Minutes

Board of Commissioners
September 9, 2010
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, August 26, 2010, 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 Floyd L. Jones, Deputy Clerk

---

Call to Order, Invocation and Pledge of Allegiance.

Chairman Smith called the September 9, 2010 Board of Commissioners Meeting to Order at 7:01 p.m.
Commissioner Hearn offered the Invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Chairman Smith requested that New Business Item E be removed from the agenda since expected supplemental documentation had not been received as expected. He stated that this item would be postponed until Fayette County receives an official request from the City of Peachtree City.

Commissioner Horgan moved to accept the Agenda as published with the exception of New Business E. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION/RECOGNITION:

A. Proclamation recognizing September 15, 2010 as "Honor Flight Fayette Day".

Chairman Smith issued the Proclamation recognizing September 15, 2010 as "Honor Flight Fayette Day", and he recognized the veterans, Honor Flight's officers, the volunteers who accompanied them while giving of their personal resources, and the community's efforts to make all seven Honor Flights possible.

Chairman Smith further announced that the final Honor Flight would occur on Wednesday, September 15, and that it was traditional of Honor Flights that at 6 o'clock on the day of departure they are hosted at a breakfast at Fayetteville First United Methodist Church. He told those listening that they are invited to join the veterans at 6:00 a.m. for breakfast and to wish them Godspeed on their flight to Washington, D.C. A copy of the request and proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

B. Recognition of the Fayette County 4-H Shooting Sports members and coaches and recognition for their many accomplishments during the past year, including winning the State Academics, Integrity, and Marksmanship (AIM) Trap Shoot.

Mr. Craig Gross, the 4-H Development Agent and County Coordinator for Fayette County's Extension Service, recognized the Fayette County 4-H Shooting Sports members and coaches. Mr. Gross spoke about their accomplishments and introduced the leaders and coaches who added further comments about their achievements. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Bob Ross: Mr. Bob Ross, a resident of Peachtree City, said he felt he needed to speak regarding Judge Smith's review, issued on August 31, 2010, concerning Commissioner Horgan's appeal of the findings given by the Ethics Panel as a result of a complaint filed in 2009 alleging Commission Horgan had violated the County's Ethics Ordinance. He also provided documentation to the Board. He said the Judge's review brings the issue back to conditions of the Ethics Ordinance 99-01, and he noted the penalties and action County employees were subject to. He suggested that Commissioner Horgan should be fined $6,155, since that is the cost paid by the taxpayers for Commissioner Horgan's actions. A copy of the documentation provided to the Board, identified as "Attachment 3", follows these minutes and is made an official part hereof.

Pat Hinchey: Mr. Pat Hinchey, a resident of Fayetteville, recalled that he and another citizen filed an ethics complaint against Commissioner Horgan for issues they felt "truly stood out as activity that was not in the best interest of the citizens that he represents". He said the process has been lengthy, that the efforts have been followed by the book, that much time was spent by many people, that involved three jurists from different communities, and that judges and citizens have spent time on this issue and effort. He said he has taken "a lot of grief for filing this complaint" and that he was told this was "petty and no big deal", but he said he did not

want to live in a community that thinks this is "no big deal". He mentioned that until the laws are changed, everyone has to live by the same rules. He summarized that the appeal process had come to a conclusion, and he requested the Board to quickly and swiftly resolve this issue in a very public manner so that the community can move on.

CONSENT AGENDA:

Commissioner Frady moved to approve Consent Agenda Items 1-5. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of Human Resources' request to amend the Human Resources FY2010 Technical Services Budget Account by $3,000 to reflect a contribution from GEBCorp to assist the County with a computer data interface project. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

2. **Approval of Information System's request to transfer $6,000 from the department's GIS Project Budget to its FY2011 GIS Maintenance and Operations (M&O) Budget. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

3. **Approval of the Sheriff's Office's recommendations to declare a 2006 Dodge Charger unserviceable, to sale or trade the vehicle, and to authorize appropriate staff to purchase a comparable vehicle and to sign all necessary documents required for the purchase, registration and tagging of the vehicle. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.**

4. **Approval of the Sheriff's Office's request to amend the Overtime Budget for the Fayette County Sheriff's Office Investigations Division by $2,985.80 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

5. **Approval of staff's recommendation to increase the Library's SPLOST Account by $25.00 and to increase the Other Supplies and Software Maintenance Accounts by an accumulative total of $2,000 in order to account for two donations to the Fayette County Public Library in an aggregate amount of $2,025.00. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**

OLD BUSINESS:

C. Approval of the August 4, 2010 Board of Commissioners Workshop Minutes. Commissioners Robert Horgan and Eric Maxwell were not present for this Workshop Meeting.

Commissioner Hearn moved to approve the August 4, 2010 Board of Commissioners Workshop Minutes. Commissioner Frady seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners Horgan and Maxwell abstaining from the vote.

D. Approval of the August 26, 2010 Board of Commissioners Minutes. Chairman Jack Smith was not present at this meeting.

Commissioner Frady moved to approve the August 24, 2010 Board of Commissioners Minutes. Commissioner Hearn seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Smith abstaining from the vote.

NEW BUSINESS:

E. Consideration of a request from Peachtree City that the County participate in a scoping study related to the widening and intersection improvements on Crosstown Road.

This item was removed from the agenda during the Acceptance of Agenda.

F. Consideration of staff's request to authorize the Chairman to sign the Summary of Material Modification and Amendment #1 agreement between Fayette County and Meritain amending the County's Employee's Health Insurance Plan by including a "Carry Over Provision" and by increasing the number of days the plan will pay for a stay at specified types of care facilities.

Assistant Human Resources Director Lewis Patterson reminded the Board that on March 11, 2010, the Board of Commissioners approved the transition of Employee's Health Care Benefits from a fully insured to a self-insured environment, and that staff worked diligently to make the new plan mirror the benefits of the previous provider, Blue Cross / Blue Shield. He explained that during the past several months, staff has gained experience with the new self-funded plan, and in doing so staff has identified two items that need modification which would require the Board's attention. He introduced Account Executive Jaki Turner, of Pacific General, the firm engaged to assist in the transition. Ms. Turner stated that there were two items that required amendments. The need for the first amendment was discovered when it was found that a "Carry Over" provision had been omitted. The second item requiring amendment was regarding the Skilled Nursing, Extended Care Facility, and Rehabilitation Facilities Benefit. She explained this second amendment would be a material change to the contract since there have been standard changes within the industry. She asked that the benefit be increased from the current thirty-day benefit to sixty-days.

Chairman Smith asked if the first recommended amendment was a technical correction and if there was an estimated cost consequence to the County if it adopted the recommended amendment. Ms. Turner replied that it was a technical correction and that the estimated cost was minimal, probably no more than $1,000. Chairman Smith asked if the second recommended amendment was an actual unanticipated change to the contract and asked for an estimated cost impact if the change is made. Ms. Turner replied that she could not give an exact estimate of the cost impact based on the statistical data available at present. She noted, however, that during the previous 24 months there had only been one material claim issued, and it was for 32 days. She explained that the average cost for Skilled Nursing can range from $800 to $1,200 based on negotiated discounts for the types of services provided. Chairman Smith asked if there would be an alteration in the amount the County is contributing to the plan. Ms. Turner replied there would be no change in the amount the County is contributing to the plan.

Commissioner Horgan moved to approve the Summary of Material Modification and Amendment #1 document between Fayette County and Meritain amending the County's Employee's Health Insurance Plan. Commissioner Hearn seconded the motion. No further discussion followed. The motion passed unanimously. A copy of the request and the Summary of Material Modification and Amendment #1 document, identified as "Attachment 9", follow these minutes and are made an official part hereof.

G. Consideration of a Joint Funding Agreement between Fayette County and the U.S. Department of the Interior Geological Survey which provides for the monitoring of water flow at four sites. The Agreement is for one year beginning October 1, 2010 and ending September 30, 2011 with a cost to the County of $90,600.00.

Assistant Water System Director Russell Ray explained this request was for an annual, continuing agreement between Fayette County and the United States Interior Geological Survey for monitoring four sites that the County is required to maintain under its withdrawal permits from the Georgia Environmental Protection Division. He told the Board that Line Creek was one site being monitored, especially since permits were in place for the construction of Lake McIntosh, and that monitoring was occurring to measure flow into and out of the future lake, as well as water quality out of the lake.

Commissioner Maxwell asked what the purpose of this monitoring was, and asked what the County was getting for its money. Mr. Ray replied that because the State issues the County its permits to draw water out of raw water sources for potable water, the County is required by the Georgia Environmental Protection Division to monitor water quality, to maintain daily stream flow records, and is required to let a certain amount of water flow downstream. He said these exercises give the County a "very solid record of meeting requirements". Commissioner Maxwell asked if water quality was part of this program. Mr. Ray said it was and gave explanation. Further discussion followed concerning the monitoring and testing of water quality, and factors involved in the testing.

Commissioner Frady moved to authorize the Chairman to sign the Joint Funding Agreement between Fayette County and the United States Department of the Interior Geological Survey for the purpose of monitoring water flow at four sites, beginning October 1, 2010, at a cost of $90,600, contingent upon review by the County Attorney. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and the USGS Joint Funding Agreement, identified as "Attachment 10", follow these minutes and are made an official part hereof.

H. Consideration of the Recreation Commission's recommendations pertaining to the placement of gates and fencing at Kenwood Park, and to discuss parking and pay stations at the park.

Fayette County Recreation Commission Chairman Charles McCollum, and Parks and Recreations Director Anita Godbee discussed the Recreation Commission's recommendation to install gates and fencing at Kenwood Park. Mr. McCollum informed the Board that Kenwood Park has been used by many people since its opening in 2007, but in 2009 the Recreation Commission began discussions regarding issues occurring at Kenwood Park. He said the Recreation Commission has discussed

various ideas and concerns with the North Fayette Home Owners Association, has reviewed practices from other counties, has performed park studies, and has analyzed the results and implications of making a final formal recommendation to the Board of Commissioners. He continued that after a year of study, the Recreation Commission voted at its August 10, 2010 meeting, to make two recommendations to the Board of Commissioners.

The first recommendation was to install an entrance gate for security reasons thereby eliminating any type of after-hours vehicle access. Mr. McCollum explained there were four typical types of gates available for the needed purpose. Discussion followed regarding this first recommendation, after which the Board directed the Recreation Commission and County Administrator Jack Krakeel to return at a later meeting with "real cost numbers" so that the Board could know, from a financial standpoint, what options are available.

The second recommendation was to install fencing along portions of the park's property line to resolve security and safety issues that have arisen. Mr. McCollum explained there were three types of fencing material available for the needed purpose. Discussion followed after which the Board gave a similar direction to both the Recreation Commission and County Administrator Jack Krakeel to return at a later date with cost estimates, and to provide "sketches" of where the fencing would be placed and the amount of fencing needed.

The Recreation Commission asked for guidance with respect to parking and pay station issues at Kenwood Park. The Board replied that its role was not to provide guidance in these matters since that is the purpose a Recreation Commission was established. It informed the Recreation Commission it would need to make a formal recommendation to the Board and the Board would make decisions based on the recommendation.

The Board acknowledged Mr. McCollum's work and service for Fayette County and thanked him for his efforts and for a job well done. It is expected that the Recreation Commission will present their recommendations concerning these issues at a future meeting. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

No Administrator's Report was given.

ATTORNEY'S REPORT

No Attorney's Report was given.

STAFF REPORTS

No Staff Report was given.

BOARD REPORTS

Interview with WSB-TV: Commissioner Maxwell informed the Board that he interviewed with Reporter Jim Strickland of WSB-TV during the afternoon regarding the four vacant houses that have recently been discussed and acted upon under the County's Nuisance Abatement provisions. He explained that County Attorney Scott Bennett has filed at least one law suit, that a local paper wrote a story about it, and that the story was featured on television. He said he was very proud that "in the last two weeks we have moved a long distance" regarding these structures. He also asked County Administrator Jack Krakeel to tell Interim Director of Buildings and Permits Joe Scarborough how much he is appreciated.

EXECUTIVE SESSION

County Attorney Scott Bennett informed the Board that matters pertaining to Litigation and Property Acquisition needed to be discussed. Commissioner Hearn added that he wanted to discuss a Personnel matter in Executive Session.

Commissioner Horgan moved to recess into Executive Session to discuss Property Acquisition, Litigation, and Personnel matters. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 8:34 p.m. and returned to Official Session at 9:22 p.m.

Executive Session Affidavit: Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating matters of Property Acquisition, Litigation, and Personnel were discussed during Executive Session. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 12", follows these minutes and is made an official part hereof.

Approval of Resolution 2010-16 concerning Property Acquisition for the West Fayetteville Bypass: Commissioner Maxwell moved to authorize the Chairman to sign Resolution 2010-16 authorizing the acquisition of land and temporary construction easements in Fayette County by negotiated contract or condemnation for properties needed for completion of Phase II of the West Fayetteville Bypass. Chairman Smith seconded the motion. No discussion followed. The motion passed unanimously. A copy of Resolution 2010-16, identified as "Attachment 13", follows these minutes and is made an official part hereof.

Continued Discussion concerning a Fifth Judgeship for the Griffin Judicial Circuit: Commissioner Frady, recalling the discussion held of August 4, 2010 concerning a fifth judgeship for the Griffin Judicial Circuit, asked when Fayette County was to file formal comments with the state. Chairman Smith noted there were several issues to consider in regard to filing formal comments on this issue. He explained that the issues Fayette County needed more information about were: the State's caseload analysis showing a fifth judge is warranted, the actual costs of adding a fifth judge, the inherent cost of providing and maintaining office space; personnel costs, and creating another courtroom on the third floor of the Justice Center. Chairman Smith requested that the Board authorize him to "draft a letter in such a manner that it cites all of these things that are potential

problems with adding a fifth judge to the Circuit", and for the letter to "request that a decision be delayed until the completion of the judicial system's analysis of the caseload methodology, as well as taking into consideration the issue of splitting the Circuit and the cost that would be borne by splitting the Circuit versus the cost of adding another judge to the Circuit." Discussion followed during which Chairman Smith clarified that he was asking for the Board's authorization to "sign a letter objecting under the grounds I said until such time as we have a full analysis of the impact of the Probate Court, and the impact of the caseload analysis that the judicial system is doing".

Commissioner Frady moved to authorize the Chairman to draft and sign a letter to the State citing the potential problems with adding a fifth judge to the Griffin Judicial Circuit; and requesting the State to delay its decision until the Judicial System's analyses of caseload methodology, the cost differential of either splitting the circuit or adding a fifth judge to the circuit, and the impact of such decisions on the Probate Court are completed. Commissioner Horgan seconded the motion. Discussion followed. The motion passed unanimously. A copy of the letter, identified as "Attachment 14", follows these minutes and is made an official part hereof.

ADJOURNMENT

No further business came before the Board. Chairman Smith adjourned the September 9, 2010 Board of Commissioners meeting at 9:36 p.m. without an objection.

_____ _____

Floyd L. Jones, 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 September 2010.

_____

Floyd L. Jones, Deputy Clerk