

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, November 1, 2006 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  
  Robert Horgan  
  Peter Pfeifer

STAFF MEMBERS PRESENT:           Chris Venice, County Administrator  
  William R. McNally, County Attorney  
  Carol Chandler, Executive Assistant  
  Peggy Butler, Chief Deputy Clerk

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

**RECOGNITION OF MISS LARISSA ROMANOW, WINNER OF THE RIVERS OF WORDS POETRY COMPETITION:**

Julian Campbell of the County Engineering Department explained that this department supervised the storm water management program. He said one activity was implemented through public participation and community clean up. He said this was under the umbrella of the “Keep Georgia Beautiful” program. He said they were currently participating in a program called “Rivers Alive”. This program was conducted statewide and the purpose of the program was to clean up streams and waterways. He said an associated project through the science curriculum in the schools was a River of Words project where students were encouraged to submit artwork and poetry relative to cleaning up the waterways. He said they were delighted that this year’s winner of the poetry contest was from Fayette County, Larissa Romanow, a student at Booth Middle School. Miss Ramanow read her poem. Chairman Dunn congratulated Miss Ramanow on behalf of the Board and presented her with a certificate of congratulations.

**OLD BUSINESS**

**Recommended changes by the Marshal’s Office to the Substance Abuse Policy contained in the Fayette County Employee Safety and Loss Control Manual:**

Chief Marshal Ed Collins said since they had started the new policy this year they had completed a total of 269 tests in six months. He said they had performed 164 random tests, 101 pre-employment tests, 3 return to duty tests, and 1 post accident test over 27 days. He said they dedicated one day to the firefighters and another day to a job fair day.

Chief Collins said over this six month period they had found some gray areas. He said they were here today to take care of eight areas they had discovered. He said they found they could read between the lines in reference to prescription medicine but it was not stated. He said they had added the sentence “... or prescribed medication using amount which exceeds physician’s instructions...” He said the present policy discussed controlled substances and alcohol but failed to note the possibility of overdosing on prescribed medications in amounts that could affect the employee’s ability to function in a safe and stable manner.

Chief Collins said another change was they added a new section, Section 2-200, under the Voluntary Admission Testing. He said they added: “An employee who notifies the County prior to request to test or an arrest that the employee illegally uses a controlled substance, marijuana, or a dangerous drug or abuses alcohol or prescription medication shall be tested upon such notification.” He said they hoped to make clear that the County had the ability to test an employee under the policy by adding this section when the employee made the admission prior to being selected for a test or an arrest.

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Chief Collins said it was a gray area when an employee admitted to some kind of drug or alcohol situation prior to testing if they could test them. He said under the Last Chance Policy it was a gray area because it presently stated if an employee came forward and admitted then they had not violated the policy. He said they tried to clarify that area in that even though the employee came forward they could still test them.

Chief Collins said there was a question about the Return to Duty test not being automatic. He said it was not automatic, it was up to the County Administrator after being advised by the department head and the human resources department.

Chief Collins said they changed the wording "impaired" to "under the influence". He said the word impaired seemed to sound like someone was driving a vehicle. He said that was not what the policy was about. He said it was about being under the influence at the workplace.

Chief Collins said they also tried to clear up the possible confusion concerning a positive second test. He said a return to duty test was a second test but under the present policy it was unclear that this classified as a second test. He said they tried to clear that up.

Chairman Dunn said he liked the program and it had weeded out some people in the last several months because of it. He said they also weeded out some people who wanted to be employed here but did not want to be tested.

Commissioner Frady asked how many people had they found that violated the policy. Chief Collins said they had three who had tested positive.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve Ordinance 2006-17, which contains the changes to the Substance Abuse Policy as presented. Motion carried 5-0. A copy of the Ordinance, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

### **CONSENT AGENDA:**

Commissioner Frady asked to remove item seven from the Consent Agenda.

Motion was made by Commissioner Wells, seconded by Commissioner Pfeifer, to approve Consent Agenda items 1, 2, 3, 4, 5, 6, 8, as presented. Motion carried 5-0.

Commissioner Frady said the only thing he had an objection to was the addition that the annual leave had no cap. He said the county administrator would be the only individual in the whole group that did not have to abide by the policy in place. He said he knew employees that had lost as much as 55 accumulated vacation hours in this same situation. He said he would like to see the administrator take vacation and not get burned out being here all of the time. He said he would like for that to be removed so that he could support this contract.

Chairman Dunn said they had a lengthy discussion about this the other night and Commissioner Frady was not here, he was on vacation. He said the reason they all supported this was there was no cap on the annual leave but that it could be accumulated leave not used. He said one of the problems was the County Administrator did not have an assistant and being in a critical position she could not always take the times she wanted. He said for example, during the middle of the budget process if the county administrator had asked him to sign a vacation leave form it would be denied. He said he did not feel that Ms. Venice would ever abuse a policy, she had been with the County nineteen years, but the bottom line was having no one that could step in and do the job for her there were times she would not be able to take vacation when she wanted to.

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Chairman Dunn said everyone else had an assistant, or someone working for them that could cover for them. He said when she was not in the office there was a big gap there. He said that was why they put this in the contract.

Commissioner Frady said he thought this was not good for the morale of the entire county and he hated to see that happen at this point. He said they should take care of her taking her vacation time instead of the other way around.

Chairman Dunn said it was not really them taking care of her it was that they understood the difficulties under which they had asked her to work. He said as an example in Peachtree City there was a City Administrator and Assistant City Administrator that worked side by side. He said in Tyrone she was also an Assistant. He said they had not taken the step to get an assistant administrator here and he said they had saved a lot of money. He said they had one for a while and it did not work out well and certainly was not worth the extra money spent.

Commissioner Horgan asked if there were any other employees with that same type of leave policy. Chairman Dunn said there was not, but the county administrator was not a merit employee, she was a contract employee.

Commissioner Pfeifer said he would support this because they did not want to place themselves, or Chris, in a position where anyone could be hurt because the county administrator had to take vacation leave at a specific time.

Motion was made by Commissioner Wells, seconded by Chairman Pfeifer, to approve item number 7 on the Consent Agenda, the County Administrator's contract, as presented. Motion carried 3-2 with Commissioner Frady and Commissioner Horgan voting in opposition.

### **NAME CHANGE OF HUIET ROAD TO HUIET DRIVE**

Approval of the Technical Review Committee's recommendation to change the name of Huiet Road between Huiet Drive and Davis Road to Huiet Drive. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

### **BUDGET TRANSFER TO CID VEHICLE REPAIR SERVICES**

Approval of the Finance Department's recommendation for a budget adjustment to transfer funds received from GEICO Insurance Company to the Criminal Investigation Division Vehicle Repair Services account for funds received from a vehicle accident. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

### **REPLACEMENT OF NINE COUNTY VEHICLES**

Approval of the Vehicle Replacement Committee's recommendation to replace nine county vehicles as follows: eight Patrol vehicles (\$198,008), and one Building Maintenance vehicle (\$22,000). A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

### **STREETS IN REBECCA LAKES SUBDIVISION SPECIFIED FOR USE OF MOTORIZED CART TRAVEL**

Approval of staff's recommendation to approve the specified streets in Rebecca Lakes Subdivision to be authorized for the use of motorized cart travel per Ordinance 95-10. Streets in Rebecca Lakes Subdivision include: Youngs Circle, McElwaney Way, Rebecca Court, Whippoorwill Way, Moonview Place, and Jaysee Court. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

### **FY2008 BUDGET CALENDAR**

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Approval of staff's recommendation for FY2008 proposed budget calendar. A copy of the calendar, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**FY2006 YEAR-END BUDGET ADJUSTMENTS**

Approval of staff's recommendation to approve FY2006 year-end budget adjustments required for compliance with Budgetary Laws and the Georgia Department of Audits and Accounts. A copy of the adjustments, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**COUNTY ADMINISTRATOR'S CONTRACT**

Approval of amendments to contract for the County Administrator.

**BOARD MINUTES**

Approval of minutes for Board of Commissioners Special Called Budget meeting held on May 11, 2006 and minutes of the September 6, 2006 Board of Commissioners meeting.

**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.

There was no public comment.

**STAFF REPORTS:**

COMMISSIONER FRADY requested an Executive Session to discuss one personnel matter.

COUNTY ATTORNEY MCNALLY requested an Executive Session to discuss one real estate and two legal items.

Motion was made by Commissioner Wells, seconded by Chairman Dunn, to adjourn to Executive Session to discuss one real estate item, two legal items and one personnel item. Motion carried 5-0.

**EXECUTIVE SESSION:**

**REAL ESTATE:** Attorney McNally discussed a real estate item with the Board.

The Board took no action on this matter.

**LEGAL:** Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

**LEGAL:** Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

**PERSONNEL:** Commissioner Frady discussed a personnel matter with the Board.

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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 executive the Executive Session Affidavit affirming that one real estate item, two legal items, and one personnel item were discussed in Executive Session. Motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 7", 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 4:30 p.m.

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Peggy Butler, Chief Deputy Clerk

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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 14th day of December 2006.

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Peggy Butler, Chief Deputy Clerk