

The Board of Commissioners of Fayette County, Georgia met in Official Session on Wednesday, March 5, 2003, at 3:30 p.m. in the public meeting room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

COMMISSIONERS PRESENT: Greg Dunn, Chairman
Linda Wells, Vice Chair
Herb Frady
A.G. VanLandingham

COMMISSIONERS ABSENT: Peter Pfeifer
Linda Wells

STAFF MEMBERS PRESENT: Chris W. Cofty, County Administrator
William R. McNally, County Attorney
Carol Chandler, Executive Assistant
Peggy Butler, Executive Assistant
Karen Morley, Chief Deputy Clerk

Chairman Dunn called the meeting to order, offered the Invocation and led the pledge to the Flag.

Chairman Dunn announced that Commissioner Pfeifer was not yet well enough to resume his duties but it should not be too much longer. He said Commissioner Pfeifer would be completed with the therapy at the end of this month. He also announced that Commissioner Wells was sick and would not be in attendance.

AMENDMENT TO THE ADMINISTRATIVE SERVICES AGREEMENT - EMPLOYEE LOANS AGAINST THEIR DEFERRED COMPENSATION FUNDS APPROVED:

Director of Human Resources Connie Boehnke remarked that this discussion regarded Deferred Compensation which would permit employee participants to request a loan from their account. She said in recent months the laws had changed pertaining to 457 Deferred Compensation Plans to permit employees to make loans against their own funds. She said this had been in law for the 401K for several years.

Mrs. Boehnke further remarked that employees could get two types of loans such as a primary residence loan and a general all purpose loan. She said a loan could be taken out up to 50% of the value of the employee's account. She said all of the interest would be put back into the employee's account. She stated for a nominal fee there was a \$50 set up fee and a \$12.50 per year for a maintenance fee. She said the loan rate was very economical. She stated it was her understanding that no credit history reports would be run because employees would be borrowing against their own money. She said there had been several requests throughout the years since 1995. She said she would be glad to answer any questions that the Board might have.

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Commissioner Frady felt this would be good for employees. He said he hoped employees would think long and hard before using this loan feature.

Mrs. Boehnke remarked that currently the only way an employee could get money out of this plan was through hardships. She said there were very stringent rules pertaining to hardships.

Commissioner Frady asked for the interest percentage.

Mrs. Boehnke replied that it would be the prime rate plus 2.

Commissioner VanLandingham felt it was good that the county could offer this service through The Hartford Company. He said this was not something new and stated it had been around for quite a while. He said he was glad to see it expanded.

Chairman Dunn asked Mrs. Boehnke if she would be the Plan Administrator.

Mrs. Boehnke replied that she was the Plan Administrator on the retirement program. She said employees would be handling this directly through Hartford. She said the only portion that the county would be involved in was the payroll deduction portion. She said there was a 1-800 number and the employee could also access the loan application directly from the internet.

Chairman Dunn asked Mrs. Boehnke if she would also be the Plan Sponsor.

Mrs. Boehnke replied yes.

Chairman Dunn remarked on the document in front of him that stated the county had already entered into an agreement effective on February 17th, 2003.

Mrs. Boehnke replied no, and that was when this plan document was sent to the county and it was not signed. She said this document would have to be redone with the modified date.

Chairman Dunn asked when a loan would be considered in default. He said it stated that the Plan Administrator would determine when the loan was in default.

Mrs. Boehnke replied that a loan that was in default would immediately become taxable income and a penalty applied.

Chairman Dunn remarked that it would become taxable and a fine applied.

Mrs. Boehnke said she did not recall if there was specified language on the default. She said she knew it was non payment.

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Chairman Dunn felt there would be almost no leeway. He said an employee could be in default very quickly and lose a lot of their funds. He felt this service should be provided and many county employees could use it and use it wisely. He said he did fear concerning very young employees. He felt these employees would need to be well counseled before getting into this.

Commissioner Frady asked if an employee had an accident and was out beyond the period of time they had insurance. He asked if there was a grace period for something of that nature.

Mrs. Boehnke replied no, not that she was aware of. She said the interest rate was very low and all of the Federal guidelines would have to be followed pertaining to that. She said she would definitely check out what kind of leeway there was. She said she knew it was default but it was not defined in the Plan what default actually was.

Commissioner Frady questioned an employee who could not work and Mrs. Boehnke replied that she believed the employee would still have to make that payment.

Chairman Dunn said according to the information that Hartford Life had provided it said the county would have to determine which plan document was going to be used such as Hartford Life Specimen Plan or a proprietary plan document.

Mrs. Boehnke replied that the county had chosen the Specimen Plan.

Chairman Dunn asked for a definition of the proprietary plan.

Mrs. Boehnke replied it involved the county defining such things as prime plus 2 and a different rate being set by the sponsor. She said if that was the norm then the prime plus 2 would be chosen. She said the county could have written its own complete plan.

Chairman Dunn asked if there was anything in the county's plan about an employee being in default.

Mrs. Boehnke replied no, she felt this was an I.R.S. regulation. She said she did not think that was negotiable. She said default was default. She said she would double check on that issue.

Chairman Dunn said he was in favor of doing this but he did not want to put some employees in a position of being one day late on a payment that they would be destroyed for the rest of their life.

Mrs. Boehnke replied that she shared that sentiment.

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Chairman Dunn remarked that things might happen that would be unforeseen and Mrs. Boehnke agreed.

Commissioner Frady asked if this would be done through payroll deduction and Mrs. Boehnke replied yes.

Commissioner Frady remarked that there was no reason to be late with a payment if a person was still working.

Chairman Dunn said an employee might miss a payment if they had a change in status.

Mrs. Boehnke replied yes that was possible.

Attorney McNally remarked that was one of the reasons that The Hartford Plan was the one that staff felt should go forward. He said any plan that the Board would want to pass would have to get I.R.S. approval and staff did not feel there was enough expertise to develop a plan without going to a consultant for review and input. He said this was the reason that the plan offered by the company was the one that would be the safest and the most expeditiously way for the county.

Chairman Dunn asked Mrs. Boehnke what she needed from the Board today on this issue.

Mrs. Boehnke replied that if the Board wanted to vote on this issue today that would be fine but if the Board wanted to wait that would also be alright.

Attorney McNally remarked that the Resolution stated that the Board was permitting the Department to proceed with arranging for employees to take a loan against their 457 Plan based on The Hartford Plan as set forth in the way of interest rates and so forth.

Commissioner Frady said he would like to make a motion to move forward with the Resolution.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to approve the Amendment to the Administrative Services Agreement and authorize the Chairman to execute the Resolution adopting the Amendment which would allow employees to make loans against their Deferred Compensation Funds, discussion followed.

Chairman Dunn said he was going to vote in favor of the motion but he still wanted Mrs. Boehnke to check on the issues that he mentioned during this discussion.

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The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent. A copy of the Amendment and Resolution, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

CONSIDERATION OF REQUEST FROM DAN HAYES OF THE FAYETTE COUNTY BAR ASSOCIATION TO HANG A FRAMED PICTURE OF ITS MEMBERSHIP IN THE NEW JUSTICE CENTER:

Chairman Dunn announced that Mr. Hayes had requested that this item be removed from the agenda.

CONSENT AGENDA: On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to approve the consent agenda as presented. The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent.

MARSHAL'S OFFICE: Approval of request from the Marshal's Office to destroy old/damaged/no longer used uniforms. A copy of the request, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

COMMUNICATIONS: Approval of request from the Director of Communications Cheryl Rogers to transfer insurance funds in the amount of \$2,965.91 to line item #21530800-522235 Building Maintenance Services as a result of a lightning strike requiring repair to the radio system. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

COMMUNICATIONS: Approval of request from the Director of Communications Cheryl Rogers to transfer insurance funds in the amount of \$2,990.72 to line item #21530800-522235 Building Maintenance Services as a result of a lightning strike requiring repair to the radio system. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

HUMAN RESOURCES: Approval of request from the Director of Human Resources to amend the Personnel Policy relating to identification cards, uniforms and vehicles. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

NATIONS FENCE, INC. - AWARDED BID FOR WATER SYSTEM FENCING: Approval of recommendation from Director of Purchasing Tim Jones to award bid to low bidder Nations Fence, Inc. in the amount of \$43,416.30 including the price for payment and performance bonds for fencing at the Water System. A copy of the memorandum and Agreement, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

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“HOMEOWNERS SEPTIC SYSTEM GUIDE: Approval of recommendation from Director of Planning Chris Venice to provide 20,000 copies of the Cooperative Extension Service brochure entitled “Protecting Your Water and Septic System” to be mailed with water bills, or mailed separately, to those households not on county water; and for 4,000 copies of the “Homeowners Septic System Guide” folder to be distributed to new homeowners at time of Certificate of Occupancy for a total cost of \$8,380. A copy of the memorandum, identified as “Attachment No. 7”, follows these minutes and is made an official part hereof.

WATER SYSTEM: Approval of request from the Director of the Water System Tony Parrott to approve a budget amendment for the Water System’s fiscal year 2002-2003 budget in the amount of \$96,000 for backflow testing, PRV repairs, pump repairs and valve repairs. A copy of the memorandum, identified as “Attachment No. 8”, follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening’s agenda.

There was no public comment.

STAFF REPORTS:

CONTRACT WITH GEORGIA POWER COMPANY: Attorney McNally asked for the Board’s consideration in authorizing the Chairman to execute the master contract with Georgia Power Company for electric service for the new judicial center. He said the Board had authorized him several months ago to negotiate with Georgia Power Company and this had been done. He said there was a set payment to be made toward infrastructure of \$130,000 and a monthly administrative fee of \$175 and then a rate that was set in accordance with the percentage of the tariff that was ordinarily charged which would be for a period of 5 years. He said after the first year if the county’s use of electric would warrant a change in the rate, then Georgia Power had agreed that for the remaining period of time the county would get the newly set rate. He said based on the Board’s instructions he was recommending that the Board approve this master contract for the provision of electric to the judicial center.

Commissioner Frady asked how long ago had the county negotiated the rate.

Attorney McNally replied three to six months ago.

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Commissioner Frady asked if that rate was still in effect.

Attorney McNally replied yes.

Commissioner Frady asked if it was one year from the date that it was negotiated or one year from now.

Attorney McNally replied that it was after the county's first year in the contract.

On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to authorize the Chairman to execute the master contract with Georgia Power Company for electric service for the new judicial center. The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent. A copy of the contract, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

STORMWATER MANAGEMENT PLAN: County Engineer Ron Salmons briefed the Board on the county's Stormwater Management Plan. He said staff had developed a stormwater strategy and plan. He said the term NOI was used to describe that plan and it was the county's approach on how various activities would be implemented to develop a Comprehensive Stormwater Management Plan. He said this was a requirement that the county needed to meet for the Clean Water Act which was the NPDES Phase II (National Pollution Discharge Elimination System). He said the State EPD had issued a general permit and all communities that come under Phase II. He said these communities were basically the ones that were adjacent to large metropolitan areas that were under 100,000 people. He said those communities must submit this document so that the county could move forward in developing a plan. He said this document had to be submitted by March 10th and the broad section of staff had completed this document and that included representation from transportation, utilities, planning, engineering, and the extension office. He said there were specific areas that had to be addressed according to the E.P.D. in six basic areas that staff had done in the document. He said all of these actions must be completed by December 9, 2006. He said for staff to complete all of the actions that were listed it would entail just for compliance with the NOI two new ordinances and modifications of three other ordinances. He said two of the ordinances would be in the general code and three of them would be in the development regulations.

Mr. Salmons said that he was respectfully requesting the Board for authorization so that he could submit this either by his office, himself or through the signature of the Chairman.

Commissioner Frady commended Phil Mallon, the new Assistant County Engineer, on this plan. He said the NOI was a Notice of Intent and was a binding contract at this time but was a plan.

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Mr. Salmons remarked that this was a plan that was being planned for implementation. He said the plan could be changed at any time with 30 days notice if something was found to be unworkable.

On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Notice of Intent and authorize County Engineer Ron Salmons to submit same to the E.P.D., discussion followed.

Chairman Dunn said he would like to make a suggestion. He said the county was required to file the Notice of Intent. He said the Board did not want to commit itself to certain things at this point in time. He stated in addition to the national requirement with the N.P.D.E.S. there were a series of plans at the North Georgia Water Planning District. He said the first plan with four subsets of plans had already come down. He said the Board would be trying to bring a lot of this together as it proceeds over the next three years. He said one of the things that he would prefer to do would be for Mr. Salmons to send in the Notice of Intent and not commit this Board of Commissioners on anything. He said the county could fulfill the requirement just by sending in the plan. He said the county would definitely be objecting to several things that would be coming down the pike in the next year. He said these would impact some parts of the plan.

Commissioner Frady said he did not have a problem with that at all. He said he would amend his motion that the Engineering Department would forward this to the proper authorities. He said it was from the county, Mr. Salmons was the county agent and the county was still responsible.

Chairman Dunn said he did not want anyone in the future to say that the Board agreed to this three years ago. He said the Board had agreed to write a plan and adjust it as it proceeds.

Chairman Dunn said he had come from a meeting earlier in the day with the Water System Director and the Director of Planning where he said they had discussed three or four issues. He said he had a Water Board meeting tomorrow in Atlanta and there were three or four issues that impact Fayette County that were absolutely outrageous. He said these issues were not a requirement yet but there were recommendations from several consultants there who have never been to Fayette County.

Mr. Salmons remarked that anything that was proposed he would have to come before the Board with first.

Chairman Dunn thanked Ron and his staff for a great job on this matter. He said he also wanted to commend Water System Director Tony Parrott and Director of Planning Chris Venice. He said they attend the technical committee meetings of the North Georgia Water

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Board. He said they had presented accurate information on Fayette County each and every time that they had been there. He said they had also objected to issues that had a habit of just rolling along and nobody paying attention to the local governments. He said the representatives from Peachtree City, Fayetteville and Tyrone also on that board would doing a great job too.

Chairman Dunn clarified that Ron Salmons would execute the NOI and submit it to the E.P.A. and Commissioner Frady's amendment to the motion reflected this.

The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent. A copy of the Notice of Intent, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Attorney McNally requested an executive session to discuss three legal items.

COUNTY ADMINISTRATOR CHRIS COFTY: Mr. Cofty remarked that he had been advised by staff that there were no items listed on the March 13th Commission Agenda for next week.

COUNTY'S COST FOR NATURAL GAS: Chairman Dunn asked Mr. Cofty to speak with the Purchasing Director Tim Jones to determine the price of natural gas that the county was currently being charged. He said it was being reported Statewide that the price for natural gas was going to quadruple over the next couple of months.

EXECUTIVE SESSION: On motion made by Commissioner VanLandingham, seconded by Commissioner Frady to adjourn to Executive Session to discuss three legal items. The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent.

LEGAL: Attorney McNally reported to the Board on a legal item.

It was the consensus of the Board to authorize County Administrator Chris Cofty to proceed in this matter.

LEGAL: Attorney McNally discussed a legal item with the Board.

The Board took no action on this matter.

LEGAL: Attorney McNally reviewed a legal item with the Board.

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Frady, seconded by Commissioner VanLandingham to authorize the Chairman to execute the Executive

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Session Affidavit affirming that three legal items were discussed in Executive Session. The motion carried 3-0. Commissioner Pfeifer and Commissioner Wells were absent. A copy of the Affidavit, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 4:40 p.m.

Karen Morley, Chief Deputy Clerk

Gregory M. Dunn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of March, 2003.

Karen Morley, Chief Deputy Clerk