# Minutes

Board of Commissioners
December 11, 2008
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, December 11, 2008, at 7:00 p.m. in the Public Meeting 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, County Administrator<br>Scott Bennett, County Attorney<br>Carol Chandler, Executive Assistant<br>Karen Morley, Chief Deputy Clerk |

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

**ACCEPTANCE OF AGENDA:** Commissioner Horgan made a motion to accept the agenda as presented. Commissioner Maxwell seconded the motion. Chairman Smith requested two changes on the agenda which included staff's request to table item B under old business to the January 22nd Commission meeting and the addition of the Honor Flight representatives to speak under presentation/recognition portion of the agenda. Commissioner Horgan amended his motion to include the changes and Commissioner Maxwell seconded the motion. The motion carried 5-0.

**PRESENTATION/RECOGNITION:**

**A. Presentations to those leaving service to the County:**

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| Honorable Randall Johnson, Sheriff | 32 Years |
| Honorable Martha Stephenson, Probate Judge | 16 Years |
| Honorable Peter Pfeifer, County Commissioner | 8 Years |
| Betty Johnson, Probate Court | 32 Years |
| Charlene Hayes, Probate Court | 16 Years |

The Board commended Sheriff Randall Johnson, Probate Judge Martha Stephenson, Commissioner Peter Pfeifer, Betty Johnson and Charlene Hayes for their years of service to Fayette County and presented them with engraved rocking chairs.

**Addition to the Agenda:**
**HONOR FLIGHT REPRESENTATIVES THANK YOU TO THE COUNTY:**
Gail Sparrow, representing the Honor Flight Program, thanked the County Commissioners and Public Service Director Allen McCullough who had sponsored several veterans on the Honor Flight trips to Washington. She also commended the Emergency Services personnel who had so graciously given their money and time to this program and supported these veterans to help them make the trip to Washington a dream come true. She commended Emergency Services personnel including Steve Folden, Jason Crenshaw, Jeff Slater and Norman Gibby.

**PUBLIC COMMENT:**
**LARRY TORLEY:** Larry Torley commented on keeping the government open to the citizens and said he appreciated the improvements this Board had made and asked for that to continue in the future. He also commented on the proposed defined benefits plan for County employees and urged the Board to be careful choosing who would administer the plan.

**GORDON FURR:** Gordon Furr commented on the West Fayetteville Bypass and community septic tank systems and the impact there would be on the streams and environment.

**HARRIETT STEELE:** Harriett Steele commented that she was a representative on the Mental Health/Developmental Disability and Addictive Disease Board of the Department of Human Resources for the State of Georgia. She invited the Board and the public to attend a meeting on Thursday, December 18th at 10:00 a.m. at the Exceptional OPS Offices, 100 Governors Square, Suite 106-107, Fayetteville. She said this would be a meeting with the Governor's Advisory Council forum to discuss the huge changes coming soon in the Department of Human Resources regarding the restructuring of services.

**BOB LOEWY:** Bob Loewy commented on the proposed defined benefits plan for County employees and questioned how the County was going to be immune from the pitfalls that were occurring everywhere else in the Country.

**ROBERT ROSS:** Robert Ross remarked on the proposed defined benefits plan for County employees. He said he became interested in this discussion early last month and was originally pretty well opposed to the whole thing but recognized that he was going more on hearsay and emotion than he was on facts. He said he had spoken with staff in the Commissioners' Office who had provided him with quite a bit of information and he had also spoken to the County Administrator Jack Krakeel on several occasions who was very accessible to discuss this issue. He presented a report to the Board that he had prepared showing comparisons with other businesses and governments. A copy of the report, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. He asked the Board to continue in the spirit of open government and keep the citizens well informed by the website.

**HAROLD BOST:** Harold Bost said he was Co-Chair for the FACOG. He commented on the proposed defined benefits plan for County employees and urged the Board not to implement this plan tonight. He felt the public had not been notified of any discussions on any agendas of this issue. He urged the Board to wait on making a decision on this plan until all five Commissioners could understand all of the intricate details. He presented a petition to the Board with 151 signatures in opposition of the plan. A copy of the petition, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

**VIC REMENENSKI:** Vic Remenenski remarked that he was not as concerned about the proposed defined benefits plan as he was in September of 2007 when he first addressed the Board on this issue. He felt the information was not available in 2007 and most of 2008 and now it was finally being posted on the website and more accessible. He said the plan posted on the website after an entire year was only a draft document, and he felt at this stage that it should be in final form. He questioned the Board's comment that 99% of the employees were in favor of a plan they would be required to contribute and participate in, and he asked if the study was put on paper or just word of mouth.

**JAMES WINGO:** James Wingo said he was Co-Chair of FACOG. He commented on the issue of open government and encouraged the Board to provide 24/7 access to the decision making process and use technology to accomplish this goal. He encouraged the Board to put a decision on the defined benefits package on hold until the information was made available to the public.

**ANDREA LYLE:** Andrea Lyle said she believed when the current Board members were elected they wanted to serve the citizens of Fayette County. She expressed concern with the proposed defined benefits plan and felt it was not the time to implement such a plan because of the state of the economy. She said the public needed to have the opportunity to know what kind of plan was going to be adopted.

**ANGELA HINTON FONDA:** Angela Hinton Fond remarked that she had addressed the Board 378 days ago on the issue regarding the establishment of a defined benefits plan for County employees. She said at that time she opposed the plan but supported salary increases that employees could apply to whatever financial needs were important to them. She pointed out that just one year later foreclosures were increasing, stocks declining, revenue to Fayette County declining, unemployment rising and taxes will be increasing to pay for all of the government bailouts. She expressed concern with how much the County would have to pay out in lifetime benefits.

**CONSENT AGENDA:** Commissioner Horgan made a motion to approve consent agenda items #1-9. Commissioner Maxwell seconded the motion. Commissioner Frady requested to remove the minutes for the October 23, 2008 Board meeting. Commissioner Horgan amended the motion to approve consent agenda items #1-9 with the exclusion of the October 23rd minutes. Commissioner Maxwell seconded the amended motion. The motion carried 5-0.

**BID #694 AWARDED TO DOVE MAILING, INC. FOR PRINTING AND MAILING OF PERSONAL PROPERTY RETURN FORMS AND ASSESSMENT NOTICES FOR 2009:**

1. Approval of staff's recommendation to award Bid #694 for printing and mailing of Personal Property Return Forms and Assessment Notices for 2009 to low bidder Dove Mailing, Inc. in the amount of $24,190.05. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

**FINANCE DEPARTMENT - SURETY BONDS FOR DEPUTY SHERIFFS:**

2. Approval of staff's recommendation to authorize procurement of surety bonds for deputy sheriffs, in compliance with State law. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

**ALLEN McCULLOUGH APPOINTED TO THE FAYETTE COUNTY COMMUNICATIONS COMMITTEE:**

3. Approval of appointment of Allen McCullough to the Fayette County Communications Committee. A copy of the request, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

**JEANNETTE BALLARD REAPPOINTED TO THE FAYETTE COUNTY LIBRARY BOARD:**

4. Approval of reappointment of Jeannette Ballard to the Fayette County Library Board for an additional 4-year term beginning January 1, 2009 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 6", follows these minutes and is made an official part hereof.

**DORTHA STINSON REAPPOINTED TO THE FAYETTE COUNTY LIBRARY BOARD:**

5. Approval of reappointment of Dortha Stinson to the Fayette County Library Board for an additional 4-year term beginning January 1, 2009 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

**JEAN WHITE REAPPOINTED TO THE FAYETTE COUNTY LIBRARY BOARD:**

6. Approval of reappointment of Jean White to the Fayette County Library Board for an additional 4-year term beginning January 1, 2009 and ending December 31, 2012. A copy of the request, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

**DOUG POWELL REAPPOINTED TO THE FAYETTE COUNTY PLANNING COMMISSION:**

7. Approval of reappointment of Doug Powell to the Fayette County Planning Commission for an additional 3-year term beginning January 1, 2009 and ending December 31, 2011. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

**VIC BOLTON REAPPOINTED TO THE FAYETTE COUNTY ZONING BOARD OF APPEALS:**

8. Approval of reappointment of Vic Bolton to the Fayette County Zoning Board of Appeals for an additional 13-year term beginning January , 2009 and ending December 31, 2011. A copy of the request, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

**MINUTES:**

9. Approval of minutes for Board of Commissioners' meetings held on October 23, 2008, November 5, 2008 and November 13, 2008.

Commissioner Frady announced that he was absent at the October 23rd Board meeting and could not vote on those minutes.

Commissioner Horgan made a motion to approve the October 23, 2008 Board of Commissioners' meeting minutes. Commissioner Maxwell seconded the motion. The motion carried 4-0-1 with Commissioner Frady abstaining from the motion.

**OLD BUSINESS:**

**B. CONSIDERATION OF STAFF'S REQUEST FOR AUTHORIZATION TO PROCEED WITH THE IMPLEMENTATION OF CREDIT CARD PAYMENTS FOR UTILITY BILLS WITH PAYMENTUS CORPORATION AT NO COST TO THE COUNTY:**

This item was removed from the agenda per staff's request and tabled to the January 22, 2009 Commission agenda.

**C. CONSIDERATION OF THE RETIREMENT COMMITTEE FINDINGS AND RECOMMENDATIONS REGARDING THE SELECTION OF A VENDOR(S) FOR THE EXISTING 401(A) AND 457 PLANS AND A NEW DEFINED BENEFITS PLAN:**

Public Safety Director Allen McCullough presented the Retirement Study Committee's recommendation to the Board. A copy of the memorandum, identified as "Attachment No. 11", follows these minutes and is made an official part hereof. He remarked that after reviewing the various proposals from the vendors, it was the unanimous recommendation to the Board of Commissioners from the Retirement Study Committee not to take action at this time on any of the proposals as submitted by the various vendors. He said the recommendation included the 401(A) and 457 Plans and the Defined Benefits Plan. He said during this intensive process of evaluation, the Committee has expressed concern regarding the (1) lack of clarity regarding true administrative cost; (2) lack of clarity and uncertainty regarding any future legal and actuarial cost; (3) lack of clarity and uncertainty regarding plan oversight, including staff time from Human Resources in plan implementation as well as ambiguity in the area of roles and responsibility in plan administration and maintenance.; and (4) the presentations provided by the various vendors did not give the committee the type of information to render an accurate analysis and as a result in our inability, at this time, to recommend a plan provider. He said the committee had taken the charge from the Board of Commissioners very seriously to critically evaluate the various proposals and to recommend a provider which was best suited to serve both the dedicated County employees as well as one that was responsible to the governing body and to the citizens they represent. He asked for the Board's consideration to further investigate other multi-employer plan options somewhere in the range of six to eight weeks to review additional data.

Chairman Smith remarked that the committee had obviously put a lot of work into this issue. He asked if this was the conclusion by the entire retirement committee and Mr. McCullough replied yes. Chairman Smith said he had no problem with further study by the committee.

Commissioner Pfeifer commended the committee members for the work they had done and the conclusions they had come to. He said he concurred with the committee's observations. He said after this meeting, he would have no further input into this process but would like to make a comment. He remarked that all of the defined benefits plans were based on assumptions and no one could know the future. He questioned if possibly some of the hesitation on the part of the providers was that they did not want to get too far out in front of the facts by saying something that they were not going to be able to back up.

Commissioner Horgan remarked that he had no problem with giving the committee more time to study this issue.

Commissioner Frady reiterated his position on this issue. He said he had not supported it and he would continue to not support it.

Commissioner Maxwell said this Board had always been amenable to further study and that would be his position as well.

**NEW BUSINESS:**

**D. APPROVAL OF STAFF'S REQUEST TO AWARD THE TELECOMMUNICATIONS AIR CONDITIONING SYSTEM PROPOSAL #P684 TO POWERS HEATING AND AIR IN THE AMOUNT OF $92,395.62 PENDING CERTIFICATION OF TWO OR MORE TECHNICIANS BY LIEBERT. THIS PROJECT IS TO PROVIDE APPROPRIATE COOLING TO AREAS IN THE ADMINISTRATIVE COMPLEX AND THE JAIL WHERE CENTRAL TELECOMMUNICATIONS EQUIPMENT RESIDES:**

Chief Information Officer Russell Prince asked for the Board's consideration to award the telecommunications air conditioning system Proposal #P684 to the low bidder Powers Heating and Air in the amount of $92,395.62. He said staff had reviewed their proposal and checked their referrals and received all positive responses. He said Power Heating and Air had installed and maintained Liebert Systems previously and remarked that they were also a local company. He said the one issue they found was that Powers did not have two Liebert certified technicians as was specified in the R.F.P. He said he had spoken to Purchasing Director Tim Jones about options and decided to have Powers send two technicians to be certified by Liebert in January. He said staff was recommending the bid award to Powers pending the certification of two of their technicians by Liebert.

Mr. Prince further noted that the project was originally budgeted for in two separate projects. He said since the two projects were identical, one R.F.P. was done to combine them into one project. He also asked for the Board's consideration to move $3,100 from a fire suppression project to fund this proposal.

Chairman Smith asked Mr. Prince for a brief synopsis of the reason for replacement of the HVAC.

Mr. Prince replied that the unit located at the Stonewall Complex was one of the original units in this building and it had failed three times during the last year and a half. He said the room at the Stonewall Complex was the primary telecommunications room and there was so much equipment in the room that when it fails, the temperature can quickly rise to over 120 degrees in a matter of less than one hour. He said there needed to be a commercial type unit in this room. He said at the jail location the telecommunication room originally was just set up to run off the building air but the building system cannot keep up with the amount of heat being generated in the room. He noted that the roof unit at the jail has had a high failure rate and was currently not working. He pointed out that the combined value of the communication equipment for these two rooms was approximately $1,000,000.

Commissioner Horgan made a motion to approve staff's recommendation to award the telecommunications air conditioning system proposal #P684 to Powers Heating and Air in the amount of $92,395.62 pending certification of two or more technicians by Liebert and also to transfer $3,100 from the fire suppression fund to be applied to this proposal. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

**ADMINISTRATOR'S REPORT:**

**District attorney's request for transfer of two vehicles:** County Administrator Jack Krakeel asked for the Board's consideration to transfer two State vehicles in exchange for two County surplus vehicles which consist of a 2004 Ford Crown Victoria and a 2005 Mercury Mountaineer. He said he had addressed the issue of utilization of County vehicles by non-County employees and the issue of insurance associated with insurance liability. He said today he had received information from the prosecuting attorney's counsel of the State of Georgia authorizing the District Attorney to transfer title of his current two vehicles that he was requesting to surplus out and trade for the two County vehicles and accept title to those for the purpose of insuring those as State vehicles.

Chairman Smith made a motion to authorize the transfer of two surplus vehicles in exchange for the two vehicles currently in the possession of the District Attorney's Office and titled to the State. Commissioner Frady seconded the motion. The motion carried 5-0.

**ATTORNEY'S REPORT:**

**City of Fayetteville's request for a Contract Change Order regarding the Jimmy Mayfield widening project:** County Attorney Scott Bennett asked for the Board's consideration to approve the City of Fayetteville's request for a Contract Change Order regarding the Jimmy Mayfield widening project for the asphalt resurfacing/subgrade repairs at Woodgate Drive in the amount of $29,849 and the addition of landscaping to the median of Jimmy Mayfield Boulevard in the amount of $17,490. He said the City would reimburse the County the entire $29,849 and would also reimburse the County half of the $17,490 amount or $8,745 from the S.P.L.O.S.T. fund.

Commissioner Horgan made a motion to approve the City of Fayetteville's request to approve a contract change order regarding the Jimmy Mayfield widening project wherein the City of Fayetteville will reimburse the County the entire amount of $29,849 for the asphalt resurfacing/subgrade repairs at Woodgate Drive and half of the $17,490 amount for landscaping for the median of Jimmy Mayfield or $8,745 for a total of $38,594.

Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Contract Change Order, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

**Contract for Multiple Intersection Improvements for Fayette County:** County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to sign the contract for multiple intersection improvements for Fayette County awarded to R.J. Haynie & Associates in the amount of $778,534.59 with additional work regarding the mast arm poles in the amount of approximately $145,000.

Commissioner Frady made a motion to authorize the Chairman to sign the contract for multiple intersection improvements for Fayette County awarded to R.J. Haynie & Associates. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 14", follows these minutes and is made an official part hereof.

**Ground Lease Agreement with McIntosh Trail Community Service Board for the property known as the old D.O.T. site:** County Attorney Scott Bennett asked for the Board's consideration for authorization for the Chairman to sign a ground lease agreement with McIntosh Trail Community Service Board for the Fayette Counseling Center to use the property known as the old D.O.T. site. He said McIntosh Trail would build a building on this land and the County would maintain ownership of the land. He said this was a twenty-five year lease with a cost of $100 per year. He said the McIntosh Trail Community Service Board would take over the property and be responsible for any construction that goes on and any permitting, liability and required insurance naming the County as an additional insured on the policy and also responsible for all of the maintenance and utilities. He noted that the lease would limit them to use the property only to those activities authorized by the State of Georgia in the laws that create community service boards. He pointed out that community service boards can only operate on a non-profit basis and have a very limited range of services that they offer. He said at the end of twenty-five years, McIntosh Trail could renew the lease or negotiate with the then Board of Commissioners or move the house and leave the property as they found it but the property would remain within the ownership of Fayette County, Georgia. He said the County would not relinquish the property and would only relinquish the use of the property.

Pam McCullum, Executive Director of the McIntosh Trail Community Service addressed the Board and remarked that the lease would be in the name of McIntosh Trail Community Service Board d/b/a Fayette County Counseling Center.

Jane Fanslow, Director for the Fayette County Counseling Center, explained the services offered at the center. She thanked the Board for all of its support and she said they were deeply, deeply appreciative.

Commissioner Maxwell asked if the homeowners living in the immediate area had been approached and briefed on this project.

County Administrator Jack Krakeel said he had spoken to the property owners that live directly adjacent to the proposed project. He said their principle concern resided around the type of structure and it was his understanding that it was going to be residential in nature and blend in well with the community. He said this project had been reviewed by the City of Fayetteville planning staff a well as the City Council.

Ms. Fanslow interjected that part of the plan included a privacy hedge to protect the homeowners.

Chairman Smith asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to authorize the Chairman to sign the Ground Lease Agreement with the McIntosh Trail Community Service Board. Commissioner Pfeifer seconded the motion. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 15", follows these minutes and is made an official part hereof.

**STAFF REPORTS:**
None.

**BOARD REPORTS:**
**County Offices to be closed January 2, 2009:** Commissioner Horgan asked for the Board's consideration to close the County offices on Friday, January 2, 2009 and be an additional day off for County employees. He noted this was a Friday and the day after New Year's Day.

Commissioner Horgan made a motion to close County offices on Friday, January 2, 2009 and be an additional day off for County employees. Commissioner Frady seconded the motion. The motion carried 5-0.

**Commissioner Pfeifer:** Commissioner Pfeifer thanked the citizens of Fayette County for allowing him to serve as County Commissioner. He also thanked his fellow Commissioners and County staff and remarked there had been good times and bad times but they had been interesting and very valuable to him.

**EXECUTIVE SESSION:** County Attorney Scott Bennett requested an Executive Session to discuss personnel, property acquisition and litigation matters.

Commissioner Maxwell said he also had a personnel matter to discuss in Executive Session.

Commissioner Horgan made a motion to adjourn to Executive Session to discuss personnel, property acquisition and litigation matters. Commissioner Frady seconded the motion. The motion carried 5-0.

Commissioner Frady made a motion to adjourn the Executive Session and return to open session. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman smith reconvened the meeting to open session.

Commissioner Horgan made a motion to authorize the Chairman to sign the Executive Session Affidavit affirming that personnel, real estate acquisition and litigation matters were discussed in Executive Session. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of the Affidavit, identified as "Attachment No. 16", follows these minutes and is made an official part hereof.

Commissioner Maxwell made a motion to authorize the Chairman to sign the changes made to the County Attorney's contract as discussed in Executive Session. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 17", follows these minutes and is made an official part hereof.

Commissioner Maxwell made a motion to approve the supplement to the Sheriff's salary in the amount of $14,004.75 for one term only effective January 1, 2009. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman Smith wished everyone a Merry Christmas and remarked that it had been a pleasure to serve with everyone during the last year and he looked forward to the coming year.

County Administrator Jack Krakeel thanked the Board for giving the employees January 2, 2009 as an additional day off. He said this would mean a lot to the employees and on their behalf he wanted to thank the Board.

Commissioner Horgan made a motion to adjourn the meeting at 10:05 p.m. Chairman Smith seconded the motion. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Jack R. Smith, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 7th day of January, 2009.

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Karen Morley, Chief Deputy Clerk