

The Board of Commissioners of Fayette County, Georgia met in Official Session on June 14, 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

Chairman Smith called the meeting to order.

Commissioner Pfeifer offered the Invocation.

Pledge of Allegiance.

CONSIDERATION OF THE COUNTY'S PROPOSED ANNUAL BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008:

Finance Director Mary Holland reviewed the proposed budget for fiscal year 2007 through 2008. She said Resolution No. 2007-08 would be presented for the Board's consideration for a vote at the June 28th Commission meeting. She said the overall budget for the General Fund represented a 4.1% increase over last year and a total of all funds represented a 10.9% increase over last year's amounts.

Chairman Smith asked if anyone wished to ask any questions or make comments on the proposed budget.

Attorney Joe Saia said he would first like to thank the Board for the amount of money that was proposed for the Indigent Defense budget. He said Fayette County was the most populous county in the circuit. He said the law provided that for operating expenses and should be divided by county population. He said with both misdemeanor and felony court Fayette County had one of the top two highest case loads around. He said the American Bar Association Standards were that each attorney handle no more than 300 cases every year. He said the Public Defender System came out of a Federal lawsuit. He said the Federal Courts were going to do something with the State of

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Georgia's indigent system but the Legislature came to the rescue to help the citizens. He said he had figures that were broken down into the separate counties. He said in Spalding County there was only felony court. He said they were paying the Indigent Defense \$382,500 as their part of the budget. He said Upson County, which had fewer cases than Fayette County, was considering the proposal of \$344,000. He noted that Pike County, who had the least number of cases, had approved \$147,000. He said the Fayette County Commission had tentatively approved \$490,000. He said unfortunately that figure would leave their budget short and probably mean laying off one attorney. He asked for the Board's consideration for some additional funding.

Commissioner Frady asked Attorney Saia for the amount of money that he had requested from the Board.

Attorney Saia responded that their request was \$545,009.

Commissioner Maxwell suggested that Attorney Saia meet with Interim County Administrator Jack Krakeel and discuss this request further.

Chairman Smith thanked Attorney Saia for addressing the Board. He asked if anyone else wished to address the Board regarding the budget.

District Attorney Scott Ballard remarked that he had met with Mr. Krakeel this past week to review the amounts that were proposed for this budget. He said his department request was approximately \$350,000 and the Board had approved \$307,000. He said the amount approved for this year was less than in 2005. He said in looking just at the felonies that were committed in the Circuit, Fayette County's figure was 31%. He said if it was looked at in that way they could be right at the \$332,000 that the Board approved for them in 2005. He said he would like to have the full amount and had not included a lot of "padding" in the figure. He said at least in the \$332,000 figure he could make ends meet. He said he had discussed this with Mr. Krakeel and he was agreeable with this figure if the Board approved that. He noted that every one of the Commissioners in the four counties were on the same page as far as protecting the citizens from crime. He said there was a need to be diligent in fighting crime in Fayette County so that the standard of living could be maintained. He asked for the Board's consideration to raise his budget amount from the \$307,000 which was tentatively approved up to the \$332,000 which was the amount approved in 2005.

Chairman Smith thanked District Attorney Ballard for his presentation.

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He asked if anyone else wished to speak. Hearing none, he declared the public hearing section closed.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on any issues of concern.

Bill Altman: Bill Altman representing the Wellington Place Homeowners Association commended the Board of Commissioners for their understanding, willingness to listen, accepting their business case and making a decision based on the facts brought forth regarding the traffic conditions in Wellington Place Subdivision. He said this issue was not new and had been around since 1991, 1995, 2000 and 2007. He said as each year passed the traffic conditions had worsened. He said the Wellington Place Homeowners Association had tried to get help from previous Boards to no avail. He said traffic had doubled due to the growth of Fayetteville and Fayette County. He said motorists use Wellington Place as a cut through and the homeowners' lifestyle had been greatly affected. He said now there was hope for their subdivision and a solution to this situation because of the decision of this 2007 Board of Commissioners. He said the homeowners greatly appreciated each one of the Commissioners' understanding and voting to help their situation. He said the homeowners of Wellington Place could now look forward to having a better quality of life and a safer community thanks to this Board's decision to help. He said they would also like to thank all other County officials who had input into the decision making process of traffic calming devices for Wellington Place Subdivision. He said Fayette County was a great place to live and this Board had proven that they care about the quality of life and the safety of the citizens. He said many thanks to the Board of Commissioners from the homeowners of Wellington Place Subdivision.

Clyde Perry: Clyde Perry commented on a proposal he had to build a storage shed to house several of his antique cars. He said he was an antique car collector and he was trying to build a garage to store all of his antique cars on his property. He said he wanted to build a 1,200 square foot garage to house the four antique cars. He said the Planning and Zoning staff had informed him that he would only be allowed to build a 900 square foot garage but he could build another garage 900 square feet right next to it. He said this made no sense to him that he could build a total of 1,800 square feet of storage and not build one 1,200 square foot garage. He said he was told that this issue was being addressed and this was the reason he was before the Board tonight.

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Commissioner Frady said staff was currently looking into this matter.

Chairman Smith interjected that the Planning Commission was looking into this and whether or not this needed to be changed and an amended ordinance prepared in accordance with any change. He noted that the Planning Commission had scheduled an upcoming public workshop where this issue was going to be discussed. He asked Mr. Perry to call the Board's Assistant Carol Chandler and she could provide him with that information.

Ardon Smith: Ardon Smith said he had read in The Citizen Newspaper about the high cost of the County Attorney and the suggested that there be an in house County Attorney for much less money. He said he would like to commend the Board of Commissioners for taking that into consideration. He said wherever the Board could save money, it would save the taxpayers money. He said any money that could be saved could go to help with the cost of prosecution of crime in the County. He thanked the Board for their consideration in this matter.

Chairman Smith asked if anyone else wished to speak. Hearing none, he declared the public comment section closed at this time.

CONSENT AGENDA: On motion made by Commissioner Pfeifer, seconded by Commissioner Horgan to approve the consent agenda as presented. The motion carried 5-0.

BID #610 AWARDED - E Z CARE LAWN SERVICES FOR BROOKS AND MCCURRY PARKS GRASS MOWING: Approval of staff's recommendation to award Bid #610 (Brooks and McCurry Parks Grass Mowing) to low bidder E Z Care Lawn Services for a total annual amount of \$15,400 for Brooks Park and \$22,800 for McCurry Park and authorization for the Chairman to execute subsequent contracts, subject to submission of applicable bonds and other documents. A copy of the request and contract, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

RADAR LIST FOR FAYETTE COUNTY ROADS: Approval of staff's recommendation to approve the updated list of roadways designated for the use of speed detection devices and authorization for the Board of Commissioners to execute the updated list to return to the Department of Transportation. A copy of

the Radar List for Fayette County Roads, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

D.O.T. CONTRACT LAR07-S0009-00(975): Approval of Georgia D.O.T. contract LAR07-S0009-00(975) for resurfacing 13 County roads totaling 7.36 miles in the amount of \$342,330.36. A copy of the contract, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

LIBRARY: Approval of staff's recommendation for a budget adjustment to the Library's Donation Revenue Account and the ICLE Revenue Account by \$30 as a result of a donation from UGA/ICLE. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

COOPERATIVE EXTENSION SERVICE AGREEMENT: Approval of annual agreement with the University of Georgia to provide a Cooperative Extension Service Office in Fayette County. A copy of the Agreement, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for the Special Called Budget Workshop held on March 13, 2007, Board of Commissioners meetings held on April 4, 2007, May 2, 2007, May 10, 2007 and held on May 24, 2007.

DISCUSSION OF FAYETTE SENIOR SERVICES' INTEREST IN USING GRANT FUNDS TO OFFSET THE COST OF UTILITIES FOR THE NEW MULTI-PURPOSE SENIOR CENTER and DISCUSSION OF PROPOSED CHANGE ORDERS FOR THE NEW MULTI-PURPOSE SENIOR CENTER:

Chairman Smith remarked that Andy Carden would be addressing both of these agenda items.

Andy Carden, representing Senior Services, remarked that Fayette Senior Services desired to ask the County to create a cost center by which the utilities and other expenses of the building would be contained within the County administration area. He said this would provide for several reliefs in that it would be a public building, it would be exempted from sales tax and those kinds of things. He said in addition to that it would probably travel upon a county cost basis as opposed to a non-profit or a commercial basis that might be experienced otherwise. He said in addition to that, they would be interested in giving the County \$50,000 on an annual basis consisting of two checks on a six months time spread to offset those utility costs. He said that would be approximately a five year item that would

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be renegotiated at that time. He said this would help the County, help Senior Services and it would allow them to not have to immerse themselves in fundraising to the point that it would become a priority as opposed to providing services to the senior citizens. He said their attention should be focused on program issues and not fundraising to offset operational costs. He said Senior Services would like to create the cost center and participate in the cost and asked consideration for the County to assist them in that regard.

Chairman Smith said it was his understanding that Mr. Carden had met with Mr. Krakeel regarding this issue.

Mr. Carden replied yes that was correct. He said he had also spoken with other staff members and several members of the Commission.

Chairman Smith said the anticipated utility cost for the first year of operation for the new center was approximately \$65,000.

Mr. Carden replied that he did not honestly have a figure that he could defend but had several figures that he had heard and they ranged from \$54,000 to \$100,000.

Commissioner Frady interjected that the engineers had estimated the utility costs to go over \$100,000.

Mr. Carden replied yes that was correct.

Chairman Smith asked if the September and October time frame was still the approximate move in time.

Mr. Carden responded that the latest date that he could get from the contractor was November 17th. He said their desires were to be earlier than that but they would not give him a better date than November 17th.

Chairman Smith clarified that the first year of operation would be less than one year and that was where the \$65,000 figure came from.

Mr. Krakeel interjected that he had asked Consulting Engineer David Jaeger to do a utility load analysis on the facility. He said that utility load analysis dictated a full year's estimated cost of \$100,000. He said the \$65,000 was predicated on a November 1st occupancy date.

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Chairman Smith said based on his calculation, the proposed \$50,000 that Senior Services would like to give the Board of Commissioners plus the \$14,000 in the change orders was approximately \$65,000 which was just about the cost of the first year's utilities. He said he failed to see where the Board should get involved in the Senior Services operation intrinsically if in fact Senior Services did have the funds to cover those utilities.

Mr. Carden replied that the funds to cover the utilities were derived from the grant. He said the grant speaks to two components. He said one component dealt with the construction cost and the second part of the grant dealt with that which was associated with the building. He said in that instance he could only address 5% of the value of the grant at that moment in time according to the trust documents.

Commissioner Frady asked Mr. Carden what else he had said the money could be used for.

Mr. Carden replied that in the first instance he could offset construction costs regarding the change orders and in the second instance would be those costs associated with the building such as utilities. He said this was where they had derived the logic of the \$50,000. He said 5% of the value at that moment in the first instance would be \$50,000.

Commissioner Frady asked Mr. Carden how Senior Services would go about paying for that on the building itself.

Mr. Carden replied that the change orders would be a process of the County receiving the bill from the Project Manager and Senior Services would write the County a check. He said the second process would be if the County accepted a cost center, Senior Services would be participating in a cost center. He remarked that the third option would be that the utility companies would bill Senior services direct and they would pay the utility companies directly. He said those funds that Senior Services would not have in hand they would have to initiate fundraising actions to address those matters. He said Senior Services currently existed on two significant fundraisings and these would have to be significantly upscaled.

Commissioner Frady said the Board had found out late in the program that there was an extra \$1 million to pay for completion of the building. He asked if any of the money Senior Services had received was meant to offset any of these additional costs.

Mr. Carden responded that money was granted in December 2005. He said members of the Commission were aware of it as well as members of the administration. He said Senior

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Services had not been task with meeting costs for that grant. He said he had been task with meeting certain costs of the building outside of that cost from other sources. He said those sources essentially were foundation in nature. He said he had approached two foundations and was able to secure money for kitchen equipment, furnishings, computers and some audio visual type expenses. He said the cost was at \$4,108,500 and the other costs were at least \$437,500. He remarked that the two foundations that he addressed did retire that cost. He said the current bids had exceeded that cost by approximately \$41,000. He said that money would also have to come out of the grant because it was not the County's responsibility and never had been. He said Senior Services was having to deal with those costs from the grant as well. He remarked that the utility costs would be a large increase. He said he did not know the County's budget structure but knew the contract structure somewhat but therein was a contingency and a potential to help offset the beginning utility costs of the building.

Commissioner Frady clarified that Mr. Carden had said that someone in the County administration was aware of the grant in 2005.

Mr. Carden replied yes that was correct.

Commissioner Frady asked if Mr. Carden had named that individual and Mr. Carden replied no he had not named the individual.

Mr. Krakeel interjected that there was some additional information that he felt this Board needed to be aware of. He said he had gotten the information this afternoon in a conversation with the Consulting Engineer David Jaeger. He said several of the change orders that were being requested fundamentally would result in a cost charge to the County's Construction Account since items that were requested to be changed had already been ordered and could not be retracted from the order. He said this would apply specifically to the cabinetry where additional mill work was being requested and then the changes in the floor covering. He noted that the carpet had been ordered and the County would have to absorb the cost of the carpeting because it could not be returned.

Commissioner Frady said he was not aware of this situation until approximately one month ago when he had toured the building with Mr. Carden.

Chairman Smith asked Mr. Carden if there was anymore information that he wished to share with the Board and Mr. Carden said there was nothing else on this item.

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Mr. Carden remarked that Mr. Krakeel was correct on the second item in terms of change orders. He said Senior Services staff felt strongly about the hardwood flooring and the rubber exercise flooring even though carpet had been ordered. He said he did not desire to store it but he would try and find a non profit to give the carpet to should the Commissioners see fit to grant Senior Services' request for the hardwood flooring and rubber exercise flooring. He said other items could be addressed by Senior Services by their own operational abilities. He said the Project Manager had given the go ahead to order the carpet for several reasons. He said it was probably time but it also was ahead of a cost increase in the carpet as well. He said this was a good move on his part but not necessarily the best move for Senior Services inasmuch as they desired a different product. He said there was a "drop dead" date where decisions had to be made. He said they had already passed the immediate point when the carpet was ordered. He said they could continue to pursue the wood panel flooring and the rubber exercise matting that they would love to have. He said they believed that the overall value of the project and the foregoing of some maintenance and housekeeping that the wood would be the best choice for the room. He said they just had not thought of this in the beginning of the project.

Commissioner Frady asked if the order for the carpet that had been shipped to come in could be cancelled.

Mr. Krakeel responded that the carpet had been ordered and it could not be cancelled.

Chairman Smith asked if there were any further questions for Mr. Carden.

Commissioner Pfeifer said he was interested in the utility portion of this and having a separate vehicle to assign costs. He asked if the Senior Center could be attached to the County's utility bill and internet connectivity. He asked if there might be a way to split that cost by way of a cost center that was accurate.

Mr. Krakeel said since this would be a County facility he would anticipate that the County would receive the utility bills and would be reimbursed for those utility bills by the Senior Services center.

Chairman Smith asked if this was the existing method used now at the existing Senior Services center. He asked Mr. Carden if their utility bill was paid directly or did it come to the County for payment.

Mr. Carden responded that the utility bill had the County address on it but was sent to Senior Services for payment.

Chairman Smith clarified that the actual service was in the name of the County.

Mr. Carden replied yes that was correct.

Chairman Smith remarked that currently Senior Services was charged with paying their own utilities. He said Senior Services had said that they have interest from grant funds available that would carry approximately \$50,000. He said Senior Services staff had also told the Board that they have a little over \$14,000 to address change orders and he would submit that this could be applied toward utility costs as well. He said in adding these two figures together it would come to \$65,000. He said if this Board performed no action then Senior Services would be covered. He felt this Board would be prudent, specifically because it was a County building, to address this issue later in the year. He said he did not feel at this point in time that action was necessary unless there were some strong feelings one way or the other.

Commissioner Maxwell remarked that he had a strong feeling on the change orders. He felt these were two separate issues to him. He said he would like to make a motion.

On motion made by Commissioner Maxwell to allow Senior Services to do the change orders as they have requested and he did not want to tie the electricity bills to that and wanted those separate, discussion followed.

Commissioner Maxwell remarked that during the process of construction new issues would arise that were not anticipated and this was typical in any construction project and certainly one that was \$3 to \$4 million. He said Senior Services was saying that they were going to pay for the change order and he was in favor of letting them do so.

Chairman Smith asked if there was a second to the motion.

Commissioner Frady seconded the motion for discussion.

Commissioner Frady asked if any of the soft flooring or hardwood flooring would be coming from any of the companies that Senior Services currently had materials ordered from.

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Mr. Krakeel replied that he did not know who Mr. Carden had received quotes from with respect to the flooring change orders that he was requesting and whether or not that was through the contractor or with a separate vendor. He said the only aspect of this that he was cognizant of was the fact that the carpeting had been ordered and if the change orders were approved for those areas where there was currently carpeting, then there would be excess carpeting on the job site that would need to be disposed of accordingly. He said the other issue was the cabinetry issue. He remarked that those cabinets had been ordered and to install the locks that Mr. Carden had requested would require some onsite milling of the cabinetry which would be an additional cost.

Commissioner Frady said he could understand the cabinets because they were going to be built, but the carpet would not be cut until it was installed.

Mr. Krakeel remarked that in his conversations with the Project Manager he stated that the carpet had been ordered and there would not be the ability to change that order to reduce the quantity. He said he was not sure if the carpet was a special run that was being manufactured by the mill or if it was a standard design but the carpeting had been ordered. He noted that generally after carpet was ordered there would not be the ability to redact 20 feet or 30 feet off a roll.

Commissioner Pfeifer commented on the change order for the signs. He asked if this was an extra item.

Mr. Carden responded that neither he nor Mr. Krakeel knew the specifics of the supplier and that sort of thing regarding the change orders. He said they were a product of the Project Manager, the architect and Headley Construction and they were the ones who would know where the supplier was located. He remarked that the exterior signage was not in the original contract. He said the change order concept was to be able to erect signage at the center. He noted that it might not cost \$5,000 but may only be \$2,000 but it would include signage on the road for proper addressing and directing people. He said it would also include a sign in the front that would compliment the existing Judicial Center. He said this was the architect's estimate for the cost of accomplishing this.

Mr. Krakeel interjected that he had been in the floor covering business for approximately twenty years before his public safety career. He said once a carpet order was placed with a mill, that carpet would then be cut to specifications whether it was a mill run, not a mill run or a special run. He said once carpet had been ordered, then it would be cut accordingly.

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Chairman Smith asked if there was any further discussion. Hearing none, he called for the Board's pleasure on the motion to approve the request for proposed change orders for the multi-purpose Senior Services Center as discussed.

Motion failed 2-3 with Chairman Smith, Commissioner Pfeifer and Commissioner Horgan voting in opposition to the motion.

Chairman Smith said Commissioner Maxwell had indicated that he would like to do something with utilities.

Commissioner Maxwell said he did not mind helping out with the utility bills. He said this needed to be defined as to whether they were cable bills, gas bills, or electric bills. He said he was hearing from Mr. Carden for the first time today that he had already informed this Commission that he could not afford the power bills. He said he also had a contract that was signed for the old Senior Services that indicated that Senior Services had taken care of the utility bills. He said there was some conflict here that appeared to not be planned well. He said he did not know if the best way to handle this issue would be for Mr. Carden to handle this problem or if this Board were to agree to pay the excess above \$50,000 there would be no incentive to be conservative. He said he would prefer to put the burden back on them. He said he would not mind voting for \$15,000 for this year and let Senior Services pay the bills. He said the County could assist Senior Services with the \$15,000 and then revisit this during the budget next year.

On motion made by Commissioner Maxwell, seconded by Commissioner Pfeifer to supplement the Senior Services budget by \$15,000 for this fiscal year for electricity, discussion followed.

Chairman Smith interjected that Interim County Administrator Jack Krakeel had commented to him that some time in the past the County had employed an agent to do an electrical power study who had succeeded in saving the County a lot of money through the method of which the electricity was run, how it was metered and how it was supplied. He felt this motion was premature and suggested that Mr. Krakeel discuss this issue further with this agent and determine the contractual cost that the agent would charge the County to look at the power provision for the Senior Center. He said the agent might also take a look at some of the other County buildings to see if there might be substantial savings there that could bring the power cost within a parameter that Senior Services could handle within their own budget. He suggested waiting until more information could be obtained on that

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particular option and see if there was a provision there for possibly paying a consultant \$15,000 to \$20,000 and maybe save the County \$50,000 a year in power costs.

Commissioner Maxwell asked if the agent could get the study done within 90 days.

Mr. Krakeel said he was not sure about the time frame but would report back to the Board at the next meeting. He said the analysis might take approximately 90 days to complete. He said he did not want to commit to that time frame because he had not discussed the time that might be involved with this individual.

Commissioner Frady interjected that Senior Services did not plan to move into the center until November. He asked Mr. Carden for the amount of the current power bill for the center.

Mr. Carden replied it was approximately \$400 for electricity.

Commissioner Maxwell said he would withdraw his motion until the analysis was done.

STAFF REPORTS:

Chairman Smith asked if there were any staff reports and there were none.

EXECUTIVE SESSION: Chairman Smith asked if there were any items for Executive Session and there were none.

On motion made by Commissioner Frady, seconded by Commissioner Horgan to adjourn the meeting at 8:00 p.m. The motion carried 5-0.

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 12th day of July, 2007.

Karen Morley, Chief Deputy Clerk