Minutes

Board of Commissioners
April 9, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 9, 2009, 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 Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

---

Chairman Smith called the meeting to order.
Commissioner Hearn offered the Invocation.
Pledge of Allegiance.

ACCEPTANCE OF AGENDA: Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Hearn seconded the motion, discussion followed. Chairman Smith requested item no. 12 under the consent agenda be moved to New Business as letter G. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. PRESENTATION OF THE GOVERNMENT FINANCE OFFICERS ASSOCIATION'S DISTINGUISHED BUDGET AWARD FOR FAYETTE COUNTY'S ANNUAL BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2008:

The Board recognized Chief Financial Officer Mary Holland and Budget Officer Sergio Acevedo and presented them with the Government Finance Officers Association's Distinguished Budget Award for Fayette County's annual budget for the fiscal year ending June 30, 2008. Chairman Smith remarked that this was the 12th year in a row that Fayette County had received the Distinguished Budget Award.

B. PROCLAMATION RECOGNIZING FAYETTE COUNTY 911 COMMUNICATIONS PROFESSIONALS AND "NATIONAL TELECOMMUNICATORS' WEEK" FOR APRIL 12 - APRIL 18, 2009 IN FAYETTE COUNTY:

Chairman Smith read and the Board presented a Proclamation recognizing Fayette County 911 Communications professionals and National Telecommunicators' Week for April 12-April 18, 2009 in Fayette County to Communications Director Cheryl Rogers and Public Safety Director Allen McCullough. A copy of the Proclamation, identified as "Attachment No.1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

KATHY ALLGOOD: Kathy Allgood commented on the number of non Fayette County vehicles that she had counted at Kenwood Park. She pointed out on the day she performed the survey on auto tags, there were approximately 60 vehicles and 45 vehicles were non Fayette County vehicles.

County Administrator Jack Krakeel interjected that the Marshal's Office has been surveying the use of the Park over the last two to three months. He noted that staff was in the process of preparing a report for the Board's consideration regarding possible solutions to the issues associated with the use of the Park and that report would be forthcoming to the Board within the next thirty days.

VIC REMENESKI: Vic Remeneski commented on the Defined Benefits plan that was listed on the agenda for consideration. He cautioned the Board that once this plan was put into effect, it would be very hard to get out of the plan, and the taxpayers would be obligated to this plan in the future.

ANGELA HINTON FONDA: Angela Hinton Fonda commented on the Defined Benefits plan that was proposed for Fayette County employees. She pointed out that the problem was not with the pay in but the problem was with the pay out. She said this Board was proposing to create what would amount to be a social security program for County employees. She further remarked that consultants who advise on the design of a project should never be allowed to compete for the same project that they helped to design. She stated that the Country was now in a financial 9/11 and she asked the Board to consider the implications of this plan at this time.

PAT HINCHEY: Pat Hinchey read part of a letter that he presented to the Board regarding the Defined Benefits plan that was proposed for Fayette County employees. A copy of the letter, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He agreed that the County would save money over the next couple of years but it would require a lot more money in the future. He also commented on the idea that this plan would help retain employees and said there were other ways to accomplish that.

BOB ROSS: Bob Ross presented a handout to the Board illustrating Georgia Government Funding Trends, adjacent County defined benefit plans and several recommendations for the Board's consideration. A copy of his handout, identified as "Attachment No. 3", follows these minutes and is made an official part hereof. He noted that the counties with defined benefit plans adjacent to Fayette County have funding ratios below 90%.

CONSENT AGENDA: Commissioner Frady made a motion to approve consent agenda item nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

TAX ASSESSOR'S OFFICE - TAX REFUND REQUESTS:

1. Approval of recommendations from the Tax Assessor's Office regarding requests for tax refunds. A copy of the request and backup, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

FINANCE DEPARTMENT - CLOSURE OF CIP PROJECT 8220C MILAM ROAD

2. Approval of staff's recommendation to close CIP Project 8220C Milam Road and transfer remaining funds to the County Contingency Account. A copy of the request and backup, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - AMEND OVERTIME BUDGET ACCOUNT:

3. Approval of Sheriff's Department request to amend the Overtime Budget Account for the Criminal Investigation Division by $2,633.33 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - AMEND OVERTIME BUDGET ACCOUNT:

4. Approval of Sheriff's Department request to amend the Overtime Budget Account for the Criminal Investigation Division by $1,061.55 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

SHERIFF'S DEPARTMENT - DISPOSITION OF HANDGUNS, AMMUNITION, ETC.:

5. Approval of Sheriff's Department request to allow for disposition of training handguns, conversion kits and training ammunition determined to be of no further use to the Department. A copy of the request and backup, identified as "Attachment No. 8", follows these minutes and are made an official part hereof.

WATER SYSTEM - BID #649 AWARDED TO H.B. SOLUTIONS, INC. AND IF IT'S PRINTED:

6. Approval of the Water System Director's recommendation for approval to extend Bid #649, Water Bills and Envelopes, to the two lowest bidders, H.B. Solutions, Inc. and If It's Printed. A copy of the request and backup, identified as "Attachment No. 9", follow these minutes and are made an official part hereof.

ROAD DEPARTMENT - BID #701 AWARDED TO PITTSTOP ENTERPRISES AND LESTER PEEK GRADING AND HAULING, INC.:

7. Approval of staff's recommendation to award annual Bid #701 to Pittstop Enterprises as the primary provider and Lester Peek Grading and Hauling, Inc. as the secondary provider for hauling services. A copy of the request and backup, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

ROAD DEPARTMENT - BID #702 AWARDED TO E.R. SNELL CONTRACTORS, INC. AND ALTERNATE C.W. MATTHEWS CONTRACTING, INC.:

8. Approval of staff's recommendation to award annual Bid #702 Asphalt to E. R. Snell Contractors, Inc. and an alternate bid to C. W. Matthews Contracting, Inc. as providers of asphalt for paving and resurfacing projects. A copy of the request and backup, identified as "Attachment No. 11", follow these minutes and are made an official part hereof.

ROAD DEPARTMENT - BID #703 AWARDED TO MID STATE CONSTRUCTION & STRIPING, INC.:

9. Approval of staff's recommendation to award Bid #703 to Mid State Construction & Striping, Inc. for the County's annual contract for roadway striping at a rate of $415 per line mile. A copy of the request and backup, identified as "Attachment No. 12", follow these minutes and are made an official part hereof.

ROAD DEPARTMENT - BID #704 AWARDED TO BLACKLIDGE EMULSIONS, INC.:

10. Approval of staff's recommendation to award Bid #704 to Blacklidge Emulsions, Inc. as the annual provider for CRS-2h tack material for road paving and resurfacing projects. A copy of the request and backup, identified as "Attachment No. 13", follow these minutes and are made an official part hereof.

WATER SYSTEM - FAYETTEVILLE MAIN STREET FLYER TO BE INSERTED IN WATER BILLS:

11. Approval of Water Committee's recommendation to allow Fayetteville Main Street to insert a flyer in County water bills during the months of July and August to publicize their summer concerts and other events. A copy of the request and backup, identified as "Attachment No.14", follow these minutes and are made an official part hereof.

Item No. 12 was removed from Consent Agenda and placed under New Business as item G.:

12. Approval of staff's recommendation to dispose of 33 surplus vehicles no longer of use by listing them for sale on the GovDeals internet site.

MINUTES:

13. Approval of minutes for Board of Commissioners' meetings held on March 4, 2009, March 12, 2009 and Special Called Meeting held on March 23, 2009.

OLD BUSINESS:

C. CONSIDERATION OF A RECOMMENDATION BY THE RETIREMENT STUDY COMMITTEE THAT THE ASSOCIATION OF COUNTY COMMISSIONERS OF GEORGIA/GOVERNMENT EMPLOYEE BENEFITS CORPORATION OF GEORGIA BE THE DESIGNATED VENDOR TO PROVIDE A DEFINED BENEFIT RETIREMENT PLAN FOR FAYETTE COUNTY EMPLOYEES:

Public Safety Director Allen McCullough remarked that this Committee had conducted research and fact finding during the last 22 months ago at the Board direction. He said the Board had directed the Committee to research several questions including (1) recruitment; (2) retention; (3) turnover rates; (4) competitiveness with surrounding cities and counties relative to the County's benefit program; (5) the status of the County's existing Defined Contribution Plan; and (6) the feasibility of the hybrid defined benefit type plan. He said the Committee had determined overwhelmingly that the County employees both supported the re-evaluation of the existing Defined Contribution Plan as well as would support a Defined Benefit Plan with their contributions. He said a survey was done with the County employees and the results in support of that was 97%. He said in the Fall of last year, the Board commissioned an RFP process to begin which would look at both the Defined Contribution Plan and the Defined Benefit Plan. He said the Committee was instructed to report back to the Board by December, 2008. On December 11th he appeared before the Board providing a report from the Committee. He said the Committee's recommendation to the Board at that time was that the Committee unanimously felt that at this time it could not make a recommendation on any of the proposals as submitted by the vendors. He said during the Committee's extensive process of evaluation for several months, the Committee expressed its concern about the lack of clarity regarding the administrative costs, the lack of clarity and uncertainty regarding future legal and actuarial costs, lack of clarity and uncertainty regarding plan oversight including staff time from Human Resources and plan implementation. He said the presentations provided by the various vendors really did not give the Committee at that point the information that it needed to make a good sound recommendation. He said as a

result the Committee had asked the Board for more time to review and also to be able to investigate multi employer provider options at which point the Board gave the Committee permission to proceed.

Mr. McCullough further remarked that the Committee had come back on February 4th, 2009 and the Board voted to accept the Retirement Study Committee's recommendation to reject only those proposals that were related to Defined Benefit. He noted that the Committee's next appearance was on March 12th at which point the Committee had enough time necessary to interview and to further be able to bring back a recommendation to the Board for the Deferred Compensation and Defined Contribution plan. He said at that time, the Board voted to support the Committee's recommendation for Mass Mutual/AmRet. He said the Committee's focus was turned toward the defined benefit retirement plan, and at the Board's meeting on April 1st the Committee presented a recommendation for the Board's consideration. He said it was the Retirement Study Committee's recommendation that the Association of County Commissioners of Georgia/Government Employee Benefits Corporation of Georgia be the designated vendor to provide a Defined Benefit Retirement Plan for Fayette County employees. A copy of the request and backup, identified as "Attachment No. 15", follow these minutes and are made an official part hereof.

Chairman Smith asked Mr. McCullough if the 3.8% County contribution had changed any to give the Board any cause for concern that it was no longer a viable number. Mr. McCullough replied that he did not have any new information that this figure had changed, and Human Resources Director Connie Boehnke confirmed that the figure had not changed. Mr. McCullough said the most current numbers had been run a few weeks ago and still supported the 3.8% was the County's contribution.

Chairman Smith asked Chief McCullough to comment on the issue of high turnover among County employees and especially Public Safety employees. Mr. McCullough replied that he had been with the County for twenty-seven years and the downturn in the economy since last year had been much more significant than the economy downturns in the past. He said Public Safety had historically found that when the economy improves the department's turnover rate increases and there would be a revolving door syndrome. He said the Committee was trying to be proactive so that departments could keep their current employees and give them something that provided a level of security.

Commissioner Frady asked Mr. McCullough to explain the cost savings to the County. Mr. McCullough replied that at the present time the County was contributing up to 8% and at this point the proposal was that amount would be dropped to 6.3% with the County contribution to the Defined Benefit Program being 3.8% and the employee contribution being 2.5%. He said the County had agreed to contribute 2.5% to the Defined Contribution Program if the employee matches that to 5%. He said overall there would be a reduction from 8% to 6.3%. He said the County was not moving in the direction of any unfunded liability where there would be credit for prior years of service. He said the employees who had already been here 30 years would probably not benefit from this plan. He said if the Board approved this plan, it would start at zero on July 1st. Commissioner Frady expressed concern with future Boards and changes that might be made to this Defined Benefits Plan.

Commissioner Maxwell thanked the committee for their diligence and remarked that he had supported a Defined Benefit Plan from day one. He said this was a two part process. He said the Board had already voted 4-1 in November 2008 to go to a Defined Benefit Plan. He said in reviewing the parameters of the Defined Benefits Plan that the Committee was recommending he was satisfied that the parameters of the proposed Defined Benefits Plan were adequate with safeguards in place based on actuarial studies that the decision that this Commission was about to make would not put the County at risk either now or in the future. He said the plan would in fact save the County money. He said he would not be able to support the decision for GEBCorp and wanted to make sure that there was no misunderstanding. He said he supported the Defined Benefit Plan but would prefer a different vendor, and for that reason he would be abstaining from the vote.

Commissioner Horgan made a motion to approve the Retirement Study Committee's recommendation that the Association of County Commissioners of Georgia/Government Employee Benefits Corporation of Georgia be the designated vendor to provide a Defined Benefit Retirement Plan for Fayette County employees. Commissioner Hearn seconded the motion, discussion followed.

Chairman Smith commented on the concerns of many companies filing bankruptcy. He said those were private plans and were underfunded. He said the Defined Benefits Plan that this Board was voting on tonight would be a plan that was funded every year and it was not a plan that would put the County in the same position as current private companies that were failing. He remarked on the comment that the County would never be able to get out of this plan and he said actually the County could get out. He said unlike private concern plans, this Board could vote to get out of this plan any time that it wanted to and any future Board could do the same thing. He said concern had also been expressed about Board risk and future Boards making changes. He said the Boards in the future could also make changes to the existing plan and increase the contributions to it by any amount that they saw fit. He said this Board could not obligate or stop future Boards from doing what they want to do while in office. He commented on the loss of revenue and said this was also a very real issue, however, this Board would be saving the County approximately $500,000 per year. He felt it was critical to remember that there was a savings in this plan. He said since this process started approximately 24 months ago, this Board had tried its best to examine, investigated and ask questions and assistance of people who were more knowledgeable about the inner workings of these plans. He commended everyone involved for getting all of the information necessary for this Board to make an intelligent decision tonight.

The motion carried 3-1-1 with Commissioner Frady voting in opposition and Commissioner Maxwell abstaining from the vote.

D. CONSIDERATION OF STAFF'S RECOMMENDATION FOR A DESIGNATED VENDOR TO PROVIDE THE COUNTY'S EMPLOYEE HEALTH INSURANCE SERVICES:

Human Resources Director Connie Boehnke remarked that the Human Resources Department was in the process of reviewing various options for employee health insurance. She briefly discussed the issue of co-pays for employees and noted that the committee was looking to see if there were any options for employees. She said they were also looking into the possibility of self-insurance as an option. She said there would be a formal recommendation for the Board at the April 23, 2009 Board of Commissioners' meeting. A copy of the request and backup, identified as "Attachment No. 16", follow these minutes and are made an official part hereof.

NEW BUSINESS:

E. CONSIDERATION OF STAFF'S RECOMMENDATION TO RENEW THE COUNTY'S WORKERS COMPENSATION INSURANCE COVERAGE WITH MIDWEST EMPLOYERS CASUALTY COMPANY AND FOR THIRD PARTY SERVICES PROVIDER UNDERWRITERS SAFETY & CLAIMS, INC.:

Human Resources Director Connie Boehnke discussed staff's recommendation to renew the County's Workers Compensation Insurance coverage with Midwest Employers Casualty Company and for Third Party Services Provider Underwriters Safety & Claims, Inc. A copy of the request and backup, identified as "Attachment No. 17", follow these minutes and are made an official part hereof. She said it was staff's recommendation to renew the County's Workers Compensation Insurance coverage with Midwest Employers Casualty Company for a period of one year and for third party services provider Underwriters Safety & Claims, Inc. for a period of two years. She said it was also being recommended that the retention be increased to $350,000 for all employees. She said currently all employees were $300,000 and public safety employees were $350,000 and staff was recommending the $350,000 for all employees.

Commissioner Horgan made a motion to approve staff's recommendation to renew the County's Workers Compensation Insurance coverage with Midwest Employers Casualty Company and for third party services provider Underwriters Safety & Claims, Inc. Commissioner Hearn seconded the motion. The motion carried 5-0.

F. CONSIDERATION OF A REQUEST BY THE FAYETTE HERITAGE PROJECT THAT THE BUILDINGS AND GROUNDS DEPARTMENT BE ALLOWED TO BUILD AND INSTALL CORNER AND GATE POSTS AT THE COUNTY OWNED PHILLIPS CEMETERY ON DAVIS ROAD WITH MATERIALS PROVIDED BY THE HERITAGE PROJECT:

President of the Fayette Heritage Project Tony Parrott remarked that the County owned Phillips Cemetery located on Davis Road. He said the property surrounding the cemetery was undeveloped and the committee felt that the installation of corner and gate posts would help with future development. He asked for the Board's consideration to approve the request by the Fayette Heritage Project that the Buildings and Grounds Department be allowed to build and install corner and gate posts at the County owned Phillips Cemetery on Davis Road with materials provided by the Heritage Project. A copy of the request, identified as "Attachment No. 18", follows these minutes and is made an official part hereof.

Commissioner Horgan made a motion to approve the request by the Fayette Heritage project that the Buildings and Grounds Department be allowed to build and install corner and gate posts at the County owned Phillips Cemetery on Davis Road with materials provided by the Heritage Project. Commissioner Hearn seconded the motion. The motion carried 5-0.

Item No. 12 moved from Consent Agenda:

G. APPROVAL OF STAFF'S RECOMMENDATION TO DISPOSE OF 33 SURPLUS VEHICLES NO LONGER OF USE BY LISTING THEM FOR SALE ON THE GOVDEALS INTERNET SITE:

County Administrator Jack Krakeel remarked that staff was requesting that the 2004 Chevy 1500 be removed from the list of assets to be disposed of and transferred to the Engineering Department. He remarked that the Engineering Department has requested to utilize this vehicle in lieu of a request for a new vehicle in the upcoming budget process. He said it was his recommendation to authorize a transfer of this vehicle to the Engineering Department rather than disposing of it. A copy of the request and backup, identified as "Attachment No. 19", follow these minutes and are made an official part hereof.

Commissioner Frady made a motion to approve staff's recommendation to dispose of 32 surplus vehicles no longer of use by listing them for sale on the GovDeals internet site and to transfer the 2004 Chevy 1500 to the Engineering Department. Commissioner Horgan seconded the motion. The motion carried 5-0.

ADMINISTRATOR'S REPORT:

GRADUATION CEREMONY FOR THE INDUCTION OF NEW CERTIFIED PUBLIC SAFETY PERSONNEL: County Administrator Jack Krakeel announced that there would be a graduation ceremony for the induction of new certified Public Safety personnel tomorrow morning at 10:00 a.m. in the Public Meeting Room.

ATTORNEY'S REPORTS:

ECO-SOUTH AGREEMENT FOR MITIGATION WORK AT THE PIGEON CREEK SITE: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute the contract with Eco-South, Inc. to do mitigation work for the County at the Pigeon Creek Site in the amount of $583,494. He remarked that under the agreement, Eco-South, Inc. would do the grading and planting work that was required by the Army Corps of Engineers for the 401 Permit. He said they would warranty all of the plantings for a period of one year from the date they are

planted. He noted that the grading work would be warrantied for five years against what they call a two time bankfull event. He said if there was a wash out then they would come back and replant everything at no cost to the county. He said at the end of five years, the Corps would inspect it and release the credits from the site. He said the work was delineated clearly as described in the 401 Permit and the work that they were actually going to do. He said Eco-South would submit invoices to the County as work was completed and the County would have the opportunity to inspect the work and then make payment. He also noted that the late fees had been removed and the warranties were very clear.

Commissioner Frady made a motion to authorize the Chairman to execute the contract with Eco-South, Inc. to do mitigation work for the County at the Pigeon Creek site in the amount of $583,494. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 20", follows these minutes and is made an official part hereof.

TRAMMELL-HORTON CONTRACTING LLC AGREEMENT FOR FENCING AT MITIGATION SITES: County Attorney Scott Bennett remarked that the Board had approved a bid award to Trammell-Horton at its March 12th meeting to do fencing around the mitigation sites. He asked for the Board's consideration to authorize the Chairman to execute the agreement with Trammell-Horton Contracting LLC for fencing at mitigation sites in the amount of $176,343.

Commissioner Frady made a motion to authorize the Chairman to execute the agreement with Trammell-Horton Contracting, Inc. for fencing at mitigation sites in the amount of $176,343. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the agreement, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

INTERGOVERNMENTAL AGREEMENT WITH PEACHTREE CITY REGARDING PAVING ½ MILE PORTION OF REDWINE ROAD: County Attorney Scott Bennett remarked that on the calendar for this year the County would be repaving Redwine Road and ½ mile of the road goes through Peachtree City. He noted that the County Administrator has spoken with Peachtree City and Peachtree City has agreed to pay for the paving materials and the striping for the ½ mile. He said the County would be providing the labor and the work and then send an invoice to Peachtree City for the materials and striping costs. He said the Mayor and Council of Peachtree City had already approved this Intergovernmental Agreement. He asked for the Board's consideration to authorize the Chairman to execute the Intergovernmental Agreement with Peachtree City regarding reimbursement to the County for materials and striping for the repaving ½ mile of Redwine Road.

Commissioner Horgan made a motion to authorize the Chairman to execute the Intergovernmental Agreement with Peachtree City regarding reimbursement to the County for materials and striping for the repaving ½ mile of Redwine Road. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Intergovernmental Agreement, identified as "Attachment No. 22", follows these minutes and is made an official part hereof.

STAFF REPORTS:
None.

BOARD REPORTS:
None.

EXECUTIVE SESSION:
None.

ADJOURNMENT: Commissioner Hearn made a motion to adjourn the meeting at 8:35 p.m. Commissioner Horgan seconded the motion. 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 23rd day of April, 2009.

Karen Morley, Chief Deputy Clerk