Minutes

Board of Commissioners
December 13 , 2007
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, December 13, 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 Present:	Jack Krakeel, Interim County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk Floyd Jones, Deputy Clerk

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Chairman Smith called the meeting to order.
Commissioner Pfeifer led the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA:
Commissioner Horgan made a motion and Commissioner Pfeifer seconded the motion to accept the agenda as presented, discussion followed. Chairman Smith requested item no. 3 be tabled to the January 2, 2008 Board meeting. Commissioner Horgan amended the motion and Commissioner Pfeifer seconded the motion to accept the agenda with the exception of item no. 3 under the consent agenda. The motion carried 5-0.

PUBLIC COMMENT:
Curtis Singleton: Curtis Singleton commented on the Children of Promise Mentoring Program called Tennis In the Hood, Inc.

Angela Hinton-Fonda: Angela Hinton-Fonda commented on the proposed vehicle replacement policy and suggested before implementation that the Board amend the policy to include fiscal stewardship and environmental stewardship.

Judith Moore: Judith Moore commented on the proposed toilet voucher program and her concern with stewardship of tax dollars.

CONSENT AGENDA: Chairman Smith reminded the Board that item no. 3 was removed earlier in the meeting and would be tabled to the January 2, 2008 Board meeting. Commissioner Maxwell requested consent agenda item nos. 1 and 2 be removed for discussion.

TAX ASSESSOR'S OFFICE:

1. Approval of staff's recommendation to award Bid #641 to Tailored Business Systems in the amount of $25,092.50 for outsourcing of the printing and mailing services of Official Tax Notices.

Commissioner Maxwell questioned why the bidder that was selected was not the low bidder.

Chief Tax Assessor Joel Benton replied that Tailored Business Systems was ultimately selected as the lowest bidder because it was the only company that met all of the requirements of the bid and was the most qualified.

Commissioner Frady made a motion and Commissioner Pfeifer seconded the motion to approve Tailored Business Systems as the lowest qualified bidder for outsourcing of the printing and mailing services of official tax notices. The motion carried 4-1 with Commissioner Maxwell voting in opposition. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

REDWINE ROAD MULTI-PATH INTER-GOVERNMENTAL AGREEMENT:

2. Approval of an amendment to the Inter-Governmental Agreement between the County and Fayetteville for the Redwine Road Multi-Use Path to allow additional work as requested and funded by Fayetteville in the amount of $8,620.

Commissioner Maxwell said he needed more information on this item. He said the County was being asked by the City of Fayetteville to pave a parking lot that was part of the multi-use path on Redwine Road. He said when he saw the name of the owner of the parking lot and that person was an elected official he wanted to make it clear that the County was being asked to do this.

Interim County Administrator Jack Krakeel said the request was transmitted from the City Manager's Office and the Fayetteville City Council was requesting an amendment to the current Inter-Governmental Agreement in which the County actually contracts to have the work performed and then would be reimbursed by the City for the cost of that work. He said this work included an existing driveway, additional cross walks and the replacement of some steel fencing for a total of $8,620. He said since this was a S.P.L.O.S.T. project under the County's portion of the S.P.L.O.S.T. program, the County actually was the one who contracted to have this work done and this request was to amend the Agreement that stipulated how that process would occur to

include these requested additions. He said there was no expense to the County and there would be full reimbursement to the County from the City. He said the request was for five additional cross walks across Redwine Road and the location of those was not stipulated, to repave an existing driveway at the Oddo property, and to replace steel fencing with split rail fence and that location was not identified either.

Commissioner Maxwell said he wanted to make it clear that the County was not spending a dime to pave someone's driveway or parking lot and Mr. Krakeel agreed. Mr. Krakeel said this was strictly a City funded request and the County was just processing the request since the County was responsible for the construction of the multi-use path along Redwine Road.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to approve the amendment to the Inter-Governmental Agreement between the County and Fayetteville for the Redwine Road multi-use path to allow additional work for the three items as requested and funded by the City of Fayetteville in the amount of $8,620. The motion carried 5-0. A copy of the Amendment to the Inter-Governmental Agreement, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

MINUTES:

3. Approval of minutes for the Board of Commissioners Meetings held on September 5, 2007, October 3, 2007 and November 29, 2007.

Chairman Smith requested item no. 3 be tabled to the January 2, 2008 Board meeting.

OLD BUSINESS:

A. FURTHER DISCUSSION OF REGULATIONS FOR ARCHERY AND BOW HUNTING IN FAYETTE COUNTY:

Commissioner Maxwell remarked that Counties and Cities could not regulate hunting and the purpose of this discussion was not to regulate hunting but to regulate the discharge of firearms and archery equipment.

County Attorney Scott Bennett discussed the amended ordinance that he had drawn up. He said the changes keep the firearms discharge relatively the same as what the County already had but this was in a simpler form. He said the size of the lots for the discharge of shotguns in A-R zoning and the discharge of pistols, shotguns and rifles in residential zonings remained the same. He said it was very clear in the proposed ordinance that the discharge of firearms in a commercial, industrial or office area would not be allowed unless someone was defending life and property or it was an officer discharging in the line of duty. He said he and Chief Collins had spent a lot of time working on regulations dealing with bow and arrows, compound bows and cross bows. He said there were no noise issues involved with archery as opposed to the discharge of guns but there were some hazards associated with archery such as a projectile traveling at a high rate of speed and the proximity to property lines.

Chairman Smith questioned item 3A in the proposed ordinance regarding occupants to the adjoining property owner and the requirement to obtain the permission of the occupants of the adjoining property owner.

County Attorney Bennett remarked that he would be deleting the word "owner" and inserting the word "occupant."

Chairman Smith questioned item 3D in the proposed ordinance stating that within 200 yards of the dwelling house of another without the consent of the owner. He asked if owner should also read as occupant.

County Attorney Bennett remarked that the words owner/agent might be more appropriate.

Chairman Smith questioned item 5 in the proposed ordinance discussing the discharge of bow and arrow, compound bow, or cross bow. He said it appeared to him that a couple of conditions had been omitted under item 5 that were listed as a, b, c, and d under item 3. He felt item 5 should be consistent with item 3.

Chairman Smith asked if anyone in the audience wished to speak on this issue.

Ray Schmeck: Ray Schmeck commented on the proposed regulations for archery and bow hunting.

Kathleen Mann: Kathleen Mann commented on the proposed regulations for archery and bow hunting.

Chairman Smith remarked that the County could not regulate hunting and the changes brought forth by County Attorney Bennett related to the elimination of the references to the County's ordinance because the County cannot regulate hunting. He said the County had to bring the ordinance into compliance with State law.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to adopt the proposed ordinance regarding firearms and discharge of archery equipment with the changes that were discussed, discussion followed.

Commissioner Pfeifer said he would prefer to wait before taking a vote. He said he would like to have more input before voting.

Commissioner Horgan said he would agree with Commissioner Pfeifer on this issue. He said he had some questions about the distance requirements.

Chairman Smith said he had no problem with the ordinance and the way it was written but he felt the Board might be a little hasty in proceeding with this tonight. He said he would like to have the benefit of the comments from Ray Schmeck before making this ordinance final. He called the question on the motion.

Commissioner Frady requested that his second to the motion be withdrawn and Commissioner Maxwell withdrew his motion.

Chairman Smith noted that the motion and the second to the motion were withdrawn and the Board would defer this item to January, 2008. He asked Mr. Schmeck to review the proposed ordinance, meet with Chief Collins and see if there were any objections that he might have to any part of it.

NEW BUSINESS:

B. DISCUSSION BY THE DIRECTOR OF THE WATER SYSTEM TO CONSIDER THE WATER COMMITTEE'S RECOMMENDATION FOR THE COUNTY TO PARTICIPATE IN THE ATLANTA REGIONAL COMMISSION'S PROGRAM REGARDING THE PROPOSED REGIONAL TOILET VOUCHER PROGRAM:

Director of the Water System Tony Parrott remarked that the A.R.C. would only provide $100 per toilet for the voucher program and these toilets must meet the new standard which was 1.28 gallons per flush. He noted that this program was set up to change out two toilets per household of anyone interested and would pertain to houses built prior to 1994. He said the Water Committee was recommending that the County participate in this program of up to 1,000 toilets in the upcoming year at a cost of $100 per toilet including the $30 administrative fee or a total of $130,000. He said the funding for this program would be from the revenue that the Water System had collected from doing the conservation rate which was income that had been taken in from charging customers who used more than 19,999 gallons per month. He said these customers were being charged an extra $1.00 per thousand gallons. He said there was more than enough revenue in the last eight months to fund this program if the Board wished to do so.

Mr. Parrott discussed the $30 administrative fee and who the recipient would be. He said the district was going to contract with Niagra Conservation Corporation and then they would subcontract with the Water System. He said the customer would apply for the toilet voucher with the program administrator who would pre-qualify the house to make sure it qualified. He said the customer would then be issued a voucher that they could use to get the new toilet. He said the retailer would then take the voucher and provide it back to the program administrator who would handle payment to the retailer for the toilet. He said there would be no tax dollars used for this program and it would only involve user money from the Water System. He commented there would be a lot of questions that would need to be answered and a lot involved with this program and he felt the $30 administrative fee would be a bargain.

Commissioner Maxwell asked if the program administrator would ensure that only households in Fayette County would qualify for this program and Mr. Parrott responded yes.

Mr. Parrott commented that there were 13,400 customers in 1994 and there would be enough customers in Fayette County to handle the start up of this program without any kind of problem. He said the district would want cash in hand and when the money was used up that would be an end to the vouchers that would be issued.

Commissioner Maxwell expressed concern with sending the money in first to the district and not being sure if the Fayette County residents would participate and Mr. Parrott said he felt sure there would be more than enough interest in this program to cover the cost.

Chairman Smith clarified that Mr. Parrott had the funding for 1,000 toilets and Mr. Parrott agreed. Chairman Smith felt the concern was the number of households that would commit to the program, and if they did not could Fayette County get a refund. He felt it was incumbent on the Board to put a commitment on some period of time and he recommended the Board adopt the recommendation to participate in the program and insert

in this that the County would be committed for twelve months and at the end of twelve months the County would re-evaluate its situation. He asked for the Board's pleasure in this matter.

Commissioner Maxwell made a motion and Commissioner Frady seconded the motion to adopt the Water Committee's recommendation for the County to participate in the Atlanta Regional Commission's program regarding the Regional Toilet Voucher Program to the extent of 1,000 units at $130 per unit with the stipulation that there be an agreement drawn up with the receiving agency that Fayette County receive its money back if the money had not been spent on Fayette County homes within twelve months and that the excess funds be returned to the Fayette County Water System as well as the documentation that the toilets had been placed in homes of Fayette County water customers. The motion carried 5-0. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

C. CONSIDERATION OF ADOPTING AN UPDATED POLICY AND PROCEDURES DOCUMENT FOR REPLACEMENT OF VEHICLES, HEAVY EQUIPMENT AND OTHER ASSETS:

Finance Director Mary Holland presented the Board with a draft of the proposed policy for replacement of vehicles, heavy equipment and other assets. She said the County's current policy was last updated in 2003 and this policy would take that original policy and update it for additional clarification. She said the proposed policy included heavy equipment and other types of equipment used by grounds maintenance and would basically cover all types of equipment used within the County. She said a sinking fund was also being proposed and would be for the use of financing the replacement of these items as they needed to be replaced. She said it would be the responsibility of the Finance Department to establish this fund and also to determine the amount of the funding commitment that would be needed to be considered by the Board. She said staff would bring this information to the Board during the budget discussions and request that those funds be set aside for the purpose of replacing vehicles. She said staff had looked into the I.R.S. regulation in regard to vehicle replacement and the G.F.O.A. best practices in regard to replacement of equipment as well. She said the accountability of the maintenance of the asset belonged to the department head to which that asset was assigned. She said the department head had a responsibility to maintain that asset and the Finance Department would have the responsibility of monitoring those assets and keeping those asset lists within the accounting system and make sure they were properly accounted for. She said this information must be brought before the Board before disposal of assets could take place. She also noted that this comes under the State law as well as the County's policy.

Ms. Holland further remarked that when a piece of equipment needed to be replaced, the department head would actually have the responsibility to get together with Fleet Maintenance and would have to do an extensive review of the vehicle based on maintenance records. She noted that there might be an situation where an existing vehicle from one department was actually useful in another department.

Chairman Smith asked what the process was to physically get rid of a vehicle or piece of equipment.

Mr. Krakeel replied that the next step would be the auction. He said there had been previous inquiries to look at other alternatives such as internet opportunities with the disposition of assets, trade-ins and so forth. He said past history indicated that the return received on vehicles from auctions was greater than the County could

receive on a trade-in basis. He said there were other apparatus that the County would secure a trade in because the trade-in value was greater than an auction value. He said the auction value was determined by past auctions and what typically certain types of assets yielded in terms of value. He said there were other publications that could be used to see what certain equipment trades for and some times representatives of equipment manufacturers to get some estimate of the value of that asset and to make a determination whether it would be better to dispose of that asset at auction versus a trade in.

Commissioner Pfeifer noted that there were several exceptions listed for property obtained through the Georgia Emergency Management Agency's 1033 Excess Property Program and State and Federal Seizure Funds. Ms. Holland said there were cases where vehicles were actually obtained by the Sheriff's Department through drug raids and so forth. He asked if there was a list of all of the vehicles owned by the County listing the ages and mileage of the vehicles and Ms. Holland replied yes and stated that would be a responsibility of the Finance Department. Ms. Holland said staff was currently keeping that list updated and was working with the County departments to make sure that the most updated information was listed.

Commissioner Maxwell made a motion and Commissioner Horgan seconded the motion to adopt the policy and procedures document for replacement of vehicles, heavy equipment and other assets. The motion carried 5-0. A copy of the policy and procedures document, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

Interim County Administrator Jack Krakeel: Mr. Krakeel presented the Board with a copy of the proposed changes for the advalrem tax which has also been called "The Great Plan" and noted that Peachtree City and Fayetteville had adopted this Resolution. He asked for the Board's consideration in adopting the proposed Resolution.

Chairman Smith asked for consideration to make a correction in the last paragraph of the Resolution. He felt it should read "Resolved by the Fayette County Commission" and signed by all of the Commissioners.

Commissioner Pfeifer made a motion and Commissioner Frady seconded the motion to adopt the Resolution with the changes as discussed. The motion carried 5-0. A copy of the Resolution, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

Interim County Administrator Jack Krakeel: Mr. Krakeel presented the Board with a Fayette County Policies and Procedures notebook for the Board's review over the course of the next two to three weeks. He said it was hoped that within the next thirty to sixty days that the Board could formally adopt this document.

ATTORNEY'S REPORT

None.

BOARD REPORTS

None.

STAFF REPORTS

Director of Public Works Phil Mallon: Mr. Mallon updated the Board on the County's opportunity to update its transportation plan and asked for the Board's consideration to formally agree to participate in the Atlanta Regional Commission's Comprehensive Transportation Planning Program. He said the Atlanta Regional Commission would pay at an 80/20 match for the County to prepare a new plan or update its comprehensive transportation plan. He said he was a big advocate of this plan and he felt the most important thing was that the County might be able to get by for the next two or three years with its existing transportation plan, but the time was coming where the County would have to have a plan that matched the format A.R.C. was looking for in order for the County's transportation projects to be included in the Regional Transportation Plan. He said he did not know if the County really had a choice to update the transportation plan. He said the County could either do this through their plan and get the 80% grant or the County would do this at its own expense. He said a lot of counties were facing the issue of funding to satisfy upcoming transportation projects. He said tonight he was just asking consideration from the Board to consider formally agreeing to participate in Atlanta Regional Commission's program. He said if the Board did agree, he would come back to the Board in January with the final scope of work. He pointed out that even though the A.R.C. was providing 80%, the cost to the County could be up to $62,500. He said assuming this project would be put out to bid and a contractor put in place, it was very likely that the County would receive an invoice in which it would have to pay some of its share in this fiscal year.

Chairman Smith asked for the time frame of this project and Mr. Mallon replied somewhere between 18 months to 24 months for total completion. Mr. Mallon added that he felt the $312,500 that the County was quoted was a realistic budget estimate. Mr. Mallon noted that the County's current plan was estimated at $140,000 and there were a lot of projects in the new plan that were not listed in the current plan.

Mr. Mallon commented on the 80/20 split and noted that the A.R.C.'s 80% would not be anymore than $250,000 and that would be there maximum funds. He said anything over that figure would come under the County's responsibility.

Chairman Smith clarified that Mr. Mallon was not asking the Board to participate in this program but just to give an indication that the County was willing to participate in it. He said one of the biggest concerns that had been voiced previously was that the participation in this could lead to the County's Land Use Plan being negatively impacted by adopting the transportation plan. He said he understood Mr. Mallon to say that it was not the transportation plan that would drive the land use but the land use would drive the transportation plan and Mr. Mallon replied the Land Use Plan must match the transportation plan and vice versa. Mr. Mallon said no project should be requested unless there was the density or the people there to support it.

Chairman Smith asked the Board if there was a consensus to proceed and the Board members confirmed that there was unanimous support.

EXECUTIVE SESSION

None.

ADJOURNMENT

Commissioner Horgan made a motion and Commissioner Frady seconded the motion to adjourn the meeting at 8:45 p.m. The motion carried 5-0.

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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 10th day of January, 2008.

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Karen Morley, Chief Deputy Clerk