# Minutes

Board of Commissioners
July 2, 2008
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in a Workshop Meeting on Wednesday, July 2, 2008, at 3:30 p.m. in the Commissioners' Conference Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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| **Commissioners Present:** | Jack Smith, Chairman<br>Herb Frady, Vice-Chairman<br>Robert Horgan<br>Eric Maxwell<br>Peter Pfeifer |
| **Staff Present:** | Jack Krakeel, Interim County Administrator<br>Scott Bennett, County Attorney<br>Carol Chandler, Executive Assistant<br>Floyd L. Jones, Deputy Clerk |

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**Call to Order by Chairman.**

Chairman Smith called the July 2, 2008 Workshop Meeting to order at 3:30 p.m.

**Acceptance of Agenda.**

Commissioner Horgan moved to approve the agenda as published. Commissioner Frady seconded the motion. Some discussion followed. The motion passed unanimously.

**CONSENT AGENDA**

There were no consent items.

**OLD BUSINESS**

**A. Approval of staff's recommendation to accept the annual service agreement between Motorola and Fayette County for the County's 800 MHZ ASTRO Simulcast System Maintenance and for a contract renewal for a term beginning on July 1, 2008 and ending on June 30, 2009 in the amount of $450,358.08. The original contract was approved with the implementation of the Simulcast System.**

Assistant Director of Communications Peggy Glaze stated 911 Communications was asking the Board to authorize Chairman Smith to sign a renewal contract for the 800 MHZ Simulcast System and explained that the system is used to communicate with public safety agencies in Fayette County. She understood that the

amount of money was significant, but stated it paid for much of the equipment such as the radio system structure located at the 911 Center, uninterrupted power sources at each of the tower sites, the weather alerting system, the statewide radio channel that enables communication between public safety agencies, and the 911 telephone system. Chairman Smith asked if the dollar amount was comparable to what had been paid in previous years. Ms. Glaze replied that the dollar amount requested this year was slightly lower that what was requested last year, and explained the reason for the lower amount was because Motorola was giving a prepaid discount of $3,682 if the amount was paid all at once at the beginning of the contract's term. Finance Director Mary Holland added the discount amount was greater than the interest the County could earn on the money. Commissioner Frady moved to approve staff's recommendation to accept the annual service agreement between Motorola and Fayette County for the County's 800 MHZ ASTRO Simulcast System Maintenance and for a contract renewal for a term beginning July 1, 2008 and ending June 30, 2009 in the amount of $450,358.08. No discussion followed. The motion passed unanimously. A copy of the request and the annual service agreement, identified as "Attachment 1", follow these minutes and are made an official part hereof.

**B. Consideration of the revised Metropolitan North Georgia Water Planning District's (MNGWPD) model Floodplain Management Ordinance to replace the existing Article IV Floodplain Regulations of the Fayette County Development Regulations. This item was last discussed during the Workshop Meeting held on August 1, 2007.**

Environmental Engineer Vanessa Birrell of the Engineering Department stated the revised Metropolitan North Georgia Water Planning Districts' model Floodplain Management Ordinance is the last model ordinance that Fayette County is required to adopt. Discussion followed regarding the effect of the model ordinance on Fayette County and its citizens, a new floodplain analysis and how to recover its cost, and the effort between the County and FEMA to correct some of the inaccurate data currently being utilized by FEMA. Chairman Smith stated this item was an ordinance change so it required two public hearings. He said the first public hearing could be held by the Planning Commission and the second hearing would be held by the Board. It was the consensus of the Board to authorize staff to forward the revised Metropolitan North Georgia Water Planning District's model Floodplain Management Ordinance to the Planning Commission. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

**C. Consideration of the proposed amendments to the Land Use Element of the Fayette County Comprehensive Plan regarding the S.R. 54 West Overlay District as presented by the Planning and Zoning Department. This item was tabled during the June 26, 2008 meeting.**

Mr. Pete Frisina, Community Development Director, reminded the Board that this item was initiated at the beginning of the year and was based on the S.R. 54 Overlay that was enacted around 1995. After giving a brief explanation of the issue, he stated there were two recommendations to bring before the Board. The first recommendation, from County staff, was that those lots in a residentially platted subdivision that are oriented to or access S.R. 54 should not be given consideration for rezoning, but those lots in a residentially planned subdivision that are not oriented to or access S.R. 54 could be given consideration for rezoning. Mr. Frisina added that there was a second part to staff's recommendation that no residentially platted lots that are surrounded by residentially platted subdivisions, regardless if they are located in a subdivision, will be considered for rezoning. Discussion followed regarding staff's recommendation. Mr. Frisina then gave the Planning Commission's recommendation that any lot within a residentially platted subdivision, regardless of whether the subdivision was oriented to or accessed S.R. 54, should not be considered for rezoning. Discussion followed regarding the Planning Commission's recommendation. Chairman Smith asked what the effect would be if the Board took no action. Mr. Frisina said the County would remain in a situation where it acts

inconsistently since there is no clear understanding of the policy. Commissioner Maxwell said he liked Chairman Smith's question because if a total ban on rezoning was enacted it would create problems, but if the Board accepted staff's recommendation it would create other problems. Some discussion followed. Chairman Smith thanked Mr. Frisina and said he realized much hard work had gone into it. Chairman Smith continued saying there had already been two public hearings on this item and asked County Attorney Scott Bennett if a motion had to be made or if the item could expire due to a lack of action. Mr. Bennett replied that either option was acceptable. No motion was made and no action was taken. Chairman Smith announced the item had expired due to lack of a motion. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

**D. Discussion of recommendations for golfcart usage on County streets as presented by Planning and Zoning, Public Works, and the Sheriff's Office. This item was last discussed during the Board of Commissioners' Retreat held in November 2007.**

Captain Brian Woodie of the Fayette County Sheriff's Department– Traffic Division, Director of Public Works Phil Mallon, and Mr. Pete Frisina discussed this item with the Board. Mr. Frisina gave a brief introduction of this item including a description of what roads currently were permitted to allow golfcart usage, the problems that prompted this discussion, and some criteria used to determine if a road is safe for golfcart use. The criteria spoken about by both Mr. Frisina and Captain Woodie were that no golfcarts would be allowed to use a County road if that road had a speed limit that exceeded 35 miles per hour or had a grade exceeding seven percent. Captain Brian Woodie next gave some explanation about the criteria used to determine the safety of a road for golfcart usage and enforcement problems encountered by the Sheriff's Department concerning the roads. He informed the Commissioners that the Sheriff's Department would prefer that golfcarts not be permitted on any road simply from a safety perspective, that the Sheriff's Department would not recommend golfcarts on roads that exceed the parameters as discussed, and the Sheriff's Department would not want the County to approve a golfcart to be used on County roads unless there was some legal mechanism in place for the Sheriff's Department to conduct speed enforcement on those roads. Some discussion followed regarding what roads could be authorized, difficulties encountered by changing the speed limits on roads, golfcart crossings on County roads, and subdivisions with access to Peachtree City's golfcart path system. There were further questions on whether a road should be authorized for golfcart usage if one person on a street wanted usage but everyone else did not. Chairman Smith said he understood the safety aspect of the situation but that while it seemed to him the Sheriff's Department was saying it did not want golfcarts on County roads they were also saying if there is a reasonable litmus test that could be applied using the parameters as discussed, the assumption of risk would be reasonable to undertake. Captain Woodie said the issue could be looked at from that perspective but added that the Sheriff's perspective was to determine how to charge a person in the event of a fatal crash, if that person could be charged with a felony or misdemeanor. He said the Sheriff's Department did not want golfcarts on a road because they are inherently dangerous, but it also realized that demand will continue to rise due to escalating gas prices and the lure created by people driving their carts through Peachtree City. The consensus of the Board was for County Attorney Scott Bennett and staff to review the County's current code regarding golfcart usage and to bring recommendations back to the Board which are both comprehensive and meet all legal requirements. The Board then directed staff to return to a Thursday night meeting for enactment of the recommendations. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

## NEW BUSINESS

**E. Consideration of staff's recommendation for changes to the "suggested planting materials" listed in Article V, Buffer and Landscape Requirements, for the Fayette County Development Regulations.**

Environmental Technician Nancy Howard informed the Board that the Engineering Department was proposing changes to the suggested planting material list in the Fayette County Developmental Regulations in order to provide timely and accurate information. She said the reasons for the change to the suggested planting materials list were because some plants on the list were not appropriate for Fayette County's Land Zone, were not suited to a commercial site environment, were susceptible to disease, or were considered invasive since they were exotic plants not native to the area. Commissioner Frady asked why the Board needed to authorize these changes. Ms. Howard replied that Board authorization was required since it was a change to the Fayette County Development Regulations. Commissioner Horgan asked if the plants were only suggested or if the County was now requiring people to plant only certain kinds of plants. Ms. Howard answered that the list was only for suggested plants but there was no requirement being placed on the people of the County. Some discussion followed. Commissioner Maxwell said he was in favor of making the changes as long as the County was not requiring people to plant certain types of plants. The consensus of the Board was to allow staff to make the changes to the "suggested planting materials" as requested. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

**F. Consideration of staff's request that the current Alcoholic Beverage Application document and Personnel Statement document be revised.**

Mr. Frisina said Fayette County's current Alcoholic Beverage Application document and Personnel Statement document were very extensive documents, that created excessive paperwork for both the applicant and County staff, did not resemble the documents used by neighboring counties or municipalities, caused frustration with applicants who thought the documents are overly complicated, required additional staff time to explain and process, and resulted in the County receiving more information than needed. He said the only information the County really needs are a background check and a criminal history check that would determine if a person is a felon or otherwise unqualified for a license. He said staff has reviewed the applications in order to determine what is really needed for a new application and tried to remove all the redundancies in the current application. He continued saying staff was hoping to begin using the new applications as soon as possible since renewal applications were going to be mailed in a couple of weeks, and said staff was requesting permission to use the new applications. Some discussion followed about what information would be required, the length of the document, the reciprocity of the documents between the County and its municipalities, and the enforcement action of the ordinance. Commissioner Maxwell noted that the new documents needed some further revision and gave a couple of examples. The consensus of the Board was to allow staff to further revise the Alcoholic Beverage Application document and the Personnel Statement document, to work with County Attorney Scott Bennett regarding the further revisions, and to bring the issue back to the Board for review at an evening meeting since the changes will actually be ordinance amendments. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

## ADMINISTRATOR'S REPORT

**Reorganization of the Finance Department:** Interim County Administrator Jack Krakeel and Finance Director Mary Holland spoke to the Board about the internal reorganization of the Finance Department's staff. Mr. Krakeel said over the last year he had been working with Finance staff regarding an internal reorganization in order to achieve specific goals related to the budget and budget analysis. He said the reorganization entailed a reassignment of duties in the Finance Department that would utilize existing positions and provide staff with specific duties and responsibilities for budget review, analysis and coordination with individual departments. Ms. Holland added that the responsibilities extended beyond the budget since it was assigning the accounting analysts a set number of departments with responsibility for everything in regard to those departments including budget processing, ensuring expenditures are accounted for correctly, moving toward the countywide enactment of the purchase card program, and accounting for fixed assets and inventory purchased by the County. Mr. Krakeel said a quarterly review of the budget was being enacted between senior staff and department heads, and the accounting analysts would assist by preparing reports for the quarterly review process. He added that the reorganization would give greater accountability to the County, give additional expertise within the Finance Department with specific departmental responsibility, and provide assistance to department managers. He said part of the reorganization required one position to be upgraded and another position to be eliminated. Ms. Holland added that the position of Receptionist needed to be upgraded since, after the new phone system went on-line, the need for receptionist was virtually eliminated, and the receptionist was being utilized more in the role of Accounting Technician, so the request was to upgrade the Receptionist to Accounting Technician. She continued, saying the Finance Department had one open position– Inventory Clerk– and she wanted to have that position eliminated and the responsibilities for the position divided between the accounting analysts. She mentioned that by eliminating that position and upgrading the other position, the Finance Department could realize an annual net savings of approximately $30,000. Some discussion followed. Commissioner Maxwell moved to upgrade the position of Receptionist in the Finance Department to Accounting Technician and to eliminate the position of Inventory Clerk, resulting in a savings of approximately $30,000. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

**Cancellation of the July 10th Meeting:** Mr. Krakeel said the agenda for July 10th had only two non-critical items on it, that those items were able to be reassigned to a future date, and recommended that the Board consider cancelling its meeting to be held on July 10. Commissioner Maxwell asked if there were any hearings requested on July 10. Executive Assistant Carol Chandler said the only requests were for two bid awards. Commissioner Frady moved to cancel the meeting for July 10 as discussed. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

## ATTORNEY'S REPORT

None.

## STAFF REPORTS

**Property and Casualty Insurance Coverage:** Ms. Holland said several months ago a Request for Proposals (RFP) was issued to 18 vendors for the County's property and casualty insurance coverage but proposals were received from only two vendors. She reported that staff had analyzed the proposals before providing a recommendation to the Interim County Administrator, and now she wanted to update the Commissioners on the proposals as well. Before explaining the results fo the analysis, she said staff considered two main points: 1) price and coverage, and 2) the financial stability of the insurance company providing the coverage. She said staff was ready to recommend a carrier based on their analysis, and this recommendation could possibly save the County up to $200,000 from what was budgeted. She asked

if the Board was interested in taking action on the recommendation since the County's policy actually expired on June 30, although the County had been able to obtain an extension and the current carrier was willing to price their services retroactively to July 1, 2008. Ms. Holland mentioned that one company that provided quotes was Public Risk Underwriters who used Travelers and that Travelers has an A+ rating. The other company that provided a quote was Argonaut Insurance Company who uses Matrix. She stated that staff was recommending Public Risk Underwriters who uses Travelers based on the coverage provided, an insignificant difference between the two policy costs, and the financial strength of the company. Chairman Smith asked if the Board was being told that Public Risk Underwriters was the best of the bids but not the lowest bid received. Ms. Holland said that was correct. Some discussion followed. Commissioner Frady moved to accept the bid submitted by Public Risk Underwriters for property and casualty insurance provided by Travelers. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously

**Emergency Operations Center Grant:** Interim Fire Chief Allen McCullough informed the Commissioners that Public Safety is seeking approval for the Fayette County Emergency Management Agency to seek grant funding in the amount of $1,000,000 from the Federal Management Agency's Fiscal Year 2008 Emergency Operation Center Grant Program in order to assist in the construction of the proposed Fayette County Emergency Operations Center. He said the grant is a Federal grant that is made available through the Department of Homeland Security. He added that Captain Pete Nelms had met with State Director Charlie English of Homeland Security, and that Mr. English is supporting their endeavor. Some additional explanation and discussion continued. The Board's consensus was to allow Public Safety staff to seek the grant funding as requested. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

**Grant Award:** Public Works Director Phil Mallon informed the Commissioners that the Fleet Department had been awarded a grant to retrofit some of its diesel engines in order to improve air quality, but he did not know when the grant money would arrive to the county.

**State's General Permit for All Construction Sites:** Mr. MALLON informed the Board that the State's general permit for all construction sites is currently being revised and is open for public comment. He explained that when the revisions go into effect there would be a good chance the Commissioners would receive complaints from home builders and developers. He reiterated that the change was coming from the State, and said if the Commissioners wanted further information he would provide it to them.

**BOARD REPORTS**

None.

**EXECUTIVE SESSION**

**One Real Estate Acquisition Item and One Litigation Item:** Mr. Krakeel said he had one real estate acquisition item for Executive Session. Mr. Bennett said he had one litigation item for Executive Session. Commissioner Frady moved to adjourn into Executive Session to discuss one real estate acquisition item and one litigation item. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

**The Board of Commissioners adjourned into Executive Session at 5:20 p.m. and returned to Regular Session at 6:14 p.m.**

Chairman Smith asked for the record to reflect that the Commissioners discussed one real estate acquisition item and one litigation item while in Executive Session.

**Executive Session Affidavit:** Commissioner Horgan moved to authorize the Chairman to sign an Executive Session Affidavit stating one real estate acquisition item and one litigation item was discussed in Executive Session. Commissioner Frady seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 8", follows these minutes and is made an official part hereof.

**ADJOURNMENT**

Commissioner Frady moved to adjourn the Workshop Meeting. Commissioner Horgan seconded the motion. No discussion followed. The motion passed unanimously.

The Workshop meeting was adjourned at 6:16 p.m.

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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 24th day of July 2008.

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Floyd L. Jones, Deputy Clerk