

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, November 2, 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

COMMISSIONER ABSENT: A.G. VanLandingham -absent due to terminal illness

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
William R. McNally, 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:

DISTRICT ATTORNEY SCOTT BALLARD DISCUSSED THE CONVERSION OF CIRCUIT-PAID EMPLOYEES:

District Attorney Scott Ballard said he was trying to offer a more attractive dependent healthcare plan to his employees. He said across the state of Georgia the state pays for one investigator per circuit and the state pays for two secretaries per circuit. He said based on a formula, depending on the number of judges, the state paid for assistant district attorneys. He said in his circuit they received six state paid district attorneys, one for each of the judges, plus two others. He said all other employees in this circuit were circuit paid employees. He said they were not Fayette County, Upson, Pike or Spaulding County employees, they were employees of the district attorney. He said he went out and tried to find the best benefits possible while still being responsible to the tax payers in regards to the premiums. He said in some circuits the circuit employees, or non-state employees, were designated as employees of a particular county in the circuit.

Mr. Ballard said beginning this year the Prosecutors Attorney Council had created a new opportunity for district attorneys' offices in the circuit to allow the non-state paid employees to receive state benefits. He said in order to do that they had to have a resolution signed by the County Commission of each county within the circuit. He said thus far the other three counties in the circuit had signed the resolution. He said as a first choice he was asking the Board to sign the resolution that would allow the circuit-paid people to receive state-paid benefits.

Mr. Ballard said he wanted to tell the Board why he thought this was necessary. He said they had not been able to find coverage that would approximate the benefits that the state-paid employees got with a private policy. He said they had come as close as they could and they paid 90% of the employee's health insurance coverage, but the dependent health insurance coverage that they currently had cost \$570 per dependent per month. He said a person who had three dependents would have \$570 times three that they would have to pay each month for dependent healthcare coverage. He said one of the things he knew coming into office was that

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in order to provide the kind of excellence that he hoped to provide in the prosecution services he needed to get the best people he could get. He said he was very proud of the people he currently had working for him, but he was at an disadvantage in a couple of respects. He said if the circuit paid employees were made an attractive offer by another circuit for a state paid position, or if they were made an offer by a circuit that had county insurance for the non state paid people, he was afraid he might lose some very good people because the dependent health care coverage would be too attractive to turn down.

Mr. Ballard said another way he found himself at an disadvantage was with the public defenders office. He said those people who were not directly state paid got state benefits. He said it was his understanding that the county was paying for that coverage and in addition to paying for the coverage he thought the county was paying a 10% fee to the agency that managed that. He said the Prosecuting Attorney Council was not going to charge that fee. He said if he could prevail upon the board to sign the resolution this year the county would incur no cost to do that.

Mr. Ballard said he explored a second possibility because in his discussion with some of the commissioners there seemed to be some willingness to consider making his non state paid people, at least the ones based in Fayette County, Fayette County employees. He said in looking at it he did not think it was going to be attractive to the commissioners or the taxpayers. He said by his calculations it was going to cost an additional \$34,892 to \$46,492 if he made his circuit paid people based in Fayette County Fayette County employees. He said he did not think that was responsible use of the tax payers money.

Mr. Ballard said he did not know of any other way, other than the board signing the resolution, that he could be competitive with people who were able to offer better health care coverage. He said he wanted to do everything in his power to keep Fayette County the excellent place that it was and he felt he needed to always strive to have the best employees that he could to enable him to do that.

Chairman Dunn asked Mr. Ballard to clarify that this would not cost them anything.

Mr. Ballard said that this year that was the case. He said he did not know what would happen next year.

Chairman Dunn said during the budget time Mr. Ballard had said it was going to cost the county \$30,000. Mr. Ballard said that was \$30,000 circuit wide and the other counties had included their share of that in the budget and they had enough money because of not needing to spend some of what had been allotted to them therefore this year he would not need any additional funds from Fayette County. He said he never knew from year to year what to expect as far as additional costs. He said he talked with the Prosecutors Attorney Council because he anticipated that there might be some reluctance to lock into something that they felt they could not get out of in the future. He said the Prosecutors Attorney Council indicated that there could be flexibility with the language of this resolution that would make it very clear that they would not be locked into this. He said he knew the county attorney had some concerns about that and he was willing to connect him with the Prosecuting Attorney's Council to see if those concerns could be addressed.

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Chairman Dunn stated that if the other three counties had paid some fee to get this done, then it was not very fair to those other three counties. Mr. Ballard said he would agree.

Commissioner Frady asked if they had paid or just signed the resolution. Mr. Ballard said they signed the resolution and included in their budgets enough money to cover, by the caseload, what would be their share of the \$30,000.

Chairman Dunn said he had done a detailed analysis of the district attorney's budget because of this request. He said he did not envy Mr. Ballard in figuring out his budget. He said he had six sources of money coming into the district attorney's office to pay for different categories of people at different times. He said he did not know how he did that.

Chairman Dunn said in looking at the budget, when it came to the circuit employees, there did not seem to be any rhyme or reason as to how much they got paid. He said the district attorney did not have a pay scale for them or a circuit wide longevity scale. Mr. Ballard said that was correct. Chairman Dunn said that Mr. Ballard paid whatever and therein the four counties served could not even estimate what the operation was going to cost year to year. He said for instance, last year the district attorney's average pay raise was 12.8% and the county's was 5.8%. He said when the board was trying to figure out what was fair and what they paid benefits on, based on what was done the county was paying more benefits for the circuit employees because their salaries were higher. He said the board did not know where that stopped. He said that was his personal frustration. He said when he looked at it he did not know where to go. He said funding sources came from everywhere and every employee in that office was a different status. He said the county was paying for some, paying part for some and paying nothing for others. He said they were trying to do something fair but could not figure out what was fair. He said they wanted the employees to have a good salary and good benefits like anyone that worked for the county, but they actually paid on a per capita basis more for the circuit employees' benefits than they did for all 735 of the county employees. He said their benefits cost more.

Chairman Dunn said at this point he did not have the information he needed to figure this out. He said he understood what Mr. Ballard wanted. He said he did not know how to put parameters on this so it would not become so costly.

Mr. Ballard suggested they look at it every year. Chairman Dunn said they could not budget that way.

Chairman Dunn said he was certainly willing to sit down with Mr. Ballard and discuss this further.

Commissioner Frady asked what comparable salaries the district attorney's salaries were to county jobs. Mr. Ballard said they considered the benefits and found that their benefits were costing about the same as the county benefits. Chairman Dunn said according to the district attorney's budget they were paying 36% for benefits and the county was paying 24% which was not the same.

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Commissioner Wells said her concern was that on May 17th they had a discussion very similar to this and there was documentation provided a head of time and the board was very clear then that they did not want to go down this path. She said she had met with Mr. Ballard since then and he had met with several other board members and this was just a different spin on it. She said the board had been very clear this year that they did not want to supplement anyone. She said the jobs were hired out at a certain salary, certain expectations and it would be tragic if someone decided to go someplace else. She said she did not think they could hope to out pay people in order that they would not be enticed to go any where else. She said it was well into the budgetary year. She said this was all supposed to be settled by July 1st and now it was November 2nd. She said they could not keep revisiting this. She said this was not the way they did their budget every year. She said for them to presuppose that it was not going to cost them anything and would revisit it next year, was just like Greg said, these employees would start depending on this type of benefit and then July 1st it may not be offered to the employees again. She said that was not fair to the employees. She said for them to go into an agreement assuming they would have that latitude would be tremendously unfair and naive on their part to believe it would not cost them anything next year and then revisit next year. She said they did line item budgets every single time. She said to be revisiting this at this point and time after they were very clear in May that this was not something they were interested in, she did not see that anything had changed. She said they had not been provided any more definitive information. She said she had no interest at this point and time in pursuing this. She said if they could be convinced in the next budgetary cycle that this was going to be the thing to do, then give them definitive numbers and definitive costs, and they could revisit this. She said she was not inclined to do so at this time.

Chairman Dunn said the one thing mentioned was that Mr. Ballard wanted to get his employees on the state benefits for the health care. He asked Mr. Ballard what about other benefits. Mr. Ballard replied that it was his understanding that if the resolution was signed they would receive other benefits that state employees received.

Chairman Dunn stated that he wanted to say again that he was willing to continue this discussion because he was looking out for the long term. He said if they could figure out a way to bridge this where getting everyone coverage from the state it should reduce the district attorney's cost over time.

Mr. Ballard said if premiums continued to go up as he expected they would that would be so but he just did not know.

Chairman Dunn said if they could do an analysis and show that over time what they paid for that was cost effective because it would reduce what they paid now for benefits which exceed what they paid for their own employees, he would be able to sit down and say this made since over time. He said he just did not have the information he needed at this time.

Chairman Dunn said it made sense to have all employees on the same state benefit program. He said then they would all be treated a like. He said now they had people sitting next to each other with different benefit packages and that could not be good. He said this Board did not

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create this problem but could help try to solve it but would need a lot more data to show where they were going before they committed the taxpayers to this.

Mr. Ballard replied that none of them created the problem. He said the thing he needed to do was to come before the board and ask for their assistance and wisdom. He said he appreciated how hard they had already worked on this and he knew this was not the first time they had heard this.

Commissioner Pfeifer said he did not think anyone had enough information to go ahead and do this. He said he had two specific questions based on the agenda request. He said it was stated that they found it very difficult to get and keep circuit paid employees. He said he would like to see that demonstrated. He said the other question was the last sentence that stated if the Board was not willing to approve this change they were asking that their Fayette County employees become employees of Fayette County. He asked Mr. Ballard if it was his position that someone who worked in the district attorney's office could be an employee of Fayette County because they paid their benefits. Mr. Ballard replied that what he understood from his discussion with the Prosecution Attorneys Council was that they did not have to have employees of all of the counties called Fayette County employees. Commissioner Pfeifer said so if they paid their benefits they were considered Fayette County employees. Mr. Ballard said that was what he understood.

Commissioner Wells said then they would evaluate them and determine their pay salary and promotions, etc. Mr. Ballard said he understood there were two classifications of county employees and he did not know which classification they would fall under. He said it was his understanding the answer to the question would depend on which classification the employee fell under.

Chairman Dunn said there were historical absurdities all over the place. He said there were several employees in state agencies that somehow got covered under different programs and it was chaos. He said it was not quit as pronounced as the DA's office. He said they were trying to eliminate that and not create more. He said he would not be opposed to consider making everyone who worked in Fayette County state county employees but they do not just work in Fayette County.

Commissioner Frady said he felt the same way he did when the judges came before the Board. He said he would love to help out. He said if there was some way to do this equitably he would be glad to do it.

A copy of the District Attorney's organization chart and minutes from the FY2006 budget meeting, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

SNEAD ROAD PAVING REQUEST:

Morris Boyd, 311 Snead Road, said he reason for being here was to talk about getting Snead Road paved. He said the gentlemen with him had all lived on that road for at least 15 years. He

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said during that time they had experienced more and more traffic. He said for years they were willing to deal with the road and the dust in order to have a quieter place to live. He said now they had a lot more traffic on the road and had reached a point where they felt they needed to do something to get it paved. He said there were about 26 single family homes on Snead Road. He said this part of Snead Road was between Old Greenville and Chapel. He said there were areas on the road where a school bus and car could not pass without one of them stopping and backing up. He said this situation had been this way for years but now the increased traffic was causing problems. He said last year they had been told by the Road Department to get petitions signed so they had completed a petition drive and felt sure they had received 90% of signatures from residences of Snead Road. He said they were willing to deed a part of their property over to the county in order to get a 60 foot right of way. He said on the 13th of October they met with Mr. Hearn and he agreed that they needed to work towards getting this road paved. He said they turned the petition in at the end of last year and had hoped they could get something going in 2005 but it looked like it was not going to be reasonable to do that. He said they were hoping the Board would consider the need to pave this road and would consider the time they had wasted thinking this request had already been presented to the Board a year ago.

Commissioner Wells inquired about the people who had not signed the petition. She asked if they just had not signed it or had they stated they were against it. Mr. Boyd replied that the only people who had not signed the petition had indicated they were not necessarily against it to the point that they would fight it if the decision was made to pave the road. He said they had not talked with anyone who was negative about this.

Commissioner Wells said there were 34 lots and they had signatures from 27 land owners.

Chairman Dunn said their policy was to have 80% of the property owners who owned property along the road state they wanted a road paved. He said they would then put it on the paving list as approved. He said they had 79% so they needed another signature to make it 80% so that it could be added to the paving list.

Ron Noblet, Snead Road, said the bottom line was money to the county. He said you could put into your mind taxes that were received from Snead Road of the two mile stretch of 26 families, of \$300,000-\$400,000 as opposed to yearly maintenance of the road which was costly. He said to pave the road they would get government subsidies that would get the thing paved and then the maintenance cost would go down drastically.

Mr. Boyd said, in getting back to the petition, they would work with Mr. Hearn to get an additional signature so the road could be approved for paving. Chairman Dunn said that was correct, that to be approved for the list they needed one more signature. The Commissioners could then discuss the funding for paving during the upcoming budget session. A copy of the petition, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

OLD BUSINESS:

ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT:

Chief Jack Krakeel said this related to the issue discussed last Thursday evening, relative to the adoption of a resolution implementing NIMS as the management program for emergency

incidents in Fayette County. He said the county attorney had reviewed the documentation and the language and unless there were objections he was requesting the board's authorization to adopt Resolution 2005-11.

County Attorney Bill McNally recommended the Board adopt this resolution so that they could participate in the program.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, authorizing the Chairman to sign Resolution 2005-11 adopting the National Incident Management system. Discussion followed.

Chairman Dunn said this was going to cost quit a bit to comply with the federal regulations.

Chief Krakeel said there would be costs associated with the implementation of this program. He said there would be compliance, training and monitoring issues. He said there would be funding available. He said there would be opportunities from the state level through existing institutions for public safety personnel. He said there were some online courses available. He said it was a requirement.

Motion carried 4-0. Commissioner VanLandingham was absent. A copy of the resolution, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

CONSENT AGENDA: Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adopt the Consent Agenda as presented. Motion carried 4-0. Commissioner VanLandingham was absent.

DONATION FOR DISASTER RELIEF

Approval of Board to recognize received donation of \$200 from a Fayette County citizen designated for Disaster Relief. A copy of the donation, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

MALLET CONSULTING TO PERFORM ENGINEERING SURVEY OF MCCALLA PROPERTY

Approval of Water Committee recommendation to approve Mallett Consulting to perform an engineering survey of the McCalla property at Lake Horton. A copy of the recommendation, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

WHISPER CREEK SUBDIVISION APPROVED AS A STREET LIGHT DISTRICT

Approval of request from the Engineering Department to approve Whisper Creek Subdivision as a new street lighting district. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

THE OAKS SUBDIVISION APPROVED AS A STREET LIGHT DISTRICT

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Approval of request from the Engineering Department to approve The Oaks Subdivision as a new street lighting district. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

INCREASE IN RECREATION'S FENCING BUDGET

Approval to increase expenditures in Recreation's fencing budget by \$6,471.85 for insurance funds received for storm damage. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

SUPPLEMENTAL BUDGET ADJUSTMENTS

Approval of supplemental budget adjustments for the fiscal year ending June 30, 2005. A copy of the budget adjustments, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

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.

CHIEF JACK KRAKEEL introduced Mike Sherberger, Director of the Office of Homeland Security/Georgia Emergency Management Agency. Mr. Krakeel said in 1997/98 Fire and Emergency Services began the process of trying to relocate Fire Station No. 1 from Highway 314 due to the fact that this was a flood prone area. He said for two years they met nothing but bureaucratic obstacles on what they felt was the appropriate application for grant funding to move that facility. He said out of frustration he approached Mr. Sherberger about this issue. He said Mr. Sherberger was able to maneuver them through the bureaucratic process that had stalled their ability to achieve their goal. He said as a result of Mr. Sherberger's efforts, Fayette County became the recipient of over \$500,000 in Federal grant funding for the relocation of the fire station.

MIKE SHERBERGER, DIRECTOR OF THE OFFICE OF HOMELAND SECURITY/GEMA, thanked the Board for allowing Chief Krakeel to participate in their efforts. He said on the state level Jack had helped them accomplish several things. He said with homeland security they were trying to build capacity. He said they were part of a national system. He said they were very serious in making certain this county was prepared for any kind of event. He said when communities were prepared, so were the states and so was the nation.

Mr. Sherberger said a few years ago they faced the challenge of finding someone who could put together a metro area wide plan, understanding there were large differences between counties. He said they were looking for a good fit, someone who was a good listener and problem solver, someone who was good with budgets. He said they knew Jack was that right person. He said for the past years Jack had welded together the different people and their interests. He said he had been able to put these folks together in terms of building capacity. He said he was proud to say that they were recognized by the National Governor's Association, Federal Office of Homeland Security, and others as a model state for the way they had built capacity throughout Georgia and managed the grant funds. He said this could not have been done without Jack Krakeel's help.

STAFF REPORTS:

PHIL MALLON, DIRECTOR OF ENGINEERING, introduced the newest member of the Engineering Department, Jeremy Greenberg, Civil Engineer.

COUNTY ATTORNEY BILL MCNALLY said he had an agreement for the Redwine Road multi-use paths project from the Georgia Department of Transportation ready for execution by the chairman.

Motion was made by Commissioner Frady, seconded by Commissioner Wells, authorizing the chairman to execute the agreement for the Redwine Road multi-use paths. Motion carried 4-0. Commissioner VanLandingham was absent. Please refer to Board of Commissioners Meeting of June 7, 2006 for revised contract.

COUNTY ATTORNEY DENNIS DAVENPORT requested an Executive Session to discuss two legal items.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss two legal items. Motion carried 4-0. Commissioner VanLandingham was absent.

EXECUTIVE SESSION:

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Attorney Dennis Davenport discussed a legal item with the Board.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT:

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, authorizing the chairman to execute the Executive Session Affidavit affirming that two legal items were discussed in Executive Session. Motion carried 4-0. Commissioner VanLandingham was absent. A copy of the 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 5:12 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 9th day February 2006.

Peggy Butler, Chief Deputy Clerk

