Minutes

Board of Commissioners
April 23, 2009
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 23, 2009, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Jack Smith, Chairman Herb Frady, Vice-Chairman Lee Hearn Robert Horgan Eric Maxwell
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Floyd L. Jones, Deputy Clerk

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Call to Order, Invocation and Pledge of Allegiance

Chairman Smith called the April 23, 2009 Board of Commissioners meeting to order at 7:04 p.m.
Commissioner Hearn gave the invocation.
Chairman Smith led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Horgan moved to accept the agenda as published. Commissioner Hearn seconded the motion. The motion passed unanimously.

PRESENTATION/RECOGNITION:

A. Proclamation recognizing May 4, 2009 as "Honor Flight Fayette Day".

The Board of Commissioners proclaimed May 4, 2009 as "Honor Flight Fayette Day". A copy of the proclamation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

B. Proclamation recognizing May 2009 as "Foster Parent Month" and May 12 through May 18, 2009 as "Foster Parent Appreciation Week".

The Board of Commissioners proclaimed May 2009 as "Foster Parent Month" and May 12 through May 18, 2009 as "Foster Parent Appreciation Week". A copy of the proclamation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC HEARINGS:

C. Consideration of Petition No. 1213-09, Johnie Williams and JEW Properties, LLC., and Billy Brundage of Brundage Engineering, Inc., Agent, request to rezone 37.08 acres from A-R to M-1 to construct a new maintenance building for Dixieland Fun Park. This property is located in Land Lot 216 of the 5th District and fronts on Corinth Road and Curved Road. STAFF RECOMMENDED DENIAL. THE PLANNING COMMISSION TABLED SAID PETITION UNTIL MAY 7, 2009 as REQUESTED BY THE APPLICANT.

Chairman Smith stated that the petitioner requested that the Board table the petition and that the petition would be readvertised and be heard at a future date. The Chairman then declared the Public Hearing closed without objection from the Board. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

There was no public comment.

CONSENT AGENDA:

Commissioner Horgan moved to approve Consent Agenda Items 1-10. Commissioner Hearn seconded the motion. The motion passed unanimously.

1. Approval of staff's recommendation to extend Proposals P558, P614, and P623 to Building Maintenance Services, Inc., and Imagann Cleaning Service, Inc., for one year, becoming effective on July 1, 2009, at an aggregate cost of $57,996. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

2. Approval of staff's recommendation to award Bid #706 to Walker Concrete for one year for the purchase of Ready-Mix concrete. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

3. Approval of request from the Sheriff's Office to dispose of thirty-one (31) Sig-Arms P229R .40 S&W caliber pistols in exchange for thirty-eight (38) P226R .40 S&W caliber pistols. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

4. Approval of request from the Sheriff's Office to amend the Overtime Budget Account for the Criminal Investigations Division by $2,288.41 for reimbursement for employees assigned to work with various federal agencies. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

5. Approval of the Sheriff's Department-Jail Division request to dispose of items of clothing and bedding from the Jail which are no longer serviceable. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

6. Approval of staff's request for permission to apply for a grant from the Department of Homeland Security Assistance to Firefighters Grant Program, in the amount of $18,675.41. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

7. Consideration of staff's request that the Board authorize a change order in the amount of $12,788.20 to STRACK, Inc. for plan and field changes to Proposal #P689, Storm Drainage System for the West Fayetteville Bypass Phase I Project. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation that Bellfair Run, Broad Meadows Lane, and Wildflower Court, located in Bellfair Walk Subdivision, be authorized for motorized cart travel in accordance with Ordinance 95-10. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

9. Approval of staff's request to award Bid #710 to Enviro Recyclers, Inc., of Fairburn, in the amount of $28,500, to grind vegetative debris at the Fayette County Transfer Station. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

10. Approval of April 1, 2009 Board of Commissioners Workshop Minutes and April 9, 2009 Board of Commissioners minutes.

OLD BUSINESS:

D. Consideration of staff's recommendation for a designated vendor to provide the County's employee health insurance services. This item was last discussed at the April 9, 2009 Board of Commissioners meetings.

Human Resources Director Connie Boehnke presented a brief summary of recent discussions pertaining to Fayette County's employee health insurance services before giving a brief analysis of the pros and cons of self-insured health insurance services as compared to fully-insured health insurance services. Ms. Boehnke recommended that Fayette County should:

1) Maintain its current fully insured relationship with Blue Cross/Blue Shield;

2) Restructure the contributions as detailed in the Health Insurance Analysis;

3) Begin educating employees on the importance of being aware of their health insurance costs;

4) Build the current Medical Reserve Fund;

5) Consider hiring a professional Risk Manager with responsibility for managing the various insurance programs and other risk management programs; and

6) Make no change to the premium or plan design with respect to vision, dental, life or disability benefits.

Discussion followed regarding the type of plan being recommended, the cost and various aspects of the plan, how employees would be affected by the recommendations, and when the plan would become effective.

Commissioner Maxwell moved to approve Human Resources' recommendation that Fayette County maintains its employees' health insurance benefit with Blue Cross/Blue Shield through ACCG, to modify the current plan by accepting the proposed new plan by Blue Cross/Blue Shield as recommended by Human Resources, and for the modified plan to become effective on June 1, 2009. Commissioner Horgan seconded the motion.

Commissioner Maxwell clarified that Fayette County would still work with consultant Scott Burrell and that the County would continue to build its Medical Reserve Fund so that when next year's analysis is made available, the funds would enable an adequate study on a self-funded employee health insurance plan. Commissioner Maxwell was also concerned about having to make decisions with little time to review and discuss the recommendations. He said he was not aggravated with staff but at the process in general. He recommended that future studies should begin earlier in the year, or as early as possible, in order to allow the Board adequate time to review and discuss these types of issues.

Commissioner Frady agreed with Commissioner Maxwell before announcing he would not support the motion since he thought the self-insurance plan could be funded up to two million dollars from the current reserve fund, if needed, which would enable the County to continue saving money.

The motion to approve Human Resources' recommendation that Fayette County maintains its employees' health insurance benefit with Blue Cross/Blue Shield through ACCG, to modify the current plan by accepting the proposed new plan by Blue Cross/Blue Shield as recommended by Human Resources, and for the modified plan to become effective on June 1, 2009 passed with a 4-1 vote with Commissioner Frady voting in opposition. A copy of the request and the Health Insurance Analysis, identified as "Attachment 13", follow these minutes and are made an official part hereof.

E. Discussion of proposed amendments to the Fayette County Subdivision Regulations. This issue was last discussed at the April 1, 2009 Workshop.

Community Development Director Pete Frisina reminded the Board that proposed amendments to the Fayette County Subdivision Regulations were discussed at the April 1, 2009 Workshop. He specified that the issue was whether or not the Board wanted to "be in charge of approving final plats", and that during the Workshop meeting the Board expressed its desire for the Planning Commission to make those approvals. Mr. Frisina added that the Board's decision placed the County into compliance with State law.

Mr. Frisina stated that amendments to the Fayette County Subdivision Regulations have been drafted that will establish procedures the Planning Commission will take to approve final plats. He mentioned that staff also took the liberty of adding the Stormwater Management Department in the appropriate areas in the Subdivision Regulations. He then asked for the Board's permission to advertise the proposed amendments and to be heard on May 28, 2009 by the Board of Commissioners. No discussion followed.

The Board's consensus was to authorize staff to advertise the proposed amendments to the Fayette County Subdivision Regulations for the May 28, 2009 Board of Commissioners meeting. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

NEW BUSINESS:

F. Approval of staff's request to extend the current Technical Support Program Coverage for the Siemens Building Automation System at the Fayette County Justice Center, including the Jail Complex, and the Fayette County Annex Building with Siemens Building Technologies for three years, beginning on July 1, 2009, at an aggregate cost of $168,960.

Buildings and Grounds Director Greg Ownby described the services Siemens Building Technologies provides to Fayette County for the Fayette County Justice Center, the Jail Complex, and the Fayette County Annex Building. He stated that the current agreement with Siemens was going to expire on June 30, 2009 and asked for the Board to extend the current agreement for an additional three years.

Discussion followed regarding the cost of the agreement, other potential providers, and the possibility of terminating the agreement before the three-year extension expired, if desired by the Board. County Attorney Scott Bennett added that the agreement required only a 60-day notification of termination of the agreement and no penalty would be imposed on the County if proper notification is given.

Commissioner Horgan moved to approve staff's request to extend the current Technical Support Program coverage for the Siemens Building Automation System at the Fayette County Justice Center, including the Jail Complex, and the Fayette County Annex Building with Siemens Building Technologies for three years, beginning on July 1, 2009, at an aggregate cost of $168,960. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 15", follows these minutes and are made an official part hereof.

G. Consideration of staff's recommendation that the County adopt a policy to be known as the Fayette County Identity Theft Protection Program designed for the detection, prevention, and mitigation of identity theft pertaining to customers' accounts administered by the Fayette County Water System.

Director of Utilities Management Tony Parrott informed the Board that Fayette County is required to adopt a "red-flag" policy in order to be in compliance with federal regulations due to services rendered by the Fayette County Water System before saying the Fayette County Identity Theft Protection Program policy would meet the requirements and place the County into compliance. Discussion followed pertaining to the cost of implementing the policy and the workload placed on employees.

Commissioner Horgan moved to accept staff's recommendation that the County adopt a policy to be known as the Fayette County Identity Theft Protection Program. Commissioner Hearn seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

H. Consideration of staff's recommendation for renewal of property and casualty insurance with Public Risk Underwriters for Fiscal Year 2010 at the proposed premium of $415,660.

Finance Director Mary Holland stated that Fayette County's current property and casualty insurance is with Travelers through Public Risk Underwriters, and Public Risk Underwriters has provided a renewal proposal which is the same as the current year's rates, so there would be no increase in the premium and the coverage would remain the same. She reported that staff is recommending that Fayette County extend the renewal for Fiscal Year 2010 in order to keep the premiums flat with the County's current cost structure, and she asked for

the Board's approval to extend the policy coverage with Public Risk Underwriters with Travelers. Ms. Holland concluded by saying that the cost to the County would be higher than last year since the County has acquired more insurable assets than it had last year, but reiterated that the rates themselves were not increasing from last year.

Commissioner Horgan moved to approve staff's recommendation for the renewal of property and casualty insurance with Travelers, through Public Risk Underwriters, for Fiscal Year 2010 at the proposed annual premium of $415,660. Commissioner Frady seconded the motion.

Commissioner Maxwell suggested that this issue was another reason the County should consider "having a Risk Manager". He also took note of the savings the County realized when it bid its property and casualty insurance during the last several years and suggested that the insurance should be bid upon next year as well.

The motion to approve staff's recommendation for the renewal of property and casualty insurance with Travelers, through Public Risk Underwriters, for Fiscal Year 2010 at the proposed annual premium of $415,660 passed with an unanimous vote. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT

2008 Annual Report: County Administrator Jack Krakeel reported that the Commissioners had received the *2008 Annual Report* earlier in the day. He added that this was the first time an annual report was produced for Fayette County since 2003, and he mentioned the report would not be printed but would be made available on-line at the County's website during the following week for the citizens to easily access. He asked the Commissioners to read and review the report as soon as possible and to report any factual errors that would need correction prior to the report being posted on-line.

ATTORNEY'S REPORT

Delegated Authority to sign GEBCorp Contracts and Other Legal Documents: County Attorney Scott Bennett reported that during the Board of Commissioners meeting held on April 9, 2009, the Board approved GEBCorp to administer the Defined Benefits Retirement Plan for Fayette County. He anticipated that as discussions occur as a result of the Board's action there would be several contracts or documents coming to the County in the next month pertaining to the implementation of the Defined Benefits Retirement Plan. He asked the Board to consider delegating authority to the Chairman to sign the contracts and other legal documents after review by the County Attorney and the County Administrator in order to prevent running up against deadlines and having to arrange called meetings in order to gain approval. He added that if there were any documents that may change what the Board anticipates the plan to be, or policy issues, the Board would be notified.

Commissioner Horgan moved to authorize the Chairman to sign contracts and other legal documents from GEBCorp, after review by the County Attorney and County Administrator, as related to the County's Defined Benefits Retirement Plan. Commissioner Hearn seconded the motion. The motion passed unanimously.

Resolution of the Aircraft Spruce Case: County Attorney Scott Bennett reported that, in 2007, Aircraft Spruce filed an appeal upon the County's denial of a freeport exemption before he gave a brief explanation of the issues driving the court case. He stated that Aircraft Spruce appealed the County's decision to the Superior Court of Fayette County, and the County obtained a favorable judgment from the Court. Aircraft Spruce then appealed the favorable judgment to the

Georgia Court of Appeals which also ruled in Fayette County's favor. The ruling from the Georgia Court of Appeals was then appealed by Aircraft Spruce before the Georgia Supreme Court, but the Georgia Supreme Court has denied a review of the case. He said the case is now concluded and resolved in favor of Fayette County.

STAFF REPORT

Notice of Violation: Director of Utilities Management Tony Parrott reported that notification has been provided from the Environmental Protection Division's Drinking Water Program stating Fayette County Water System failed to meet treatment techniques for the disinfection of by-products, specifically of total organic carbons (TOC), in its water treatment. He emphasized this is not a health hazard or anything water customers need to be concerned about, but it is a failure on the part of the Fayette County Water System to meet the 35% reduction of TOC in the water that was treated at the South Fayette Water Plant. He said the Fayette County Water System would work with the State in order to come into compliance, but since averages are calculated on a yearly-quarterly basis, the County would not be in compliance at the end of this current quarter since it takes more than one quarter to return to compliance. A copy of the Notice of Violation, identified as "Attachment 18", follows these minutes and is made an official part hereof.

Cancellation of the May 6, 2009 Workshop Meeting: Executive Assistant Carol Chandler reported that no agenda requests have been submitted to the Board for its scheduled May 6, 2009 Workshop, and the deadline for submitting requests has expired.

Commissioner Horgan moved to cancel the May 6, 20090 Workshop Meeting for lack of agenda items. Commissioner Hearn seconded the motion. The motion passed unanimously.

BOARD REPORT

There was no Board Report.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

No further business came before the Board, and without objection the Chairman adjourned the April 23, 2009 Board of Commissioners meeting at 8:09 p.m.

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 14rd day of May 2009.

Floyd L. Jones, Deputy Clerk