

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, September 1, 2004, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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

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

**EMPLOYEE INCENTIVE AWARD:**

Joyce Payne of the Human Resources Department said they were proud to have an Incentive Suggestion Service Award. She said if an employee made a suggestion for the betterment of the county whereby saving money or resources or manpower the employee would be awarded either monetary or intangible items for their suggestions if they were adopted by the Board. She said there was a committee that rolled over every six months to consider these awards and the issuance of the awards to the Board of Commissioners. She said they were proud to be able to present a second such award to Deborah Sims of the Leisure Services Development Division/Engineering Department.

Ms. Payne remarked that this was the second suggestion that Ms. Sims had submitted. She stated that Ms. Sims had been with Fayette County since June 2003. She said the suggestion that Ms. Sims had made actually benefitted the entire Stonewall Administrative Complex. She stated that the suggestion that was made benefitted all of the county wherein all of the employees who were responsible for relieving the switchboard operator no longer had to do so. She said the suggestion that Ms. Sims made eliminated that necessity. She said telephone calls were actually forwarded to the various departments thus eliminating employees filling in on the switchboard and leaving their departments void.

The Board congratulated Deborah Sims on receiving this award.

**ORDINANCE NO. 2004-20 - PARKING PERMITS AND FEES APPROVED AT LAKE HORTON:**

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County Engineer Ron Salmons remarked that on July 7<sup>th</sup> a proposal was presented to the Board to begin charging out of county vehicles for fishing at Lake Horton. He said this was approved and would cost an individual \$10 per day. He said in order to try and make this more manageable as far as the Marshal's Office being able to enforce this, a proposal was being made for reconsideration to change the fee from a fishing fee to just a plain parking fee. He said the difficulty would be identifying the individuals who were fishing and those who were not fishing. He said for the Board's reconsideration in this matter.

Chairman Dunn asked if there were any questions or comments on this matter.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve the parking permit fees at Lake Horton, discussion followed.

Chairman Dunn remarked that he felt this was moving things in the right direction. He said the Marshals had a job to do that was almost impossible to do in the other case. He said in this case more people who were not residents of Fayette County would be kept out of the parks. He said the Fayette County taxpayers had paid for this facility and they should be the primary users of it. He said if out of county people wanted to use the park then they could pay for the privilege. He said this would also make the job on the Marshals Office a lot easier too.

The motion carried 5-0. A copy of Ordinance 2004-20, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**GEORGIA FARM & RANCH, INC.'S REQUEST TO MODIFY OR CLARIFY THE CURRENT ZONING ORDINANCE:**

Commissioner VanLandingham said this matter had come to the Board's attention a week or so ago about some verbiage in the county's ordinance regulating the display of motor vehicles. He said the Board together with the Planning and Zoning Commission had met with the owner of Georgia Farm and Ranch. He said the consistency there was the verbiage was somewhat vague or could be interpreted in a way that would penalize a business operation. He said the purpose of this item being placed on the agenda tonight was to clarify exactly what a motor vehicle was. He said in talking with the county attorney they had realized that the county would be penalizing a business that would not allow them to park their tractors in front of their business for display purposes. He said it was the Board's feeling that this belonged under the purview of motor vehicles and it ought to be allowed. He said he would like to make a motion.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to clarify the verbiage in the current zoning ordinance regarding Georgia Farm & Ranch, Inc.'s request, discussion followed.

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Chairman Dunn said he felt the one issue that comes up was that these tractors were motor vehicles. He said if the county was going to allow a person to be in business at that sight then they could not be expected to hide that site. He said the bottom line was that they could not park them in the designated parking spaces that were required to be at the businesses.

Commissioner VanLandingham said in the course of conversation Mr. Green had very emphatically stated that he would not want to take up a customer's parking space in order to park his vehicles.

Chairman Dunn commented that this was a five acre piece of land and the business was currently located on two acres. He said the five acres was zoned C-H and there was an impervious surface requirement on the whole five acres. He said Mr. Green would have to be cautious especially if he planned to put other commercial on the rest of the site that he would have to make sure that the total of five acres would not exceed 60% impervious surface.

The motion carried 5-0.

**CONSENT AGENDA:** Commissioner Pfeifer requested item no. 9 be removed for discussion and Commissioner Wells requested item no. 1 be removed for discussion. On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to approve the consent agenda item nos. 2, 3, 4, 5, 6, 7, 8 and 10 as presented. The motion carried 5-0.

**FIRE AND EMERGENCY SERVICES - HEALTH/WELLNESS POLICY:** Approval of Health/Wellness Policy for the Department of Fire and Emergency Services.

Commissioner Wells commended Chief Krakeel on finalizing this policy. She said he had handled it with a great deal of sensitivity that was necessary for something of this nature. She questioned Category A and Category B relating to medical conditions. She said these were very, very similar. She asked who determined Category A.

Chief Krakeel said this was actually a dual process. He said this would give the department the capability to engage the physician who would actually be administering this program and coordinate discussions with the primary care physician and the county's physician to make the determination of whether or not a Category A medical condition or a Category B medical condition was being dealt with. He said this would not result in the administrative staff being left with having to make a medical decision based on a primary care physician's interpretation of the county's standards and the physician applying the standards. He said there was a provision later on in the document that allowed for that dialogue and that collaboration to ultimately make that decision.

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Commissioner Wells remarked that she was aware of several employees who were in this capacity that she had some concern about as not being able to pass this. She asked Chief Krakeel if he had a number or a percentage. She also asked if Chief Krakeel was planning positions for these employees if this did happen.

Chief Krakeel replied no. He said currently there was no provision for a continuation of employment. He said there was a provision for a remediation period to allow the employee to have an appropriate time frame for remediation of that medical condition in order to continue to be employed. He said there were two concerns. He said one of those was an on the job injury which obviously would have ramifications related to workers compensation. He said the other was an injury or illness that occurs off duty. He said there was no requirement of the county to continue to employ someone who, after an appropriate period of time, had exhausted all medical remedies and remediation or rehabilitation efforts. He said this policy provides the county with the administrative framework to make these determinations. He said in the past this had primarily been relied upon through administrative process rather than involving appropriate medical direction. He said the fundamental reason for the wellness policy obviously was to make sure that the firefighters were capable of performing their jobs and to provide them with an annual assessment of that capability so that they can make whatever appropriate changes in their lifestyles, habits, healthcare and whatever the case may be to accommodate the continuation of being able to perform the critical functions of being a firefighter. He remarked on Commissioner Wells' direct question regarding percentages and said he did not have that figure. He said he was aware of two cases that staff was currently involved with where this policy would have application. He said he would hate to make those decisions in the absence of this policy with those two particular situations.

Commissioner Wells commented that this was definitely something that was needed but on the other hand these were very valued employees.

Chief Krakeel interjected that this was a balancing act. He said it had taken one year to put this policy together. He said they had gone through approximately six months of legal review. He said with this particular policy they felt like they had struck a fair balance between the interest of the county and the interest of the individual employee. He felt it was fair to provide the employees with the remediation time especially when an employee might have a twenty year career with this organization. He said this time would allow the employee for appropriate rehabilitation to return to duty

Commissioner Wells commended Chief Krakeel on this policy. She said he had addressed a very difficult situation with a great deal of sensitivity and understanding.

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On motion made by Commissioner Wells, seconded by Commissioner Frady to approve the policy as presented. The motion carried 5-0. A copy of the policy, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**DEPARTMENT OF CORRECTIONS - INMATE LABOR PROGRAM:** Approval of agreement with Department of Corrections for inmate labor program with West Central Probation Detention Center. A copy of the Agreement, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**JUSTICE CENTER - DISPLAY OF ARTIFACTS:** Approval of agreement with Carolyn Cary for use of her privately-owned artifacts on display in the Justice Center. A copy of the Agreement, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**HEALTH DEPARTMENT - APPROVAL OF RENOVATIONS:** Approval of cost for renovations for the Health Department in the amount of \$8,210.00 to be performed by the Buildings and Grounds Department. A copy of the memorandum, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**QUAIL HOLLOW SUBDIVISION - SALE OF COUNTY OWNED HOUSES:** Approval of authorization to move forward with selling two vacant houses owned by the County located in the Quail Hollow Subdivision. A copy of the memorandum, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**EMERGENCY SERVICES DEPARTMENT - HARLESS FIRE EQUIPMENT AWARDED BID:** Approval of recommendation from Director of Purchasing Tim Jones to award bid to Harless Fire Equipment in the amount of \$114,428.87 to purchase an ambulance for the Emergency Services Department. A copy of the memorandum, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**RESERVOIR MANAGEMENT PLAN :** Approval of the Reservoir Management Plan as amended to include Lake McIntosh. A copy of the Plan, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**LOCAL ASSISTANCE ROAD PROGRAM FOR 2005:** Approval of proposed 2005 Local Assistance Road Program (LARP) list to be submitted to Georgia D.O.T. A copy of the memorandum and program plan, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

9. Approval of contract with Judicial Correctional Services, Inc. for State Court probation services.

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On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to table this item to the September 9, 2004 Board of Commissioners' meeting. The motion carried 5-0.

**MINUTES:** Approval of minutes for Board of Commissioners Special Called Budget meeting held on June 23, 2004.

**PUBLIC COMMENT:**

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

**SCOTT ST. JOHN:** Scott St. John questioned the zoning ordinance regarding his business "Big Daddy Cycle World". He said his issue involved the parking of camper trailers being parked out front of his business. He asked if these trailers would now have to be parked in the back of his business.

Attorney McNally remarked that motor homes would qualify to being a motor vehicle and camping trailers would not.

Commissioner Wells remarked that camping trailers were not motorized.

Mr. St. John clarified that if he swapped from the camping trailers to the motor homes then he could pull these out front.

Commissioner Wells remarked that if these motor homes were motorized whether it be a tractor, motorcycle, or automobile.

Chairman Dunn pointed out that other farm equipment that was not motorized could not be left out. He asked Mr. St. John to also keep in mind the number of parking spaces that were required.

**STAFF REPORTS:**

**EXECUTIVE SESSION:** Attorney McNally requested an executive session to discuss two legal items and three real estate matters.

Commissioner Pfeifer requested an executive session to discuss one legal item.

**CHAIRMAN DUNN:** Chairman Dunn commented on the study of the Peachtree City Fire and Emergency Services Department which had been prepared by an outside consultant hired by the City. He commented that in several sections their consultant remarked that the County's efficiency of operating its Fire and EMS department was greater than the way Peachtree City was running their department. He commended Chief Jack Krakeel for the great job that he does with the Fayette County Fire and Emergency Services Department.

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**EXECUTIVE SESSION:** On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to adjourn to executive session to discuss three legal items and three real estate matters. The motion carried 5-0.

**REAL ESTATE:** Attorney McNally reported to the Board on three real estate matters all relating to the same issue.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

**LEGAL:** Assistant County Attorney Dennis Davenport discussed a legal matter with the Board

On motion made by Commissioner Wells, seconded by Chairman Dunn to authorize Attorney Davenport to deny this request. The motion carried 5-0.

**LEGAL:** Attorney McNally reported to the Board on a legal matter.

On motion made by Commissioner Frady, seconded by Chairman Dunn to authorize staff to proceed in this matter. The motion carried 5-0.

On motion made by Commissioner VanLandingham, seconded by Commissioner Pfeifer to authorize Attorney Davenport to proceed in this matter. The motion carried 5-0.

**LEGAL:** Commissioner Pfeifer and Attorney McNally discussed a legal matter with the Board.

On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize Attorney McNally to proceed in this matter. The motion carried 5-0.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Wells, seconded by Commissioner Frady to authorize the Chairman to execute the Executive Session Affidavit confirming that three legal items and three real estate matters were discussed in executive session. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 5:10 p.m.

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Karen Morley, Chief Deputy Clerk

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Gregory M. Dunn, Chairman

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The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of September, 2004.

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Karen Morley, Chief Deputy Clerk