

The Board of Commissioners of Fayette County, Georgia met in Official Session on June 6, 2007 at 3:30 p.m. in the Commissioners Conference 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

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Chairman Smith called the meeting to order.

**CONSENT AGENDA**

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

**CLOSE AND POST BUDGET TRANSFERS**

1. Approval to close and post budget transfers to/from the capital projects fund for projects deemed complete. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

**COMMUNITY DEVELOPMENT'S ASSET INVENTORY**

2. Authorization to update Community Development's asset inventory in MUNIS, based on physical inventories completed by the Finance Department. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**WITHDRAWAL PERMIT FOR LINE CREEK**

3. Approval for the Chairman of the Board of Commissioners to execute the withdrawal permit for Line Creek. A copy of the permit, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**WITHDRAWAL PERMIT FOR LAKE KEDRON**

4. Approval for the Chairman of the Board of Commissioners to execute the withdrawal permit for Lake Kedron. A copy of the permit, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**EPD CONTRACT FOR THE WATER SYSTEM**

5. Approval for the Chairman of the Board of Commissioners to execute the State EPD Drinking Water Laboratory and Related Services Contract for the Water System. A copy of the contract, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**EPD CONTRACT FOR LAKE HORTON**

6. Approval for the Chairman of the Board of Commissioners to execute the State EPD Drinking Water Laboratory and Related Services Contract for Lake Horton. A copy of the contract, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**WATERLINE EXTENSION CONTRACT AWARDED TO LANTZ CONSTRUCTION**

7. Recommendation of Water Committee to award the Annual Waterline Extension Contract to Lantz Construction in the amount of \$1,184,955. A copy of the request and contract, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**REIMBURSEMENT TO HADDENSTONE DEVELOPER**

8. Approval of staff recommendation to reimburse the developer of Haddenstone Subdivision the difference in the cost of installing an eight inch waterline and a twelve inch waterline in the amount of \$83,100. A copy of the recommendation, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**OLD BUSINESS**

**Overview of proposed FY08 Budget by Mary Holland and Jack Krakeel**

Chief Financial Officer Mary Holland said she would be reviewing the proposed budget for FY2008. She said this included all changes discussed during the recent budget workshops. She said the official public meetings for the budget hearings were June 14 and June 28 at 7:00 p.m. She said there were detailed budget books available for review at the Fayette County Library and the Administration Office at the Stonewall Complex.

Ms. Holland showed the Board the ad that would appear in the newspaper and the Resolution the Board would consider at the two meetings and, if approved, would be executed by the Chairman. She showed the Board a recap of the revenues and expenditures. She said this showed the impact this year's budget would have on the cash reserves.

Ms. Holland said some of the significant items related to the revenues comparing this year's budget to last year's budget were the revenues for the General Fund were up 6.85%, the Fire Fund was up 6.7%, and the 911 Center was down 11.0%. She said what was happening here was instead of the cities and the county funding the revenues needed to make up for the shortage on the fees collected, that would come from the fund balance of the 911 reserve fund. She said the Special Revenue Funds was up 15.8% and overall budgeted funds were up 4.4%.

Ms. Holland said this budget included a 5% growth in real estate property. She said Tax Commissioner George Wingo told her there could possibly be a 6% growth and 5% was being used to represent a conservative approach. She said final numbers would be available by August.

Chairman Smith asked when the digest went to the state. Ms. Holland said it was normally due August 1. She said that was flexible depending on when the information was gathered.

Ms. Holland said the figures were based on a full percent growth of 5%. She said there had been no roll backs of the reassessed values in this budget.

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Ms. Holland said the Capital and CIP Projects for the 2008 year totaled \$8.7 million. She said there was \$2.4 million in the revenues from 2008 to help cover those costs. She said they did not have in the revenues the \$6.3 million; that would be funded from reserve funds.

Ms. Holland showed the Board a detailed listing of the projects for this year. She said the capital projects totaled a little less than \$1 million. She also showed the Board a listing of the CIP projects and said they were specifically funding this year the FY2008 amount.

Ms. Holland said in regards to Expenditures the budget included \$51.5 million for the General Fund Operating Budget which was an increase of \$2 million over last year. She said the funding for this year's Capital and CIP, which was \$6.3 million, would come from the reserve funds which were not included in the \$51.5 million.

Ms. Holland said this budget included replacement of 18 vehicles and the purchase of six new vehicles for a total cost of \$833,294.

Ms. Holland said in regards to personnel requests there were 26 full time positions and five part-time positions. She said the total cost of these positions was \$1.3 million. She said the recommended budget included a 3.3% cost of living adjustment.

Ms. Holland thanked the Board for their action in regards to the health insurance in changing the provider from CIGNA to Blue Cross/Blue Shield. She said this resulted in a significant savings of \$260,000 to the County and a savings to each employee who had insurance through the County of %6.75 on their premiums that were paid through payroll deduction. She said this could be an average of \$130 to almost \$300 annually depending on the employee's insurance plan. A copy of the proposed budget presentation, identified as "Attachment No.9", follows these minutes and is made an official part hereof.

Mr. Krakeel said in respect to the budget presentation, there were several items that were significant to this budget, if adopted by the Board that would materially change the way they calculated millage rates. He said the resolution of House Bill 489, which was due July 1, 2007, was an ongoing issue with several of the municipalities. He said he was pleased to inform the Board that they were able to work out at least one of those issues satisfactorily with one of the municipalities that had to do with the funding of E911 and how those expenditures were allocated. He said there were several other issues still outstanding that the Board needed to make a decision on at some juncture; preferably in time for him to be able to discuss those possible solutions to the other issues prior to the July 1 deadline on HB 489 agreements between the county and municipalities. He said the issues were the EMS tax district and the insurance premium tax and how it applied to the expenditures and the specific funds. He said he was asking the Board that at some point they come to the conclusion on these issues, begin negotiations with the municipalities, and bring closure to the HB 489 Service Delivery Agreement. He said it was absolutely essential from the calculation of net impact to the millage rate of how they would fund those programs and the impact that would have on the various funds that made up the overall budget.

Mr. Krakeel said he had had recent discussions with the ACCG and had asked Mr. McNally to follow up on those discussions to determine whether or not the Board could actually establish a

special revenue fund for EMS revenues by resolution verses having to introduce the local legislation.

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County Attorney McNally said the Board would be able to establish a special revenue fund for EMS revenues by resolution.

Mr. Krakeel said the Board had the capability to address this issue at their discretion. He said he was requesting they bring closure to these issues prior to July 1 to give him sufficient time to discuss these with the cities since it would require language change in the current document that exists between the various entities of Fayette County. He said particular to those issues were notations in the document regarding the resolution of the issues between the county and municipalities.

Chairman Smith asked what the due date of the HB 489 Agreement was. Mr. Krakeel said it was his understanding the due date was July 1. Chairman Smith said that made it imperative that they act upon the EMS and the insurance premium. He said it was his understanding that each of the organizations and municipalities in the county had to formally adopt the HB 489 at a public meeting. He said that meant they had to decide what they were going to do about the EMS issue to give them ample time to put it on their agenda as well as ours so that the HB 489 could be adopted before the end of the month. He said unfortunately they could not wait to do these when they did the budget; they had to do these in advance of the budget.

Mr. Krakeel said not only to meet the HB 489 deadline but to also do the appropriate financial calculations as they prepared the document establishing the millage rate to fund the overall budget for this year. He said it effected how the millage rates would be established for the various funds.

Chairman Smith said for the record it was his understanding that the insurance premiums tax was limited and they were governed by the code section as to what they could use the money for. Mr. Krakeel said that was correct.

Commissioner Frady asked Mr. Krakeel if he had the information together to proceed with the cities to negotiate. Mr. Krakeel said he did.

Motion was made by Commissioner Frady, seconded by Commissioner Horgan, directing Interim County Administrator Jack Krakeel to bring a resolution to the establishment of an EMS District to include the entire county except for the city limits of Peachtree City, and to support the application of the insurance premium tax as applied to the roll back of the fire millage tax as outlined in the code. Discussion followed.

Mr. Krakeel said these issues had been issues of discussion between the county and the cities for a number of years. He said this was not something new. He said he felt this would help to resolve those outstanding issues.

Chairman Smith said this issue had been an ongoing thorn from the perspective of Peachtree City and maybe to some extent the other cities as well. He said taking this action on these two items would make a significant difference in the relationship between the county and the city. He said in looking at the code section and the interpretation of what that money could be used for it was probably the proper thing to do.



Commissioner Pfeifer said he supported Commissioner Frady's motion. He said most everyone knew he was adamantly opposed to Peachtree City setting up a separate district but he thought that was a mistake on their part and would not hurt the county. He said he would support Commissioner Frady's motion although he felt they were making a tragic mistake.

Chairman Smith said he agreed with Commissioner Pfeifer and had said so to the Peachtree City mayor just last week. He said as a resident of Peachtree City he felt it was a grievous error on the city's part to do this. He said from the county's perspective Peachtree City had asked to do this and if they wanted to bare the consequence that was their decision.

Motion carried 5-0. A copy of the proposed budget, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

Mr. Krakeel said there was one additional note of importance in respect to the overall budget and that was the proposed budget actually reflected a significant cut from the proposed budget by the various department heads. He said with the various meetings with the Board and preliminary review with the Finance staff, approximately \$1.5 million was cut out of the budget requests.

Commissioner Pfeifer asked why the Transportation SPLOST did not show in the proposed budget.

Ms. Holland said the Transportation SPLOST was done in its entirety at the time it was actually enacted so that was included in that particular year's budget.

Chairman Smith said that was a project long budget opposed to an annual budget. He said as long as that SPLOST project was outstanding the initial budget covered the whole thing.

Ms. Holland said the Board approved the \$115 million at the time it was actually implemented.

Commissioner Frady asked if this was updated often. Ms. Holland said it was updated monthly.

Mr. Krakeel said they were looking at the redesign of the website with respect to an area dedicated to SPLOST funding so that citizens had the ability to go to the county's website and gain a full understanding of where the SPLOST dollars were being expended, what projects they were being expended on, which projects were completed and which projects were upcoming.

Chairman Smith said he had one point for clarification for the record. He said mention was made that on the CIP plan \$6.3 million was coming from reserves. He said he wanted to clarify the reserves themselves and what the sources of those were. He said he wanted to look at the three different funds which were the general fund, the E911 fund and the fire fund. He said the fire fund reserves came from a combination of two things. He said there was a fire impact fee that was charged on new development that was a part of that reserve. He said when it was received it was limited by law as to what it could be spent on. He said those impact fees had been accumulating for a time needed to produce a project for which they could be used. He said the second source of revenue in the reserves was a matter of excellent budgeting and financial management. He said at the beginning of each year they established the estimated expenses and estimated revenues. He said at the end of the year they measured how well they did against the budget. He said part of the reserves shown here was a result of excellent budget management. He said each year what had

happened was they had performed by either controlling expenses or receiving more revenue than originally expected. He said as a result money had gone into a reserve. He said he did not want people to fear they were draining the kitty, these results were actually a result of excellent financial management in the past and it would serve them well to pull from the reserves and use them for the purposes for which they were intended.

Chairman Smith said the E911 fund was a result of the same method of excellent budget and financial management. He said the general fund was exactly the same thing. He said when they mentioned taking money out of the reserves some times people felt they were doing something bad. He said they were not. He said they were recognizing the excellent financial condition they had been in in the past and were using those funds for the benefit of the county now.

Mr. Krakeel said there were two elements that were not contained in the budget presentation and they were the pay for performance and promotions. He said at the beginning of the budget process the Board had requested forestalling any consideration of promotions in light of the Compensation and Class Study that was going to be performed starting July 1. He said they had included appropriate funding to accomplish that objective but there was no identified funding for pay for performance and/or promotions. He said some cases, especially in the area of promotions, may not be addressed by the Comp and Class Study. He said he was requesting at some point they reconsider the issue of promotions. He said in respect to pay for performance that would be a Board decision.

Chairman Smith said the Comp and Class Study estimation was they would probably have it concluded in September or early October. He said it would take the Board a month to weed through and evaluate what they received. He said he felt they would not be in a position to act on this before January 1, 2008. He said he expected it would be appropriate to do a mid-year budget adjustment. He said they could address those issues during the budget adjustment.

Commissioner Maxwell said he recently became aware that the county once had a sick leave bank program and he was very interested in investigating the sick leave bank. He said there use to be a program for employees who did not use their sick leave. He said he wanted that to be looked at. He said they were not taking the pay for performance out. He said the entire package would be looked at.

Mr. Krakeel said he should qualify his statement that there was not pay for performance. He said actual dollars were not included, but funding had been included to conduct a study with respect to the pay for performance plan to be initiated at the conclusion of the Comp and Class Study. He said the Board had recognized that this was an issue that needed to be addressed in regards to a more objective process for the application of performance pay.

Chairman Smith said in reference to Eric's mention of the sick pay issue, there currently was a committee looking into creating a sick pay bank. He said he assumed they were continuing to make progress.

Mr. Krakeel responded that there was a committee that had been meeting for some time with respect to looking at the entire sick leave policy. He said there were a number of elements to that policy under review and possible recommendations included the creation of a sick leave bank. He said the committee had made initial recommendations. He said there were some other relevant issues associated with the entire sick leave policy that needed to be looked at.

**Discussion of the proposed improvement of Sims Road and Dogwood Trail intersection as presented by Planning and Zoning and Public Works**

Planning and Zoning Director Pete Frisina said this concept was brought up in a zoning petition back in January. He said they discussed this at a workshop in March and there were some questions by the Board. He said at that time he was working with Lee Hearn and they prepared the first memo and presentation. He said there were questions from the Board from that presentation. He said one question was the utility pole movement. He said Lee Hearn had checked the survey Mr. Cole had and he felt there was not a need to move the utility pole. Mr. Hearn also said they did not need an engineered road design. He said he had intended to do this with the county's crews, equipment and source of materials and not with a contractor. He said this whole premise was based on Mr. Cole purchasing the triangular piece of property between Sims and Dogwood Trail. He also was to donate the 60 feet of right-of-way to the county and he would have the remainder of the property. He said once the road was in, the county would take up the old portion of Sims Road, abandon the prescriptive easement to that area and Mr. Cole would be free to rezone that triangular piece of property, go through the process of final platting, and get three lots out of the property that they had the rezoning on back in January.

Mr. Frisina said there were a lot of things that had to take place in a certain sequence to make this happen. He said since Mr. Hearn was not with us now he had asked Phil Mallon, Interim Public Works Director, to look at this. He said Mr. Mallon was prepared to discuss the technical aspects of putting this road in.

Mr. Krakeel said the issue for staff with respect to this situation was that the county's fundamental interest was the creation of a "T" intersection and elimination of a "Y" intersection that currently existed at that roadway. He said the county was looking at this from a safety standpoint. He said this was a win-win situation for the county and the property owner.

Mr. Mallon said this was an opportunity to improve an intersection with relatively little cost. He said before they came before the Board they wanted to convince themselves that they could build this. He said they double checked site distance, amount of right-of-way and curves. He said if they were given direction and approval from the Board, and Mr. Cole did the dedication and easement work needed, they could build this at a total cost of approximately \$5,000 in materials and between one and a half to two weeks of equipment and labor. He said one qualifier he would put on this was in order to get a safe vertical curve some digging was required. He said there was at least one small rock exposed and if they got into an issue of bedrock that would change things. He said they would investigate that before they spent any money on this.

Commissioner Horgan asked if the plans were to pave this or would it be a dirt road. Mr. Mallon said the plan was to pave the first 20 to 25 feet to give a safe deceleration area and gravel beyond that. He said they were not proposing a deceleration lane; they were going to oversize the radius at the entrance to give room for cars to come in and out.

Chairman Smith asked Mr. Mallon if it was his recommendation to do this. Mr. Mallon said he and Mr. Frisina concurred that it was a good opportunity.

Motion was made by Commissioner Frady, seconded by Commissioner Pfeifer, to approve the realigning of Sims Road and Dogwood Trail, not to exceed \$5,000 in cost, providing Mr. Cole provided the needed right of way and any additional grading and construction easements needed for the project. Motion carried 5-0. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.



**NEW BUSINESS**

**Discussion of Article VII, Section 7-6: Transportation Corridor Overlay Zone, Architectural Standards of the Fayette County Zoning Ordinance**

Dennis Dutton, Zoning Administrator, said staff was requesting Board's approval to study and research a possible amendment to Article VII, Section 7-6, Transportation Corridor Overlay Zone in relationship to the architectural standards. He said there was not a mechanism at the present to alleviate or relieve a property owner for expanding an existing structure within the overlay zone. He said there were structures within 54 East and 85 Corridor that architecturally did not meet standards required now. He said they wanted to look at it and go over it with the Planning Commission to develop ideas to address this issue.

Mr. Dutton said the idea of a nonconformance was to eventually bring everything into conformance. He said there were certain things not wanted in certain districts that would eventually change to what was wanted in that area. He said there were structures that had been in existence for quite some time and they wanted to review and seek alternatives. He said they did not want to be out of the realm of what other communities would do but they wanted to research the situation. He said they were asking the Board's permission to proceed with that.

Commissioner Frady asked if the corridors were combined in some fashion. He asked is they were under an umbrella. Mr. Dutton said they combined them into three: the 54 West Corridor, the General State Routes and the 85 North Corridor. He said primarily the General State Routes and the 54 West Corridor were designated to preserve the open space and the residential characteristics. He said the 85 North Corridor was the commercial and industrial type design.

Commissioner Frady said 54 West was a lot different from the others. He said 85 North had been there for a long time. He asked if they were trying to do something to address all of them or trying to do something to address the older ones.

Mr. Dutton said they had a lot of nonconformance that was grand-fathered in and they wanted to investigate what they could do to allow them to expand.

Commissioner Frady said he thought that was a good thing to do.

Commissioner Horgan asked what some examples were. Mr. Dutton said an example was the 54 West Corridor which was a lot of industrial type buildings that were of a metallic structure. He said presently they were requiring in an overlay zone a wood, brick, stucco or EIFS type of material on the sides and in the back there may be a metal garage that had been there for years. He said if they added on to it they could put an EIFS siding adjacent to a metal structure. He said in regard to roof pitch, some of the older structures did not meet the 4 ½ x 1 pitched peak roof requirements. He said they needed to decide if that caused a hardship to the property owner or tenant.

Commissioner Horgan asked if all of these were aesthetic type situations. Mr. Dutton replied that they were.

Chairman Smith said in doing this analysis it seemed to be a breaking point that if someone was doing a 10% add-on or remodeling it was probably OK to do an addition under the same aesthetics

that existed. He said there probably was another end to that spectrum that if someone was doing a 75% addition they probably needed to bring the entire structure into conformity. He said he urged Mr. Dutton to look at some kind of a reasonable aspect that would give latitude in doing a minor addition and yet come into conformance if doing a major change.

The Board directed staff to proceed with the study and research of a possible amendment to Article VII, Section 7-6 in relationship to the architectural standards in regards to expansions and the aesthetics. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

**Discussion of Group VI's request that the County's O-I Zoning Ordinance be amended to allow the operation of a non-emergency medical transport service business at 889 West Lanier Avenue.**

Pete Frisina, Director of Planning and Zoning, said a letter was submitted by Group VI on behalf of their client, Hart Line Transportation. He said this was a company involved in non-emergency life transport. He said currently the ordinance was not specific in terms of emergency and non-emergency. He said the only reference was an ambulance service which was allowed in the CH zoning district. He said the O&I zoning district did not make any mention of any kind of ambulance or medic transportation type business.

Mr. Frisina said this was a business that was allowed in Fayetteville's M&O district which was a medical office district somewhat similar to an office institutional district. He said this business was involved in transporting people to and from the hospital. He said they also worked with the assisted living and nursing homes in the area. He said their customers were people who could not travel in a car that needed a certain amount of care as they were being transported.

Mr. Frisina said these vehicles did have lights and sirens. He said he understood in transporting someone there was always an unknown as to what might happen. He said they did not go on calls that required emergency service. He said they were not dispatched by 911. He said this was something to research and see if it could be accommodated in that zoning district. He said staff would work on it and take it before the Planning Commission.

Chairman Smith said this location was in close proximity of residential areas. He said he would not have an objection if they would put language in with stipulations or limitations on siren usage and things of that nature.

Commissioner Horgan asked how many ambulances would be at this location. The response was four ambulances and the parking would be in the rear, not visible to the highway. There would be no lights and no sirens.

Chairman Smith said his main concern was that if the Board made this a permitted use in this zoning condition, they would have to be concerned about where else would it fit unintended consequences. He said he would like to direct staff to look into this and see if they could come back with wording that would give protection from those other areas which would allow this as permitted use.

The Board directed staff to look at this and bring back to the Board wording in regards to permitted use in this zoning condition. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**Discussion of Implementation of Traffic Calming Devices for Wellington Place Subdivision**

Interim County Administrator Jack Krakeel said he was asked by the Chairman to take a look at a request from the Wellington Place Subdivision regarding a historic issue with the Wellington Place Subdivision dating back to 1994 where they periodically appeared before the Board requesting the installation of speed bumps due to a continuous traffic flow from Highway 54 to McElroy Road being utilized as a cut through street. He said the Sheriff's Department conducted a traffic study on East Banks Road. He said the analysis showed that 85% of the speed in the subdivision was in excess of 33 miles per hour. He said they had researched this issue extensively with other communities throughout the southeast and across the county. He said the speed bumps were inappropriate for streets, creating problems such as damage to the front end of vehicles.

Mr. Krakeel said within the last ten years there had been significant improvements in the engineering of speed and traffic calming devices. He said the devices were primarily called speed tables or speed platforms. He said it was essentially an elongated platform generally four to six inches in height with a general slope incline anywhere from seven to fourteen feet and then declined. He said studies had shown over the course of the last ten years that when these devices were installed appropriately there was a net effect of bringing the traffic mph rate down to 27 mph.

Mr. Krakeel said the recommendations based on their analysis and research of this issue was that a traffic calming device program was an appropriate program for Fayette County and that it must be based on objective criteria and not emotion or perception. He said there were methods in place today to conduct the appropriate analysis to determine whether or not a street met the intended objective criteria of a traffic calming device using the Sheriff Department's Speed Study Program. He said it was staff's recommendation that if the Board wished to pursue this issue that a traffic calming program be established in Fayette County. He said there would be a need to develop a local ordinance, a program manual, citizen information packages and the assignment of a lead department to head up this potential program.

Mr. Krakeel said it was staff's recommendation for the Board to implement a traffic calming program for consideration in Fayette County and the first application of this program to be in the Wellington Place subdivision. He said he had numerous discussions with the Homeowner's Association over the course of the last month and a half. He said they had petitions indicating over half of the homeowners in that subdivision concurred with the installation of these traffic calming devices. He said staff recommended three devices be strategically placed on East Banks Road within the subdivision. He said Wellington Place homeowners were willing to fund 30-35% of the cost of the installation of these devices.

Mr. Krakeel said in discussing this with Phil Mallon it was their recommendation that from a funding perspective a program be set up similar to the street light district program where there was a participant's share in the cost of these devices so that the entire cost was not born by everyone in the county. He said they felt this was an appropriate program that would provide the desired results for limiting traffic within the Wellington Place subdivision and the traffic that utilized East Banks Road would have a net speed limit capability of about 27 mph. He said the posted speed limit for that particular street was 25 mph. He said they felt this was an appropriate program from a safety, nuisance and aesthetic prospective.

Chairman Smith asked how many cars a day went up and down that road. Wayne Hannah of the Traffic Division of the Sheriff's Office said they conducted a three day study and the average came

to 2500 cars a day. Chairman Smith asked how many houses were on that street. The response was approximately 80 homes. Chairman Smith asked how long the street was. Mr. Krakeel said it was less than a mile long.

Mr. Krakeel said the cost to acquire these speed tables was approximately \$15,000. He said the beauty of these commercially produced speed tables, and why he would recommend the Board consider the use of commercially produced speed tables, was they were prefabricated platforms that were bolted into the pavement. He said they could be unbolted and removed when the streets needed repaving and bolted back down.

Commissioner Maxwell said he felt they needed to do something for this neighborhood now but he felt they needed to come up with some kind of funding for the next neighborhood that asked for it.

Mr. Krakeel said this group had indicated they were willing to commit 30-35% of the cost.

Mr. Krakeel said this program would not be available to all residents in Fayette County. He said it would be limited to local streets, with a posted speed limit of 25 mph, the 85 percentile showed there was a demonstrated need, and the property owners were willing to support it.

Motion was made by Commissioner Frady, seconded by Commissioner Horgan, to proceed with a pilot program in the Wellington Place subdivision to establish three speed tables for traffic calming measures with a cost sharing arrangement with the homeowners association of up to 35%. Motion carried 5-0. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

#### **STAFF/DEPARTMENT REPORTS**

**Tom Sawyer, Elections Supervisor**, reviewed "The 2006 Georgia Accuracy in Elections Act" with the Board. He said this was a summary report presented by the Secretary of State as a result of legislation that was passed last year. He said this was a test voter verified paper audit trail of three precincts in three counties. He said this report was to confirm the confidence of voters increased with a paper audit trail. He said the entire intent of the bill was to conduct these tests at these precincts. He said the law went by the wayside as of February 1, 2007. A copy of the Voter Verified Paper Audit Trail Pilot Project Summary Report, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

Mr. Sawyer informed the Board of the pending legislation, HR811, known as the Voter Confidence and Increased Accessibility Act of 2007. He said it contained major revisions to the Help America Vote Act (HAVA) passed in 2002. He said this act brought about the touch screen machines and eliminated the punch cards used in voting. He said another major feature of this was the provisional ballot. He said one of the main concerns brought about by this bill was the elimination of the direct recording electronic voting machines which would be a major cost to the state of Georgia. He said this bill also would require states to administer hand-counted audits. He said the part that was of most concern was that if this bill passed the effective date would be the 2008 elections. He said there would not be enough time to transition to new equipment. He said he had a draft resolution prepared that he was asking the Board to review and sign. He said he was asking the Board to consider sending this resolution to the senators and representatives of Georgia to reject this bill and vote against its approval.

Chairman Smith said he felt a resolution was in order. He said the cost to replace the machines in the county inventory to comply with the deadline was certainly detrimental to the financial health of the community. He said he was asking staff to review the wording and prepare a resolution for the Board's signature. A copy of the HR811 information and the draft resolution, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**Interim County Administrator Jack Krakeel** informed the Board that David Hankerson, Cobb County Manager, had agreed to facilitate the Board's retreat. He gave the Board a list of dates Mr. Hankerson was available. He said the dates were August 16 and 17, September 5 and 6, and September 12, 13, or 14. He said he was asking the Board to look at their schedules and within the next week to advise him so a date could be selected.

Commissioner Frady said he wanted to get the retreat done before August 16. He said they kept coming up with issues they needed to sit down and discuss.

Chairman Smith said they had agreed to let Mr. Hankerson facilitate the retreat. He said he, Robert Horgan and Eric Maxwell met him in Athens and asked him to do this and they were at the mercy of his calendar at this point. He said he did not think this was too late for the retreat. He said he looked at it as a good date because it was close to after the budget. He said he did have a problem with September 12, 13, and 14.

Commissioner Horgan said in regards to what Commissioner Frady said if there were some hot topics needing to be discussed, maybe there was a mini-type scenario where they got together and also kept the schedule with Mr. Hankerson.

Commissioner Maxwell said he felt they had a lot to talk about and they should not wait until August. Mr. Krakeel asked if he had a list of topics he felt needed to be dealt with prior to this general retreat date.

Commissioner Frady said he did not want to start having retreats in August. He thought it was best to have a retreat the end of January and give staff time to compile the budget.

Chairman Smith said he felt the appropriate time would be in November. He said they should have direction from a retreat for staff to complete certain projects before the budget process started which would be in January or February.

Commissioner Maxwell said they were a new Board with three members that were brand new to this, and they were talking about going into the eighth month of their year before they had a meeting to talk about the goals and objectives of this new Board. He said he felt they should have had the retreat before the budget.

Commissioner Horgan said he agreed with Commissioner Maxwell. He said he would like to have a retreat at the end of June or beginning of July to get them going in the right direction. He said they could still keep the date with Mr. Hankerson.

Chairman Smith suggested they submit to Jack Krakeel their top ten items for discussion and see if they could come to a consensus. He said he did not think they could address all the issues they

needed to at one time. He said they could pick the top ten and lay out some ground rules. He said they would need to set a time limit on each topic for discussion so that they would move forward.

**Interim County Administrator Jack Krakeel** informed the Board that within the past month they had been able to bring closure to a particular issue in the south end of the county, particularly in the Town of Brooks, a previous problem noted with the inspection of a residence. He said subsequently they had been back to the residence, had EPD there, the Health Department there, the building official there, planning and zoning there, and Phil Mallon with Engineering. He said a number of requirements of the property owner had been issued. He said the Town of Brooks had requested the county's assistance in alleviating this situation. He said they were able to do that but the fundamental problem was that the county did not have enforcement authority within the Town of Brooks.

Mr. Krakeel said the chairman had received a letter from the Town of Brooks asking the county to enter into an Intergovernmental Agreement with the Town of Brooks to provide enforcement of the Town's zoning ordinance, building code and engineering services for the town. He said they needed approval from the Board for staff to review this issue and decide if they wanted to establish a fee for these services and develop that fee structure; or to do it in the context of the current permitting structure. He said he wanted to make sure they did not get into municipal issues.

Mr. Krakeel said a critical issue was if they did this for the Town of Brooks would they do something similar for the Town of Woolsey.

Chairman Smith said he did not know what the issues were they had to deal with or the pros and cons. He said on the surface it sounded like a good idea. Mr. Krakeel said from his perspective one of the issues that created a problem was if there was not a separate and distinct fee structure for accomplishing these objectives then another municipality could make an argument that the county should also provide this for them since essentially these were programs funded by the general fund. He said in order to create that distinction and separation there should be a separate fee structure.

Chairman Smith said he would like for them to gather enough information so as to make an intelligent decision, without going to the extreme of drafting all the pieces of paper, to ensure that they knew what they were getting into. A copy of the request from the Town of Brooks identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

**Interim County Administrator Jack Krakeel** said he had one real estate item for Executive Session.

#### **BOARD REPORTS/COMMENTS**

**Commissioner Frady** inquired about the status of staff's review of accessory structures which was discussed at the May Workshop.

Chairman Smith said the Planning Commission discussed this at their meeting and decided to hold the discussion for their retreat.

**Commissioner Frady** said he wanted to see the Board do something in regards to screening people who applied for indigent defense. He said he did not think they were receiving the money that was supposed to be coming out of there. He said it was suppose to be an automatic \$50

charge for anyone who applied for indigent defense. He said he would like to set someone up over there to see if the money was being collected.

County Attorney McNally said the one meeting he attended involving this, this was one of the short comings pointed out. He said there was no one determining who was indigent and who was not.

The Board directed the county administrator to research the collection and distribution of the indigent defense fee.

Motion was made by Commissioner Horgan, seconded by Commissioner Pfeifer, to adjourn to Executive Session to discuss one real estate item. Motion carried 5-0.

### **EXECUTIVE SESSION**

**LEGAL:** Jack Krakeel discussed a real estate item with the Board.

The Board took no action on this matter.

Motion was made by Commission Pfeifer, seconded by Commissioner Horgan, authorizing the Chairman to executive the Executive Session Affidavit affirming that one real estate item was discussed in Executive Session. A copy of the Affidavit, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

Motion was made by Commissioner Frady, seconded by Commissioner Horgan, to adjourn from Executive Session. Motion carried 5-0.

Interim County Administrator Jack Krakeel invited the Board to the parking lot to view the recently acquired equipment of the Fire and Emergency services. He said included were two quints and a rescue truck.

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

There being no further business to come before the Board, Chairman Smith adjourned the meeting at 5:30 p.m.

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Peggy Butler, Chief Deputy Clerk

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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 26th day of July 2007.

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Peggy Butler, Chief Deputy Clerk