

The Board of Commissioners of Fayette County, Georgia met in Official Session on Thursday, March 9, 2006, at 7:00 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
Peter Pfeifer

STAFF MEMBERS PRESENT: Chris Venice, County Administrator
Dennis Davenport, Assistant County Attorney
Carol Chandler, Executive Assistant
Peggy Butler, Chief Deputy Clerk

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

PRESENTATION HONORING COMMISSIONER A.G. VANLANDINGHAM:

Chairman Dunn said this was something that the members of this Board find to be a very difficult thing to do but something that each member wanted to do and that was to recognize A.G. VanLandingham who passed away in December. He said Commissioner VanLandingham was diagnosed with cancer a few years ago. He said during the last couple of years this Board saw how A.G. dealt with this illness. He remarked that everyone respected him and liked him from the very beginning but what the Board saw as A.G. went through this was phenomenal. He said the true measure of this man was how he dealt with this disease. He stated as the time went by and A.G. began treatments he was in quite a bit of pain. He said his body began giving up on him and he accepted this challenge in such a phenomenal way that people could not help but be taken aback by his courage and his strength in the face of such horrible adversity. He said everyone could see the physical pain on A.G.'s face. He said there were times when A.G. came to the Commission meetings and had to self-medicate sometimes during the middle of the meeting. He said A.G. never wanted to miss a meeting and had only missed two meetings in the last two years of treatment. He said A.G. was here right up until the day he died doing the people's business. He remarked that when people were that dedicated to their community and to this Board, his family had a lot to be proud of. He said A.G. was a man totally dedicated to his community and his family.

The Board presented a rocking chair to A.G. VanLandingham's family to honor him for his service to Fayette County.

A.G.'s wife Jo VanLandingham thanked the Board for the gift and remarked that she collected rocking chairs and this one would have a very special place in her home. She said she wanted to tell everyone how much Van loved his job and how very seriously he took it. She said he was very dedicated and serious about his job. She said she wanted

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to thank each and every family member for all of their support during Van's illness. She said they had been there for them every hour of every day. She remarked that her daughter Chris had written her a really sweet letter about a month after Van's death. She said this letter included Chris' wish that "I wish everyone could have known my dad."

ORDINANCE NO. 2006-05 - FAYETTE COUNTY SUBSTANCE ABUSE POLICY ADOPTED:

Chief Marshal Ed Collins of the Fayette County Marshals Office remarked that he had appeared before the Board last September with submissions for the substance abuse policy. He said the County's provider at that time just arbitrarily gave up the alcohol section. He said he had been trying to come up with a new system to try and correct any issues that there might be. He said since September a new testing machine had been purchased that was approved for employee testing under the Department of Transportation regulations. He remarked that Lieutenant Black had attended the breathe alcohol instructor testing school and since he since his return had trained four of the deputy marshals as breathe alcohol technicians. He remarked that two more deputies had been trained this month.

Chief Collins remarked that the Marshal's Office had moved to a new space in the complex. He said this space would now allow his department to have all of the testing on site and in one location with the additional benefit of it being very private. He said the new office included an alcohol testing area room and also a drug collection room.

Chief Collins stated that since last September he had met with the Purchasing Director Tim Jones and developed some proposals for bids for the drug testing provider. He said the bids went out to four local companies with three returning bids. He remarked he was recommending one particular company that he would discuss with the Board during the discussion of the next agenda item.

Chief Collins further remarked that this Board had authorized money for the purchase of random selection software. He said they had subsequently discovered that the present Munis system had software available that would make the employee selection even easier for his department. He said this software just had to be added to the present Munis system and this was done at the beginning of the year. He said they were in the process now of testing the program and he felt it was ready for use at this time.

Chief Collins further stated that a new Substance Abuse Policy had been drafted by the County Attorney's Office after much discussion with the County Administrator and Human Resources as well as various department heads. He asked for the Board's consideration in approving the new policy and the testing procedures which was drafted by the County Attorney in conjunction with the department heads that were involved. He said in addition to the policy change, it also added thirty new categories of employees to the testing pool. He said that would change now since there had been a few categories added that were

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approved by the Board last week. He commented on some of the major changes in this policy. He said there had been some major differences and one being the testing facility and the location of this facility. He said the drug testing under this new policy would all be done on site. He said the procedures should be in the packet. He said one of the major differences was the change in the amount of alcohol that was being allowed under the new policy. He remarked that under the old policy there was a .02% to a .04% gray area. He said in this area if an employee tested at .035% and was retested, and if they were not below the .02% they simply were not allowed to return to their job if it was a safety function job. He said under the new policy they had eliminated that gray area and the cut off would be .02%. He said if an employee went over .02% they would immediately be sent home for two days and have to contact Human Resources for a retest. He said during this time period this information would be forwarded to the County Administrator for her determination of the discipline.

Chief Collins remarked on another change in the policy. He said there were two exceptions to the policy including a Shy Bladder and a Shy Lung wherein if a person could not blow into the machine they could get a medical exemption from a physician. He said both of those exemptions had been eliminated from the policy.

Chief Collins further remarked that a last chance section had been added to the policy. He said if an employee notified the Human Resources Department or their supervisor before they were selected for random testing and that employee agreed to go to counseling, then that employee would have nothing held against them and they would not be terminated as long as they continued in counseling. He felt this was a positive addition to the policy.

Commissioner Wells asked how Chief Collins would follow up on these employees to make sure they were continuing with treatment.

Chief Collins responded that the employees would go through the Human Resources Department and they would get weekly or monthly reports depending on the problem. He said the employee would go through the Employee Assistance Program.

Commissioner Wells asked if there would be a followup report on those results.

Chief Collins replied yes there would be a followup confidential report.

Chairman Dunn clarified that once an employee was in that program they would be subject to periodic testing.

Chief Collins confirmed that the Marshal's Office would perform the alcohol testing onsite in their office. He said the alcohol collection provider would also come to the Marshal's Office to handle collection of the urine sample for the drug testing. He said he had set up a procedure including the various steps where the Marshal's Office would randomly select the names, notify department heads, report to the Marshal's Office and go through the

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stages of the process. He said this would really lessen the time period that a person would have to be away from their work. He asked for the Board's consideration in approving the Fayette County Substance Abuse Policy.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve changes in the Fayette County Substance Abuse Policy, discussion followed.

Chairman Dunn commended Chief Collins and Lieutenant Black for the work they had put into drafting this policy. He said the previous program had become ineffective.

The motion carried 4-0. A copy of Ordinance No. 2006-05, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

DRUG FREE WORKS ASSOCIATES, INC. SELECTED FOR DRUG TESTING:

Chief Marshal Ed Collins remarked that together with Purchasing Director Tim Jones they had come up with a criteria by using the Department of Transportation regulations and the County's policies. He said he had a list of eight possible providers and after checking with them via telephone they had reduced the list to four providers that were local and still interested. He said Mr. Jones had sent out the proposals and three of those were returned. He remarked that after reviewing the three proposals, it was clear that these were very similar in their pricing so that was not a problem. He said the issue was onsite collection and testing. He remarked that all three companies indicated that onsite was feasible and two of them wanted the County to guarantee them a certain number to make this worth their while to come here. He said one company requested a particular day of the week to be dedicated just to the testing. He said the testing would be random so it would be hard to have a dedicated day. He remarked that after reviewing the proposals the company that was the most flexible in its program was Drug Free Works with Dr. Paul Hagan. He remarked that Dr. Hagan was present tonight to answer any questions. He stated that Dr. Hagan was involved with the County's program a few years ago and he had received positive comments on his service during that time. He said it was his recommendation that Drug Free Works be the drug collector and tester. He remarked that Mr. Hagan had agreed to be very flexible and come to the office on the days that the Marshal's Office chooses randomly to do the testing.

On motion made by Commissioner Wells, seconded by Commissioner Frady to approve Drug Free Works Associates, Inc. as the drug collection and testing provider pursuant to the substance abuse policy and authorization for execution of a subsequent contract by the Chairman. The motion carried 4-0. A copy of the contract, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Chief Collins said he would like to thank Chris Venice, Connie Boehnke, Tim Jones, Attorney McNally and Attorney Davenport for all of their help in putting this policy together.

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KIWANIS PARK, MCCURRY PARK AND BROOKS PARK BUDGET ADJUSTMENTS:

Director of Park and Recreation Anita Godbee asked for the Board's consideration for a budget adjustment to increase Kiwanis Park Light Upgrade "P6004" CIP Budget by \$75,000, McCurry Park Light Upgrade "P6005" CIP Budget by \$25,000, and Brooks Park Light Upgrade "P6002" CIP Budget \$84,000 to cover additional cost needed to award lighting project to Musco Lighting.

Ms. Godbee remarked that there were some plans in place to upgrade the lights at Kiwanis Park, McCurry Park and Brooks Park. She said an invitation to bid had been sent out and they had requested that the lights that were most critical to be upgraded and those were field #6 at Kiwanis, field #2 at McCurry and field #2 at Brooks. She said they had also sent out a proposal to get additional information for field #5 at Kiwanis, field #1 at McCurry and field #1 at Brooks Park. She said when they had received the proposals back, she noticed that there was a substantial increase in price from last year in the amount of approximately \$20,000. She felt in order to save money she would like to recommend the lighting of all six fields in this year's budget versus waiting for future budgets. She said in August, 2005 the Water Committee recommended to this Board some changes for Lake Horton, Lake Kedron and Starr's Mill. She remarked that according to the Facilities Division Director Tony Parrott the projects at the lakes would be recommended through the Water Committee and then funded through the Water System with the Board of Commissioners' approval. She said as a result these funds were available to be used for hopefully another function than it was originally intended for. She said she was requesting the money to be transferred to Kiwanis Park, McCurry Park and Brooks Park to help upgrade the lights. She said if the Board approved these funds from this year's CIP projects at the water parks, then there would still be an additional \$53,000 left over for Starr's Mill. She said she would recommend that those funds go into another recreation account but that would be a decision that the Board would have to make.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the budget adjustment to increase Kiwanis Park light upgrade "P6004" CIP budget by \$75,000, McCurry Park light upgrade "P6005" CIP budget by \$25,000 and Brooks Park light upgrade "P6002" CIP budget \$84,000 to cover additional cost needed to award lighting project to Musco Lighting. The motion carried 4-0. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

Chairman Dunn said he wanted to clarify that this was a creation by this Board of new funds to put into the park. He said these funds were already in the capital improvement program and this was a reprogramming of a capital improvement for the Recreation Department parks. He pointed out that this money was available now for this project.

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BID AWARD #P534 FOR KIWANIS PARK, MCCURRY PARK AND BROOKS PARK BALL FIELD LIGHT REFURBISHMENT TO MUSCO LIGHTING:

Director of Parks and Recreation Anita Godbee asked for the Board's consideration to award Proposal #P534 for Kiwanis Park, McCurry Park, and Brooks Park Ball Field Light Refurbishment to Musco Lighting in the amount of \$362,639.

On motion made by Commissioner Wells, seconded by Commissioner Frady to award proposal P534 to Musco Lighting for Kiwanis Park, McCurry Park and Brooks Park ball field light refurbishment in the amount of \$362,639 and authorization for execution of a subsequent contract by the Chairman. The motion carried 4-0. A copy of the contract, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

CONSIDERATION OF RECENT ETHICS COMPLAINT:

Assistant County Attorney Dennis Davenport said the County had received a recent ethics complaint. He asked the Board if there were any questions. Hearing none, he asked for the Board's pleasure in this matter.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer that no action was necessary and the County would not proceed with any further action. The motion carried 4-0.

CONSENT AGENDA: Commissioner Wells requested that items #1 and #2 be removed for discussion. On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve consent agenda items 3, 4, 5 and 6 as presented. The motion carried 4-0.

TAX COMMISSIONER'S OFFICE: Approval to transfer motor pool vehicle #95014 (1994 Crown Victoria) to the Tax Commissioner's Office. (*Tabled from February 23, 2006 Commission Meeting*). A copy of the request, identified as "No. 5", follows these minutes and is made an official part hereof.

Commissioner Wells said it was her feeling that this Board was currently delineating which department had vehicles and making sure they were properly assigned and how many were truly needed. She said at the current time she felt the Tax Commissioner's Office did not need a vehicle.

Chairman Dunn asked for clarification from Commissioner Wells if she felt this particular office did not need a vehicle or would it be explored in the current budget process.

Commissioner Wells felt the Tax Commissioner's Office did not need a vehicle at this point in time and she would like to make a motion to that effect.

Commissioner Pfeifer remarked that in his mind there had been no need demonstrated for a vehicle.

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Commissioner Frady said it was his understanding that personnel in that office did quite a bit of traveling inspecting properties and that sort of thing.

Commissioner Wells said it was her understanding that this had not been done in the past.

Commissioner Frady questioned who had placed this item on the consent agenda in the first place.

County Administrator Chris Venice said this was a request sent in by the Tax Commissioner through the vehicle replacement committee.

Commissioner Frady asked what they had said the reason was for the request.

Mrs. Venice responded that Mr. Wingo had submitted a memorandum this week for the Board's packet. She said Mr. Wingo stated that the Tax Office traveled two to three days a week. She said he speculated that they would average 150 to 200 miles with this vehicle per week. She said this was their first year to do door to door collections so the mileage could vary from that.

Commissioner Frady said this sounded like quite a bit of use to him.

Commissioner Wells pointed out that when the first request came to the Board it was for employees to run back and forth to the bank and to the post office. She said that was not the specific request initially. She said the request had now evolved and they would be traveling to pursue the collection of non real estate advalorem taxes. She said she did not have enough information to justify this request at this time.

Commissioner Frady said he was going to accept the information that was given as a justification for the vehicle and he would support it.

Chairman Dunn said when this procedure of collecting money door to door began.

Mrs. Venice replied that she was not familiar with that aspect of it. She said she did know that they were frequent users of the motor pool for vehicle usage.

Commissioner Wells felt this would be something that would be better addressed during the budgetary process. She said the Board was just a couple of months away from the budget cycle. She felt this request was well out of sequence and she just did not have enough information on it for it to be implemented at this juncture of the budget cycle.

Chairman Dunn said he would feel better voting for this motion if the Board would review this request during the budget discussions. He said he did not know why the Tax Commissioner's personnel would now be going door to door but if they were now required to, he would consider it.

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Commissioner Frady felt the committee had gathered the information for the request and they obviously felt it was necessary.

Chairman Dunn said the committee did not have this information when they made this recommendation.

Mrs. Venice said the committee did not have the door to door information but they did have the frequency of usage for their motor vehicles.

Commissioner Frady said he recalled the Tax Commissioner had discussed this issue with the Board before about his employees having to travel to the post office several times but he felt this was no justification for a vehicle. He said he did feel the door to door issue for tax collecting would be a justification.

Chairman Dunn pointed out that the coming and going to the post office was the justification for the original request for a vehicle. He said he would like to discuss this issue during the upcoming budget hearings. He said he would certainly be willing to address it at that time especially if the Tax Commissioner had justification for a vehicle.

On motion made by Commissioner Wells, seconded by Chairman Dunn to deny the Tax Commissioner's Office request for a motor pool vehicle. The motion carried 3-1 with Commissioner Frady voting in opposition.

SHERIFF'S OFFICE: Approval to replace 2001 Chevrolet Impala Vin #2G1WF52E519274499 with 98,000 miles driven by an investigator in the CID division. (*Tabled from February 23, 2006 Commission Meeting*). A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

Commissioner Wells said she would like to table this item one more time. She said she had requested some additional information at the last meeting and staff was in the process of gathering that information. She asked for consideration to table this item to the March 23, 2006 Commission meeting.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to table this item to the March 23, 2006 Board of Commissioners' meeting. The motion carried 4-0.

KENWOOD PARK - PHASE II: Approval to award Professional Design and Project Management Services for Phase II of Kenwood Park to Mallett Consulting, Inc. in an amount not to exceed \$153,400 and authorization for execution of a subsequent contract by the Chairman. A copy of the memorandum and the contract, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

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KENWOOD PARK - PHASE III: Approval to award Professional Design and Project Management Services for Phase III of Kenwood Park to Mallett Consulting, Inc. in an amount not to exceed \$243,100 and authorization for execution of a subsequent contract by the Chairman. A copy of the memorandum and the contract, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

GEORGIA D.O.T. AGREEMENT FOR HIGHWAY 54 AND MCELROY ROAD: Authorization for the Chairman to execute right-of-way agreement with Georgia D.O.T. for improvements at the intersection of Highway 54 East and McElroy Road. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

MINUTES: Approval of minutes for Board of Commissioners meeting held on February 9, 2006.

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.

William Ballard: William Ballard, 444 Goza Road, Fayetteville discussed the removal of a fence on his property at Lake Horton. He said he was a sixth generation Fayette County citizen. He remarked that the fence was located close to his property at a house that he was building for personal use. He said at the time the property was being acquired for the building of Lake Horton and the parks it was strictly agricultural. He said it did require putting up a fence in order to keep the cows in the pasture. He said he realized at that time that the 100 foot easement from a section of the lake was actually purchased by the County. He said he was fully aware of that fact. He remarked that he had personally maintained this fence for the twelve to fifteen years that it had been up. He noted that the fence had become in disrepair. He said it had been on the ground with trees on it and everything else. He said he fixed the fence and did not ask for any help from the County. He remarked that his sister lived on one section of the property for approximately seven years and he had just recently begun construction on a new home for himself on the other six acres. He said last summer while he was cleaning up the property he did remove a section of the fence between him and the lake area. He said this was just a small grassy area. He said they had tried over the years to keep the property looking presentable which included picking up all of the trash from the out of County fishermen and others who use the property. He said he did not realize that he was grossly offended anyone by removing this section of fence. He felt he fully understood where the complaint came from and the nature of it. He said he would like to apologize for anything that he might have done to offend anyone. He pointed out that there were no cows on this property and there had been no cows on the property for at least five years. He said the fence had absolutely no purpose and noted that it was just a rusty barbwire fence.

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Mr. Ballard further remarked that he had received a letter as well as his sister Gloria Blakely concerning the matter. He felt it was a somewhat offensive letter but that was beside the point. He said if there was a decision to have the fence put back up, he asked for the Board's consideration in allowing him to install the same posts and the same fence. He said everything for the fence was still there and no one had disposed of anything. He felt at this point that he would simply ask for a spirit of cooperation from the Commission on this issue. He said one thing would be accomplished if the fence was put back up and that was to keep him or any member of his family from being able to walk off of their property to the edge of the lake without having to crawl over a barbwire fence. He said he just wanted to address this and felt it had become a big issue. He said he appreciated the Board's time and consideration on this.

Chairman Dunn remarked that the Board had reviewed this situation. He said it was his understanding that the letter Mr. Ballard had received was that the fence would be replaced but at no cost to him.

Mr. Ballard replied that he was not sure.

Attorney Davenport interjected that the purpose of the letter was at least two fold. He said he had written the letter. He said the letter was to notify both property owners where the fence had been removed that this was the County's fence on County property. He said the letter was to notify the property owners that when the fence was put up again they would know why it was going up again. He said the County did not want the fence to come down any longer. He said the County also wanted to know who had taken the fence down because the Board of Commissioners wanted to know. He said he had asked that question in the letter as well. He said as a response to that letter he had received a call from Mr. Ballard's attorney and also from Mr. Blakely. He said he had spoken with both gentlemen and informed Mr. Ballard's attorney that the County's position was that they wanted the fence back up again. He said Mr. Blakely had telephoned him and told him that he was the person who had taken the fence down. He said Mr. Blakely stated that he was more than willing to put the fence back up again and do whatever needed to be done. He said with respect to the purpose of the fence, he had discussed this previously with Mr. Parrott and with the Board as far as the need for the fence in that area. He said in his conversations with Mr. Parrott subsequent to speaking with Mr. Blakely the fence that was taken down was the fence that was going back up again. He said Mr. Blakely agreed to do that with the materials that were there. He said Mr. Parrott was alright with that fence going back up again. He said he had instructed Mr. Blakely at that time to go ahead and put the fence back up again so that it would be where it was before. He said he informed Mr. Blakely that the fence was located on County property and it was not on his property or his neighbor's property and if there was any issue to come up about this at all to get back with him otherwise Mr. Parrott would check back in just to make sure things were going alright. He said this had been a very pleasant conversation and he felt things had gone well. He said this was consistent with the Board's direction during the last discussion of this issue.

Chairman Dunn said he just wanted to make sure that the property owners were not under the impression that the County wanted them to put up a new fence and pay for it.

Mr. Ballard said he was just somewhat baffled as to why the fence would even have to go back up. He said he did not feel this was a threat to the reservoir in any kind of way. He said other people use the piece of property and he was looking for reasons why he could not walk from his property to the lake. He said they certainly did not want any animosity between anybody involved.

Commissioner Wells remarked that if Mr. Ballard had any other questions, Attorney Davenport was the person to speak with it. She said Mr. Parrott could also provide him with more information. She said this Board certainly did not want there to be any animosity either between these property owners and the County.

Marc Rogers: Marc Rogers of Fayetteville commented on a previous ethics complaint received by the Board. He said he would like to note for the record that it was obvious that none of the Commissioners had read the ethics violation request that he had submitted. He said he was aware that this item was listed on tonight's agenda but he wanted it on the record that it was obvious that none of the Commissioners had read it.

Chairman Dunn responded that Mr. Rogers' assumption that none of the Commissioners had read this complaint was totally incorrect.

STAFF REPORTS:

CONSTRUCTION ON WAGON WHEEL WAY: Assistant County Attorney Dennis Davenport asked for the Board's consideration to authorize the Chairman to execute a contract to proceed with construction on Wagon Wheel Way. He said the County had obtained all of the easements necessary and he was ready to proceed. He remarked that the contractor had signed off on the contract and he was presenting this to the Board tonight for consideration for approval and also to authorize the Chairman to execute the contract.

On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to approve the contract for construction on Wagon Wheel Way and also to authorize the Chairman to execute the contract to proceed with construction on Wagon Wheel Way. The motion carried 4-0. A copy of the contract, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION: Assistant County Attorney Dennis Davenport requested an executive session to discuss one legal item.

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COMMISSIONER PFEIFER: Commissioner Pfeifer remarked that the Fayette County Tax Commissioner George Wingo had come to the Board with a proposal almost two years ago and he was asked many questions. He said these questions were not answered. He remarked that there was no follow up. He said he had checked into this subject himself and had also conferred with the County Attorney's Office. He said he had also discussed this subject individually with two of the other Commissioners and he felt his questions had finally been addressed.

Commissioner Pfeifer further remarked that the County could charge a fee to cover the cost of online services to the person who receives those services. He said that was alright at least in his opinion. He said he would like to make a motion to request Staff including the County Attorney to obtain proposals for a third party to handle credit card transactions for property taxes, advalorem taxes, vehicle registration taxes and fines. He said this could include obtaining a service to do this online as well as examining the possibility of obtaining equipment that would allow citizens to do this in person from the Tax Commissioner's Office or the Clerk of the Courts Office. He said the stipulation for this was that the entire cost of this service through charges to the user shall be at no cost to the other County taxpayers and only to those using this service. He said he had said before that one should look for the motive to understand why people do what they do. He said he had no motive to do the wrong thing here and he did not see that Chairman Dunn or Commissioner Wells had one either. He said he would like to propose that the Board ask the Staff to look into establishing a contract with a third party for this service for the County.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to authorize Staff and the County Attorney's Office to draft a Resolution that would address the establishment of a third party to handle credit card transactions for property taxes, advalorem taxes and vehicle registration taxes and fines with no cost to the general taxpayers of the county and also to explore the possibility of a similar service on site, discussion followed.

Commissioner Wells remarked that as a matter of clarification this would be available for anyone wanting to use their credit card to pay the fees that were listed with the understanding that the person who was using the card would bear all of those costs.

Commissioner Pfeifer responded yes that was correct. He said there were other Counties such as Cherokee and Columbia who were doing this for property taxes. He said these counties charge 2.5% or 2.8% plus a transaction fee for the service. He said there were other counties who did allow their motor vehicle taxes to be paid and vehicle registration to be paid and a fee associated with that process. He said those fees were paid by the user. He said he did not know at this time about traffic fines but assuming that was the same situation he would also like to include that. He said he also noticed where several counties did accept traffic fines over the internet. He said as long as the person using the convenience was paying for the service, he had no problem with it.

Assistant County Attorney Dennis Davenport said he would like to have an opportunity in response to this motion if it was approved to come back to the next Board meeting with a Resolution to outline all of this information to see how this would affect how it could be used and what the charge would be. He said this would give a template to actually go out and get an agreement to put in place. He said the Resolution would be a good first step to get that done.

Commissioner Wells responded yes that would be an excellent idea. She said that answered some of the questions that the Board had when this proposal was first brought to the Board and that was that the Board did not categorically have an opposition to being able to use a credit card but the Board did not want to assume the fees that were associated with it and for the Tax Commissioner to find a way to resolve that. She said this was what the Board had been waiting for.

Commissioner Pfeifer commented on the possibility of using a credit card physically in the Tax Commissioner's Office. He said the County did not have the ability to accept it nor to charge that. He said the County would be looking into the possibility of getting a third party to install a system such as an ATM at those locations where this would be appropriate. He said they would run the service and the County would simply collect whatever monies were due the County.

Commissioner Frady said this subject had come up several years ago and he, along with everyone else, was not willing to put this into motion because it was not known how this would be paid for. He said all of the Board members said that they did not want the taxpayers to pay for a service that would be used by a few people. He said the Board wanted the taxpayers using this service to pay the fees themselves. He said this had been resolved for a long time. He said he was happy to see that this was finally accepted. He said this Board had been told that this could go on without being paid for. He said he recalled Mr. Wingo coming to the Board not very long ago saying that this was a service that could be performed without any fees. He said it was abundantly clear to him that it was and he felt it was about time that this went into place. He said this was depriving a lot of citizens of this service and he felt the citizens deserved this service.

Commissioner Wells interjected that this might have been clear to Commissioner Frady but it was never passed on to the Board as to how to proceed with this. She said she was glad Commissioner Frady was clear on this but she certainly was not.

Commissioner Frady said Mr. Wingo had explained to the Board exactly how it would be and that a third party would suffer the costs.

Commissioner Wells interjected that had not been explained to this Board.

Commissioner Pfeifer said he reads the Board's minutes.

Chairman Dunn said all of the Board members had expressed concerns. He said he agreed with Commissioner Frady that all of the Board members did not want people who were not going to use the credit cards to have to absorb any fees associated with this process. He said there were some counties who did use this process. He said these counties allowed people to come into the office to charge the taxes or fines and the fees were absorbed by the general fund. He said all of the taxpayers in these counties pay for the people using these services in the tax office. He remarked that there had been a lot of discussion when Mr. Wingo talked to the Board about not having non users to be paying out of their taxes for the people who were using the service. He said none of the Board members objected to a system that people who wanted the convenience would pay for themselves. He said the Board was not clear and he could remember distinctly because there were a lot of questions and not very good answers. He said the last thing that he recalled asking the Tax Commissioner was if he would come over and work with the Board to see how to accomplish this. He said he had never heard from him again until he had read the article in the newspaper. He said he thought the motion was alright except he felt the Tax Commissioner should be involved in this process rather than the Board dictating to the Tax Commissioner to do this.

Commissioner Wells interjected that the Board was just exploring the possibilities.

Commissioner Frady said he felt the Tax Commissioner would be happy to receive this because he has wanted to do this for a very long time.

Commissioner Wells said the Board was just exploring the possibilities to determine if this would be practical and feasible for the County to do this. She said it would not obligate the Tax Commissioner into doing anything.

Chairman Dunn said he felt the motion was to put this service out to bid.

Commissioner Pfeifer said it was for the staff to explore obtaining bids.

Commissioner Frady said he understood the motion that this was a done deal and this could proceed.

Chairman Dunn felt it was appropriate for the Board to let people do this online if they wanted to. He felt all that had to be done would be to let the Tax Commissioner know that and let him implement it if that was what he wanted to do.

Commissioner Wells said this could be done after the Board received all of the information.

Chairman Dunn said he felt the other question also needed to be answered and that was what would be the best way to do this. He said it would not make sense to have a policy that allowed someone to use a credit card at home via the computer and not be able to do the same thing at the Tax Commissioner's Office. He felt there must be a way to

accomplish that too. He said the Board had asked the Tax Commissioner to also explore that in the past and never got anything back on that. He said he did not think this Board should superimpose anything at this point on the Tax Commissioner but just say that he was free to develop the program and come back with details.

Commissioner Pfeifer said he had the distinct impression that the Tax Commissioner would rather complain about the Board than to do something to fix the problem.

Chairman Dunn said the Tax Commissioner had the responsibility to collect the County's taxes.

Commissioner Frady said if any of the Board members had any questions about this, they could certainly discuss those with Mr. Wingo.

Commissioner Wells interjected that there was a motion and second on the floor.

Chairman Dunn asked Commissioner Pfeifer to restate his motion.

Commissioner Pfeifer said his motion was that this matter be placed in the hands of the County Attorney's Office to develop a Resolution that would address the establishment of a third party payment system for online credit card use that would not cost the general taxpayers of the County any money and also to explore the possibility of a similar service but onsite.

Commissioner Frady remarked that this did not sound like the first motion and he felt it was somewhat different.

Chairman Dunn asked Commissioner Pfeifer to withdraw his first motion.

Commissioner Pfeifer withdrew his first motion and said he would make a new motion.

Commissioner Wells said she would withdraw her second to the first motion.

On motion made by Commissioner Pfeifer, seconded by Commissioner Wells to authorize Staff and the County Attorney's Office to draft a Resolution that would address the establishment of a third party to handle credit card transactions for property taxes, advalorem taxes and vehicle registration taxes and fines with no cost to the general taxpayers of the County and also explore the possibility of a similar service on site. The motion carried 4-0.

EXECUTIVE SESSION: On motion made by Commissioner Pfeifer, seconded by Chairman Dunn to adjourn to executive session to discuss one legal item. The motion carried 4-0.

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

The Board took no action on this matter.

EXECUTIVE SESSION AFFIDAVIT: On motion made by Commissioner Wells, seconded by Commissioner Pfeifer to authorize the Chairman to execute the Executive Session Affidavit affirming that one legal item was discussed in executive session. The motion carried 4-0. A copy of the Affidavit, identified as "Attachment No. 10", 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 9:00 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 5th day of April, 2006.

Karen Morley, Chief Deputy Clerk