

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, September 7, 2005 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 Venice, County Administrator
 Dennis Davenport, County Attorney
 Carol Chandler, Executive Assistant
 Peggy Butler, Chief Deputy Clerk

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

NEW BUSINESS:

REVISION OF DRUG TESTING PROGRAM:

Chief Ed Collins, Marshal's Department, said Fayette County had a substance abuse policy and has been doing drug and alcohol testing of their employees since 1996. He said this testing was for pre-employment, post-accident, reasonable suspicion, and random testing. He said people with a CDL, or commercial driver's license, were tested twice in the pool, as required by the Department of Transportation.

Chief Collins said he had discovered two major problem areas in the policies and procedures. He said the first problem was that the present medical facility, The Fayette Minor Emergency Center that performed drug and alcohol testing, had stopped doing the alcohol breath testing around the middle to end of July 2004. He said this was not immediately discovered due to the testing dates and billing dates. He said it was discovered the end of last summer.

Chief Collins said he had also discovered that Fayette Minor Emergency Center's response to the inquiry about the lack of alcohol testing was that their machine was broken and they had no plans of having it repaired.

Chief Collins said the other problem was one of accountability. He said Fayette County Minor Emergency Center was running their random selection software and would notify the Marshal's Office as to who was selected for testing. He said the Marshal's Office would then notify the appropriate department and the department head notified the employee to be tested. He said at that point the Marshal's Office was out of the loop as they did not know if the employee was ever tested until they received the bill. Chief Collins said if they were going to do testing they should assure that it was done and in a timely fashion.

Chief Collins said, in addition, all employees were subject to random testing procedures. He said he had meetings with Public Safety Director, Jack Krakeel, County Attorney Bill McNally, and County Administrator Chris Venice. He said he was here to make recommendations as to changes in the policy.

Chief Collins said he would add as many job classifications as possible to the pool of employees for testing. He said the County Attorney would advise who could be put in the testing pool and who could not.

Chief Collins said he also proposed that the Marshal's Office take over the selection process of the random testing. He said he was requesting funds to buy the software for the random selection process. He said he was suggesting after their department made the selection, they would notify the department head and give them a window as to

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when that employee should report, a form would be sent to the place that would be doing the drug testing and after the employee had completed the testing, the form would be signed and returned to the Marshal's Office to do the breath/alcohol testing. He said this would assure there was an immediate record of the testing and the employee would be sent back to their department with a slip stating they had complied.

Chief Collins said he also proposed that a member of the Marshal's Office be sent to the Evidentry Breath Testing Instructors School so that they could train all the deputy marshals as "BATS" - breath alcohol technicians, so that everyone on staff would be able to run these alcohol tests on a 24/7 basis.

Chief Collins stated they had a breath/alcohol machine already in the office that was recently recertified. He said he was asking for funds to buy a second machine so that they would have a backup machine available.

Chief Collins stated that he was proposing to change the breath testing facilitator from Fayette Minor Emergency to either the Peachtree Immediate Care Facility or OccuMed Management Associates. He said the breakdown of costs submitted by each facility were in the Commissioners' meeting notebooks. He said Peachtree Immediate Care costs were slightly lower.

Commissioner Wells asked if there was a reason Chief Collins only had two proposals. Chief Collins said he tried to contact eight laboratories in Fayette County and found that there were only four available to do the testing and when he contacted the four only two submitted proposals.

Commissioner Wells asked what were the doctor certifications for this. Was it a M.D. or a Ph.D? Chief Collins responded that it was a M.D.

Commissioner Wells asked what would be the next step if someone tested positive on this machine. Chief Collins said according to the County Substance Abuse policy, if someone tested positive the employee is referred to Human Resources for appropriate action.

Commissioner Wells stated that Lt. Black would go and take the training and then come back and teach the deputy marshals. She wanted to know if these persons would be considered certified. She wanted to know if Lt. Black would have authorized credentials that he was an instructor. Chief Collins said he would.

Chairman Dunn asked if an employee was picked on a random basis and refused to be tested, was that cause for dismissal. Attorney Davenport said he believed that a failure to cooperate would presume to be a positive test.

Commissioner Wells asked how they would make sure that it was completely random. Chief Collins said the software they were looking at totally picked the names at random. He said some people would have the chance to be picked more often because of their driving license status. He said it generated two lists, random and DOT list, therefore someone could be on both lists at the same time.

Commissioner Wells said she would want the Marshal's Office and Human Resources to put a policy in effect as to the guidelines and how it was used so if someone became disgruntled they could be shown the policy.

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Commissioner VanLandingham said he saw that 333 employees were tested the last eight full years. He asked if the proposal was to still test 333 employees. Chief Collins said he took an average of the last eight full years to have a base line to work the figures to see what the cost would be. He said if they increased the employee pool there may be more employees tested. He said right now it was a testing of 50% of the pool.

Commissioner Wells said she thought this was a wonderful way to address the problems that we had not knowing if someone actually appeared for the testing. She said before we did not have checks and balances on the situation. She said she thought this was a wonderful idea as far as the way the plan was to be implemented. She said she supported it completely.

Chairman Dunn stated that they were not being asked to do anything today. He said they had to still select a vendor. He said he was slightly familiar with both agencies mentioned and felt they were both qualified. He said he felt the County would be well served by either one of them.

Commissioner Wells said Chief Collins mentioned earlier that there was a contract with the immediate care people who were doing our testing and that it was a two part contract and they were only fulfilling one portion of that contract. She asked if they had continued to charge the county for both parts. Chief Collins responded that they had not.

Commissioner Frady asked if Chief Collins was requesting money today to get this started. Chief Collins said he was asking that \$6,000 be transferred so that they could send Lt. Black to be trained and to cover other start-up costs.

Motion was made by Commissioner Frady, seconded by Commissioner Pfeifer, to transfer \$6,000 from the general budget fund to start up the drug testing program in the Marshal's Office. Motion carried 5-0. A copy of the proposed changes, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

ELIMINATION OF THE FIREFIGHTER/EMT TRAINEE CLASSIFICATION:

Fire Chief Jack Krakeel said he was requesting from the Board their consideration of the elimination of the Firefighter/EMT Trainee classification as it applied to entry level employees. He said this issue had existed since 1984. He said they attempted to address the issue in 2000 but the former County Administrator was not in favor of eliminating the cadet class. He said this was readdressed with the former County Administrator in January of 2005 to no avail. He said with the appointment of the current County Administrator he had requested that this issue be readdressed.

Chief Krakeel said there were two reasons he had requested this issue be addressed. The first reason was that over the course of the last 20 years the requirements associated with obtaining one's EMT certification have grown substantially. He said historically someone could be trained in under six months, where now it took almost a year to get the EMT certification. He said whereas a number of institutions were offering that training, it was primarily done within the academic arena today. He said that proposed a problem as to when the employee was hired and the next class scheduled became available. He said they had the potential of hiring an employee on January 1 and not able to get them into a class until July or September of that year and then going a full year before they received their EMT certification.

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Chief Krakeel said once these individuals completed the 12 week firefighter recruitment training provided by the County they received some training in emergency medical service procedures including CPR and became CPR certified. He said the only thing the EMT certification did for the employee and the organization was that it allowed them to function on an ambulance as a driver because state law required a paramedic to be in the patient compartment. He said it was rare that an EMT was in the compartment with the patient. He said they were performing these functions in the field. He said they were assigned a fire apparatus, they went on all medical emergency calls, and they assisted with the care and treatment of patients.

Chief Krakeel said the County was the only organization to his knowledge that required the retainment of the employee in the cadet classification throughout the program until they obtained their EMT certification, which could sometimes take 18 months. He said they did their best to employ individuals that were currently enrolled in EMT school or had their EMT certification. He said that was becoming increasingly difficult. He said he thought this would be a step towards attracting more qualified applicants. He said they were starting out with 80 to 90 applicants and by the time they got through the application process they were down to about 10 or 12 applicants.

Commissioner Wells asked how many of the employees were paramedics and how many did Chief Krakeel want there to be. He responded that they had approximately 45 paramedics. He said their program was to have ALS capability from every fire station. He said that meant a paramedic on every engine company and on their ambulances as required by state law. He said they were pretty close to that capability. He said the paramedic certification was a requirement for promotion. He said once a person was promoted they were required to maintain their certification throughout their career.

Commissioner Wells asked what would be the incentive for the firefighters to get their EMT if this category was eliminated. Chief Krakeel said their employment would be contingent upon them obtaining their EMT certification. He said this was part of the contract they signed with the County that they would become EMT certified at the intermediate level as well as Firefighter NPQ2 certified in order to be retained.

Chairman Dunn asked how much time was allowed for them to obtain this. Chief Krakeel said they had recently modified that policy because of the academic issue. He said it used to be twelve months but was modified because the employee could not impact that decision because of class schedules and classes being full. He said they were put in the first available class. He said the basic EMT certification was a mandatory certification required of all new employees.

Chairman Dunn confirmed that the policy was still in place that if a person finished their training and left the County was reimbursed. Chief Krakeel said that was correct.

Motion was made by Commissioner VanLandingham, seconded by Commissioner Frady, to eliminate the Firefighter/EMT trainee classification. Motion carried 5-0. A copy of the information, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

DISCUSSION OF PERMIT AND INSPECTION DEPARTMENT FEES:

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Bill Cushing, Acting Director of Permits and Inspections, stated he was purposing an increase in permit fees and reinspection fees. He said he proposed an increase from .17 per square foot to .25 per square foot. He said there would be a \$50 minimum fee for anything 200 square feet or less. He said this fee would also include plumbing, HVAC and electrical fees. He said impact fees would stay the same and stand alone plumbing, HVAC and electrical permits would stay at a \$50 minimum fee. He said he was proposing an increase in swimming pools from \$100 to \$200. He said the problem was when the pools had the final inspection they ran into the problem of collecting fees. He said they would like to raise the initial fee and not charge a recall fee. Chairman Dunn asked what the recall fee was now. Mr. Cushing said for the first recall it was \$25 and the second recall was \$50.

Mr. Cushing said he was purposing a move-in house pre-inspection fee increase from \$75 to \$200. He said for mobile homes they were purposing a \$200 flat fee instead of the .17 per sq. ft.; sales trailers a \$200 flat fee; construction trailers a \$50 stand alone electric permit.

Commissioner Wells asked on the move-in pre-inspection fee why was it such a large increase. Mr. Cushing said it was because it required several inspectors making trips to the structure, possibly out of the County. Commissioner Wells asked why would a trip be made out of the County. Mr. Cushing said depending on where the structure was located, they would do a pre-inspection before it was moved into the County.

Mr. Cushing said they wished to increase their re-inspection fees from \$50 not-ready to \$100 not-ready. He said from \$25 now to a \$50 first recall and then increments of \$25 up to \$100 and after that \$50 increments. He said sales trailers would be the same with a \$200 flat fee and stand alone electric permit.

Mr. Cushing said there were documentation comparisons of building permit charges of different cities in the general area. Commissioner Frady said it seemed like they would be jumping way ahead of some of the cities. Mr. Cushing said of some we would be. He said they found by pricing by the total square foot was better than construction value.

Chairman Dunn said currently we had the lowest fees in Fayette County. He said if we approved this we would have the highest fees in Fayette County. He asked why now did we want to raise these fees? Mr. Cushing said because of energy costs and a Plans Review Inspector would be starting work in January.

Commissioner Frady said he could not agree with the timing on this because of all the things going on in the nation. He said the energy problem was big and the cost of buildings was going to increase. He said this was just not a good time to do it.

Commissioner VanLandingham asked in reference to mobile homes fees going from .17 a square foot to a \$200 flat fee was there a reason for the flat fee. Mr. Cushing said it was because of the problem with collecting reinspection fees. He said they would not charge for reinspection on a mobile home or pool. He said they would increase the flat or original fee.

Commissioner Wells asked how many times did they have to go out for a reinspection for a mobile home. Mr. Cushing said frequently.

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Chairman Dunn said some of these increases looked like an overall increase in fees, but if you were going to charge a flat fee and not a reinspection fee it may end up not being an increase. He said there would be an increase in collections.

Commissioner Pfeifer said they would be raising the cost for people who did not require a reinspection and lowering the cost for those who did a bad job and required reinspections.

Commissioner VanLandingham said he read the reasons for raising fees-salaries and training of personnel. He said he could see where some of these might apply as justification for raising fees. He asked if going from .17 square foot to \$200 flat fee would mean that there was no reinspection fee. Mr. Cushing said there would not be a reinspection fee on flat fees.

Commissioner Wells said she did not have a problem with raising the reinspection fees. She said she thought it was fair. She said she did not mind going to .25 per square foot as long as it was per heated square foot. She said she would like to see on the mobile homes, construction trailers and other trailers .25 per heated sq. ft. and charge for reinspection. She said she did not want the people who abide by the rules pay for those who were negligent. She said she would also like to see us not increase the stand-alone plumbing permit and not increase the stand-alone HVAC permit. She said she felt those fees were accurate.

Commissioner Frady said he could go along with adding an amount for the reinspection fees. He said a lot of the other things he could not go along with.

Commissioner Pfeifer asked on the move-in house reinspection if we were doing that for the homeowner. Mr. Cushing said they were doing that for the homeowner who was buying the structure. He said they paid the fee and we do a pre-inspection.

Chairman Dunn asked on instituting a flat fee that meant no re-inspection costs, what was the incentive for someone to get it right the first time. Mr. Cushing said there was no guarantee.

Chairman Dunn said the philosophy on this was that these were user fees. He said they were trying to have the users pay the bills. Mr. Cushing said that was correct.

Commissioner Frady asked that this item be tabled for today.

SURVEYOR'S CERTIFICATION ON NEW CONSTRUCTION:

Pete Frisina, Planning Department, said there had been problems with structures that did not meet setbacks. He said they planned to require a Surveyor's Certification for new single family homes. He said they would require it once the foundation was in place, before any framing took place. He said they would keep this on file so when someone came back in and wanted to build accessory structures they would need to locate the accessory structure in relation to the home and the setbacks on the site. He said they would give that information to the inspectors and if they had questions about the measurements they would know there was a problem.

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Mr. Frisina said for lots that did not have a Surveyor's Certification for the primary structure, if an applicant wanted to add an accessory structure, pool or an addition they were going to request a Surveyor's Certification for the single family structure. He said they would use this to locate the additional structure on the site. He said Peachtree City, Tyrone and Fayetteville were doing this already. He said they were not going to write any new regulations or new ordinances. He said they were going to require this under the authority of the building official.

Mr. Frisina said they had a date of January 1, 2006 for the fees and thought they would do this at the same time in order to give people warning. He said they had cut it off at 15 acres. He said anything above 15 acres would not require this Certification.

Commissioner VanLandingham said he had a problem with adding \$250 - \$400 for the Surveyor's Certification for someone who wanted to build a store room when they had just built their house. He said he had a problem especially on 15 acres.

Commissioner Frady said he thought this was just for new single family home construction.

Mr. Frisina said it was, but they took it to the next level because of the problem they had with a pool just recently. He said the pool was built on a neighbor's property.

Commissioner Wells said it was new single family and accessory structures.

Mr. Frisina said once they had a survey of the home they were going to ask for accessory structures to give them the distance in relation to that home plus the setbacks. He said if they did not have a Surveyor's Certification on a lot that was built prior to this they would like for them to get the Certification for the home and show in relationship where the accessory structure was going to be placed so as to have a better idea as to where these things were going and try to alleviate a problem before someone built something where they were not suppose to.

Motion was made by Commissioner Frady, seconded by Commissioner VanLandingham, to require a Surveyor's Certification on new construction for single family homes on 15 acres or less. Motion carried 5-0.

CONSENT AGENDA: Motion was made by Commissioner VanLandingham, seconded by Commissioner Wells, to approve the Consent Agenda as presented. Motion carried 5-0.

COUNTY TO CONDUCT THE TOWN OF WOOLSEY 2005 SPECIAL ELECTION:

Approval of request from the Town of Woolsey for the County to conduct the Town's 2005 Special Election and authorization for the Chairman to executive the agreement between the County and the Town of Woolsey. A copy of the agreement, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

COUNTY TO CONDUCT THE TOWN OF WOOLSEY GENERAL ELECTION:

Approval of request from the Town of Woolsey for the County to conduct the town's 2005 General Election and authorization for the Chairman to execute the agreement between the County and the Town of Woolsey. A copy of the agreement, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

NOTICE TO PROCEED ON THE SPLOST PROGRAM PROJECTS:

Approval of request of the Notice to Proceed on the SPLOST Program Projects as required by the SPLOST agreement and recommended by the SPLOST Project Manager Mallett & Associates. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

RENOVATION OF THE MARSHAL'S OFFICE AND THE ENVIRONMENTAL HEALTH DEPARTMENT:

Approval of staff's recommendation to proceed with renovations of the Marshal's Office and the Environmental Health Department at a total cost of \$26,215.37. A copy of the recommendation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

SHOCKLEY PLUMBING TO PERFORM REPAIRS AT LAKE PEACHTREE CREEK CHANNEL:

Approval of recommendation of the Water Committee to have Shockley Plumbing, Inc. to perform repairs at the Lake Peachtree creek channel below the spillway and coordinate the lowering of the lake in October 2005 with the City of Peachtree City. A copy of the recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

TAX ABATEMENTS AND REFUNDS:

Approval of tax abatements and refunds as recommended.

EXECUTION OF ENGAGEMENT LETTER FOR CHERRY, BEKAERT & HOLLAND:

Authorization for the Chairman to execute the engagement letter for Cherry, Bekaert & Holland, LLP to update the annual arbitrage rebate calculation for the \$55,250,000 Fayette County Public Facilities Authority Revenue Bonds. Fee for arbitrage related services not to exceed \$2,500. A copy of the letter, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

PURCHASE OF WATER METERS FROM BADGER METER:

Approval of staff recommendation to purchase water meters from Badger Meter at a price of \$136,468.80. A copy of the recommendation, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

PURCHASE OF MULTITON POWER LIFT STACKER:

Approval of purchase of Multiton Power Lift Stacker for \$2,978 for personnel to lift storage boxes to second level at fire station #6. A copy of the information, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

ITEMS FOR SALE AT THE SEPTEMBER 17 AUCTION:

Approval of staff recommendation for Board to approve items for sale at the September 17, 2005 auction.

REQUEST FUNDING UNDER LARP FOR ROAD IMPROVEMENTS:

Approval to request funding from the Georgia Department of Transportation under the Local Assistance Road Project (LARP) for road improvements of 38.62 miles of Fayette County roads. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

APPOINTMENT OF DESIGNATED CONTACT PERSON FOR SPLOST:

Approval to appoint Chairman Dunn to serve as the designated contact person for the SPLOST projects as required by the SPLOST Management Contract.

APPROVAL OF MINUTES:

Approval of minutes for the Board of Commissioners Budget Meeting held on May 17, 2005 and minutes from the Board of Commissioners Meeting held on August 3, 2005.

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.

Charles Lungaro, 507 Gingercake Road, Fayetteville, GA said he had been a resident of Fayette County since 1996. He said Tuesday he delivered an open letter to the Commissioners Office voicing his concern regarding hiring practices within Fayette County. He said he realized commissioners were not involved in the actual hiring practices of County employees, but, he believed they were responsible in making sure that correct procedures were used in the different County departments. He said the purpose of his letter was to point out a situation he believed existed within the structure of the County hiring procedures. He said that was age discrimination.

Mr. Lungaro said even though the date of birth was never requested on the job application, it did not take a mathematician to calculate the age, the high school graduation date, or the date released from the service. He said as a self-employed general contractor, he had been on both sides of the employment fence. He said he did understand the concerns of spending money and time acclimating a person to a new job only to see them leave in a short period of time. He said there was no guarantee that any given age group would remain on the job any longer than any other age group. He said furthermore, he believed that statistics would show that more mature individuals had less sick days and requested less days off than their younger counterparts.

Mr. Lungaro said he was requesting that the commissioners review the hiring practices used within the County to assure that all procedures were followed and all applicable laws were adhered to so that the most qualified person was given the opportunity to interview for an open position in Fayette County.

Gaynelle Stamm, 844 Wagon Wheel Circle, Fayetteville, GA said she had been in Fayette County since 1987. She asked if an update could be given on the sink hole that had been on her street since July 12.

Chairman Dunn pointed out Public Works Director Lee Hearn and Water System Director Tony Parrott and asked Ms. Stamm to meet with them after the meeting.

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County Administrator, Chris Venice, asked that the Board consider making funds available on an emergency basis to assist the Department of Family and Children Services in their Hurricane Katrina local relief efforts. These funds would only be available with the approval of the County's EMS department which also serves as Fayette County's Emergency Management Agency. These funds would meet the reimbursable standards set by FEMA and would not exceed \$25,000.

County Administrator, Chris Venice, asked that the Board approve the establishment of a separate, dedicated account at Wachovia Bank for employees to make donations to victims of Hurricane Katrina as requested by the employees. Donations would be collected over the next several weeks.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, to make funds available on an emergency as-needed basis, not to exceed \$25,000, to assist the Department of Family and Children Services in their local relief efforts and would meet the reimbursable standards set by FEMA, and also to approve a dedicated account at Wachovia Bank for employee donations to victims of Hurricane Katrina. Motion carried 5-0.

Phil Mallon, Director of Engineering, said they were in the process of submitting the revised storm water NOI for the fourth time. He said he needed to update the designated responsible official. He asked the Board to authorize him to serve as Fayette County's responsible official with respect to the Georgia Small Municipal Separate Storm Sewer System Notice of Intent.

Motion was made by Commissioner Wells, seconded by Commissioner Frady, designating Phil Mallon as the County's responsible official with respect to the Notice of Intent. Motion carried 5-0. A copy of the letter, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

County Attorney Dennis Davenport, requested an Executive Session to discuss two legal items with the Board.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to consider two legal items. Motion carried 5-0.

EXECUTIVE SESSION:

LEGAL: Attorney Davenport discussed a legal matter with the Board.

The Board took no action on this matter.

LEGAL: Attorney Davenport discussed a legal matter with the Board.

It was the consensus of the Board for the attorney to proceed in this matter.

EXECUTIVE SESSION AFFIDAVIT: Motion was made by Commissioner Wells, seconded by Commissioner Frady, authorizing the Chairman to execute the Executive Session Affidavit affirming that two legal items were discussed in Executive Session. Motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

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There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 5:50 p.m.

Peggy Butler, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of October, 2005.

Peggy Butler, Chief Deputy Clerk