Workshop Minutes

Board of Commissioners
October 3, 2007
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia met in Official Session on October 3, 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
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Floyd L. Jones, Deputy Clerk

Chairman Smith called the Workshop Meeting to order at 3:35 p.m., due to Commissioner Maxwell's absence. The record will reflect Commissioner Maxwell entered the proceedings at 3:46 p.m., a few minutes after Mr. Steve Vaughn began his presentation.

Acceptance of Agenda:

Commissioner Frady motioned to accept the agenda as printed and was seconded by Commissioner Horgan. Chairman Smith asked if Item C under Old Business be removed from the agenda because he it had been voted on at the last meeting, and Interim County Attorney Don Comer had informed him it would be inappropriate for the item to be on the agenda until it was advertised again. He asked Commissioner Frady if he would amend his motion to approve the agenda as printed with the exception of Item C. Commissioner Frady amended his motion and was seconded by Commissioner Horgan. After hearing no further discussion, Chairman Smith called for a vote on the motion. Chairman Smith asked for the record to reflect Commissioner Maxwell was not present for the vote. A copy of the October 3, 2007, Workshop Meeting's agenda, identified as "Attachment 1" follows these minutes and is made an official part hereof.

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

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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
Public Meeting 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
Suite 100
140 Stonewall Avenue
Fayetteville, GA 30214
Phone: (770) 460-5730 ext. 5400
Fax: (770) 460-9412

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WEB SITE
www.fayettecountyga.gov

★

E-MAIL
administration@fayettecountyga.gov

The motion to accept the agenda as printed with the exception of Item C under Old Business passed with a 4-0 unanimous vote.

Consent Agenda:

1. **Approval to reimburse a petitioner's fee paid for the filing of a rezoning petition that was not completed.** A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

2. **Approval of a budget adjustment increase for the Sheriff's Department Field Division Repair Account by $400 due to receiving a reimbursement check for damage to a patrol vehicle**. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

3. **Approval of Town of Tyrone's request to add 0.570 miles to the July 5, 2006, LARP Resurfacing Intergovernmental Agreement with the County to include Castle Hill, Whisperwood Trail and Senoia Road**. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. **Approval for Joint Funding Agreement between Fayette County Water System and the United States Geological Survey (USGS) for the operation and routine maintenance of real-time stream-gauges on Line Creek below Highway 54 near Peachtree City and on Shoal Creek at Highway 54 near Peachtree City, and approval for the Chairman to execute said document.** A copy of the request and Joint Funding Agreement, identified as "Attachment 5", follow these minutes and are made an official part hereof.

5. **Authorization for the Chairman to execute tag and title documents for a 2007 Ford for the Sheriff's Department.** A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

6. **Approval of bid award for final landscaping for Phase I of Kenwood Park to Trammell-Horton, Inc., in the amount of $65,288.** A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

7. **Approval of Minutes for Board of Commissioners Special Called Meeting held on August 20, Board of Commissioners Meeting held on August 23, Board of Commissioners Special Called Meeting of September 13, 2007, and Board of Commissioners Special Called Meeting held on September 27, 2007.**

Commissioner Horgan motioned to approve all seven items on the consent agenda and was seconded by Commissioner Pfeifer. After hearing no discussion, Chairman Smith asked for a vote on the motion.

The motion to approve all seven items on the consent agenda passed unanimously with a 4-0 unanimous vote.

Old Business:

E. Resolution supporting Clayton State University's MBA program. A copy of the request and the Resolution, identified as "Attachment 8", follow these minutes and are made an official part hereof.

Chairman Smith asked for the Board's indulgence to allow Item E to be discussed first, and for the remaining items on the agenda to follow in order. No one objected to his request, so Chairman Smith asked Mr. Kevin Dunlap to explain what Clayton State University was planning to do in Fayette County.

Kevin Dunlap told the Commissioners Clayton State University is planning to offer degree programs in Fayette County, beginning with a MBA degree for working professionals to begin in January at Aberdeen Woods Conference Center. He said Clayton State was considering offering even more classes in Fayette County as administrative and class space could be secured, and the university's goal was to eventually offer all of the benefits of a full campus with full campus life. He informed the Commissioners Clayton State was presently pursuing a center so they could offer the MBA and added a possibility existed for the university to offer bachelor degrees in fields such as applied science, psychology and integrated studies. He told the Commissioners the university was interested in targeting people who began college but never completed their degrees. He said the university also wanted to work with Fayette County High School so the students could have dual-enrollment with the possibility of graduation from high school with a year or at least a semester of college behind them. He said Clayton State University's Board of Regents was asking for support from the local community and was requesting documentation to demonstrate support for the university's initiative.

Chairman Smith replied a resolution had been drafted and read it for the Commissioners. Commissioner Frady motioned to adopt the resolution as presented and was seconded by Commissioner Horgan. After hearing no further discussion, Chairman Smith called for a vote on the motion.

The motion to approve the Resolution supporting Clayton State University's MBA program passed with a 4-0 unanimous vote.

A. Steve Vaughn of Government Employee Benefits Corporation of Georgia (GEBCorp) will present the Board with Additional Information regarding the findings of the Retirement Study Group. A copy of the request and the GEBCorp presentation, identified as "Attachment 9", follow these minutes and are made an official part hereof.

Chairman Smith asked Mr. Steve Vaughn to give his presentation. Mr. Vaughn used a PowerPoint presentation to guide the following discussion, and handed out hard copies to the Commissioners for review.

Mr. Vaughn commended the Retirement Study Committee (RSC), Mr. John Kimball, and the Commissioners for a job well done, and said in his seven years of experience the study and reports produced were among the best he had seen regarding the retirement issue. Mr. Vaughn's presentation can be divided into five sections: basic information, discussion of various Georgia counties and the conversions to different retirement plans, benefits and risks to the retirement plans, employee characteristics with comparisons between general employees and public safety employees, and the cost of a Defined Benefit (DB) plan.

Mr. Vaughn began the first part of his presentation telling the Commissioners some basing information and informing them where the RSC began with their study. He defined the Target Income Replacement Ratio (TIRR) as terminology uses to answer the question: *How will salary be replaced with other income at retirement and what ratio of salary is appropriate to be replaced?* He said answers range from 65-100% due to factors such a longer life spans, higher medical and supplemental medical costs, and rising inflation. He told the Commissioners the RSC worked on a TIRR to replace 90-100% of income at retirement with the assumption Social Security would provide 40-42% TIRR and the remaining 50-60% provided by the retirement plan. He said some of the remaining 50-60% TIRR could be made up by the county's 401(a) retirement plan and the supplemental 457 deferred compensation (DC) plan which is available to the employee as a matching basis for additional 401(a) money. He gave more examples of how the remaining 50-60% TIRR could be supplied from other funds such as payroll deductions, IRAs, and employee investment in housing, stocks, bonds and inheritance. He also mentioned the 50-60% TIRR could be met by employer and employee participation. He asked the Commissioners to remember the RSC did not look at TIRR as a single number, but as a replacement ratio for each year of service and the RSC calculated general employees to retire at age 65 and public employees to retire at age 55. He referred to page six of his presentation, and said the four risks encircled in green were risks all employers faced regardless of the type of retirement plan offered. Those risks were withdrawals, retiree spending, savings and inflation. He said the risks encircled in red were shared by the employee, employer or both depending on the retirement plan in place. He said if a DB plan was enacted, the risk would be on the employer, but if a DC plan was utilized the risk would fall on the employee.

Mr. Vaughn began to address the various retirement plans adopted by counties throughout Georgia. The focus of this discussion dealt with pages seven through nine of his presentation. He explained the counties colored dark green had DB plans administered through GEBCorp and counties colored light green had DB plans not administered by GEBCorp. He said the majority of counties with a DB plan supplemented those plans with a secondary 401(a) and a 457 DC plan to be paid by the employee alone. He said only three counties had converted from a DB plan to a DC plan since 2002 compared to five counties who converted to a DB plan from a DC plan. He added another county is going to convert to a DB plan in January, 2008. He said Rabun, Douglas, Henry, Rockdale, Walton, Jackson, Lumpkin and Cherokee Counties had converted to a DB plan for their public safety employees. He mentioned Cherokee, Walton and Effingham Counties were all using DB plans in the early 1990s, converted to DC plans in the late 1990s, and reverted to DB plans. The trend was for counties to convert to a DB plan, he explained, even though the trend was against the conventional wisdom broadcasted in the media. He added private sector employees were abandoning DB plans, but public sector or governmental employees

generally were not. He told the Commissioners Fayette County was not alone by having active discussions regarding a DB plan, stating two other counties were considering a DB plan at the same time.

Mr. Vaughn moved to his third section by emphasizing there are pros and cons to both the DB plan and the DC plan, a debate on the topic could last for hours, and both plans have their place. He explained priorities and policy preferences should be the determining factor when deciding between one retirement plan versus the other.

Mr. Vaughn next began his comparison between general employees and public safety employees. For this topic, he referred often to pages 10-18. He explained the average age and years of service for Fayette County employees were slightly higher than other counties participating in DB plans with GEBCorp, and the average employees' contribution rate to the 401(a) was significant because it indicated a good number of employees were not taking full advantage of the county's existing match. Public safety employees have an average age of 38 years, he said, compared to general employees with an average age of 45 years. He said public safety employees have an 10 years average service compared to general employees who have 8 years average service. He said the averages indicated more mid-career employees were being hired into general employee ranks than were being hired into public safety ranks, and more than 25% of general employees were over 65 years old compared to 7% of public safety employees over age 65. He informed the Commissioners 16% of public safety employees and 22% of general employees have minimum participation in the county's retirement plan, meaning those employees receive only the base 401(a) and do not contribute at all to the 457 plan. He said 44% of public safety employees and 31% of general employees take full advantage of the county's retirement plan, meaning those employees contribute 8% in the 457 DC plan. One lesson to be learned from the statistics, he added, was the biggest participation group is attained at whatever percentage is set as the maximum match for the county. If the match were lowered, he continued, the participation rate would be similar even though the participants would not save as much money. He showed 10% of public safety employees and 13% of general employees were contributing over 8% to their 457 DC plan.

Mr. Vaughn referenced page 16 saying the RSC did some projections based on a 3% salary increase per year and a 7% average return from a DC plan, and calculated all employees would retire at age 65. He asked the Commissioners to look at TIRR Models One and Two located on page five of his presentation related them to the findings on page 17. He said with TIRR Model One projecting 12% participation level and by using the employees' existing balance, it would be possible for employees to reach 90% TIRR. He compared those finding to TIRR Model Two with a 16% contribution for 40 years, before concluding it was possible to reach 100% TIRR. He compared those finding to the bar graph on page 18 where only public safety employees were calculated to retire at age 65. He explained this distinction was made because governments generally want their employees to retire at a younger age with full benefits. He said the statistics showed if public safety employees contributed 16% of their income to the current retirement plan, a little less than half would attain 90% TIRR, and if they contributed 20% of their income only 62% would retire with 90% TIRR. He added TIRR Model Two demonstrated virtually no public safety employee would retire with 100% TIRR. The reason for such dismal figures, he explained, was because public safety employees would have ten years less to save under TIRR Model Two but would have ten more years of

retirement. He concluded the numbers were not pretty for public safety employees to retire at age 55 under the county's current retirement plan.

Mr. Vaughn next spoke about the costs for various DB plans and referred often to pages 19 and 20 of his presentation. He first explained the future service DB plan with a 1% multiplier as a base-line DB plan with no other enhancements. He explained if an employee worked under this retirement plan for 30 years, the employee would draw 1% income for every year of service resulting in 30% TIRR. He said the plan would cost the county 3.7% covered payroll compared to the county's 4% current retirement expenditure. Most counties pay 4.25% covered payroll for their retirement plans, he told the Commissioners, but Fayette County would pay less since its public safety employees are younger. He mentioned if a Cost of Living Adjustment (COLA) was added to the DB plan, the cost of the DB plan would rise. Mr. Vaughn next explained the all past service DB plan with a 1% multiplier, pointing out its costs would increase only slightly since it was assumed if an employee wanted credit for past service the employee would pay for the credit at full actuarial value. He drew a distinction between a future service only DB plan and an all past service DB plan saying if an employee worked for 22 years, 20 of which were under the county's current retirement plan and two under a 1% future service only DB plan, the employee would retire with only 2% TIRR. If the same employee worked for 22 years, he explained, 20 years under the county's current retirement plan and two years under an all past service DB plan, the employee would be able to retire with 22% TIRR of his final average salary. He said if a DB plan were enacted with a 2% multiplier, the cost to covered payroll would essentially double. He said the way a 2% multiplier could be provided for essentially 8% cost of covered payroll was due to the fact there are winners and losers. The winners, he explained, are long-tenured, older employees and the losers are employees with high mobility and turnover. He illustrated his assertion with a scenario of 100 people who were all hired when 35 years old. He said the number of employees would decline until retirement age was attained. Under the DB plan, as the employees grow older, he elucidated, they would receive a proportionately higher benefit. He expanded his scenario to include employees who left their employment at age 45 but returned to collect their benefit at age 65. He said those employees could receive their benefit, but the benefit would be calculated for age 45 instead of age 65. He said the DB plan would benefit from his scenario saying turnover was a benefit since it kept the DB cost down. He gave a second scenario where 702 employees were hired at the same time and age, none ever left, and they all retired at the same time. He said the DB plan would have a very high cost under the second scenario. He mentioned, based on the statistics, turnover was taking place meaning a DB plan is a more cost efficient way to provide a retirement benefit.

Chairman Smith asked if the additional cost that would be incurred was based on the assumption the county would leave its DC plan intact. Mr. Vaughn said it did not matter if the county kept or replaced the DC plan. The county is paying an average 6.32% (rounded down to 6% for his example) for its current retirement plan, he said. He explained if the county adopted a DB with a 1% multiplier on top of its current DC plan, and if the employee did not contribute to the DB plan, the county would have to pay an additional 3.7% covered payroll with a total 9.7% covered payroll for its retirement benefits.

Chairman Smith asked, if the county changed its matching philosophy by putting money into a DB plan and did not encourage employees to use the money, and if the county could not afford a 2% multiplier DB plan

without paying more than the 6% current expenditure, would the county bear the cost of the DB plan alone or could there be a match for employee participation. Mr. Vaughn said what Chairman Smith was really talking about was changing from a DC plan to a DB plan, and the percentage of covered payroll was the cost for the plan. He said if an all past service DB plan with a 2% multiplier was enacted the cost would be 7.9% covered payroll. He said the employee could pay 2% or 4% or whatever the Commissioners decided of the 7.9% cost to covered payroll.

Commissioner Frady asked where the 6.3% contributions were coming from, and Mr. Vaughn responded it was coming from the average match employees were getting from the county. Commissioner Frady asked if all employees completely participated would the average match be 8%. Mr. Vaughn said it would. Commissioner Frady asked if every employee would come under a DB plan. Commissioner Maxwell answered all employees would at least come under a future service only plan. Mr. Vaughn told the Commissioners it was possible to allow the DB plan to be an elected plan, but if it was an elected plan all contributions to it would be post tax contributions. He said mandatory DB plans could be non-contributory in nature or if contributions were allowed they would be pretax contributions. Commissioner Frady said there were 774 Fayette County employees and 109 of those employees were not participating in the current retirement plan. He wanted to know if a DB plan was enacted would the county support only the employees who participate in the plan or if those who do not participate would also be supported. Mr Vaughn said the county would not support the 109 employees who do not participate.

Commissioner Frady said there were employees who were currently contributing 8% of their salary but receiving 16%. Mr. Vaughn said Commissioner Frady was correct since employees were able to keep the 8% contribution they made plus receive an additional 8% county match. Based on the information, Commissioner Frady said the current retirement plan sounded pretty good. Mr. Kimball said the key idea to grasp is the county current retirement plan total is 12.92%, and the total was divided with 6.32% contributed by the employees and 6.6% contributed by the county. He said the figures show the county is paying 2.6% more than the minimum 4% the county could contribute. He concluded if a person looked at the 12.92% current county cost and compared it to an all past service DB plan with a 2% multiplier which costs 9.55% covered payroll, then certain questions would arise and would need to be answered.

A DC plan is more inefficient for a retirement plan, Mr. Vaughn continued, but its strength was it gave the employees more flexibility with their money. He informed the Commissioners close to half of all employees who leave employment with a DC plan spend their money effectively becoming a termination bonus instead of a retirement plan. Chairman Smith said it sounded like a DC plan encouraged turnover since the employee could take the money and do what they want. Mr. Vaughn clarified he was not trying to say a DC plan encouraged turnover, but was only saying vested employees could take their money from the DC plan. He maintained employees generally do not leave employment in order to pull money from their C plan, and those who leave for that reason are really the fringe element.

One of the biggest arguments the Commissioners were hearing against a DB plan was if a DB plan was adopted it would bankrupt the county, Chairman Smith said. He asked Mr. Vaughn what counties with DB plans were bankrupt or on the verge of bankruptcy. Mr. Vaughn said no county with a DB plan was

bankrupt or on the verge of bankruptcy before adding the average cost for the ACCG program for an employer was about 11%. Chairman Smith asked if the 11% was government funded or did it include employee matching. Mr. Vaughn replied the 11% was total funding including employee matching. He said 25% of the DB plans had employee matching and 75% did not. He said counties with a DB plan with a 1.5% or higher multiplier usually have employee contributions, and those counties with a DB plan under a 1.5% multiplier do not require employee contributions. Commissioner Frady wanted to know what participation rates were under discussion, and Mr. Vaughn clarified employee contributions as a percentage of payrolls were being discussed. Commissioner Frady asked if the percentage under discussion was the amount the employee would enter into a DB plan, and Mr. Vaughn said it was.

Commissioner Frady wanted to know what was the advantage of adopting a DB plan. Mr. Vaughn said a DB plan was the most efficient way to create and have a high probability of attaining a certain TIRR. Mr. Vaughn linked the answer to explain why counties were converting to a DB plan saying there were two main reasons for converting. The first reason he gave was counties were concerned their employees would retire in place. He reminded the Commissioners of the many physically demanding jobs in the county, and if an employee retired in place the desire to work would diminish, productivity levels would decline, and the county could incur higher health care costs, higher worker's compensation costs, and higher liability costs. The second reason he gave was based on the fact counties viewed themselves as long-term employers with a long-term interest. He maintained the DB plans addressed those two reasons by promoting the government's long-term interests enabling the county to have an adequate amount of retirement, and the plan provided an effective method for transitioning employees out of the workforce resulting in higher employee productivity.

Commissioner Frady said information given in the CREF study revealed neither a DB plan or a DC plan would affect how long employees would work. After asking, Mr. Vaughn was informed the CREF study was about designing a public pension plan and concluded the people at TIAA-CREF must not have discovered any discernable difference regarding the length of employment.

Commissioner Frady said the county's current retirement plan ensured an employee if they contributed 8% they would receive 16%. He wondered where a person could go to get similar results, before concluding the county's current plan was hard to beat. He said the employees who were not participating needed to be encouraged to participate. Commissioner Frady mentioned the information presented about public safety employees did not reflect what he was being told. He said he was told public safety had higher turnover compared to general employees, but the findings in the presentation suggested differently. Mr. Vaughn said the average turnover rate may be deceptive due to the "barbell effect", meaning a large number of short-term employees made up one "barbell" and the other "barbell" consisted of mid-to-long term employees. Chairman Smith asked Sheriff Randall Johnson is Mr. Vaughn's speculation sounded accurate, and the Sheriff indicated it did.

Chairman Smith said it appeared three counties converted from a DB plan to a DC plan and 11 counties converted from a DC plan to a DB plan. He wanted to know what motivated those counties to migrate to the various plans.

Mr. Vaughn answered the question by speaking about the three counties with DC plans and followed by speaking about the 11 counties with DB plans. He said Chattahoochee, Gwinnett and Dawson Counties had converted from a DB plan to a DC plan. Chattahoochee County had a post-tax elective CB plan with a 1% multiplier and the employees were required to contribute 5% to the plan, he explained. He said since the plan was basically an employee funded retirement plan, the employees wanted to own it and control it, so they converted the plan from a DB plan to a DC plan. Gwinnett County had a classic case of what he termed "benefit creep". Gwinnett County's "benefit creep" began, he explained, when the county adopted a DB plan in the late 1980s or early 1990s, raised the benefit in 1994, raised it again in 2000, and raised it once again in 2004. He said the "benefit creep" caused the DB plan to grow from a cost of 10% to 20%. He explained, as a result of "benefit creep", Gwinnett County's staff looked at the trends and did not like what they saw, not to mention the $300,000,000 unfunded liability the incurred for post-retirement medical care the county also provided. He said, based on those figures, Gwinnett County converted to a DC plan in order to cut their costs over time, but added the DB plan was not frozen out completely although it was closed to new Gwinnett County employees. Dawson County's DB plan was costing the county 6.7% covered payroll, but they were concerned the costs were getting out of hand. Dawson County told their employees they would not receive anything if they did not contribute, but if they contributed 4% to their 457 plan they would receive 4%. He added an analysis of Dawson County's plan was conducted and if their employees are presuming the county's retirement plan will take care of them there will be some problems in the long-term from a professional standpoint. He said Dawson County's plan will not be sufficient and its employees will need to have something else for decent income replacement.

Mr. Vaughn said three or four counties originally had a DB plans but converted to DC plans in the late 1990s when everyone wanted their own accounts because of the 25% margin. He said they reverted back to a DB plan because they did not believe they could continue to provide adequate benefits under a DC plan, but the new DB plans were adopted were downsized from the original plan and required employee contributions. He said Cherokee County was one of the counties he had just described. Next, he spoke about Jackson County and how they adopted an all past service DB plan for their public safety employees while keeping their general employees under a DC plan. He said Rockdale and Douglas Counties had DC plans for a long time, but 10 or 15 years ago they realized their retirement plans were inadequate to replace income even if the employees contributed their fair share. Mr. Vaughn added the biggest entities trying to enact DB plans were public safety employees. He also clarified all of the counties that converted from a DC plan adopted a modest or non-contributory DB plan or one which was fairly significant and contributory. Retiring in place, he reiterated, was also a driving factor for counties to adopt a DB plan.

Commissioner Frady said he understood if an employee worked at the county for 20 years and received 1% credit for each year of service under a DB plan, and if the employee made $40,000 at retirement, the employee would have an annual $8,000 retirement. He wanted to know if the retirement was based on any contribution made by the employee or only on county contributions. Mr. Vaughn said Commissioner Frady was talking about a DB plan, its cost could be divided, and the division would be a policy issue to be decided by the Commissioners.

Commissioner Frady mentioned he had asked for comparative projections showing an employee working for the county for five years under a DC plan and its projected outcome compared to the same employee working for the same time under a DB plan and its projected outcome, but those projections had not yet been supplied to him. He said those who wanted to participate in the plan certainly should be able to participate. Mr. Vaughn said participation could be required by the Board, and Chairman Smith added participation should be required.

Chairman Smith noted the State Auditor's Office had recorded all of the DB plans in the State along with all of the plans' percentage funding ratios. He noticed the ratios varied based on whether or not the plans were funded, and understood if everyone retired at the same time the DB plan would have to be totally funded. He asked Mr. Vaughn what was a reasonable percentage of funding the county should not go below, and when should panic ensue because the plan is grossly underfunded. Mr. Vaughn said the answer was relative depending on the State in question, but added if a county has a retirement plan it is required to fund the retirement plan. Unfunded liabilities can come from a number of sources, he explained before giving examples such as of providing an all past service plan without requiring employees to pay for it, bad investments, lower than expected turnover, and higher than expected salary increases. He said alarms should sound when funding is around 40%. He gave an example where the county could sign a contract enacting an all past service DB plan on January, 2008, fund the plan without accepting employees' contributions, and thereby create a $22,000,000 or $24,000,000 unfunded liability. He said on January 1, 2008, the county would have $22,000,000 in unfunded liabilities, but would have no assets and a zero percent money ratio. He said the county would still have the right, by law and practice, to amortize plan changes at 20 year amortization and amortize new plans at 30 year amortization. He explained his scenario was similar to a person taking a second mortgage on a home creating an unfunded liability, but if payments are made when they are due, the person is in complete compliance. He added other states such as Illinois and New Jersey use different funding methodologies, but Georgia is a conservative state and requires its counties to use one of several actuarial methods. To his knowledge, he added, no county had missed its required contribution payment.

Chairman Smith stated, regardless of the type of plan, he had a couple of problems when talking about retirement plans. He said his first problem was if it was assumed the county was offering a retirement plan so an employee who has worked for the county for a long time has a reasonable ability to retire it was clear the county was failing miserably since the employees would not be able to enjoy anything close to a reasonable retirement based on their returns. He said it was a problem to be corrected, but while the DB plan seemed to address the problem there were risks associated with the DB plan. He asked for the risks and how those risks could be managed in order to make them acceptable. Mr. Vaughn said there were three or four risks, the biggest being "Board Risk" when three of five hands go up, give a benefit, and create an unfunded liability the moment the benefit is approved. Chairman Smith asked Mr. Vaughn to draw from his experience and answer if "Board Risk" was the biggest risk involved. Mr. Vaughn said it was the biggest risk without a doubt. Mr. Vaughn said the next risk, and it is the risk always brought up, is "Market Risk". He said DB plans began in 1990 through a diversified-asset management program which was previously an insurance program. He said after the diversified-asset management program morphed from the insurance company program, professional money-managers were hired, and the program

diversified into small-cap, large-cap and international funds. He informed the Commissioners since 1990 until the present time, including the down years of 2001 and 2002, the average return for the program has been around 9.01%, but since actuaries project an average return of 8% annually for evaluation purposes the average returns are 1% higher on average. He said the biggest risk comes when an employer has been with a DB plan for 30 or 40 years and is very asset heavy in the plan when the down years come and last for about three years, similar to what occurred in 2001 and 2002. The said the difference between the projected rate of 8% a year for three years and the actual accumulative rate was 32%. He said those figures would immediately cost those who are asset heavy between 1.5% and 2% for a 15 year period, but since the cost is a fixed cost it could be spread out for 15 years. He emphasized his scenario was the biggest risk in terms of investment risks. He mentioned the years 2001 and 2002 were the worst to occur since the mid-1940s, and they were even bigger than the 1970s downturn.

Chairman Smith asked if he understood the actuarial projections were based on 7%. Mr. Vaughn answered the DC replacements took every individual with their existing account and existing contribution rate, projected it with a 3% annual salary increase, and gave a 7% annual return until retirement. He said those figures were used by the RSC to determine the adequacy and inadequacy of the retirement plan based on income replacement ratios. The RSC, he explained, projected professionals would make 8% in a balanced diversified portfolio for each DB plan, so it thought 7% would be gracious to anyone who had a 401(a) or a 457 plan. He added 7% was a standard return.

Commissioner Frady asked if the retirement plan discussion influenced any other benefits such as medical benefits. Mr. Vaughn said it did not affect any other benefit. Commissioner Frady asked if there could be bridging, and was told bridging was possible should the Commissioners decide to do so.

Commissioner Frady asked Mr. Vaughn to comment on why General Motors was departing from their pension plan. Mr. Vaughn said there were fundamental differences between public sector pension plans and private sector pension plans since different laws, rules and regulations were involved. He said all of the regulations meant to protect the Pension Guarantee Benefit Corporation (PBGC) were imposed on the private sector, influenced how they valued, and resulted in a very dramatic and negative impact on the volatility of their financial statements. He expanded his comment explaining Verizon Wireless is an example of a healthy company and it had a very healthy DB plan, but since they were a private company, the fluctuation they saw on their balance sheets were more than they cared for, so they dropped their DB plan. He explained the airline and steel industries are facing bankruptcy and so they are winding up their pension plans, and they are different from Verizon Wireless or General Motors. He informed the Commissioners the *Wall Street Journal* compared regular employee pension plans to executive deferment plans, and reported executive deferment plans were the fastest growing of the two plans along with the underfunding of those plans. What he found interesting was the report did not receive much media attention even though it said regular employee plans were the healthiest and had little or no underfunding. He maintained DB plans are still a liability for the private sector, and since their liability is coupled with numerous regulations in the pension plan, the private sector companies are compelled to leave the DB plan. Commissioner Frady pointed out private sector corporations would have the ability to write off their pension plan on their taxes, but Chairman Smith said manipulating tax laws got the corporations into

trouble. He explained corporations were able to write their pension plans off their taxes but did not have to fund those pension plans resulting in generous benefits with huge unfunded liabilities and two huge problems. The first problem evolved, he continued, when the Pension Act was established and the IRS said corporate liabilities could not be deducted from taxes until the corporations funded their retirement plans. He said the second problem exacerbated the first problem when corporations, which previously did not have to record their unfunded liabilities on their financial statements, were required to record their unfunded liabilities. He stated the problem could not be repeated since funding rules and regulations require benefits to be funded if promised. Commissioner Frady said SunTrust Bank had announced several months ago they were stopping their pension plan but would retain their 401(k) before he asked if SunTrust had a good plan. Mr. Vaughn reminded Commissioner Frady there was a basic divergence between the private sector and the public sector and the latest figures showed 20% of private sector employers are keeping DB plans compared to 90-95% public sector employers who maintain a DB plan.

Chairman Smith said the CREF study implied a hybrid plan was the "coming thing" and many entities are either converting to or setting up hybrid plans, but he noticed the GEBCorp presentation did not appear to recommend them. He wondered why? Mr. Vaughn explained if the goal was to meet the TIRR then a pure DB plan would be the most efficient retirement plan. He informed the Commissioners there were six to eight counties with hybrid plans meaning they have a DB plan with a matching 401(a). He conceded hybrid plans have some value but reiterated they lose their efficiency to meet the TIRR. He explained counties with hybrid plans had adopted their plans out of fear of jumping into a DB plan with a 2% or 2.5% multiplier, and they were hesitant to place all of their eggs into one retirement package. He said the answer for their fear was to adopt a base benefit and then add a matching 401(a) to encourage employees to contribute. He encouraged counties with hybrid plans to make the DB base-plan non-contributory with the total cost paid by the county, just as Fayette County does with its current plan. He mentioned there are several reasons counties were favoring hybrid plans. The first reason, he said, was if the county did offer a DB plan with a 1% multiplier, and if an employee contributed nothing to the retirement plan, the employee could retire after 30 years service with 30% TIRR which would be bolstered by 40% Social Security. The second reason hybrid plans were finding favor, he added, was they offered a high enough retirement incentive to keep employees from retiring in place. A third reason hybrid plans found favor is they are cost sharing plans so if the employee wanted a better retirement they would have to pay for it, he said before concluding the fourth reason hybrids were favored is they allow for more bridging. He said there were many options a county could utilize with a hybrid plan, but maintained hybrid plans were not the most effective way to achieve TIRR.

Chairman Smith asked if it was possible for the county to make enough changes to the DC plan to get it close to what was provided in a DB plan. Mr. Vaughn said it was possible to do, but it would require the investment return to look more like a DB plan, and would tell employees they could not longer manage their money. He said the county could provide a full benefit guaranteeing an employee who did not attain to a base-level after 20 years would be raised by the county to the base-level. He said a provision could be installed into the retirement plan guaranteeing if an employee remained with the county for ten years, the county would ensure they would have a 7% return, but if the employee left the before ten years service the employee would have no guarantee. He maintained a DC plan could be modified to look like a DB plan

but small, incremental steps would have to be taken due in part to the current culture. He explained if the county took away the employees' investments the employees would say they have a right to their investments making changes to a DC plan very slow. He said Hall County is seriously looking at boosting their contributions and limiting investments to roughly five asset allocations. He said Fayette County's total contribution for a retirement plan is 12%, but 16% would have to be contributed in order to reach the TIRR so the Commissioners would have to decide if it is reasonable to for the county and the employees to pay 16% to meet the TIRR when the same goal could be reached for 12%.

Chairman Smith thanked Mr. Vaughn for his presentation for his efforts with the RSC, noting the tremendous amount of work, information, and benefit he brought to the RSC. He thought the Commissioners would not have not progressed as quickly as they did without his input and thanked GEBCorp for their work. He said GEBCorp's work was a significant contribution to the county, and if the county had to pay for the information, the cost would have been substantial. On behalf of the county, he thanked Mr. Vaughn and GEBCorp for their contribution.

Chairman Smith told the Commissioners the RSC and GEBCorp had answered the question presented to them by saying a DB plan was feasible and preferable since it allows employees to retire with full benefits and has a lower contribution rate than the current retirement plan. He said the Commissioners needed to decide if they were interested in taking the next step in the DB process by determining what retirement plan would be best for the county and determining what options would flesh out the plan. Commissioner Frady replied he did not mind looking at the plan and he did not favor one retirement plan over the other. He said he could not support a plan which appears to lead to brick wall down the road, as seemed to be the case with DB plans, but maintained he would look at the DB plan. He also said he could not support a plan where employees would not contribute. Chairman Smith replied the RSC had recommended employee participation, and so he was in agreement with Commissioner Frady. He thought employee contribution was reasonable because most employees already are participating. He said the Commissioners would have to determine what the retirement plan looked like, but if the plan included employee contributions he would have no problem with it.

Commissioner Frady wanted to know how long the county had allowed contributions to the 401(a) and 457 DC plan. Interim County Administrator Jack Krakeel said the county began matching contributions to the 457 DC plan in either 1994 or 1995, and the 401(a) existed in the 1970s. Executive Assistant Carol Chandler said the 401(a) plan was improved about ten years ago. Commissioner Frady preferred to enhance the existing program, but conceded he did not know how many employees would be willing to pay money into the retirement plan.

Mr. Krakeel reminded the Commissioners if they were interested in a future service only DB plan then employees' participation would not be optional and would be similar to the employees' health care insurance where employees' contributions are established. He said if the Commissioners were interested in an all past service DB plan, the employees would have the liberty to elect whether or not they wanted past service since no one could force an employee use their 401(a) or 457 DC plan to purchase prior years of service.

Chairman Smith said there was a process the Commissioners would need to go through and the next step would be isolating policies, such as whether or not an employee should be given the ability to purchase past history or if the plan should be participatory, before a plan could be designed. He said once a plan is designed, its cost and practice would be known. He asked Mr. Vaughn if there was a decision tree in place. Mr. Vaughn said there was a hierarchy to the decision process and the first question to answer is if there is interest in a DB plan. He said if there is interest, the next question should be if the plan is to be a future only DB plan or an all past service DB plan. He said if the plan would be a future service only DB plan the next decision would be who pays for the plan and if or how the cost is shared by the employer and the employees. He said the precise decision would not have to be made during the decision process since flexibility could be built into the decisions.

Commissioner Frady asked if Mr. Vaughn had mentioned the employees should contribute 75% mentioning the employees were already paying 8% and getting 16% in return. Mr. Vaughn reiterated payment for an all past service DB plan was different because there was actuarial costs associated with everybody's individual past service, and one question to answer was how to fund the liability. He explained if the county funded the liability with no employee contribution the county could incur $22,000,000 to $24,000,000 in debt, but stressed the county could allow the employees to pay for their past service credit.

Commissioner Frady asked if it was possible for the Commissioners to tell employees who are not contributing to current plan they have to contribute to the DB plan. Chairman Smith said they could make employees contributions mandatory if they wanted. Commissioner Frady retorted mandatory participation to a retirement plan would lead to a bigger turnover and he did not want to make people do what they did not want to do, but maintained he thought employee participation was good.

Chairman Smith asked if there was any interest in a DB plan and if Mr. Vaughn should be asked to put together a hierarchy tree to help the Commissioners determine what the DB plan would look like. Commissioner Maxwell said he did not know how anyone could vote against studying something and thought the Commissioners had interest in the plan. Commissioner Frady maintained he did not mind studying the plan while emphasizing he would not force anyone to join a retirement plan. Commissioner Horgan suggested an employee survey should take place to gauge interests and desires. Commissioner Frady agreed since he would not tell 150 to 200 employees to join a retirement plan and terminate them if they do not join. Mr. Krakeel reminded the Commissioners if they wanted employees contributions to be pretax the DB plan would have to be mandatory, but if employees could elect to participate their contributions would be post-tax. Commissioner Maxwell suggested Commissioner Frady's concerns could be solved since employees who would leave due to mandatory requirement contributions were the same employees who are not contributing to the current plan. He said he would be surprised if there was not huge employee participation.

Mr. Krakeel said the Board needed to be careful since two fundamental issues were in play. The first issue, he explained, was if the county required total participation as a policy issue the pretax equation would exist. The second issue was if the county made participation on a future service only plan electable

the contributions made would be post-tax contributions and would result in a substantial difference in terms of dollars allocated to the plan. Chairman Smith said the Board was not at that point, but rather needed to determine if they were interested in a DB plan so Mr. Vaughn could comprise a list of policy issues for discussion and clarification. Commissioner Frady asked if Mr. Krakeel said contributions under a mandatory DB plan were tax deferrable, and Mr. Krakeel replied he did not say contributions were tax deferrable. Mr. Vaughn said if the Commissioners enacted electable employees' contributions to a 401(a) those contributions would be taxable since the contributions would be placed in the 457 plan.

Commissioner Maxwell said one issue was very clear which was if the DB plan created an unfunded liability there was no need to consider it. He wanted the DB plan to have employees contributions tied to it, said a decision on what multiplier they wanted would have to be made, and mentioned discussion should take place to decide if a separate category should exist for public safety employees. Commissioner Pfeifer said the county already has no unfunded liability and already requires employee contributions. He asked when, if a DB plan replaces a DC plan, would the money's ownership transfer from the employees to the plan. Mr. Vaughn said under the current plan the money employees contribute to the 457 plan was the employees money the moment they make the contribution. He said the money's ownership would switch based on the policy parameters in regard to vesting. He said under the typical ACCG plan, and employee who worked five years would be 100% vested, but if the employee worked one day less than five years the employee would have no vesting. He said some jurisdictions stagger their vesting so an employee who works two years has 25% vesting, has 50% vesting after three years, 75% vesting after four years and completely vested after five years. He said he knew of a plan with a seven-year vesting period and said it was possible since government plans were not subject to Employee Retirement Income Security Act (ERISA). Chairman Smith informed the Commissioners vesting was basically designed for employee retainage, and explained if an employer is trying to stop employees from leaving, vesting is the proverbial carrot enticing them to stay with the employer. He explained, based on statistics, if employees stay with an employer for five years or more, the turnover rate for those employees is not very rapid.

Commissioner Horgan expressed interest in a DB plan but added an employee survey should take place. Commissioner Frady agreed with Commissioner Horgan. Chairman Smith asked all the Commissioners if that is what they wanted, and they all acknowledged it was. Chairman Smith asked Mr. Vaughn to compile the information needed so the Commissioners could address some specific policy issues in relation to a DB plan. Mr. Vaughn said he would be glad to compile the information. Chairman Smith thanked Mr. Vaughn and said Mr. Krakeel would be glad to assist. Mr. Vaughn said he would run a couple of drafts by Mr. Krakeel to ensure the policy issues were addressed. Chairman Smith told Mr. Vaughn he was welcome to stay for the remainder of the Workshop Meeting, but was also free to leave if he wanted. Mr. Vaughn thanked the Commissioners and left the meeting.

The consensus of the Board was to have Mr. Steve Vaughn compile specific policy issues for consideration and for an employee survey to take place.

B. Consideration of the proposed amendments to the Fayette County Zoning Ordinance regarding Article III. Definitions (Cabana, Covered Pool or Covered Deck, detached; and Swimming Pool Screened Enclosure); Article V. General Provisions, Sections 5-10. Accessory uses and structures; and Section 5-11. Guest Houses as presented by the Planning and Zoning Department. The Planning Commission instructed staff to forward the proposed amendments to the Board of Commissioners Workshop schedules for October 3, 2007. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

Mr. Dennis Dutton said he would like to address each of the proposed amendments beginning with Article 5-10, found on page two and described it as a housekeeping change only. He stated Article 5-10.B.4 regarding pumps and well houses was removed (resulting in revisions and amendments to the numbering system) and was added to Article 5-10.B.2. He said Article 5-10.B.5 dealt with private swimming pools but now had three more items added to it: pool deck, pool equipment, and screen enclosure. He explained four more accessory uses and structures were added to Article 5, staring in sequence from Article 5-10.B.9 to Article 5.10.B.12 and included in respective order: Cabanas, Storage Buildings, Detached Carports, and Detached Covered Patios and Decks. He explained cabanas, storage buildings, and detached carports already had definitions in the ordinance, but had not previously been listed. He mentioned, in order to simplify the ordinance, those three items were given their own special listings. He implied detached-covered patios and decks were not previously defined in the ordinance and were only recently added.

Commissioner Frady said the proposals were a start. He said the original ordinance began with two 900 square feet building which could not be attached, and he was concerned about it. He praised the Planning Commission's work and said he was in favor of all the proposals save one which he would address later.

Mr. Dutton said Article 5-10.C had some redundancy regarding the square footage of removed detached garages, and Article 5-10.D.2 clarified the definition of a front yard especially in relation to accessory structures for single-family and double-frontage lots. He said the ordinance already addressed detached garages by requiring garages could be no further than 35 feet from the principal structure and needed to be attached by a breezeway. He said the Planning Commission proposed adding raised decks and pergolas to the ordinance as an option to the breezeway and those proposals would also work to maintain the appearance of connectivity between the principal structure and the detached garage. He stressed only detached garages were being discussed at this point, since only detached garages were allowed to be built in the front yard while all other detached structures had to be built to the side or rear of the principal structure. He said the proposed amendments would also add architectural standards to comply with the principal structure.

Commissioner Frady preferred to have the distance between the principal structure and the garage to be no more than 35 feet, but also preferred the breezeway to be optional since it added nothing to the detached garage or the principal structure. Chairman Smith wanted to know why a breezeway was required. Mr. Pete Frisina said the purpose of a breezeway was to enable a special allowance for having a detached garage in the front yard, and stated the front yard is established by the front building line to the street. Chairman Smith asked if a detached garage was built to the side of the principal structure would it

require a breezeway. Mr. Frisina said no breezeway was required if the detached garage was built to the side or rear of the principal structure. Commissioner Frady, referring to page three, wanted to know what was meant about half of the garage being built in front of the building line and half build to the side of it. Mr. Frisina said the Planning Commission wanted some limitation on how far the garage could be in front of the principal structure, and since they did not want a detached garage built directly in front of the primary structure, a provision ensured the detached garage could only go so far in front of the principal structure. Commissioner Frady asked if there was a difference between a building line and a house line. Mr. Frisina answered the front line of the primary structure established the front yard and maintained if a detached garage was built in front of the primary structure, it would nee to be attached by a breezeway to give the appearance of connectivity.

Commissioner Horgan asked if there was a regulation on how far in front of the house the detached garage could be built. Mr. Frisina said no more than 50% of the garage could be built in the front yard of the principal structure. Commissioner Horgan asked if the setbacks still had to be maintained when the garage was built. Mr. Frisina said the setbacks would still need to be maintained, but said the bigger question was "why the attachment?" He said the attachment would go in the front yard to make the garage appear as part of the principal structure. He mentioned when the ordinance was first adopted, the breezeway was the best available option to have an open-aired structure and maintain the appearance of connectivity between the principal structure and the detached garage. Chairman Smith asked if the ordinance applied if the principal structure had a double front yard. Mr. Frisina said as long as the detached garage was going to be built in the front of either yard it would have to be attached by a breezeway. Chairman Smith asked why an attachment should be built if the detached garage was built on the front yard not directly in front of the principal structure. Mr. Frisina said the secondary front yard could be located next to someone else's front yard so the ordinance required an attachment in order to keep the detached garage in range of the principal structure. He said the Planning Commission had attempted to address this issue by defining primary and secondary front yards, and the full effect of the ordinance would apply to primary front yards since secondary front yards could actually be at the side of the primary structure depending on the orientation of the primary structure and its front door. The Planning Commission, he added, tried to ensure the ordinance was workable for those types of situations. Mr. Dutton defined the primary front yard as the yard with a front door entrance into the primary structure, and said the Planning Commission feared someone would block their front door with a detached garage which would not be appealing. He said the secondary front yard would be a street-side yard without a front door or the appearance of an entry into the principal structure. He concluded the 50% regulation applied only to the primary front yard and the detached building could not be more than 50% in front of the primary structure. Chairman Smith asked again why a detached garage built on the secondary front yard required a breezeway. Mr. Dutton said a breezeway was required since the secondary front-yard was still street-side.

Chairman Smith asked why the breezeway, pergola or raised deck only had to appear to be attached. Mr. Frisina said one problem the Planning Commission had was involving the building department since the building department was maintaining more regulations and engineering requirements were needed if actually connectivity was required. He explained the proposed amendment would allow the breezeway to

be freestanding as long as the separation is six inches or less which would give the appearance of connectivity. Chairman Smith wanted to play devil's advocate for a while, and gave a scenario where he built a raised deck between his principal structure and the detached garage and planted boxwood shrubbery in front of the raised deck. He said the boxwood shrubbery grew together and obscured the view of the raised deck from the street. Based on the scenario, he asked why he would need a raised deck at all. Mr. Frisina said the raised deck was needed since there was no guarantee shrubbery would be planted. Ms. Robyn Wilson said the question to answer was if someone could be permitted to put a swimming pool in their front yard since a swimming pool is also an accessory. She said a distinction was being made between a detached garage and a regular accessory structure such as a tennis court or a swimming pool, and the ordinance would give some semblance of connectivity to the primary structure. Chairman Smith said he could give a semblance of connectivity with landscaping. Mr. Frisina said landscaping may or may not last but structures have greater longevity. Ms. Wilson asked the Chairman if he preferred to have swimming pool with only landscaping around it. Chairman Smith said there were regulations in place regulating swimming pools, so he was failing to make the same connection Ms. Wilson was making between a detached garage and a swimming pool. Ms. Wilson explained both pools and detached garages are considered accessories and have the same requirements except detached garages could be built in front yards. Mr. Frisina said the Planning Commission was hanging onto the concept of providing a connection, but with raised decks and pergolas given as options to the breezeway, the appearance of connectivity is easier than the appearance provided by a breezeway. He also reminded the Commissioners the options were only recommendations by the Planning Commission and would only be official if the Board chose to adopt them. He said the Board would have to give direction to the Planning Commission on how to proceed. Commissioner Frady said he wanted connectivity to be optional and property owners should be able to do what they want.

Chairman Smith noted a new insertion to the ordinance stating a detached garage cannot exceed over 50% of the principal structure's width that faces the street. Mr. Dutton said if the width of the primary structure is only 50 feet, the structure would not be able to be larger than 30 feet. Chairman Smith understood the detached garage could be offset in front of the principal structure but could not be built directly in front of it. Commissioner Horgan asked about the regulation stating no more than 50% of the footprint of the detached garage may be located beyond the front building line of the principal structure. Mr. Frisina explained a building line is drawn from the front of the house across the entire front yard and ends at the street. He said, based on how the building line is drawn, the detached garage could not be built in front of the building line. Commissioner Horgan asked if only 50% of the detached garage could be built in front of the building line as long as it was detached. Mr. Dutton said Commissioner Horgan was correct but added the detached garage had to have some type of attachment between it and the principal structure. Chairman Smith quipped the detached garage had to only appear to be attached even though the walkway could not be seen since it was covered by shrubbery. Ms. Wilson agreed shrubbery would be sufficient until it died. Mr. Frisina informed the Commissioners connectivity was a major controversy with the Planning Commission since some did not want connectivity and others were complying with the ordinance for the past 27 years.

Commissioner Horgan asked at what point a detached garage would not require an attachment if it was built at the side of the primary structure. No attachment was required, Mr. Frisina said, if the detached garage was behind the front building line. Commissioner Horgan asked for clarity if they said no attachment was required if the front of the detached garage was built behind the primary structure. Ms. Wilson said the back building line was the front yard. Commissioner Horgan asked again if he built his detached garage behind the building line if it would need an attachment. Ms. Wilson said if the detached garage was built behind the building line it would not require an attachment. Commissioner Horgan said the result would be people would build their detached garages one foot behind the building line to avoid being any connector.

Chairman Smith said there was a proposal stating the design of the detached garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to roofline pitch, roof facade, facade, residential windows, and residential doors. He questioned the word "facade" and wanted to know how it was defined. He wanted to know if the principal structure was made of brick would the detached garage also need to be made of brick. Mr. Frisina said that was the Planning Commission's intent. Chairman Smith asked if it was a change from what was previously on the ordinance. Mr. Frisina said it was. Chairman Smith asked if there was a way to get away from making the detached garage an exact match. Mr. Dutton said the detached garage would have to be an exact match. Commissioner Horgan asked if the requirement applied if the detached garage was built behind the building line and did not need any connector. Mr. Frisina said even though the detached garage may not need a connector, it would still need to match the facade of the principal structure.

Chairman Smith said he wanted to discuss Article 5-10.E and compare sub-points (a) and (b). He admitted his uncertainty if he was reading points (a) and (b) correctly but he did not like what he was reading. He understood point (a) to mean a person could have two accessory structures not to exceed 900 square feet, totaling a potential maximum of 1,800 square feet. He juxtaposed point (a) to point (b) which he understood to mean a person could have one accessory structure with 900 square feet maximum, and another structure not to exceed 700 square feet unless it is combined with a guesthouse, and if there is a combination of guesthouse-accessory structure it could not exceed 1,200 square feet, meaning sub-point (b) allows 2,100 square feet of accessory structures, and asked if his understanding was correct. Mr. Frisina said the ordinance allowed for that understanding. Chairman Smith wanted to know why he would be limited to 1,800 square feet of accessory structures, but if he added a guesthouse he would be allowed 2,100 square feet maximum. Mr. Frisina said a provision was made to allow for guesthouses since only detached garages and cabanas were the only two structures permitted to be added to guesthouses. Commissioner Frady said he thought the conversation was about 1,800 square feet. Mr. Frisina told Commissioner Frady he was speaking about a third option, and informed the Commissioners there were now three options in place where previously there were only two options He told the Commissioners the previous ordinance said a person could have two 900 square feet accessory buildings generally considered utility buildings. Mr. Frisina said the second option was for a person to have one utility building plus a guesthouse with additional square footage allowed if the guesthouse was attached to a cabana or detached garage. Commissioner Frady wanted to know if there was consideration to remove the second option. Mr. Frisina said removal of the second option was not under consideration and recommended to

keep it. Mr. Dutton said if the second option were removed, many people would be brought into a status of non-conformity. Mr. Frisina explained the third option was a person could have one accessory structure larger than 900 square feet. Chairman Smith asked if a person taking the third option was limited to one building because they would cross the threshold of 900 square feet. Mr. Frisina said the person was limited to only one accessory building if they crossed the 1,200 square feet threshold. He explained once a person crossed the 1,200 square feet threshold, the person would be permitted to have one building no larger than 1,800 square feet assuming 700 square feet of accessory structure could be allowed for a heated guesthouse. He mentioned a caveat to the ordinance required no accessory structure could be constructed if it is larger than the principal structure.

Chairman Smith wanted to discuss temporary access storage found in Article 5-10.G. He asked if there should be some limit to the size of the pods, or there was a practical limit to them. Mr. Frisina said pods range from metal storage containers to canvas-covered structures placed on driveways, but since they are temporary structures, they are not dealt with in depth. He said two pods are permitted since houses in Fayette County are growing bigger and bigger and may not be sufficient to hold furniture or other large items if a family was working in their basement or trying to rehabilitate their house.

Chairman Smith next wanted to discuss cabanas as addressed by Article 5-10.K and wanted to know why the rear wall must be fully enclosed. Mr. Frisina said the ordinance for cabanas was written in the past and required cabanas to have at least one solid wall, two other walls to be 50% enclosed, and the front of the cabana (supposing the rear wall was solid) could be open. He said the Planning Commission was only trying to explain the ordinance. Chairman Smith pictured a house on a lot facing the street and a lake to the right of the house. He said if a person wanted to place a cabana between the house and the lake, the back wall of the cabana would be facing the house and would also block the view to the lake. Mr. Frisina said there were options available for covered decks and patios so the view would not be obscured. He conceded cabanas are in high demand as people want more living areas, and cabanas are basically a room that can include kitchens, fireplaces, and dining room sets. Chairman Smith asked if it was acceptable to have one wall be solid without specifying the rear wall. Mr. Frisina reiterated the cabana's definitions, as found in the ordinance, was given when the ordinance was first written and the Planning Commission had not planned to drastically change it, but he would not mind working on the definition since covered patios and decks almost met the same criteria. Chairman Smith agreed and said he wanted the definition of a cabana to be a little restrictive as possible. Mr. Frisina mentioned many people want solid walls in their cabanas since they have changing rooms, a feature not found in covered decks and patios, and people store pool equipment in the cabana. He was unsure why the word "lake" was in the ordinance since no building would be permitted to be built next to a water facility in the first place. Mr. Frisina said the Planning Commission would work on the old ordinance in order to loosen the definition of a cabana so it will not be so restrictive. He said when the ordinance was first enacted, the logic was half the structure had to be enclosed, and they wanted to maintain their understanding with a cabana while knowing there had to be some open areas. Commissioner Horgan asked if the difference for the cabana was based on the type of construction required. Mr. Frisina said the ordinance was a way to back away from the half-open half-enclosed logic. Commissioner Frady believed cabanas should be governed much like garages since garages are not built open to the street. Chairman Smith added outdoor structures had changed in

the past four to five years. He said he had recently been to a house with a cabana and pool area rivaling the size of average houses, and the cabana's solid wall was not the rear wall. Mr. Frisina agreed.

Chairman Smith asked if Mr. Frisina needed anything else from the Board. Mr. Frisina said he would like to go back and "wordsmith" the ordinance and asked if he should bring it back to the next Workshop Meeting for the Commissioners' evaluation. Commissioner Maxwell replied it would be helpful if the issues were addressed in smaller bites, explaining the conversation began with a discussion of 900 square feet buildings and morphed into an "elephant". He preferred to deal with one topic at a time instead of addressing all of the issues all at one time by jumping from one topic to the other. Commissioner Frady said he was comfortable with the proposed changes to the ordinance since he had been working on them for months. Mr. Frisina explained the current ordinance allowed for over 900 square feet but once a person exceeded the threshold, the person was limited to only one accessory structure as long as the accessory building in not larger than the principal structure. Chairman Smith said they were not addressing Commissioner Maxwell's point and restated it was about the discussion starting off with 900 square feet accessory structures and ballooning into changing an entire section of the ordinance.

Mr. Frisina told the Commissioners while the proposed changes were being drafted, people were walking in the door who wanted to have a covered deck or patio only to be told they were not allowed, and that was one reason the Planning Commission was trying to make allowances. Commissioner Frady replied there was very little prohibited in the ordinance. Mr. Frisina reiterated the great majority of work the Planning Commission did was an attempt to clarify the current ordinance. He said there were a couple of new items to be added, but they could be addressed at a separate workshop meeting. He acknowledged there were many changes already being proposed, and he did not expect the Commissioners would take one look at the information and approve it as soon as they saw it. He recapped the reason he brought the proposed amendments to their attention was so they could absorb it, and address it at the next workshop meeting.

Commissioner Maxwell asked if the changes acquired all zoning classifications. Mr. Frisina said they did. Commissioner Maxwell asked if A-R was included. Mr. Frisina said A-R zoning was included. Mr. Frisina said it was included. Commissioner Maxwell said a bigger concern of his regarded different rules for lots bigger than five acres. Fr. Frisina replied there were already different rules for bigger lots since there are five-acre rules and ten-acre rules. He explained a five-acre rule includes provisions for a certain sized agricultural building since it would be linked to agriculture. He mentioned if a house is in a subdivision but zoned A-R it would not really be agricultural and residential restrictions would apply to it, but if the house was located on large acreage and had hay and cows it would have less limitations imposed on it. Commissioner Maxwell said his concern was not about barns since fewer barns will be built as land prices continue to rise. His concern was to allow people to have some flexibility to build something nice on their expensive piece of property instead of limiting them to build something with walls. He referred to home magazines picturing beautiful homes with accessory buildings located in north Atlanta, and said he was concerned Fayette County was "cutting off their nose to spite their face" by requiring cabanas to have solid walls when cabanas should have as many open walls as they have sides. Next, he reiterated the topics should be addressed one at a time- beginning with 900 square feet accessory structures. Mr. Frisina asked if Commissioner Maxwell was saying 900 square feet buildings are not as appropriate on five-acre

property as they are on one-acre pieces of property. Commissioner Maxwell said it was appropriate for small lots to have smaller accessory structures, and the accessory structures should not be built in the front yard, but he was trying to think of the bigger picture. He explained it made no sense to build a garage directly in front of a house, but he understood why people would want to offset their garage in their front yard and build a three or four-car garage there because they like the lay of the land. He said writing an ordinance requiring the garage to be attached could "muck up" the entire design. Chairman Smith clarified it only applied if the detached garage was in the front yard. Commissioner Maxwell agreed, but said he was not talking about building literally in front of a house, but rather in the front sight-line.

Commissioner Horgan asked if the accessory structure could be larger than a 2,000 square feet principal structure as long as it was built to the side of the principal structure. Mr. Frisina answered even if the primary and accessory structures were located on a five-acre property but used for residential purposes only, all residential restrictions would apply. Commissioner Horgan said he understood because a person with a five-acre property, if not hindered by the regulations, could build a house on the property resulting in two houses on one parcel of land. Commissioner Frady agreed with Commissioner Horgan before adding he did not mind if a cabana had a solid wall and he was satisfied with the proposed amendments to the ordinance.

Chairman Smith suggested the proposed amendments could be addressed at the next Workshop Meeting and the Planning Commission should make the changes as discussed. Commissioner Frady said he was happy with the proposed amendments, but he would go along with the other Commissioners. Commissioner Horgan said he was okay with the proposed amendments as long as they were clarified. Chairman Smith thought the cabana definition needed work. Commissioner Pfeifer said the issue concerning walls in cabanas was the only change needed. Commissioner Frady said some wall was needed in a cabana, but he did not want to tell people where they could build something even though at times it had to be done. Commissioner Pfeifer continued saying the Planning Commission had "beaten them to death" and it was difficult to define everything but what was proposed was a good start. Commissioner Frady agreed.

Chairman Smith directed Mr. Frisina to make the discussed changes and come back to the next Workshop Meeting. He hoped the changes would be the final draft. Mr. Frisina said since the Planning Commission had worked on the proposed amendments for so long, they may as well get them right.

Recess:

Chairman Smith said the meeting had taken a considerable amount of time before motioning for a recess. Commissioner Horgan seconded the motion. Chairman Smith called for a vote on the motion.

The motion to recess for a short break passed with a unanimous vote.

D. Further discussion of RFP Bid 612 to Diversified Adjustment Service for Bad Debt Collection Service (EMS Services). This item was tabled at the September 27, 2007, Regular Meeting. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

Commissioner Maxwell preferred to speak about this item since he was the one who asked for it to be tabled at the last regular meeting, and since he had reviewed the request. He told the Commissioners he was ready to vote for the RFP as presented, but had some observations to make. He reminded the Board when Fayette County first started considering the RFP, it was working under a different legal system since Bill McNally was the county attorney but now the county had decided to use an in-house attorney and he was not sure if a letter could be sent under the in-house attorney's name in order to "raise the stakes" before a collection agency became involved. He asked if a process could be used to ensure outstanding bills did not go immediately to a collection agency. Mr. Krakeel said an external billing agency would handle the collection process, and the collection process consists of three letters. He said there was no reason one of the letters, likely the last letter, could not reflect the direction Commissioner Maxwell was seeking. Commissioner Maxwell said his concern had nothing to do with the RFP, but if that concern could be alleviated it should be. Mr. Krakeel said the Commissioner's concern could be handled externally with the existing contract since the county has the latitude to define was is in the letters mailed as part of the billing process. He added the county could also mandate the language used by the collection agency in any correspondence they have on behalf of the county.

Commissioner Maxwell said he was concerned about the heavy amount of collections the county is already involved in, especially since the average outstanding bill ranges from about $400 to $600. He said he did not expect to have many cases litigated based on such a small amount, but wanted to know if the litigator would be empowered to litigate on behalf of the Board, and if so, what process would the Board use to authorize someone to file a lawsuit on a collection case. He felt uncomfortable giving blanket authority to sue on the Board's behalf and wanted the litigator to come before the Commissioners for approval to file a suit. Mr. Krakeel informed the Commissioners the county had not filed a lawsuit in the past on this issue. Commissioner Maxwell reiterated he did not expect a lawsuit, but he did not want to learn of the lawsuit just as soon as he received a subpoena to testify in court.

Chief McCullough informed the Commissioners an extensive billing policy was already in place, but after the RFP was approved with a collection agency, language would be included into the contract that addresses collections. He said after the language was added the additions or changes would be brought back before the Board. Mr. Krakeel added once the Board approved the RFP and selected a vendor, the county would do a contractual arrangement with the vendor where many of the issues, including terms of litigation, could be clarified in the contractual language.

Commissioner Maxwell motioned to approve Diversified Adjustment Service for a one-year period and was seconded by Commissioner Pfeifer. Chairman Smith asked Mr. Comer if the agenda item needed a resolution or a motion, and Mr. Comer said it could be passed by motion. Chairman Smith said he had a motion and a second to award the bid for collection of services to Diversified Adjustment Services with the

contract to come back before the Board. He heard no further discussion and called for a vote on the motion.

The motion to award the bid for collection of services to Diversified Adjustment Services with the contract to come back before the Board passed with a unanimous vote.

New Business:

F. Discussion of possible sale of the old Fire Station 6 in Brooks or exploration of a public/private partnership for the establishment of an indoor youth baseball training facility in that location. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

Mr. Krakeel introduced Mr. Alfred Dingler to the Commissioners, and said Mr. Dingler had presented the county with a very comprehensive document about the old fire station in Brooks. He informed the Commissioners of Mr. Dingler's long history of community involvement in athletics ,was one of the principal fund-raisers for the Field of Hope, and has a dream of bringing the Little League World Series to Fayette County. He told the Commissioners part of fulfilling the dream involved establishing a training facility for youth which would operate during the off-season with a possibility of operating during the regular season, and the ideal location for his dream is in Brooks, particularly the old fire station. Mr. Krakeel informed the Commissioners there are at least two approaches the Board could use if they had any interest in Mr. Dingler's proposal: first, sell the property outright, but the process would include a sealed bid process since it would be the disposition of an asset. He said the second option would be to establish a public-private partnership, similar to a lease program, between the county and Mr. Dingler. He asked Mr. Dingler if he had encapsulated the proposal properly and allowed Mr. Dingler to join in the discussion.

Mr. Dingler said Mr. Krakeel had done a good job presenting the proposal, but wanted to add he had recently received a letter from a challenger program in Peachtree City which mentioned a third option to convert the old fire station into a Little League museum. He said the letter had the support of Linda North and Nick Harris.

Mr. Krakeel said there had been other interest expressed about an indoor training facility in Fayette County. He explained the Recreation Commission had received a similar request inquiring about the Kiwanis facility on Redwine Road.

Chairman Smith asked how the old fire station is currently used. Mr. Krakeel said the old fire station is used as the county's storage facility for all county records. He explained a mezzanine had been built in the facility where the fire apparatuses used to be stationed, and records are stored above and below it. In addition to storage of county records, he explained the facility is also used to store equipment for field maintenance. Commissioner Horgan asked what was the square footage of the old fire station. Mr. Krakeel said it was about 3,000 square feet, and described it as a three bay structure with an office, living quarters, and a bedroom. Chairman Smith asked how much of the building was in use. Mr. Krakeel estimated the facility was at 50-75% capacity. Chairman Smith asked if there an alternative site for records

storage. Mr. Krakeel said there was no site available. Commissioner Maxwell wanted to know what the contingency plan was if Mr. Dingler's proposal was accepted. Mr. Krakeel said the contingency issue would have to be addressed and decisions would have to be made regarding what needed to be done with the records, where they were to be located, and how the relocation would take place.

Commissioner Maxwell wanted to know what was the annual cost to maintain the old fire station. Mr. Krakeel replied the county is not investing a significant amount of money to the maintenance of the old fire station since only utility costs are being paid. He told the Commissioners if Mr. Dingler's proposal for a public-private partnership was accepted, the county would be required to bring the building into compliance and doing so would cost the county approximately $5,000 to $7,000 since the station required window replacement, guttering, painting and other work. Commissioner Maxwell since the building is used for a storage facility it is a poor storage facility for a number of reasons including its lack of climate control. He said he had not been to the site, but it was reported to him the old fire station was a mess even though there were a variety of records pertaining to elections and purchasing stored there. Mr. Krakeel confirmed a variety of records were stored at the old fire station, and reminded them of the county's efforts to store the records electronically. He said Georgia State law requires some documents to be kept in their original paper form and also determines how long the county must keep those records. He added there are some documents which must never be destroyed, regardless if they are stored electronically elsewhere. He told the Commissioners the county shreds records on an annual basis after the county is no longer required to keep them, but conceded there is no good system in place for county records retention.

Commissioner Frady asked again if there was any other storage building the county could use to store records, apart from storing records at the administrative complex. Mr. Krakeel said there was no other storage building, but said two potential sites had been suggested. The first site, he said, was the old fire station in Woolsey, but he added the it was smaller than the old fire station in Brooks and in similar condition. Commissioner Frady said the records storage site should be fireproof. Commissioner Pfeifer recalled a storage building had been proposed in the CIP, but it was amazingly expensive. Mr. Krakeel agreed cost was a fundamental issue and noted original cost estimates for a records building was substantial. He was uncertain whether so much money would need to be spent for a records storage site, but was sure the issue would have to be addressed eventually. He said the second potential storage sites would be located at the county's water facilities since there are closed, circular structures under some of the water towers. He said they are also not climate controlled. Commissioner Frady agreed climate control was important and suggested a building be built on some land already owned by the county.

Chairman Smith told Mr. Dingler he thought all the Commissioners would be like to do something with the old fire station in Brooks, but the evident problem is there is no alternative site for county records. He suggested staff could research what alternative storage sites are available, and if there is availability, what are their locations and conditions. He speculated if the old fire station was sold in a sealed bid process the funds could be used to build a true records storage facility so it would not only be an equitable trade-off but also the location could be closer than the south end of the county. Commissioner Frady suggested several acres on old Highway 92 which is already owned by the county, could be cleaned up and used.

Commissioner Maxwell told Mr. Dingler he wanted to support the project but he could not support getting rid of one building and incurring the cost of another building in order help the project. Commissioner Frady wanted to know if there was another site Mr. Dingler could use on a temporary basis since he also wanted to support the proposal. The implied answer was there was no alternative site. Commissioner Maxwell said disposing of surplus property was another problem. Chairman Smith and Commissioner Frady said the building would have to be disposed through a public auction. Mr. Krakeel pointed out Mr. Dingler's concern stating the cost for the building may not be cost effective for him depending on the potential sale of the property, and someone may build something at the location other than what Mr. Dingler desired. He suggested some vacant building to Mr. Dingler and proposed they could be suitable sites.

Mr. Dingler said he liked the old fire station's location, and Brooks liked his idea since the facility could be beautified instead of maintained as the county's storage facility. He said another reason the location was ideal was its proximity to the Brooks baseball field which could be reached without crossing the road. He knew there were problems with storage of county records, and suggested the third floor of the courthouse could be used since he understood it to be vacant. He also suggested another site south of Melear's Bar-B-Q located on Highway 85 and said the site was good since it was in proximity to the county's administrative complex. He said as a citizen he was concerned about the county's record storage. He said he looked through the windows of the old fire station and could clearly see financial statements and blueprints. He said the Commissioners should be concerned since the building was not secure, adding it had broken windows, no security system, and was easy for someone to break into. He said his fear was the county would invest money to bring the building back to standard, sell it in a sealed bid process, and someone would purchase it for something other than promoting a World Series Little League team and museum. He informed the Commissioners other counties south of Fayette County had been able to achieve similar goals, but they did it with planning. He informed the Board the biggest Little League district in the United States is located in Peachtree City and Brooks, so there should be an attempt to meet the goal. The Town of Brooks, he reiterated, welcomed the idea since they build the facility and gave it to the county. He suggested there would be no cost to the county if there could be an agreement between the county and himself- the county could keep the facility in inventory and let him bring the museum and youth activities next to the Brooks ballfield.

Commissioner Pfeifer thanked Mr. Dingler and said his proposition was fantastic, but emphasized the Commissioners had some concerns. Another potential problem, he added, is there are two other organizations in the county offering similar services, and he was concerned about the county partnering with a private citizen to effectively go into business with private citizens.

Anita Godbee added the Baseball Association had inquired about the Kiwanis facility during the winter in order to train athletes in pitching and batting practice. She said the Recreation Commission had not been informed about the inquiry since it had come very recently, but their question was worthy of exploring as well. She reminded the Commissioners Kiwanis Park is landlocked, and the Brooks Association, who is contracted with the county, wanted to turn the fire station into a recreation center where more than baseball would be offered. She agreed Mr. Dingler's proposal was great, but suggested other classes could also be offered including ballet and arts and crafts. She wanted to explore if Brooks wanted that

possibility. She added while the "baseball idea" is in its infancy, it would be coming up in the budget and the Recreation Committee needed to determine whether they could recommend it for Kiwanis Park.

Chairman Smith amended his earlier suggestion to allow the Recreation Committee to give the Commissioners a recommendation on the facility's use since there was some other interest in it. Mr. Dingler reminded the Commissioners he had asked in his proposal if he could meet with the committee to discuss his proposal, and reminded them he was available to discuss what a good use of the facility would be. Chairman Smith said the answers would come from the Recreation Committee. He also emphasized the need to investigate alternatives for records storage. He asked the Commissioners if they agreed with his direction, and they indicated they did. Mr. Dingler reiterated his big goal concerned the Little League World Series and asked if there was any direction for someone from the county to continue the discussion. Chairman Smith informed Mr. Dingler the discussion was now under the purview of the Recreation Department. He closed agreeing Mr. Dingler's proposal was wonderful and he would love to see the county have the World Series since it would be a wonderful crown of achievement for Fayette's ball players, even if they only watched. Mr. Krakeel said he would forward the documents from Mr. Dingler to Ms. Godbee and he would communicate with her, she would set a time for him to meet with the Recreation Committee. Mr. Dingler thanked the Commissioners for considering his proposal and left the meeting.

The consensus of the Board was for the Recreation Commission to recommend how the facility should be used, and for staff to research the location, cost and condition of record storage facilities.

G. Discussion of the Fayette County Zoning Ordinance regarding Article V. General Provisions, Sections 5-17. Height Limitations of Walls and Fences as presented by the Planning and Zoning Department. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

Mr. Dutton said a situation was occurring with a fence which was encroaching on a right-of-way, and a request for relief had arrived from the property owner. He said he went to the property and conducted a field investigation where he determined the wrought-iron fence with brick columns did not meet the county's ordinance that limits fences to a maximum height of four feet in the front yard- similar to a picket fence. He said the county has many fences taller than four feet and there is no mechanism in place to prevent the ordinance violation. The problem is complicated since many of the fences are very attractive and have great value, and they are needed since many of the houses in the county are mini-mansions with beautiful landscapes. He said the Planning Commission was looking for direction to reevaluate the zoning ordinance as it relates to the height of fences, fences interfering with emergency vehicles, and the height of archways. He informed the Board the Planning Commission had already addressed the width of fences, but wanted direction if it should also be reevaluated. He concluded the Planning Commission wanted the Commissioners to give direction to investigate the ordinance for fences and walls. Commissioner Frady wanted to know if the primary concern was with safety vehicles getting in and out of fences. Mr. Dutton said he had recently spoken to David Scarborough and learned many fences have been constructed with entrances 12 feet wide, but the ordinance requires the entrances to be 14 feet wide. He said no one

actively is sent to measure the width of entrances into fences and suggested the county may want to consider instituting fence permits. He, answering Commissioner Frady's question, said the issue could result in life or death. He added another potential problem existed with property rights and whether access is granted to enter the gates. Commissioner Frady asked if permits were required to build a fence. Mr. Frisina said no permit was required. Commissioner Horgan wanted to know why a person could not get a pool permit if they did not have a fence. Mr. Dutton said there is a particular chapter and code regulating fencing around swimming pools and suggested the Building Department would need to be involved in the ordinance discussion because of footings for the columns were faulty, the fences and columns could fall into the right-of-way. Mr. Frisina said the county does not know if a fence is under construction until it is already built, and said Peachtree City requires city approval before a fence is constructed. Commissioner Frady said something similar to Peachtree City's policy should be enacted since emergency vehicles need access through the fence.

Mr. Krakeel said this problem is currently addressed when, after Fire and Emergency Services staff observe an impediment to access, a certified letter is sent to the property owners putting them on notice about the impediment and informing them emergency service could be significantly hindered due to the impediment. He admitted this tactic does not solve the problem but did inform the property owners. He said archways are also impediments since the newly purchased quints are taller than the county's fire trucks, and they were not going to remove the top of an archway with a truck which costed the taxpayers over $500,0000. He agreed there should be an inspection process to ensure appropriate accessibility to the structures. He said there was a program in place allowing people to provide Fire and Emergency Services with a code to their gates then the property owner is in contact with Emergency 911. He said the information is protected, but it is sent to the staff on site or in route and it enables them to open the gates. He agreed the fences added a tremendous amount of value to the property, and the houses and landscape demanded large fences, but also agreed a permit or some post-construction process should be enacted.

Commissioner Frady said safety has always been required. He remembered there had been similar problems with flag lots when emergency access was being impeded and said that did not need to happen again. Commissioner Pfeifer thought the ordinance should be explored by the Planning Commission. Chairman Smith conceded the ordinance had been broken, and said the choice was to either ignore the rules or change them. He thought, based on his own observations, the ordinance probably needed some adjustment and suggested the Planning Commission should review the ordinance and return with recommendations for change.

Commissioner Frady asked if there were permits required before entrances to subdivisions could be built. Mr. Frisina said there was no permit required for subdivision entrances and said the Planning Commission would look at it during their review. Commissioner Frady asked if there was a height requirement for subdivisions, and Commissioner Horgan asked if the height requirement was based on the sign ordinance. Mr. Dutton said there was a sign ordinance, and Mr. Frisina said those questions would also be explored since the number of ornate subdivisions entrances were increasing. Chairman Smith asked if there were size regulations allowing for fire trucks and Emergency Services vehicles to enter and leave subdivisions.

Mr. Frisina said there were regulations for subdivisions' width, but the height issue, while not widespread, was new to the county. Commissioner Frady said he wanted this issue dealt with. Chairman Smith thanked Mr. Frisina and Mr. Dutton for the information. Mr. Frisina and Mr. Dutton then left the meeting.

The consensus of the Board was for the Planning Commission review ordinance regarding fencing and subdivision entrances, and return with recommendations.

H. Discussion of Bob Barnard's request to extend existing concrete stairs at the rear of his property, known as Burks Square, with a walkway connecting the stairs with the Public Library's parking lot, at no cost to the County. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Mr. Krakeel said he was approached by Mr. Barnard several months ago about this request, and he informed Mr. Barnard the appropriate way for his concern to be addressed was to write a letter to the Board. He said he saw Mr. Barnard a couple of weeks ago, and when Mr. Barnard asked about the status of his request, he was informed the letter was never received. He said Mr. Barnard had now drafted the letter, and his request was to extend the stairs to connect them with the public library's parking lot.

Commissioner Maxwell told the Commissioners this topic concerned him since he was in partnership with an attorney who is involved with the Burks Square project. He said he felt too close to the issue to participate in the discussion and was reluctant to do so. Mr. Krakeel informed Commissioner Maxwell he could also abstain from the vote.

Mr. Krakeel said he understood Mr. Barnard's request had come before the county's administration previously and administration had denied his request. He said he went to the property and has some concerns about it and the possible liability associated with it. Mr. Krakeel explained the stairs terminate at the county's property line, and at the stairs there is a grade of about five feet covered in pine straw. He was concerned someone could walk down the stairs and if the pine straw was wet it could cause a fall onto county property. He said the problem need to be mitigated and suggested a fence or other improvements needed to be built to eliminate the fall hazard. Commissioner Horgan asked why the request was denied in the past. Mr. Krakeel said he was not sure.

Commissioner Pfeifer said the problem with the stairs was they were not intended to be a connection for parking, but that is what they had become. Mr. Krakeel replied Commissioner Pfeifer had raised the secondary issue and he thought parking was the reason administration had rejected Mr. Barnard's request the first time. He said he understood parking was a problem, but the bigger concern was the county's possible liability. Commissioner Pfeifer said that was why he thought a fence a fence should be constructed not to mention parking spaces could not be found at the library. Mr. Krakeel said he did not know how the possibility could be eliminated without some sort of fencing. Commissioner Pfeifer admitted the idea of a fence had not occurred to him. Mr. Krakeel clarified he was not saying "build a fence" but reiterated his belief it would be the only way to eliminate potential liability.

Commissioner Frady asked who owned the stairs. Mr. Krakeel answered the stairs belong to Burks Square, and the construction of a concrete walkway would connect the stairwell to the edge of the curbing. He said the request was bolstered with the rational that it is consistent with the liveable city initiative where people can walk through the community using the sidewalks and the expansion currently being built in and around Fayetteville.

Chairman smith asked if the Burks Square parking lot was already full requiring people to park at the library. Mr. Krakeel said he was not sure, but since it was made up mainly of business-professional offices, it seemed reasonable to believe there was less parking there than at a retail business. He mentioned the same problem is occurring with the county's administrative complex's parking lot. Commissioner Horgan reminded the Commissioners if a function took place at the library and additional parking was needed, people could park at Burks Square during the times when the professional businesses were closed- so parking worked both ways.

Commissioner Frady said he did not have a problem with the request as long as one more step was added as well as a handrail. Mr. Krakeel suggested handrails should be installed on both sides of the stairs and any work performed to the stairs should be coordinated with county maintenance. He emphasized Mr. Barnard would pay for the work and the work should be overseen by the county's maintenance department. Commissioner Horgan asked if there were any regulations on how wide the steps should be and if so, were the steps wide enough. Mr. Krakeel said there were no such regulations, but there were height requirements and the stairs appeared to be in complete compliance. Commissioner Horgan said if the stairs met regulations and had handrails added to them he would have no problem with Mr. Barnard's request. Chairman Smith understood there was a problem with parking but thought the fall liability was the bigger problem. He said it was incumbent to contact the library director and learn if she thinks the request would have a positive or negative effect, learn if the library is having parking problems, and learn about alternatives to mitigate the parking problem. He knew the fence would physically stop the falling problem, but did not believe it was a reasonable alternative. Mr. Krakeel said he could not think of a reason why signs could not be placed stating the library's parking lot was for library patrons only in order to discourage others from parking there. Commissioner Frady suggested the signs could be placed at the administrative complex's parking lot as well since people were parking in it and walking to Burks Square to go to work. Commissioner Horgan mentioned approval of the request with the previously recommended conditions would be good for the city's connectivity and a fence would hinder connectivity.

Commissioner Frady motioned to approve the request with the condition that one step and handrails should be added. Chairman Smith asked if Commissioner Frady would amend his motion with more conditions including: the stairs meet all health and safety regulations, the county would incur no cost, and the library director would have to agree that acceptance of the request would cause no adverse problems for the library. Commissioner Frady said public money could not be spent on private property, so there was no need to add that amendment to the request. Chairman Smith said the steps would end on county property so the amendment was needed. Mr. Krakeel asked Mr. Comer if he knew of any potential problems since this request dealt with both county and private property. Mr. Comer said the county may want to provide a temporary easement to allow for construction on its right-of-way. Commissioner Horgan

seconded Commissioner Frady's motion. Chairman Smith announced there was a motion and a second to approve Mr. Barnard's request with the following conditions: one step and handrail were to be added, the construction would meet all health and safety regulations, the county would incur no cost, the library director would have to agree there would be no adverse effects, the county's maintenance department would have oversight of the construction, and a temporary easement would be granted for construction on county property. After hearing no further discussion, he called for a vote on the motion. The motion to approve Mr. Barnard's request with the described conditions passed in a 3-1-1 vote with Commissioner Pfeifer voting in opposition and Commissioner Maxwell abstaining from the vote.

The motion to approve Mr. Bob Barnard's request with detailed attachments passed in a 3-1-1 vote with Commissioner Pfeifer voting in opposition and Commissioner Maxwell abstaining from the vote.

Administrator's Report:

Invitation to Clayton State University
Mr. Krakeel informed the Commissioners they, their families, and their friends had been invited to Clayton State University's Lake's soccer games by the university's president to take place on October 6, 2007.

Wellington Place Subdivision
Mr. Krakeel reported the speed-tables were installed at Wellington Place subdivision. He said they were going to be used as a pilot program, and a study wold take place in a couple of weeks after people were given time to adjust to them.

Service Awards Luncheon
Ms. Chandler announced the annual service awards luncheon for employees who had served Fayette County for 20 years would take place on October 18, 2007 at Village Café.

Kenwood Park Grand Opening
Ms. Chandler reminded the Commissioners Kenwood Park would open at 11:00 on October 6 ,2007. She also mentioned the film *Charlotte's Web* would show at 7:30 p.m. the day of the opening.

Attorney's Report:

None.

Department Report:

None.

Board Report:

Archery Complaint

Commissioner Maxwell said he was investigating the archery issue raised during public comment at the last regular meeting, but had not done anything with it formally. He said he read the complaint, and it seemed valid. He explained he was a deer hunter, and he was an archery hunter, and it appeared abuse was occurring since someone was putting a deer stand too close to someone else's property. He mentioned the lady who made the complaint had not left an address or contact information, but he did have her name. Chairman Smith said he had her name and contact information, and would forward the information to Commissioner Maxwell. Commissioner Maxwell did not think the problem was primarily a public safety issue, but rather a matter of common decency. He said hunting should not occur so close to someone else's property. He explained he had hunted all his life, and if a deer was shot with a gun it would probably drop but if it was shot with a bow it would probably run. He concluded the deer was show with a bow and ran to the lady's property to die. He summarized the hunter had just created his own problem.

Joint House and Senate Study Committee on Transportation Funding

Chairman Smith notified the Board the Joint House and Senate Study Committee on Transportation Funding was going to meet on October 4, 2007 to discuss how to best fund the transportation shortfall in metro-Atlanta. He said he would be in Atlanta that day and would probably attend the discussion.

Executive Session:

One Personnel Item

Chairman Smith said he had one personnel item to discuss in executive session. Commissioner Frady motioned to adjourn to executive session in order to discuss 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 executive session to discuss one personnel item passed unanimously. The workshop meeting adjourned to executive session at 7:13 and reconvened to regular session at 7:20 p.m. The executive session was a Board only session- no staff was present during the executive session. Chairman Smith asked for the record to reflect only one personnel item was discussed and no action was taken.

Executive Session Affidavit

Commissioner Pfeifer motioned to authorize the Chairman to sign an executive session affidavit stating one personnel item was discussed, and was seconded by Commissioner Horgan. After hearing no discussion, a vote was taken on the motion. The motion passed unanimously. The Executive Session Affidavit, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Adjournment:
Commissioner Frady motioned to adjourn the Workshop Meeting and was seconded by Commissioner Horgan. After hearing no discussion, a vote was taken on the motion. The motion passed unanimously.

The Workshop Meeting adjourned at 7:23 p.m.

_____ _____
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