

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, May 10, 2007, at 7:00 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  
Karen Morley, Chief Deputy Clerk

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Chairman Smith called the meeting to order.

Invocation led by Commissioner Pfeifer.

Pledge of Allegiance.

**PROCLAMATION FOR OLDER AMERICANS MONTH:** Chairman Smith read and the Board presented a Proclamation to Andy Carden representing Fayette County Senior Services proclaiming the month of May as "Older Americans Month". A copy of the Proclamation, identified as "Attachment No. 1", 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 any issues of concern.

**Lyn Loveless:** Lyn Loveless commented on the noise ordinance that was passed by the Board in 2005. He read a portion of the minutes from 2005 when this ordinance was passed. He said he had four children and thirty acres of property. He said the current noise ordinance was such that if a person was talking in a low voice it was considered breaking the law. He said there were over 600 airplanes that fly over this County every day that break the law but because we were so used to them we don't hear them. He said he realized that there had to be a noise ordinance and there needed to be strict laws regarding this ordinance but he felt that someone with large acreage needed a place to practice their riding. He said he had a 9 year old, 12 year old, 14 year old and a 16 year old who race competitively and they needed to have a

place to practice. He felt there needed to be some time frame set aside for them to practice. He also felt that the decibel levels needed to be raised to more than speaking level. He said if someone was speaking in a normal voice it was considered breaking the law. He felt this was ridiculous.

Mr. Loveless further remarked that depending on which direction the wind was blowing, a person might be breaking the law. He pointed out that sometimes when going to a gas station, there were people with blaring car stereos. He said nothing could be done about that and yet his children could not ride a 65, 85 or a 125 on thirty acres of property in this County. He asked for the Board's consideration to revisit this issue to see if there could be some way to accommodate dirt bikes. He said dirt bikes were sold in three different shops in this County and people who purchased these bikes were unaware that they could not ride them under the current ordinance. He said his children's bikes were all two stroke mufflers and the larger bikes were four strokes. He asked for the Board's consideration to revisit the issue and see if there was something that could be done to work out days and hours of the week and also to raise the decibel level.

Commissioner Frady remarked that the decibel level was originally 55 in the ordinance. He asked if this had ever been changed.

Mr. Loveless remarked that 55 was the original decibel level in the ordinance and it had never been changed. He said the Marshals had tested the decibel level in a normal speaking voice and it went up to 78 decibels. He remarked that most people don't notice an airplane flying over their homes but it was considered to be breaking the law. He asked for the Board's consideration to review the current noise ordinance.

**Alice Jones:** Alice Jones said she was Vice President of the North Fayette Community Association. She expressed concern and interest in the anticipated date for completion of Phase I of the Kenwood Park. She said there was a large population of people who have no immediate facilities to accommodate them. She said this was the reason the Association even presented this proposal back in 2000. She said the citizens would like to know if there was a target date for completion of Phase I of Kenwood Park. She said they had seen the proposed plan for other phases and she noticed a replication of items in these phases as were included in Phase I. She said she noticed the exclusion of a maintenance building in Phase I of the project. She said even with targeted money from other sources and other parks, she questioned if that meant that no facility would be built at the park.

Chairman Smith asked if anyone else wished to speak under public comment. Hearing none, he called for the public comment to be closed.

**CONSENT AGENDA:** Commissioner Horgan requested item #2 be removed for discussion. On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to approve consent agenda items 1, 3, 4 and 5 as presented. The motion carried 5-0.

**MAIN STREET FAYETTEVILLE - CALENDAR OF EVENTS:** Approval of Main Street Fayetteville's annual calendar of events. A copy of the request, identified as "Attachment No.2", follows these minutes and is made an official part hereof.

2. Approval of staff's recommendation to extend the contract of Imagann Cleaning Services for library cleaning for another year at \$23,064. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Commissioner Horgan said the reason he wanted to removed this item was because he felt it needed to go out for bid. He said this had been an ongoing contract since December of 2005. He said this same company was coming up for rebids on a few other facilities in July. He said in addition he had spoken with the Director of the Fayette County Library Chris Snell who informed him that she had not been 100% satisfied with the services that this company currently had provided the library. She said there had been numerous times when she had to call the company back to take care of cleaning situations.

Chairman Smith suggested that this item be tabled to a future meeting. He said the issue of services that the library staff was not satisfied with was not something that he was aware of. He felt it would behoove the Board to have staff investigate this further before the Board takes any action.

Commissioner Frady interjected that since this amount was over \$20,000 it could be put out for bid regardless. He said the current contract was probably up at the end of June.

Commissioner Horgan remarked that there were three other facilities in the County who had services expiring in July.

Chairman Smith said he had not spoken with Ms. Snell about this and he asked if she had indicated that she would like this to go out for bid.

Commissioner Horgan replied that was not necessarily Ms. Snell's comment because she was just one part of this company. He said this company also cleans many other County facilities. He said Ms. Snell did indicate that she has had to call the company back numerous times and he felt it would be a good idea since this contract had been out since 2005.

Chairman Smith said he would like staff to review this further and have discussion with the library staff before the Board takes action on it.

It was the consensus of the Board to table this to a future meeting in order for staff to review the contract.

**BID #607 AWARDED TO PHILLIPS MEDICAL SYSTEMS - CARDIAC**

**MONITORS:** Approval of staff's recommendation to award Bid #607 for four Cardiac monitors to low bidder Phillips Medical Systems for a total net price of \$53,181.20 including trade in. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**BID AWARDED TO TRAMMELL-HORTON - PHASE I KENWOOD PARK BUILDING AND RECREATION FACILITIES:**

Approval of staff's recommendation to award the bid of Kenwood Park - Phase I Building and Recreation Facilities to the low bidder Trammell-Horton for \$1,597,202.61 and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents. A copy of the recommendation and contract, identified as "Attachment No. 5", follows these minutes and are made an official part hereof.

**MINUTES:** Approval of minutes for Board of Commissioners meeting held on April 12, 2007.

**FURTHER DISCUSSION BY THE DIRECTOR OF ENVIRONMENTAL HEALTH RICK FEHR REGARDING THE REQUEST FOR APPROVAL OF TWO ENVIRONMENTAL HEALTH FEE INCREASES:**

Director of Environmental Health Rick Fehr remarked that at the March 13, 2007 Board of Health meeting the current Medical Director for State District IV Health Services Dr. Michael Brackett was asked about these fee increases. He said in the minutes it was quoted that Dr. Brackett stated that the rapid growth of population could mean hard choices of either losing staff or cutting services in the future and that the proposed fee increases were reasonable. He said Dr. Brackett had recommended going forth with the fee increases. He said Dr. Brackett was only one of nineteen medical health directors in the State of Georgia and he meets with the other eighteen members on a regular basis and was quite familiar that this was a challenging situation not only for Fayette County but for most County health departments.

Mr. Fehr said, in addition, the last time he spoke to the Board he had mentioned the State Legislative Committee that declared that public health in Georgia was at a crisis stage. He said he found it interesting that among the findings that they declared about the situation,

that public health budgets were being squeezed as inflation and population growth have outpaced spending. He said when he started his employment with the Fayette County Health Department in 1980 there were 11 permitted food service establishments with a population of just a little over 9,000 people. He said today in 2007 there were 295 permitted food service establishments and a population of over 106,000 people. He said the staff had increased by three and one half times in just food service permit establishments and the population had increased ten fold. He said in 1980 there were no required pool inspections as are currently required. He said there were no required emergency responsibilities and no 2005 State Smoke Free Act that had to be enforced. He said the Environmental Health Department had to enforce State on-site sewage regulations as well as State food service regulations. He said these regulations required that the Environmental Department inspect all permitted establishments at least twice a year. He remarked that the 11 other counties in the 12 County health district have found to be the case that it had been a much better overall food protection program to inspect facilities three or four times a year. He said that had been a goal of the 12 County health departments. He said with the 295 food service establishment inspections these did not include followup inspections required for serious violations or for inspections received as a result of complaints made to the Environmental Health Department or for inspections due to new food service establishments that open. He said the department also enforces State tourist accommodation regulations as well as the swimming pool regulations. He said the regulations require a minimum of two inspections each year and currently there were 120 permitted swimming pools that need to be inspected. He said this would mean there would be a minimum of 240 swimming pool inspections by the Environmental Health Department. He said this was especially difficult since swimming pools were only open during certain times of the year and those inspections needed to be squeezed in during a very short period of time. He said in addition there was now the required response to emergencies. He said the Department was now required to have trained and certified responders to natural and manmade disasters which the Department could be called upon twenty-four hours per day 365 days per year. He said the potential impact of this responsibility was significant when the media had widely reported that it was only a matter of time before there was going to be a world-wide pandemic flu outbreak. He said it had also been reported that there was the potential that this next outbreak would be as deadly if not more deadly than the pandemic flu outbreak of 1918 and 1919 which resulted in 700,000 deaths in this Country alone.

Mr. Fehr further remarked that each staff member was required to take a Federal Emergency Management Agency on line course and test. He said each one of the staff members took this test and each one took between 12 and 16 hours to take the course and the test. He said in staff time alone that involved two weeks out of the Department's yearly time. He said in addition his Department had received a request from the State District Office to provide a communication officer from the Health Department during an emergency

crisis. He said because of the number of years he had worked for the Health Department and the amount of time he had spent with the local media, it was felt that he would be the most effective communications officer in that case. He said he was required to take a one day course to become a communications officer.

Mr. Fehr further remarked that his staff had to enforce the Smoke Free Act adopted in 2005, collecting and testing private well water and conducting an injury control program. He said the State provided the Board of Health and the Fayette County Health Department with State Grant in Aid funding to compensate the Department in part for the requirements of these above listed programs. He said as stated in the official Code of Georgia Annotated Chapter 3 page 31 it stated that failure of the Health Department to meet any of these minimum requirements of the contract that the Board of Health signs with the State could result in the State either reducing or eliminating the State Grant in Aid funding.

Mr. Fehr further stated that during the last meeting he had mentioned the fact that the Department was also undertaking this year new food service regulations. He said each Environmental Health staff member was required to attend a full three day training course and for the seven members of the Department it would mean 21 staff work days which would be equivalent to one staff member being unavailable for four weeks. He said each Environmental Health staff member must obtain National Restaurant Association Serve Safe Training and Certifications. He said these classes were a two day class and for the seven staff members that would be equivalent to one staff member being unavailable for two weeks. He said each staff member also had to be approved by a Standardized Food Service Inspector and perform a minimum of eight food service inspections with a State Certified Standardized Inspector until the inspections sufficiently match each other. He said with an average of two hour inspections this would be equivalent to one staff member being unavailable for 12 to 15 work days or approximately 3 weeks. He said on January 1, 2008 all permitted food service inspections must have both an old inspection under the old regulations and also a new inspection under the new regulations. He said there were currently 295 food service establishments which would mean an extra 295 inspections and an average of two hours per inspection this would be equivalent to 590 man hours or 15 weeks that one staff member would not be available for other duties. He said this worked out for a total of 24 work weeks out of 50 work weeks that this new program would require from the Environmental Health Department.

Mr. Fehr further remarked that in addition to the fact that the State had generated additional responsibilities for the Department, the County and the municipalities within the County had also given the Department over the years additional responsibilities. He said as recently as one year ago the County requested that the Environmental Health Department began an oversight of community onsite sewage systems due to a concern about the State being the only governing agency approving community onsite systems in the County. He noted that the Environmental Health Department was the only County Department in the

twelve county health district that has this responsibility. He said approximately two years ago the County requested that the Environmental Health Department review all building permits for any additions to properties with existing structures. He said this was to ensure that existing sewage systems and sewage system replacement areas were not affected by these additions. He said based on Fayette County permit records for the period January 1 to December 31, 2006 there were 369 such permits that the Environmental Health Department reviewed. He said for a number of years the County had required the Department's participation on the County's Technical Review Committee. He said this involved the Department reviewing and providing comments on a monthly basis for submission of rezonings, preliminary plats, yield plans, site plans and appeals to the Zoning Board of Appeals. He said the Department also had a responsibility of enforcing the County regulation regarding abandoned wells. He said as recently as two years ago the Town of Tyrone began requesting that the Environmental Health Department begin reviewing and comment on their rezoning, preliminary plats and site plans. He said of this date, the Department had not had sufficient time to respond to those requests.

Mr. Fehr said he had mentioned in the last meeting with the Commissioners that the Fayette County Board of Health approved the fees that were being requested. He said by State law the Board of Health was comprised of seven members and at the meeting where the fees were approved, all seven members of the Board of Health approved these two fees by a unanimous vote. He said this was all of the information that he felt the Commission needed to be aware of concerning these fee increase requests. He said he would be glad to answer any questions.

Chairman Smith said he was going to make a comment and he hoped that Mr. Fehr did not take it in a negative tone but it was weighing heavily on his mind. He said Mr. Fehr had made a compelling argument as to why the Environmental Health Department was doing a lot more work now than it used to do but quite frankly he was at a loss as to how that justified an increase in fees.

Mr. Fehr said that was an excellent question. He said one of the things that was important in most governmental agencies was to have people who were well trained and experienced. He said certainly the longer people stay there were promotions and additional incentives for these employees to remain with the Department. He said one of the parts of the State Republican Committee dealt with the fact that Public Health Departments were losing a lot of their personnel at an alarming rate. He said he had obtained from the State Environmental Health Department the fact that for the period of 2005 through 2008 considering vacant positions that occurred during that time including vacancies due to retirement and employees projected to retire in 2008 it meant that there was a 41% turnover rate among employees. He said just by inflation alone the fact that the Environmental Health fee for new construction that was approved at \$275 back in 1994 by

inflation alone should be the \$330 amount. He said it had cost the Department more for staff to do what it was required to do just by inflation alone. He said the Environmental Health Department's budget must be reviewed by the State District Office, the Fayette County Board of Health and the Fayette County Board of Commissioners. He said the Department must justify the funding that was requested. He said the Department's funding just was not keeping up with the needs of the Department. He said if the funding was not available, as indicated by Dr. Brackett in his statement, the Department would be facing a situation of either cutting services or losing employees.

Commissioner Frady questioned Mr. Fehr about any backlog for the Environmental Health Department due to these inspections.

Mr. Fehr responded that this Department was not allowed to have a backlog. He said there had to be a certain number of inspections for all of these facilities within a one year period of the contract that the Board of Health signs with the State of Georgia. He said the Department had no choice but to meet those obligations. He said in part they were accomplishing this because many staff members were working over time at no additional compensation. He said it was approximately a year and a half ago to two years ago that the State ceased what was called comp time. He said in the past employees who worked one hour additional overtime could be given an additional hour off. He remarked that now the staff who was working overtime would receive no additional compensation for that. He said this was another reason for the high turnover rate throughout public health.

Commissioner Frady said he recalled a year or two ago Mr. Fehr indicated that there was a backlog in this Department.

Mr. Fehr replied that approximately a year and a half ago at one point new permit construction for sewage systems was somewhere between six and eight weeks delayed from the time that permits were being submitted and the time that the Department was able to issue the permit.

Commissioner Frady asked if that was occurring now and Mr. Fehr replied no it was not.

Chairman Smith asked Mr. Fehr what had changed.

Mr. Fehr replied that part of the change was the fact that there was a significant reduction in construction especially within the last six months. He said this Department would be having a terrible time with the new food regulation requirements if the construction was not at a slow down, He said it was a bad situation in a sense that the Department would have to hope that the building industry was suffering just so the Department could keep up with its responsibilities. He said part of the problem with that was that the longer the period of



time that new homes were not built, there would be a pent up demand. He said when the pent up demand was let loose that was when the Department would have an onslaught of people wanting to build homes. He said not knowing what the future was going to hold and how many permit applications would be coming in, the Department must be prepared for the onslaught as much as possible whether there was a slow down period or not. He said there had to be the staff capable and available to meet that demand whenever it comes.

Commissioner Frady asked Mr. Fehr if he had a full staff today and Mr. Fehr replied yes he did.

Commissioner Horgan asked how much time the Department spent when there were issues last summer with the PSC plant and the chemical smells. He asked if the Department had been involved in that situation.

Mr. Fehr responded that other County Departments and the State District Office were all involved especially after the citizens' task force was formed. He said the Department was definitely involved in that situation and had received a lot of calls from citizens. He said staff had to respond to these complaints and the concerns that citizens were expressing. He said the Emergency Services Department had indicated that they had received a huge number of calls and he was sure that other County Departments did as well. He said just in calls alone the staff had a lot to deal with during that situation.

Commissioner Horgan said Mr. Fehr had also mentioned the grant in aid funding. He asked what kind of money was involved with that.

Mr. Fehr replied that the State funding only provided for approximately 28% of the total needs of the Department's funding.

Commissioner Frady remarked that came to \$430,282.

Mr. Fehr said if the Department did not meet the minimum requirements, then the State did have the right to decrease or eliminate the State funding to the County Health Department. He said that was a risk that they certainly did not want to face.

Commissioner Frady interjected that the County was funding \$330,000.

Mr. Fehr interjected that the County had always been supportive of the Health Department. He said that had never been an issue as far as the Health Department was concerned. He said the Department was asking for support not necessarily in additional funding from taxpayers but for these fees to be increased so that the Health Department can keep up with the funding means that the Department had to have.

Commissioner Frady asked Mr. Fehr if he was familiar with an item on the revenue expenses that says PYPI.

Mr. Fehr replied that was a reference to the fees that the Health Department collects as part of the County's income. He said the Department takes the fees that were collected during the year and then uses them during the next budget year. He said as a result the Department did not have to guess what the fee portion of the funding was going to be. He said the Department uses the prior year's fees and there was no guessing involved.

Chairman Smith clarified that Mr. Fehr had stated that the Health Department collected fees this year, puts those funds in a bank account, holds those funds until next year and then spends them next year.

Mr. Fehr responded yes, that was absolutely correct.

Commissioner Frady said that was referred to as "carry forward."

Mr. Fehr remarked that this was the issue facing some of the other County health departments in District IV and that was when the fees were used the same year they were collected. He said then these health departments did not know for sure if there was enough money at the end of the fiscal year. He said when these funds were short, then these health departments must start looking at staff reduction.

Commissioner Frady said this was the same thing that Fayette County was trying to keep from happening.

Commissioner Horgan asked how long this process had been going on.

Mr. Fehr responded this had been going on since fees started to be collected. He estimated it was approximately twenty years ago and it had been the practice during that entire time period.

Chairman Smith asked Mr. Fehr if the collected fees as a percentage of the total Health Department budget had gone up, down or stayed the same.

Mr. Fehr responded that over the years they have gone up. He said he was not sure if in the last year or two that they had gone up very much, but he was sure they had gone up somewhat. He said it did fluctuate to a slight degree.

Commissioner Frady remarked that the Board had approved fee increases last year with the exception of two of the fees.

Chairman Smith said his question was concerning the fee income as a percentage of the Health Department's total budget. He asked if this was more, less or the same than it had been in prior years.

Mr. Fehr replied it was higher. He said it was his understanding that the fees were a larger percentage of the Health Department's funding.

Commissioner Pfeifer said a lot of the discussion was concerning inspections of eating establishments and swimming pools but Mr. Fehr was proposing to raise the fees on septic tanks.

Mr. Fehr remarked that the Department increases fees in other services but did not increase the fees for permits. He said basically the Department needed an appropriate fee increase in all of the fees so that the Department could meet all of its obligations and funding needs.

Commissioner Pfeifer questioned if the increased expense was due to one area of Environmental Health why would the money be taken from another area.

Mr. Fehr responded that based on the inflation rate alone, the sewage permit should be approximately \$330 just to have an equivalent amount that was appropriate to the amount charged back in 1994. He said all of the services were contributing to the Department's total funding. He said it was not that a certain amount of money was collected to pay for sewage work or that a certain amount of money was collected to take care of food inspections. He said it was not issued in such a way that the Department would get an absolute compensation equally for each one of the programs.

Commissioner Horgan asked what the other fees were that had been increased.

Mr. Fehr replied that the fees for food service had been increased as well as the swimming pool program and the tourist accommodation program. He said the fees were partially based on amounts that other counties were charging at the time and Fayette County was not. He noted that all counties were looking at trying to increase their fee collection. He said there was only so much money that the State gives to any Health Department. He said if the Health Department needed more money to hire more people, to give promotions or to do whatever, if there was not a fee increase it would not happen.

Commissioner Horgan said the other alternative was to come to the County for more money.

Mr. Fehr replied yes, he could come to the County for more money but there was a certain point to where the County could not provide funding. He said just from experience and many years of dealing with the budgets including State funding, County funding and fees, the only way to really go for additional funding was through increased fees.

Commissioner Maxwell clarified that Mr. Fehr was requesting an increased fee for new construction of septic from \$275 to \$325. He said the other fee increase was for the repair permit for septic in the amount of \$100 to increase to \$300. He asked Mr. Fehr how many counties were included in District IV.

Mr. Fehr replied there were eleven other counties.

Commissioner Maxwell noted that the sewer permit fees for the other counties ranged from \$150, \$200, \$175, \$100, \$150, \$125, \$125, \$150, \$150 and \$150. He remarked that Fayette County was already at \$275. He pointed out that one of the counties was at \$200 but the other counties were charging less than that. He said the Health Department was requesting the County to increase the current fee of \$275 which was already \$75 higher than the other ten counties to \$325. He said this would make Fayette County's fee \$125 more than the county charging the highest fee of \$200. He said the repair permit was similar except for the fact that it was even more dramatic. He said on the repair permit he was showing \$50, \$50, \$50, \$50, \$25, one charges nothing, \$50, \$50, \$100 and \$70. He remarked that Fayette County's current fee was already at \$100 and there was only one other county who was equal to that amount. He said one of the counties did not charge anything and now the Health Department was requesting Fayette County to increase the fee to \$300.

Mr. Fehr remarked that this was the reason he had started the discussion with Dr. Brackett's comments.

Commissioner Maxwell said he had read that. He said he had made the motion at the last discussion to have this item withdrawn for more study. He said in reading the minutes from the Board of Health, whose members he had a lot of respect for, and seeing their vote 7-0 to approve this request. He said there was one paragraph in those minutes where Mr. Fehr was quoted and he could see no way that he could support increasing these fees when Fayette County was already at the top end of the range. He said there had to be a reason why seven intelligent people on the Board of Health have sent the Commission a recommendation to do this. He said he wanted to hear the reason but he just was not hearing it.

Mr. Fehr remarked that a State Medical Director, a State Legislative Committee and others agree that funding had to be increased. He remarked there were three funding sources

which included the State, the County, and the fees. He said the Health Department needed a certain amount of funding. He said they realized the County was not going to double the amount it was giving and the State was not going to provide additional funding. He said there was no other logical choice other than to raise the fees or face the ramifications of not being able to provide the necessary services.

Commissioner Maxwell said he did find this significant. He said from FY'06 the County evidently budgeted \$361,000 and in FY'07 there was actually a \$31,000 decrease from this County. He said this indicated that somebody on this Board justified the reduction of the \$31,000 to the Health Department.

Mr. Fehr remarked that the State would certainly have to decide how much it would fund to Health Departments and each one of the counties had to decide what was comparable for them to fund. He said he was sure that everyone was trying to make the best decisions that they could make. He said this situation was not one that the Health Department was making. He said staff had gone through the State District Office and gone through the Board of Health and the position of all parties was that these fees were going to be necessary to meet the Department's funding needs.

Commissioner Maxwell asked how the other counties were doing things so cheaply and Fayette County was being asked for increases.

Mr. Fehr responded that these other counties were not meeting their funding needs. He said one of the reasons that the State Legislative Committee gave was that public health was in a crisis because the funding was not available.

Commissioner Maxwell said if the State was going to cut off funding would they not cut off funding to the counties who were not pulling their full weight and leave the counties alone who were paying a lot higher fees.

Chairman Smith asked Mr. Fehr if he had an estimate as to how much money this change in fees would raise in total dollars revenue next year.

Mr. Fehr replied yes. He discussed these from the last two one-year periods up to this date of what permits were new permits and repair permits and the amount for each of those two years for the two different permits. He said for new permits with the fee increase for the two years whether it was the amount of \$20,000 or \$20,500 and for repair permits depending on the year it would generate either \$47,000 or \$80,000.

Commissioner Frady asked Mr. Fehr if he was estimating that the County would be handling 389 permits.

Mr. Fehr replied that was just the point. He said he could not estimate the amount of permits. He said in the last two years the Department had issued 389 and prior to that the Department issued 401 permits. He said the Department issued 401 repair permits during the last year and the one year prior to that the Department issued 235.

Commissioner Horgan felt there would be more of an increase in repair permits in the future.

Mr. Fehr replied yes, he would definitely agree with that. He remarked that at best sewage systems did not function more than thirty years. He said the great explosion of residential permits was in the 1980's. He said by adding thirty years to that, there should be a crunch around 2010. He said the more systems that were being installed every day, the more systems that Environmental Health would have to deal with.

Commissioner Frady remarked that he had not voted for last year's fee increase and that was the time when the other fees were increased with the exception of these two fees. He said he still felt the same way about this as he did two or three years ago when Fayette County was already charging higher fees as compared to the other counties.

Mr. Fehr said one of the things that the twelve counties share was the fact that no two counties were the same.

Commissioner Frady interjected that Fayette County was smaller.

Mr. Fehr responded that Fayette County was smaller in land area but has had for the last several years the highest per capita income average, the highest number of high school degrees, and college degrees.

Commissioner Frady said that had nothing to do with what was being discussed tonight. He said this had nothing to do with how much money people make. He said the issue was what was being charged to do the job.

Mr. Fehr interjected that was not the point. He said the point was that the clientele that come into Environmental Health were a different kind of clientele. He said what someone in a rural county expected for services from the Health Department was significantly different from the requirements of the citizenry in a community like Fayette County. He said within the last three months Governor Purdue just issued a decree that he wanted better customer service from everyone. He said customer service like money did not grow on

trees. He said if there was not sufficient staff to do the work then there would not be sufficient time to do good customer service.

Commissioner Frady remarked that every time the Health Department had made a request for personnel the Board of Commissioners had approved it. He said at one point the Health Department had an open spot for an entire year and never put anyone in that position. He said it was difficult for him to make judgments on those issues.

Mr. Fehr asked where the funding would come from if the Health Department needed to add another person within the next year.

Chairman Smith said he had done some calculations with the fee figures and in looking at the last five years the fees percentage in the total budget went from 29% five years ago to 31%, 31%, and 31%. He said now it had dropped to 30.7% and he did not feel this was a significant drop. He felt the Board had spent enough time tonight on this matter and he asked for the Board's pleasure in this matter.

On motion made by Commissioner Horgan to approve the fee increase as presented by the Environmental Health Department. The motion died for lack of a second. As a result, there was no action taken on this matter.

**CONSIDERATION OF A REQUEST FROM THE FAYETTE COUNTY PARKS AND RECREATION COMMISSION TO APPROVE AN ORDINANCE THAT WOULD PROHIBIT THE USE OF FIREWORKS AND WEAPONS IN FAYETTE COUNTY PARKS, HISTORIC SITES AND RECREATION AREAS:**

Chairman Smith said the public should be aware that this item was placed on the Agenda in error. He said it was supposed to be on a Commission Workshop Agenda before it came to the regular meeting Agenda for action. He said this item had been removed for consideration and he apologized for any inconvenience that may have caused anyone who attended tonight.

**STAFF REPORTS:**

**MARY HOLLAND:** Director of Finance Mary Holland remarked that staff had completed the budget process and the Board would be receiving their budget information which would also include the Maintenance and Operations portion of the County's fiscal year 2008 budget. She said a Revenue Analysis had also been completed and a separate notebook would be provided to the Board as well. She said the scheduled budget meetings would be held May 21, May 22 and May 24 beginning at 8:30 a.m. She said staff was continuing to review the C.I.P. and capital requests and she would have this information for the Board as well.

**EXECUTIVE SESSION:** Attorney McNally requested an executive session to discuss one real estate matter and one legal matter.

**CHAIRMAN SMITH:** Chairman Smith commented on the status of Kenwood Park. He said the contract for final construction of Kenwood Park Phase I was approved under the consent agenda tonight. He said it was hoped that Kenwood Park would be completed by September or October, 2007 which was the original date that was projected.

**EXECUTIVE SESSION:** On motion made by Commissioner Frady, seconded by Commissioner Pfeifer to adjourn to Executive Session to discuss one real estate matter and one legal matter. The motion carried 5-0.

**REAL ESTATE:** Attorney McNally reported to the Board on a real estate matter.

After a brief discussion, Chairman Smith remarked that the Board would make a motion on this matter in open session.

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

The Board took no action on this matter.

**EXECUTIVE SESSION AFFIDAVIT:** On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to authorize the Chairman to execute the Executive Session Affidavit affirming that one real estate matter and one legal matter were discussed in Executive Session. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to reconvene the meeting back to open session at this time. The motion carried 5-0.

Chairman Smith remarked that the Board had taken no action in the legal matter and asked for the Board's pleasure in the real estate matter.

**REAL ESTATE:** On motion made by Commissioner Frady, seconded by Commissioner Horgan to authorize the County Attorney to proceed in this matter. The motion carried 5-0.

On motion made by Commissioner Horgan, seconded by Commissioner Frady to adjourn the meeting at 8:45 p.m.



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Karen Morley, 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 14<sup>th</sup> day of June, 2007.

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Karen Morley, Chief Deputy Clerk