Minutes

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, July 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 Karen Morley, Chief Deputy Clerk

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

ACCEPTANCE OF AGENDA:
Commissioner Hearn made a motion to accept the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

PRESENTATION/RECOGNITION:

A. TED MALLORY AND MIKE BRADY WILL PRESENT AN OVERVIEW OF THE VETERANS' MEMORIAL PROJECT LOCATED AT FALCON FIELD:

Chairman of the Peachtree City Airport Authority Ted Mallory and General Mike Brady who is the Manager of the Veterans' Memorial Project at Falcon Field presented an overview of the Veterans' Memorial Project including the mounting of an actual Air Force F-16 "Fighter Falcon" jet that will be part of a permanent Veterans' Memorial at Falcon Field Airport in Peachtree City. A copy of the presentation, identified as "Attachment No. 1", follows these minutes and is made an official part hereof. Mr. Mallory pointed out that the dedication of the new Veterans' Memorial would take place on September 26, 2009 at 10:30 a.m.. He remarked that the Veterans Memorial would also feature a Military Walk of Honor and a paver recognition area dedicated to permanently recognizing those who have contributed to preserving our freedom. Mr. Mallory asked for the Fayette County Commissioners to consider joining their fellow County businesses and citizens in financially supporting this worthy Veterans Memorial.

PUBLIC COMMENT:

LARRY TORLEY: Larry Torley said this Board works very hard to do what is best for the County but unfortunately was still operating under a shadow of shame because one of the Board members continues to not do the honorable thing and resign. He said Commissioner Horgan's failure to resign had compelled a number of citizens under the leadership of Bob Ross to begin the process of a recall. He said as of this date, other than Commissioner Frady, there had been little or no public comments about this matter. He said he was taking this opportunity to allow the Board to actually make a public statement about what each member felt. He presented the Board with the application for a recall and ask the Board to take this opportunity to make a public statement and also to sign this application.

BOB ROSS: Bob Ross presented a copy of his comments to be made part of the public record. A copy of his statement, identified as "Attachment No. 2", follows these minutes and is made an official part hereof. He said Commissioner Horgan's deeds had broken trust with the public and had caused mistrust in the community. He noted that a recall, ethics panel and special election were going to cost this County approximately $170,000 that was unbudgeted. He asked Commissioner Horgan to step up and step down.

DENNIS BENSON: Dennis Benson remarked that he was a retired Captain in the U.S. Navy and he learned duty, honor and respect. He pointed out that he put men in the brig and discharged men from the Navy for using marijuana. He remarked that Commissioner Horgan's use of marijuana would not go unnoticed. He assured the Board that the citizens would not forget this.

GORDON FURR: Gordon Furr spoke in opposition to the West Fayetteville Bypass. He expressed concern with the bypass especially in these economic times. He noted that the maintenance of this road would be a huge cost to taxpayers. He also asked that Commissioner Horgan do the right thing and step down from the Commission as well as from the Fayette County Board of Health.

HAROLD BOST: Harold Bost said there was a negative cloud hanging over the community and this Commission. He said Robert Horgan should resign as Commissioner. He stated that Commissioner Horgan had never apologized for his individual actions or his poor judgment and it appeared that he had no intention of resigning. He said Commissioner Horgan could no longer be trusted and pointed out that a recall was well in progress. He noted that the committee to recall Robert Horgan met on Tuesday, July 14, 2009 and initiated action to begin the recall process and their first recall rally was held that night. He said by Wednesday evening July 15th the committee already had enough registered voters' signatures to satisfy the application for recall. He said the committee will continue to collect signatures on the application for recall until Wednesday July 29th when it was due back to the Elections Office. He said the committee had developed a multi-faceted game plan which would make it possible to obtain the signatures from 30% of the registered voters in Fayette County to force a recall election of Robert Horgan.

CONSENT AGENDA: Commissioner Frady made a motion to approve the consent agenda as presented. Commissioner Hearn seconded the motion. The motion carried 5-0.

ANIMAL SHELTER - INSTALLATION OF DOSING TANK AND NEW DRAIN FIELD:

1. Approval of staff's request for funding from the contingency fund to install a dosing tank and new drain field line to connect to the existing septic tank at the Animal Shelter at a cost of approximately $5,500. A copy of the request, identified as "Attachment No. 3", follows these minutes and is made an official part hereof.

FAYETTE COUNTY PUBLIC FACILITIES AUTHORITY APPOINTMENTS:

2. Approval of reappointment of Mary Shaver, Brian Cardoza and Jack Smith to the Fayette County Public Facilities Authority for a term to commence immediately and to expire July 22, 2010, and until successors have

been appointed. A copy of the request, identified as "Attachment No. 4", follows these minutes and is made an official part hereof.

MINUTES:

3. Approval of minutes for Board of Commissioners' meetings held on June 25, 2009, July 1, 2009, July 9, 2009 and July 13, 2009.

OLD BUSINESS:

B. CONSIDERATION OF STAFF'S RECOMMENDATION TO CONTINUE THE ANNUAL MAINTENANCE AGREEMENT BETWEEN FAYETTE COUNTY AND MOTOROLA FOR THE 800 MHZ ASTRO SIMULCAST SYSTEM AND TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE RENEWAL CONTRACT FOR THE TERM JULY 1, 2009 THROUGH JUNE 30, 2010:

Director of E-911 Communications Center Cheryl Rogers asked for the Board's consideration to approve the continued annual maintenance agreement between Fayette County and Motorola for the 800 MHz ASTRO Simulcast System and for authorization for the Chairman to execute the renewal contract for the term July 1, 2009 through June 30, 2010. She noted that this Agreement protects seven sites with ten channels each.

Commissioner Frady made a motion to approve the annual maintenance agreement between Fayette County and Motorola for the 800 MHz ASTRO Simulcast System and to authorize the Chairman to execute the renewal contract for the term July 1, 2009 through June 30, 2010. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 5", follows these minutes and is made an official part hereof.

NEW BUSINESS:

C. PRESENTATION OF CONCEPTUAL GATEWAY LANDSCAPE DESIGNS FOR STATE HIGHWAYS 85 AND 74 AND REQUEST FOR PERMISSION TO SUBMIT TWO GRANTS TO THE GEORGIA DEPARTMENT OF TRANSPORTATION GATEWAY GRANT PROGRAM:

Right-of-Way Agent for Fayette County Jinnie Fertal asked for the Board's consideration to submit a grant application for the Georgia Department of Transportation GATEway plantings. A copy of the request and presentation, identified as "Attachment No. 6", follow these minutes and are made an official part hereof. She said the two sites that were chosen were State Highway 74 at the Fulton County Line and State Highway 85 heading into Clayton County. She noted that each project site could receive up to $50,000 and she had spoken to the D.O.T. and was told that funds were currently available. She noted that the funds would be confined to softscape items such as plant materials, installation, mulch and sod. She remarked that Fayette County would be responsible for the design, maintenance, and administration of the landscape areas. She said the purpose of the proposed landscape areas was to help maintain Fayette County's "quality of life" by adding beauty along heavily traveled corridors and serving as signature landmarks at key points of ingress/egress for the County. She stated if this project was implemented , annual funding would be required for the on-going maintenance of the landscape areas.

Ms. Fertal further remarked if the Board approves submission of the grant, it would be due by October 31, 2009, would go through the review process and then the actual installation of any project would occur between October of 2010 and March of 2011.

Chairman Smith remarked with the currently economic situation he felt this was significant. He asked if this landscape plan could be parred down to something closer to something that would be affordable and Ms. Fertal replied yes, the cost could be reduced. Ms. Fertal said the size of the plants could be lowered and they could be spread further apart.

Chairman Smith said with the October deadline for the grant there would be time for staff to tweak this plan and bring it back to the Board. Ms. Fertal said staff could prepare the grant application in house.

Commissioner Maxwell asked if this was a matching grant and Ms. Fertal replied no, it was not. Commissioner Maxwell said he would personally have a hard time supporting anything that would cost the taxpayers' money. He said he was also concerned with the cost of the annual maintenance. He said it was his understanding that the grant application could be submitted and the County would still not be committed until some point in the future. He said at that time the Board could make the decision as to whether it would actually want to fund it. He said he had no problem with the application submittal but he had a hard time funding this project above what the State would pay.

Chairman Smith asked Ms. Fertal for her opinion as to the County getting the grant based upon the amount that the County would be willing to put into the project. Ms. Fertal replied that was not included in any of the criteria that the application would be judged on. She said there was a resolution that she had presented to County Attorney Scott Bennett for review that the Board would need to sign. She said this resolution stated that the County would be willing to enter into a maintenance agreement. Chairman Smith clarified that because this was a State highway the State maintains the right-of-way and the County has no actual out of pocket cost. He said the County would be assuming a liability that the State would now be entitled to provide this to the County whenever the State budget would allow.

Commissioner Hearn asked Ms. Fertal to check on the watering requirements for the landscaping and if this cost was included in the $10,000 maintenance agreement. He commented that there was a strip of roadway 2/10 of a mile that was actually in Fayette County before getting into the Town of Tyrone. He asked for staff to look at this area and see what Tyrone was planning for that area. Ms. Fertal said a special encroachment permit could be obtained to plant in the medians. Commissioner Hearn pointed out that plantings could not limit sight distance or be a hazard. He said he would also like to see something done in the medians since they would be a high visibility area as well and Ms. Fertal agreed.

Chairman Smith asked for the Board's pleasure in this matter. He said the Board could vote on approving submission of the grant and it could turn it down later depending on the budgetary amount.

Commissioner Hearn made a motion to approve the submission of two grants to the Georgia Department of Transportation Gateway Grant Program regarding landscape designs for State Highways 85 and 74. Commissioner Horgan seconded the motion. The motion carried 5-0.

D. CONSIDERATION OF STAFF'S RECOMMENDED AMENDMENTS TO THE COUNTY POLICIES AND PROCEDURES MANUAL, HUMAN RESOURCES SECTION, PERTAINING TO UNUSED SICK LEAVE UPON AN EMPLOYEE'S RETIREMENT FROM THE COUNTY:

County Administrator Jack Krakeel remarked that several months ago when the County adopted the Defined Benefits Plan there was an element in the Plan that related to an automatic provision in the Plan to convert sick leave into credited time within the Plan. He said the current County policy for sick leave did not have that provision and the Board would need to take one or two actions with respect to that. He said (1) would be to amend the current sick leave policy to allow for the conversion of sick leave to credited service in the Defined Benefit Plan or (2) to amend the Defined Benefits Plan not to accept accrued vacation leave. He said the reason for staff's recommendation to retain the provision currently in the Plan was the result of the actuarial study that the County had done in March regarding other post employment benefits. He said that study cost the County $7,000 and it was determined that the County's actuarial liability for all other post employment benefits equaled $191,350. He said in compliance with GASB Statement 45, the County was required to report this as a long term liability. He pointed out that approximately $155,000 of the liability was attributed to accrued

sick leave. He said staff had requested an analysis from GEBCorp of the impact that this would have on the pension plan. He said GEBCorp responded that all of the plans that they currently have were Defined Benefits Plan have this provision. He said this was not an issue of an enriched benefit but was actually a significant benefit to the County. He said the employees have asked for this and they believe that this is in their best interest.

Chairman Smith clarified that this would eliminate the cash payout for unused sick leave completely and there would be no payout under what Mr. Krakeel was proposing. Mr. Krakeel said this would be an automatic conversion of turning unused sick leave into accredited service.

Commissioner Maxwell asked County Attorney Scott Bennett if the Board could change a prior benefit that employees have had and go to this transition without any kind of liability. County Attorney Scott Bennett replied that he thought the Board could do this but he would research this and make sure. He said if the Board adopts this plan and employees were grandfathered and vested under the old plan up to the day the plan was changed, this would not preclude the Board from adopting the plan. He said it would just be administrative as to how this was actually handled. Commissioner Maxwell said this needed to be checked and felt there were some vested rights.

County Administrator Jack Krakeel said the existing policy would have to be modified so that accrued sick leave would convert to credited service in the defined benefits plan. He said the other modification that would need to be made to the policy was that accrued sick leave shall be vested as credited service.

Commissioner Maxwell made a motion to approve staff's recommendation to amend the County Policies and Procedures Manual, Human Resources Policy 420.17, Payment for Unused Sick Leave Upon Retirement, to provide that upon departure from the County's employment in good standing, regular full time employees vested in the County's Defined Benefit Retirement Plan shall have 100% of their sick leave accrual balance converted to credited service in the Defined Benefit Retirement Plan, unless otherwise provided for in an employment contract. Commissioner Frady seconded the motion. The motion carried 5-0. A copy of staff's recommendation, identified as "Attachment No. 7", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORT:

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAYETTEVILLE : County Administrator Jack Krakeel said that earlier in the year he had asked for the Board's consideration of an Intergovernmental Agreement with the City of Peachtree City for paving a portion of Redwine Road lying within the City limits. He said he had now received a similar request from the City of Fayetteville regarding Banks Road and Gingercake Road where work would begin within the next week to week and a half. He asked for authorization to work with the City of Fayetteville regarding paving the portion of the road that was within the City. He noted that these roads are a part of the contract that the County has with a general contractor who is doing full depth reclamation work on several County roads.

Commissioner Hearn made a motion to authorize negotiations with the City of Fayetteville for the paving of portions of Banks Road and Gingercake Road that lie within the City, while the County's contractor is in the process of performing full depth reclamation work on said roads; and that the Chairman be authorized to execute any resulting agreements with the City of Fayetteville. Commissioner Horgan seconded the motion. The motion carried 5-0.

ATTORNEY'S REPORT:

INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF WOOLSEY: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute an Intergovernmental Agreement with the Town of Woolsey to allow the Judge of State Court of Fayette County to serve as the Judge of the Municipal Court for the Town

of Woolsey and amend and restate the Municipal Court Agreement to appoint the State Court of Fayette County Judge and Solicitor to sit as a Municipal Court Judge and Solicitor.

Commissioner Frady made a motion to approve the Intergovernmental Agreement and for authorization for the Chairman to execute same with the Town of Woolsey to allow the Judge of State Court of Fayette County to serve as the Judge of the Municipal Court for the Town of Woolsey and to amend and restate the Municipal Court Agreement to appoint the State Court o Fayette County Judge and Solicitor to sit as a Municipal Court Judge and Solicitor. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Agreement, identified as "Attachment No. 8", follows these minutes and is made an official part hereof.

INTERGOVERNMENTAL AGREEMENT WITH CLAYTON COUNTY: County Attorney Scott Bennett asked for the Board's consideration to authorize the Chairman to execute an Intergovernmental Agreement with Clayton County for repair and resurfacing approximately 1,800 feet of Corinth Road that is located in Clayton County. He noted that Fayette County is resurfacing its portion of the road and that Clayton County will reimburse Fayette County for all costs of labor, equipment and materials up to $103,500.

Commissioner Hearn made a motion to authorize the Chairman to execute an Intergovernmental Agreement with Clayton County for repair and resurfacing approximately 1,800 feet of Corinth Road that is located in Clayton County. Commissioner Horgan seconded the motion. The motion carried 5-0. A copy of the Intergovernmental Agreement, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

STAFF REPORTS:

COMMANDER DAVID SCARBROUGH: Commander David Scarbrough of Fire and Emergency Services asked for the Board's consideration to move $2,553.65 from Fire Contingency to Computer Equipment to replace a computer used for GIS administration for Fire and EMS departments. He remarked that this computer was over five years old and had symptomatically been failing repeatedly over the last four months to the point that after evaluation by the Information Systems Department they recommended replacement.

Commissioner Horgan made a motion to approve staff's request to move $2,553.65 from fire contingency to computer equipment to replace a computer used for GIS administration for Fire and EMS Departments. Commissioner Hearn seconded the motion. The motion carried 5-0.

PUBLIC WORKS DIRECTOR PHIL MALLON:

UPDATE ON RIGHT-OF-WAY MOWING: Public Works Director Phil Mallon provided an update on the right-of-way mowing for the State Routes on Highways. He said he had previously requested authorization from D.O.T. to mow the medians on the State Routes. He said he had submitted the permit and as of this morning, D.O.T. would provide the contract tomorrow or first thing on Monday morning. He said as soon as this contract was received, the County would begin this work.

AWARD CHANGE ORDER TO THE MILLER GROUP FOR DRAINAGE IMPROVEMENTS: Public Works Director Phil Mallon asked for the Board's consideration to authorize the Chairman to execute a Change Order to be awarded to The Miller Group for drainage improvements to the existing asphalt resurfacing with full depth reclamation contract in the amount of $13,775 to come from the existing technical services account for the Road Department.

Commissioner Hearn made a motion to authorize the Chairman to execute a Change Order to be awarded to the miller group for drainage improvements to the existing asphalt resurfacing with full depth reclamation contract in the amount of $13,775 to come from the existing technical services account for the Road Department. Commissioner Horgan

seconded the motion. The motion carried 5-0. A copy of the Change Order, identified as "Attachment No. 10", follows these minutes and is made an official part hereof.

TEMPORARY CLOSURE OF BERNHARD ROAD FOR A PERIOD OF UP TO SIX MONTHS: Public Works Director Phil Mallon remarked that the County had received a letter from the Georgia Department of Transportation asking for concurrence to temporarily close Bernhard Road for a period of up to six months. He said this was due to the intersection improvements at Bernhard Road and SR 85 that were anticipated to begin in the summer of 2010 with actual work in the field to begin in October and November. He said this would be a huge impact on the residents in this area. He asked for the Board's consideration to draft a letter in response to G.D.O.T. stating that the Board of Commissioners concur with this road closure plan.

Chairman Smith clarified that the work would begin no earlier than the Fall of 2010 and Mr. Mallon replied yes and said he expected that the closure period would be in the Winter/Spring time frame of 2010.

Commissioner Hearn suggested a traffic count be obtained from the Sheriff's Office for that area. He pointed that G.D.O.T. needed to be aware of the inconvenience that this road closure would cause residents in that area. He remarked that the Fayette County Board of Education also needed to be notified in order to make them aware of this road closure that might possibly impact bus routes.

Commissioner Maxwell suggested that when the exact dates of the road closure were known, each homeowner could be sent a personal letter making them aware of this six month project and that the County was sorry for any inconvenience that it might cause.

County Administrator Jack Krakeel interjected that there was the potential for fire and emergency services response to that area.

There was a consensus of the Board to draft a letter for the Chairman's signature in response to G.D.O.T. stating that the Board concurred with this road closure plan.

BOARD REPORTS:
There were none.

EXECUTIVE SESSION:
There were none.

ADJOURNMENT:
There being no further business to come before the Board, Chairman Smith adjourned the meeting at 8:45 p.m.

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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 13th day of August, 2009.

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Karen Morley, Chief Deputy Clerk