

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, April 4, 2007 at 3:30 p.m. in the public meeting 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 MEMBERS PRESENT: Jack Krakeel, Interim County Administrator
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Peggy Butler, Chief Deputy Clerk

PRESENTATION

Proclamation for National Red Hat Society Day on April 25, 2007

On behalf of the Board of Commissioners Chairman Jack Smith read and presented a proclamation to the Fayette County Recreation Department's red hatters declaring April 25, 2007 as Red Hat Society Day in Fayette County.

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

APPROVAL OF STREET LIGHT DISTRICTS

1. Approval of staff's recommendation to approve the following street light districts for acceptance into the Fayette County Street Lighting Program: Hammock Bay at Lake Horton, Bellfair Walk Preserve and Waterlace Pods A2, A4 & B. A copy of the recommendation, identified as "Attachment No.1," follows these minutes and is made an official part hereof.

NATURAL GAS EXTENSION CONTRACT

2. Approval of staff's recommendation to authorize the Chairman to execute the Natural Gas Extension Contract to provide natural gas service to the new Fayette Senior Citizens Center which requires a contribution from Fayette County in the amount of \$31,577.43 from the construction contingency account, of which \$26,974.38 is eligible for refund due to future customer contributions. A copy of the contract, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

BID AWARD FOR GRAVEL TO HANSON AGGREGATES AND FLORIDA ROCK

3. Approval of staff's recommendation to award Bid #596, Gravel, to low bidders Hanson Aggregates and Florida Rock on those items which each company was the low bidder. A fee schedule is attached. Award is pending submission of applicable bonds and other documents; and authorization for the Chairman to execute the subsequent contract. A copy of the recommendation, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

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BID AWARD FOR HAULING TO PITTSTOP ENTERPRISES & TUCKER TRUCKING ENTERPRISES

4. Approval of staff's recommendation to award Bid #597, Hauling, to Pittstop Enterprises, LLC as the primary supplier in the amount of \$57.50 per hour and Tucker Trucking Enterprises, Inc. as the secondary supplier in the amount of \$60 per hour. Award is pending submission of applicable bonds and other documents; and authorization for the Chairman to execute the subsequent contract. A copy of the contract, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

BID AWARD OF ASPHALT TO BALDWIN PAVING AND C.W. MATTHEWS

5. Approval of staff's recommendation to award Bid #598, Asphalt, to the low bidders Baldwin Paving Inc. and C. W. Matthews on those items each company was a low bidder. A fee schedule is attached. C.W. Mathews is requested as a secondary supplier for one item, other documents; and authorization for the Chairman to execute the subsequent contract. A copy of the recommendation identified as "Attachment No. 5," follows these minutes and is made an official part hereof.

BID AWARD FOR PRINTING TO SF TECHNOLOGIES, HB SOLUTIONS, IF IT'S PRINTED

6. Approval of staff's recommendation to award Bid #600 for the printing of Water Bills and Envelopes, to the low bidders, SF Technologies in the amount of \$5,104.80, HB Solutions in the amount of \$14,246.34, and If It's Printed in the amount of \$1,277.50; for a total amount of \$20,628.64. A copy of the recommendation, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

LAKE HORTON PARKING CHARGES REVENUE ACCOUNT

7. Approval of staff's recommendation to increase the Water System's Lake Horton parking Charges Revenue Account by \$650 and Pay Station Expenses Account by \$650. A copy of the recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

APPROVAL OF MINUTES

8. Approval of minutes for the Board of Commissioners' meeting held on February 7, 2007.
(This item was tabled from the March 22, 2007 meeting)

NEW BUSINESS

Discussion of annual renewal of employee benefits as presented by Human Resources

Human Resources Director Connie Boehnke said this was one of the most important items the Board of Commissioners voted on every year because it affected eleven hundred lives. She said they were fortunate this year to obtain some very competitive rates. She said she wanted to commend the Board members who had been lobbying for the county employees.

Ms. Boehnke said the first item was the Medical and Pharmacy Benefits. She said there were two options. She said Option I was to maintain the same level of coverage we had with Blue Cross/ Blue Shield and to formally participate in the ACCG plan through Strategic Benefit Solutions. She said Option II, which staff recommended, was to change the medical and pharmacy vendor back to Blue Cross/Blue Shield of Georgia, with a reduction in the premium, and formally participate in the ACCG plan.

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Motion was made by Commissioner Frady, seconded by Commissioner Horgan, to accept Option II, as recommended by staff, the medical and pharmacy benefits of Blue Cross /Blue Shield as presented, with ACCG's statement that chiropractic care would be included as part of the package.

Commissioner Frady said this bid was coming from ACCG. He said it was the bid that Blue Cross/Blue Shield supplied the county through them.

Commissioner Pfeifer said he wanted to clarify that it was a reduction from CIGNA. Commissioner Frady said it was. He said CIGNA premium prices went up from \$3.9 million to \$4.5 million.

Chairman Smith said as a point of clarification, Strategic Benefit Solutions, who was currently the county's provider, had given the option to remain with CIGNA but had recommended going with Blue Cross/Blue Shield, which was a reduction in premiums from what the CIGNA increase would be. He said ACCG was a Blue Cross/Blue Shield provider and their price for providing the exact same coverage was lower than through our current carrier.

Commissioner Maxwell said he noticed in the bid package there were no numbers listed under chiropractic care. He said he had sent an email to ACCG and did not know if they had gotten back to us. He said it was his understanding that the bid package included chiropractic care. He said that was not in his bid package. He said he thought he had heard Commissioner Frady say they had called and it would be part of the package.

Commissioner Frady said it would be in the package when they received it. He said he would amend his motion to state that ACCG said chiropractic care would be added to this package. He said Blue Cross/Blue Shield said there would be no added cost.

Chairman Smith called the question. Motion carried 5-0.

Ms. Boehnke said the second item was the Group Basic and Dependent Life, Dependent Life, Accidental Death and Dismemberment (AD&D), Long Term Disability (LTD), Short Term Disability (STD), and Voluntary Life.

Ms. Boehnke said the Board had a document before them with yellow tabs attached. She said under the first yellow tab it was noted that they had guaranteed, and in some areas enhanced coverage, for ancillary benefits. She said in every instance except the Voluntary Life there was a slight rate reduction. She said also listed was the processing of their dental and vision plan at a reduced cost.

Chairman Smith confirmed with Ms. Boehnke that staff's recommendation was to change ancillary benefits, which was Option II, to Greater Georgia Life or their subsidiary. Ms. Boehnke said that was correct.

She said Option I was to continue with Guardian for ancillary benefits as listed above.

Chairman Smith asked if they changed to Option II was there any break in coverage. Ms. Boehnke said there was not.

Motion was made by Commissioner Horgan, seconded by Commissioner Frady, to accept Option II as recommended by staff, to change to greater Georgia Life or their subsidiary for ancillary benefits as presented. Motion carried 5-0.

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Ms. Boehnke said the next item was the Wellness Program. She said there were two options. Option I was to continue to participate in WellCall's Wellness Program through Strategic Benefit Solutions at an individual cost. She said Option II was to change to participation in ACCG's Wellness Program at no additional cost as it was included in the health premiums. She said staff recommended Option II.

Motion was made by Commissioner Frady, seconded by Commissioner Horgan, to accept Option II, as recommended by staff, to change to participation in ACCG's Wellness Program.

Commissioner Pfeifer asked how the ACCG Wellness Program compared to the ACCG Wellness Program. Ms. Boehnke replied that it was very similar.

Motion carried 5-0.

Ms. Boehnke said the next item was the Dental and Vision Reimbursement Program. She said Option I was to continue to contract with Guardian to process dental and vision reimbursement claims. She said Option II was to change to Blue Cross/Blue Shield of Georgia or their subsidiary dental and vision plans. She said staff recommended Option II.

Ms. Boehnke said Blue Cross/Blue Shield has guaranteed they could process the same plan that we had today which was 80% of any claim. She said they did have a wider network than Guardian but she was not too optimistic as some dentists and optometrists in Fayette County were hesitant to participate in networks.

Motion was made by Commissioner Pfeifer, seconded by Commissioner Horgan, to accept Option II, as recommended by staff, to change to Blue Cross/Blue Shield of Georgia or their subsidiary to the dental and vision plan as presented. Motion carried 5-0.

Ms. Boehnke said item number five was the dental-vision contribution. She said they could continue the dental contribution levels or Option II would be to change the dental-vision contributions to adequately reflect current plan utilization. She said they had not changed the contribution levels since 2003.

Chairman Smith said he wanted to make sure he was reading the table correctly and that was they had paid out more claims significantly than what they had collected in the last two years. Ms. Boehnke said that was correct.

Motion was made by Commissioner Horgan, seconded by Commissioner Pfeifer, to accept Option II, as recommended by staff, for an increase in the contribution rate for the dental and vision contribution as presented. Motion carried 5-0.

Ms. Boehnke said item number six was the Employee Assistance Program (EAP). She said Option I was to change the program from Newnan Hospital to Blue Cross/Blue Shield of Georgia. She said Option II was to maintain the EAP services with Newnan Hospital.

Ms. Boehnke said the reason she wanted to discuss this was the current rate they were paying Newnan Hospital was \$1.50 per employee per month. She said that was for unlimited visits. She said the rate proposed by Blue Cross was \$1.98 per employee per month. She said they were similar in benefits with the exception that Newnan Hospital had unlimited visitation versus being capped at six visits.

Commissioner Frady asked what they would be getting for the extra cost. Chairman Smith said they would be getting a cap on visits which would be six.

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Motion was made by Commissioner Frady, seconded by Commissioner Pfeifer, to accept Option II, as recommended by staff, to maintain EAP services with Newnan Hospital. Motion carried 5-0.

Commissioner Frady said what they had just voted on had been a savings to the county of about \$369,000. He said that may not be the total savings at the end but there would be a tremendous savings to the county while getting the same thing they did last year. He said they were proud of that.

Ms. Boehnke said they had an online benefit tool that had been accessed 3,726 times last year. She said this was an informational tool for the employees and applicants. She said they would not have this tool with the discontinued use of Strategic Benefit Solutions. She said they contacted their current vendor for web services and they estimated the service start up fee would be \$19,000 and the ongoing fee would be \$3,000 annually. She said she strongly recommended the Board consider some type of online benefit information service. She said this was a wonderful tool. She said this was especially true last year in July when they were in transition from one carrier to another.

Commissioner Maxwell asked who was she talking about when she said they had contacted the provider. Ms. Boehnke responded the county website provider was Eleven Fingers.

Commissioner Maxwell asked if she had contacted Benergy to see if they were willing to do it. He said he went to this site last week and it was a wonderful tool. He said there was a lot of useful and helpful information on the site. He said he did not know if Benergy had a tool that they could sell to a county.

Commissioner Horgan asked if this was comparable to what Blue Cross/Blue Shield offered as far as access through their website. Ms. Boehnke said no one had brought that to her attention but she would check into that.

Chairman Smith said he would encourage Human Resources to contact Benergy and see if there was anyway the county could go direct with them. Also he asked that Ms. Boehnke investigate Blue Cross/Blue Shield to see if their information was sufficient for the county's needs.

Ms. Boehnke said there was one point she wanted to make about the COBRA Administration. She said the COBRA Administration would be administered through Blue Cross/Blue Shield.

A copy of the Employee Benefit Options, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

Ms. Boehnke said she wanted to address staffing. She said they had been through three transitions this year which was very unusual. She said it had taken a toll on a staff member who fortunately was very diligent in performing their job and it proved not to be a problem. She said in the Human Resources FY09 budget she was requesting a Benefits Clerk. She said throughout this process it had come to her attention that before they put a band-aid on a situation they may want to look at expanding that role to a Risk Management Administrator. She said that would be someone who could analyze and develop RFP's, analyze policies, and research claims not only in the area of employee benefits but also property and casualty. She said this would be risk management as a whole. She said she would like to take some time to prepare a document, with all the facts, for the Board's consideration later in the year.

Commissioner Frady said he did not think they would have a problem with Blue Cross/Blue Shield this year because they had a contract with the hospital for two more years. Commissioner Frady said he thought they were going to go out every year and get bids. He said they were not going to stop that.

Discussion of Adult Daycare Facilities in the Zoning Ordinance as presented by the Planning and Zoning Department

Dennis Dutton, Zoning Administrator, said they were seeking permission to study and develop an adult daycare facility in the Zoning Ordinance. He said the Zoning Ordinance had specific language for regulations for child daycare facilities. He said there was nothing in the ordinance that dealt with adult daycare facilities. He said in the existing ordinance they looked at tot lots and playground areas, but there was nothing specified for adult daycare facilities. He said an adult daycare facility was not the same as a personal care home, it was basically a supervisory type home that dealt with the elderly with Alzheimer's and other diseases.

Mr. Dutton said they were asking for the Board's permission to study this, meet with the Planning Commission, and bring their findings back to the Board.

Chairman Smith asked if this was a separate code section or an addendum to an existing code section. Mr. Dutton said in other areas it had been a separate definition and could be a conditional use or permitted use. He said those were the two they wanted to look at and decide what would be best. He said specific requirements needed to be defined.

Commissioner Frady asked who wrote the regulatory rules for child daycare. Mr. Dutton said the State Department of Human Resources.

Commissioner Frady asked if there were any of these facilities in the county. Mr. Dutton said he understood there may be one. Commissioner Frady said he noticed they operated as a business and were not regulated by the state. Mr. Dutton said there was a regulation but it was complicated. He said in talking with ARC and the area Agency on Aging, a law was passed to regulate the adult daycare facilities. He said the problem was when the General Assembly voted on it there was no mechanism for funding and inspections. He said he had been told they were in the process of going back to the General Assembly in regards to this.

Commissioner Frady asked Mr. Dutton what he wanted the Board to do. Mr. Dutton said they wanted the Board's permission to study this issue and take this before the Planning Commission to develop an ordinance with a definition and regulations, and then make a recommendation to the Board of Commissioners. He said they would look at the state regulations to make sure they mirrored what they did.

Commissioner Horgan asked how could they say it was an adult daycare. Mr. Dutton said they did not want it considered a home occupation. He said they did not see that as an ideal situation.

Chairman Smith said he would like to see them study, define and propose regulations.

The Board of Commissioners instructed staff to study, define and propose regulations for adult day care facilities in the Zoning Ordinance.

A copy of the information, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

Discussion of bad debt expense and issuance of an RFP for collection services as presented by Fire and Emergency Services

Fire Chief Jack Krakeel said approximately one year ago the Department of Fire and Emergency Services took responsibility for the management of the accounts receivable (A/R) process associated with patient transport. He said prior to taking over that responsibility they worked with the Finance Department to

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develop a Request For Proposal (RFP) for collection services. He said the engagement of a professional collection agency was one area they felt would improve the maximized revenues. He said they had worked with the billing agency on techniques to enhance the capability of generating revenues from that program.

Chief Krakeel said there were three functional areas in the field of EMS that generated successful revenues. He said first was the insurance that accurate information was documented on the patient care record which allowed claims to be sent to the appropriate party on the first go. He said secondly the agency that sent these claims should have expertise in the realm of the billing process. He said thirdly was the timely collection of past due accounts.

Chief Krakeel said the collection history with this firm of the collection success rate was seven percent annually. He said that was a significantly low average. He said the average ran fifteen to eighteen percent. He said to address this particular element they had developed an RFP and wanted consideration to submit the RFP to qualified vendors and receive proposals for Board consideration with respect to past due account collection services.

Chief Krakeel said their analysis of FY05 data showed that out of \$1.9 million there was \$600,000 in outstanding accounts receivable on patient transports. He said their goal was to improve the collection of past due accounts and assist the department in reaching its targeted performance goal of collecting 80% of net revenues. He said they were currently at 68%.

Commissioner Frady confirmed with Chief Krakeel that collections were currently at 68%. Chief Krakeel said they had to take into consideration they were bound by Federal statute to accept a level of payment from agencies such as Medicare and Medicaid for services provided. He said with uncompensated care, which was the difference between what was billed and amounts received, they were legally required to accept that payment. He said for the year FY05 uncompensated care was approximately \$260,000. He said they would never receive 100% payment for services provided.

Chief Krakeel said he tried to do an analysis on this A/R debt by looking at individual accounts, and of approximately 800 transports of residents in Fayette County there was an outstanding debt of some sort. He said he was not sure what the rationale was behind that. He said he strongly suspected many people viewed this service as one that was tax supported and therefore tax dollars should support this service.

Chairman Smith asked if the debt Chief Krakeel was referring to was already reduced by those items that were virtually non collectable by contractual obligation. Chief Krakeel said that was correct.

Commissioner Frady said the report he was reading was from July 05 to June 06. He asked if Chief Krakeel could tell them what he was running down this year so far. Chief Krakeel said the A/Rs were running approximately \$1.2 million.

Chairman Smith asked since June 06 were they still running about 68%. Chief Krakeel said they were. He said 68% was a substantial improvement from previously being at a lower 50% rate. He said he felt the percentage increase was due to the engagement of the professional billing agency and the internal obligations made to ensure that the first claim went to the right location. He said when a claim was sent to the wrong location it could result in a 30, 60, or 90 day response time.

Commissioner Frady asked Chief Krakeel if he knew what the collection company's fee would be. Chief Krakeel said he did not have exact numbers. He said generally firms' responses to RFP's were they put

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a percentile on the debt and that percentile varied with the age of the account. He said the older the account the higher the percentage.

Commissioner Frady asked how long they attempted to collect before turning them over to the agency. Chief Krakeel said it varied by account. He said generally 120 days was considered the cut off time. He said if they had not collected the debt within 120 days chances went down substantially of successfully collecting the debt.

Commissioner Frady asked Chief Krakeel if he had analyzed the data so that he could tell how many claims were from outside of Fayette County. Chief Krakeel said he had. He said 67% of the outstanding debt was with patients that resided in Fayette County and 32% were those that lived outside of the county.

Chairman Smith asked if they had a collection agency now. Chief Krakeel said they did and in checking the contract there was nothing that prevented them from vacating that contract at this time.

Chairman Smith asked if there were collection agencies that specialized in medical billing. Chief Krakeel said there were and they had provided those names to Purchasing to use as part of the RFP process.

Motion was made by Commissioner Frady, seconded by Commissioner Horgan, for Fire and Emergency Services to develop a RFP for collection services for the EMS outstanding accounts receivable. Discussion followed.

Commissioner Maxwell said his concern was how aggressively this Board wanted to be with citizens that did not have the ability to pay. He said these were people who lived in Fayette County and for whatever reason had to go through Fire and Emergency Services. He said he was hearing if insurance did not pay the county was going to be aggressive in collecting the payment. He said he did not know how much time and effort they were going to put into this as they were looking at marginal dollars because the big part of the dollar had already been bled out of the insurance company or patient by the time this got to the collection agency. He said he assumed they had a competent medical billing company doing this.

Commissioner Maxwell said he knew from representing doctors that there were some dollars you could get out of people, but most providers he had represented wrote it off. He said there was a negative effect on patients. He said if the person had the ability to pay then go after them aggressively but it was hard to tell on the front end if someone had the ability to pay and was not paying, or if they did not have the ability to pay. He said that was the problem he was having with this, who would make the call regarding the patient's ability to pay. He said the contract the county currently had said in order to file a lawsuit the county commission needed to be notified. He said the county commission at least controlled that aspect of it. He said the interim damage that was done when an aggressive collection agency went after someone for medical bills was something he did not know if the commissioners should be involved in. He said that because he dealt with hundreds of people and it was very frustrating.

Chief Krakeel said they did provide provisions for patients who could not pay the full bill. He said there was the opportunity for those who had a financial hardship to work out a payment plan.

Chairman Smith called the question. Motion carried 5-0. A copy of the debt and collection information and an example of the RFP, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

Commissioner Frady to discuss the topic of accessory buildings

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Commissioner Frady said he had problems with accessory buildings in certain areas, not all zoning areas. He said he had discussed this issue with Pete Frisina, Director of Planning and Zoning.

Commissioner Frady said presently they had on a one or two acre lot two accessory buildings, 900 square feet each, but they could not be attached. He said in an AR zoning district with five acres an 1800 square foot building was allowed. He said on ten and over acreage multiple buildings of 1800 square feet were allowed. He said he had asked the question as to why were there two 900 square foot buildings on an acre lot because an acre lot was not that big to support two. He said the answer was they were concerned about apartments and that type of thing. He said he would like all of this sent back to the Planning Commission and looked over and they come back with a recommendation. He said he would like to see an up to 1000 square foot building and have to get a permit on anything more than 200 square feet. He said while it had no architectural designs on it now, he would like to see it have at least the pitch of the roof of the house to make it compatible with the site. He said, when it was available, he would like to repeat this behind the house. He said he knew some one acre lots were wider than they were deep.

Commissioner Frady said he would like to see considered only one building at 1000 square feet instead of two buildings at 900 square feet each. He said he did not want to see two buildings, each at 900 square feet.

Pete Frisina said the way the ordinance read was that anything but AR could have two 900 square foot accessory structures on the property. He said that included one acre zoning. He said the caveat used with agricultural was sometimes hard to define. He said someone may have five to ten acres and have a tractor to cut the grass and need a building to store that equipment therefore they usually allowed larger than a 900 square foot building. He said they had residents that were actually involved in agriculture and allowed horses, cows, rows of crops and orchards.

Mr. Frisina said he tried to prepare something to give the history of the regulations as they came into existence. He said the only concern he had was if they went to a situation that said now you could only have one 1000 square foot structure it brought up the creation of nonconformance on those lots that had two structures of 900 square feet and the ordinance would read you could only have one structure. He said they got into the situation if one or both of the buildings were destroyed both buildings could not be rebuilt.

Commissioner Frady said he was not suggesting making someone tear down their building or not build it back.

Commissioner Frady said he was glad Mr. Frisina brought that up because that was his next subject. He said the information he had stated someone could have two buildings at 900 square feet. This had been allowed since 1986. He said he did not know how many people currently had two buildings on their property.

Mr. Frisina said the idea of 900 square feet was to try to create a situation. He said they were moving toward a suburban county at that point. He said the intent was not to have a structure on an one or two acre lot that was larger than the house. He said at that time homes were being built in the 1500 to 1800 square foot range. He said now houses were being built in the 5,000 to 6,000 square foot range.

Commissioner Frady said another way to keep someone from putting an apartment in their back yard was not to allow a meter to be put on the structure and they could run electricity from their house. Mr. Frisina said they had regulations for guest homes. He said they allowed a structure smaller than 900 square feet. He said the square footage was 700 feet for that.

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Chairman Smith asked Commissioner Frady what he was trying to accomplish.

Commissioner Frady said not to have two structures behind the house and connect them. He said you could have 1800 square feet. He said he did not see the point of having that because you would have buildings all over an one acre site. He said he wanted to get it all under one roof, anyway they wanted to do it. He said he was suggesting 1800 square feet was too much, but if they wanted to let people build one building footing and build that kind of square feet that was fine with him.

Chairman Smith asked if he would propose that they simply add in an "or" where you either got two buildings at 900 square feet or got one at 1250 square feet.

Commissioner Frady said the problem he had heard people say was that they did not need to have two buildings that were not connected that totaled 1800 square feet. He said if the 1800 square feet was under one roof that was fine. He said 1000 square feet was a lot of space for a house to have for outside storage.

Mr. Frisina said it also counted as a detached garage. He said 900 square feet would be equivalent to a 3-car garage.

Chairman Smith said he did not know if he wanted to change the two buildings and get into the problem they already had with the situation of nonconforming use of structures. He said there may be an issue on some of the older parcels where a single use accessory building square footage would be more dominant than the house. He said that would be an issue to be researched to see if that was a prevalent problem or not.

Commissioner Maxwell said they could put a percentage out there such as 60% of the floor plan. He said perimeters could be added.

Commissioner Maxwell asked if they were talking about just the smaller ones, lots with less than five acres. Commissioner Frady said he was talking about one and two acre lots.

The Board instructed Planning and Zoning Director Pete Frisina and Commissioner Frady to meet and discuss proposed regulations for the number and size of accessory buildings as related to lot size and zoning classification.

A copy of the Summary of Accessory Structure Regulations, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

Commissioner Frady discussed the topic of storage facilities in commercial zoning districts

Commissioner Frady said Mr. Bray and Mr. Norris called him and they were here today and he wanted them to give the Board some examples of what was happening and the fact that they took the storage buildings out of the commercial district. He said he thought the bank was frowning on grandfathering the nonconforming buildings.

Mr. Bray said what it amounted to was changing the classification as to where self storage buildings could be built. He said recently he was in a CH district and they changed it to where storage facilities were to be in a M1 zone. He said they put him in a M1 zone and then they decided to change him back to CH. He said the problem was he was in nonconforming use because he was zoned CH and was performing services that should be in a M1 district according to the zoning ordinance. He said the problem was a loan officer was not going to grant a loan on that property knowing if the building was destroyed it could not be

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rebuilt. He said the other problem was in trying to get business interruption insurance because if they could not build a building back they could not get business interruption insurance.

Chairman Smith asked Mr. Bray what he thought the solution should be. Mr. Bray replied that he thought the solution was to rezone his property to M1 as he was performing a M1 service.

Attorney McNally said they either could rezone to M1 or add conditional use to CH zoning.

Commissioner Maxwell asked if that would allow every business in the CH zone to have the ability to do mini storage. Attorney McNally said it would.

Commissioner Frady asked if they wanted M1 where these places were. Attorney McNally said that was why he suggested CH conditional use. Commissioner Frady said that would suit him better because he would not want M1 in there and something happen.

Chairman Smith asked if they could do conditional on an as constructed date. Attorney McNally said they could not do that.

Commissioner Maxwell said it sounded like the Board wanted to help this situation out. He said he was not sure of the best way to accomplish this.

Chairman Smith said he thought it was the consensus of the Board that they had put Mr. Bray in a position they wanted to fix the right way and not create another problem in the process.

The Board directed staff to meet with Mr. Bray to discuss possible solutions and bring these back to the Board to review and act upon.

A copy of the amendments to the zoning ordinance for self-storage facilities, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

BOARD REPORTS/COMMENTS

Commissioner Pfeifer informed the Board of House Bill 227 concerning cable franchising. He said about two years ago Comcast came before the Board asking them to give up their public access channel. He said they also wanted Fayetteville, Peachtree City, Tyrone, and the School Board to give up their channels and in return they would have one channel between them. He said this would accomplish for Comcast what they had told them they were not interested in. He said that was that Comcast could pull their access channels. He said they needed to be doing something about this. This bill had passed in the House and was to be considered by the Senate.

Attorney McNally said franchise fees would be handled by the Secretary of State's office and one of the provisions would be shared municipal channels.

Chairman Smith said if he understood the bill correctly if the station they were granted, by virtue of the franchise, did not have sufficient contemporary programming then after a period of months they forfeited the rights to that channel. He said one of the things they needed to look at was with the channel they had, if they did not put time, money and effort into it to make the programming contemporaneous and current, they risked losing it. He said that did not include just a roller with job applications on it, it had to have some type of reasonable contemporary format and information.

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Commissioner Maxwell said he talked with Andy Macke of Comcast and he said Peachtree City had given up their channel and he would be talking to Fayetteville next week and thought they were going to give up their channel. He said Mr. Macke would be coming before this Board with a proposal.

Commissioner Maxwell said if they went to a franchise with the state then they would not be having these kinds of discussions. He said the state would control that. He said instead of them losing the five percent franchise fee, the state would be our partner and who knows how that would be administered. He said he did not know if they could plan on a bill being passed by the legislature. He said they would continue to operate as things came along. He said it could be by July 1 that they would not be in business any more.

Attorney McNally said he thought the bill provided for franchises in effect to stay in effect until 2012.

Chairman Smith stated that earlier today the Board voted to make a change in the insurance program which was a change to a better price for the same coverage. He said he wanted to thank Commissioner Frady for the background work and diligent effort he put forth in examining in detail all of the insurance information.

County Attorney Bill McNally requested an Executive Session to discuss three legal items and one real estate item.

Commissioner Pfeifer requested an Executive Session to discuss one legal item.

EXECUTIVE SESSION

Motion was made by Commissioner Frady, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss four legal items and one real estate item. Motion carried 5-0.

Legal: Commissioner Pfeifer and 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.

Legal: Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

Real Estate: Attorney McNally discussed a real estate matter with the Board.

The Board authorized Attorney McNally to proceed with this matter.

Executive Session Affidavit:

Motion was made by Commissioner Pfeifer, seconded by Commissioner Frady, authorizing the Chairman to execute the Executive Session Affidavit affirming that three legal items and one real estate item 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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Chairman Smith reconvened the meeting to open session.

Chairman Smith stated the Board discussed three legal items and one real estate item in Executive Session. He said no action was to be taken with regard to any of those matters.

Motion was made by Commissioner Horgan, seconded by Commissioner Frady to adjourn the meeting. Motion carried 5-0.

There being no further business to come before the Board, Chairman Smith adjourned the meeting at 6:05 p.m.

Peggy Butler, Chief 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 14th day of June 2007.

Peggy Butler, Chief Deputy Clerk