism policy updates what is already in place regarding the employment of immediate family working in the same department, and the policy removed the phrase "all other individuals residing in the same household".

Commissioner Frady said he could not support family members working in the same departments since he had experienced situations where one person would become disgruntled and all the family members leave at once. Mr. Patterson read the policy to Commissioner Frady and said family members could not work in the same department unless they are assigned to separate locations or on separate shifts. Commissioner Frady replied he had read the policy and recapped it saying the employee could work in the same department but not side-by-side. Mr. Krakeel gave an example where an employee would work for the Fire Department at Station Six in Brooks on the B shift and another family member could also work for the Fire Department and assigned to Station One located at Highway 314 and Highway 279 and working the A shift.

Commissioner Frady asked if every department would be affected. Mr. Krakeel said it would affect every department, and it would limit the capability of employment for family members in certain departments like the Finance Department since it has only one location and standard operating hours. He contrasted the Finance Department to Fire and Emergency Services as long as the Fire and Emergency Services employees did not operate from the same location, work under the same level of supervision, worked in different shifts, and were based at different locations.

Commissioner Pfeifer asked if this policy would affect poll workers. Mr. Boehnke said the county does not consider poll workers to be county employees. Mr. Krakeel said the policy would apply only to full-time county employees. He gave examples of how the nepotism policy would work in the Water Department and the Sheriff's Department, stressing employees would not work side-by-side. Commissioner Frady said it was a shame relatives could not work side-by-side, but he had seen those situations before and how they resulted in problems.

Commissioner Horgan asked if this situation was already occurring. Mr. Krakeel said it was. Commissioner Horgan asked what would happen to the employees. Mr. Krakeel said the policy could not be made retroactive, meaning those employees who already work for the county could not be terminated. Commissioner Horgan asked again if there was going to be a change. Mr. Krakeel said current employees who are related are not working side-by-side.

Chairman Smith told the Commissioners his concern was similar to Commissioner Frady's. His concern was an employee could work in different locations but have the same manned structure, so if an employee was promoted to be a departmental manager, the manager could be indirectly responsible for a family member. Mr. Krakeel said the situation is currently experienced in the county. Commissioner Maxwell said he did not expect any future problems related to the issue, but was concerned about the impact on current employees. He asked if there was documentation listing where problems exist. Ms. Boehnke said a list was compiled several years ago detailing related employees, but none of the listed employees work at the same location. Commissioner Maxwell asked again if a list exists. Ms. Boehnke said a list exists but it is old. Commissioner Maxwell said he understood the policy would relate to new hires, but his concern also dealt with employee promotions. He wanted to know if related employees could never be promoted. Ms. Boehnke said related employees could not be promoted unless they were employed at different work locations.

Ms. Boehnke said the first two paragraphs of the Nepotism policy were basically seamless to the previous policy, but changes existed stating the county administrator did not have to approve nepotism issues since department heads would know the policy, and the prohibition against hiring employees residing in the same household was removed since employees may live in the same household but not be related. Mr. Krakeel clarified employees could share an apartment and not be related, while Ms. Boehnke added employees could live in a three-bedroom apartment and all three employees would share the apartment.

Chairman Smith asked if there were any unintended consequences. Mr. Krakeel asked ms. Boehnke if modifications were made to the definitions of immediate family. Ms. Boehnke replied no modifications were made from the original policy and the only item taken out of the policy was the prohibition against employees from living in the same household. Mr. Krakeel said while the prohibition had been applied to the entire county, but proved to be a particular problem for Fire and Emergency Services employees. He explained two firefighters could split rent on an apartment, and even though they are not related, they still could not be employed by the county.

Chairman Smith said the removal of the prohibition of employees living in the same household was a substantial change, and asked if there was another change. Ms. Boehnke said every time a department head wanted to hire someone who was related, the department head would have to make a formal appeal to the county administrator. She explained the policy now would define the parameters of exactly what could and could not be done. Mr. Krakeel said the policy did not allow for one decision to go one way and another decision to go another way, and it would hinder discretion on anyone's part. He emphasized decisions would either comply with the policy or they would not, and the policy would not allow for pandering or some special appeals.

Chairman Smith asked if the policy in discussion was the current plan. He was informed it was the current plan with the two changes just discussed. Mr. Krakeel informed the Commissioners of Mr. Comer's suggestion for "mother-in-law" and "sister-in-law" to be written into the policy. Commissioner Maxwell asked if "mother-in-law" and "sister-in-law" were added to the policy would Mr. Comer approve it. Mr. Krakeel said the discussion had not gone to that extent since what was under discussion included son, sister and brother. He mentioned one previous policy had carried relationships as far as "great-great-great grandfather-in law", reaching the point where it was ridiculous. Commissioner Maxwell asked if "mother-in-law should be excluded from the policy or if "mother-in-law" or "father-in-law" should be added to the policy. He acknowledged if relationships were spelled out in a policy there would be some exclusion at some level because there are reciprocal relationships. Ms. Boehnke replied reciprocal relationships were intended to be covered with the "in-law" relationship provision. Chairman Smith wanted to know for sure if addressing reciprocal relationships was the intent of the "in-law" prohibition. Mr. Krakeel said it was the intent. Chairman Smith said the policy should include "son-in-law". Mr. Krakeel said modification could be added, and wanted to clarify the Nepotism policy would apply only for full-time Fayette County employees.

Commissioner Maxwell said he was in general agreement with the Nepotism policy since he understood the problems with nepotism, but he was concerned with the raw numbers of employees who were related to each other. Ms. Boehnke said there were many related employees, but related employees did not have direct supervision, 90% of them worked in different locations, and there had been no problem. She mentioned the county administrator had approved every related employee for the past seven years. Commissioner Maxwell asked if the policy was not as strict as possible since it could prohibit relatives from employment at every level, and he was told the policy was not as strict as possible. Mr. Krakeel said the proposed policy would allow for some latitude. Ms. Boehnke said the policy was discussed at length with senior staff, but the major issue focused on the immediate supervisor situation. She clarified the supervisor/non-supervisor relationship was the problem area.

Commissioner Pfeifer said he had some questions he would reserve for later, then made a motion to approve the Nepotism policy. He was seconded by Commissioner Horgan. Chairman Smith asked if the motion was meant to include the in-law changes as outlined, and Commissioner Pfeifer said his motion included the in-law changes. Chairman Smith asked Mr. Comer if adding in-law changes were acceptable, and Mr. Comer indicated it was fine. Commissioner Pfeifer asked if his wife's sister's husband was his brother-in-law or his wife's brother-in-law. Ms. Boehnke said the person would be Commissioner Pfeifer's brother-in-law. After hearing no further discussion, Chairman Smith called for a vote on the motion to approve the Nepotism policy with the in-law additions, particularly to include "son-in-law" and "daughter-in-law" and applying it only to full-time employees.

The motion to approve the Nepotism Policy with the addition of "in-law" recommendations and with application to only full-time employees passed with a 4-1 vote with Commissioner Frady voting in opposition.

Mr. Patterson informed the Commissioners the Whistleblower policy was a new policy which enabled employees, in a non-retaliatory way, to report problems they may not believe to be acceptable or if they know of violations of State law, Federal law, county code ordinances, abuse of authority, or a waste of

public money. He explained the policy would allow the employee to go to the county attorney personally to make the report, and the county attorney would be a nonpartisan entity to investigate and recommend the type of action to take place resulting from the complaint. He reiterated the policy would allow employees to express their concerns and have them investigated fairly. He also told the Commissioners the policy would also subject the employee to disciplinary action if they reported something they knew to be false in an attempt to "smear mud" or for any other reason deemed harmful to the county. Chairman Smith asked what would be the disciplinary action. Mr. Patterson replied it would be whatever the county attorney and the county administrator would recommend based on the allegation.

Commissioner Maxwell said the county was moving from an outside attorney to an in-house attorney, since the in-house attorney's duty would be to the Board of Commissioners the attorney would be placed into an immediate conflict situation. Mr. Comer added, in his opinion, whoever the outside attorney was, the employee should go to an outside attorney instead of the in-house attorney. Commissioner Maxwell agreed but questioned how to determine who was the appropriate outside attorney to handle the case. He said if a person handpicks an attorney the person would get the desired results and the process for an independent forum would be undermined. He suggested the attorney should have no relationship at all with the county so there could be total independence, and the outside attorney should work with the expectation no further work would come from the county. He said if a whistleblower policy was going to be worth anything, it needed to be handled the way he suggested.

Chairman Smith asked if it was reasonable for the complaint to be vested with the Chief Judge of the Superior Court and allow the judge to select the attorney. Mr. Comer said it could be done. Chairman Smith wondered if the chief judge would assume the responsibility. Commissioner Horgan asked if what was proposed was for the judge to conduct the investigation. Chairman Smith envisioned the Chief Judge would receive the complaint and would appoint an attorney who would investigate the complaint. Commissioner Pfeifer said it depended on what the complaint was about. Mr. Krakeel added the attorney would be responsible for conducting the investigation and making a formal recommendation.

Commissioner Horgan asked what would give the chosen attorney the latitude to do what is required for an investigation, and wanted to know the boundaries for the chosen attorney. Commissioner Maxwell said the policy would give the attorney some direction and would allow the attorney to review any State law or waste of money. Mr. Krakeel said language could include time limitations for an investigation ensuring a complaint is investigated withing 60 to 90 days.

Commissioner Frady asked if other counties have a similar policy. Mr. Krakeel replied many governments have whistleblower policies and many do not. Commissioner Frady wondered how other whistleblower policies were enacted.

Chairman Smith said he would be more comfortable if staff reworked the policy and brought it back at a later time. Mr. Krakeel said the policy would be reworked and brought back to the Commissioners at a later date.

The consensus of the Board was to rework the policy and bring it back to the Board at a later date.

Chairman Smith announced the Board had reached the end of the agenda, but reminded them Items C and D were holding. He reminded the Commissioners the meeting had been lengthy, saying he was willing to postpone the discussion on the remaining two items until the next workshop meeting or the topics could be addressed after a short recess. Commissioner Horgan asked if they could be addressed at the next regular meeting. Chairman Smith said they could, and mentioned the regular meeting appeared to have a light agenda. Commissioner Pfeifer motioned to move Items C and D to the next regularly scheduled meeting and was seconded by Commissioner Horgan. After hearing no discussion, Chairman Smith called for a vote on the motion.

The motion to move Items C and D to the next regularly scheduled meeting passed with a unanimous vote.

Administrator's Report:

Lengthy Agenda
Mr. Krakeel thanked the Board for their indulgence for such a lengthy agenda, and explained it was lengthy because a number of issues had been building up. He said he would strive to not have such lengthy agendas in the future unless absolutely necessary.

Attorney's Report:

Refunds in Relation to State Law
Mr. Comer said he had spoken to Mr. Krakeel about advising the Board concerning refunds and the guidance State law provided. He acknowledged there had been problems related to property tax issues, and the ordeal had been long for property owners. He added the new laws soon to be enacted would make matters worse. He asked permission from the Board to return with a recommendation for streamlining the refund process and find a way to remove the Commissioners from the process to the extent the law allows. Chairman Smith asked if any Commissioner objected, but no one did.

The consensus of the Board was to allow Mr. Comer to return with a recommendation to streamline the refund process and remove the Commissioners from the process to the extent allowed by law.

Departmental Reports:

There were no departmental reports.

Executive Session:

Three Real-Estate Items and One Personnel Item

Mr. Krakeel stated he had three real-estate items and one personnel matter to discuss. Commissioner Pfeifer motioned to adjourn to an executive session to discuss three real-estate items and one personnel matter and was seconded by Commissioner Horgan. After hearing no discussion, Chairman Smith called for a vote on the motion. The motion to adjourn to an executive session to discuss three real-estate items and one personnel matter passed unanimously. The Workshop Meeting adjourned into an executive session at 6:02 and resumed back into regular session at 7:22 p.m. Chairman Smith called the Workshop Meeting back into regular session. He asked for the record to reflect three real-estate items and one personnel item were discussed in an executive session and no action was taken on any item.

Executive Session Affidavit

Commissioner Frady motioned to authorize Chairman Smith to sign the executive session affidavit stating three real-estate items and one personnel matter was discussed. Commissioner Horgan seconded the motion. After hearing no discussion, Chairman Smith called for a vote on the motion. The motion to authorize Chairman Smith to sign the executive session affidavit stating three real-estate items and one personnel matter was discussed passed with a unanimous vote. The Executive Session Affidavit, identified as “Attachment 26", follows these minutes and is made an official part hereof.

Adjournment:

Commissioner Maxwell motioned to adjourn the Workshop Meeting and was seconded by Commissioner Horgan. After hearing no discussion, Chairman Smith called for a vote on the motion.

The motion to adjourn the Workshop Meeting passed unanimously. The Workshop Meeting was adjourned at 7:23 p.m.

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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 2nd day of January, 2008.

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Floyd L. Jones, Deputy Clerk