Minutes

Board of Commissioners
April 28, 2011
7:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Thursday, April 28, 2011, at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Carol Chandler, Executive Assistant Karen Morley, Chief Deputy Clerk

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

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

PRESENTATION/RECOGNITION:

1. Presentation of the Heartsaver Award by the American Heart Association representative Mike Willingham to Russell Sharpe, Denise Clayburn, Matt Myers, Michael Nations, David Winkles and Jonathan Kempler for saving the life of Mr. Mike Aquino on January 31, 2011:

Public Safety Director Allen McCullough and representatives of the American Heart Association which included Kimberly Lambert and Madison Campbell presented the Heartsaver Award to Fayette County Firefighter/EMT Russell Sharpe, Piedmont Fayette Hospital Registered Nurse Denise Clayburn, Peachtree City Police Officer Matt Myers and Sandy Springs Firefighter/EMT Michael Nations. Mike Aquino, who suffered the cardiac arrest, explained what had occurred at the Peachtree City World Gym. Mr. Aquino said whatever honor these individuals receive, they deserve in his heart. A copy of the request, identified as "Attachment No. 1", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. Consideration of Petition No. 1221-11, Storage Xxtra Hwy. 85, LLC., Owner, and Fred Rickman, Jr., Agent, request to rezone 18.139 acres from M-1 to PUD-PSBC to allow a mixture of uses within the O-I, C-C, C-H, and M-1 zoning districts. This property is located in Land Lot 200 of the 5th District and fronts on SR 85 North:

Director of Community Development Pete Frisina read the rules for rezoning petitions. A copy of the rules, identified as "Attachment No. 2", follows these minutes and is made an official part hereof.

Chairman Frady asked if the petitioner was present for this rezoning request.

Fred Rickman, Jr. said he was the managing member of the Storage Xxtra Hwy 85, LLC. He said he was asking for the Board's consideration to approve his request to rezone 18.139 acres from M-1 to PUD-PSBC to allow a mixture of uses including a small business center within the O-I, C-C, C-H and M-1 zoning districts. He said this would attract new business owners, existing businesses looking for affordable tenant space, and home based businesses that have expanded. He said the existing use was a self-storage facility and incubator businesses composed of twelve buildings approximately 162,200 square feet, tenant and self-storage space, and two undeveloped pads totaling 58,000 square feet. He said the total build out if all of the land was developed would be 220,200 square feet with the largest single tenant space being 600 square feet and the largest storage unit was 500 square feet. He said the proposed use was a mixture of uses permitted within the O-I, C-C, C-H and M-1 zoning districts as allowed under the new PUD-PSBC zoning district. He said the proposed uses for buildings 2 and 3 are O-I, C-C and C-H and the proposed uses for buildings 5 and 6 are M-1 and the proposed uses for buildings 1and 4 and 7-14 are from the C-H and M-1 zoning districts. He noted that the surrounding property was zoned M-1 and M-2 and City of Fayetteville. He said the request was in compliance with the Fayette County Comprehensive Plan and would not adversely affect the existing use and usability of nearby property and would not result in a burdensome use of roads, utilities or schools and the existing conditions in the area's continued development as non-residential districts support this petition. He said he was not aware of any public concern for this rezoning request and the Planning Staff has recommended approval as well as the Planning Commission who approved his request by a 5-0 vote on April 7th. He said he was respectfully requesting approval from the Board of Commissioners for this petition for rezoning. He said he would reserve any additional time that he had to answer any questions that may come up.

Chairman Frady asked if anyone was present to speak in favor of this rezoning petition. Hearing none, he asked if anyone was present to speak in opposition to the petition. He asked for the Board's pleasure in this matter.

Commissioner Horgan felt this was a great idea for that area. He said the work on this project had been going on for a while and he appreciated everything that staff had done in trying to create this business area. He said every storage company in the area that he had spoken with was fully supportive of this request. He said he was in favor of this request and felt it was a good idea. He complimented the staff for all of their hard work.

Commissioner Brown said he agreed with Commissioner Horgan. He said he also felt this was a good idea. He remarked that this was a new zoning dynamic and he thanked staff and petitioner for putting all of this together.

Chairman Frady interjected that he also felt this was a good idea.

Commissioner Horgan made a motion to approve Petition No. 1221-11 to rezone 18.139 acres from M-1 to PUD-PSBC to allow a mixture of uses within the O-I, C-C, C-H and M-1 zoning districts. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of Staff's Analysis and Investigation, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. A copy of the Ordinance and Resolution approving Petition No. 1221-11, identified as "Attachment No. 4", follow these minutes and are made an official part hereof.

3. Consideration of the Packaged Beer and Wine Sales License for RaceTrac Petroleum, Inc. d/b/a RaceTrac #192, 897 Highway 85 South, Fayetteville, Georgia, RaceTrac Petroleum, Inc., Owner, and Gabriel G. Wallace, Corporate Agent/Applicant. This property is located in Land Lot 70 of the 5th District, fronts Ramah Road and SR 85 South, and is zoned C-H. This is for a New Location:

Director of Community Development Pete Frisina read the request for a packaged beer and wine sales license for RaceTrac Petroleum, Inc. He remarked that staff as well as the County Attorney had approved this application. A copy of the request and backup, identified as "Attachment No. 5", follow these minutes and are made an official part hereof.

Chairman Frady asked if the applicant was present for this discussion.

Mr. Gabriel Wallace felt Fayette County would be a great opportunity for business and he thanked the Board for the opportunity to present this application for a packaged beer and wine sales license for RaceTrac Petroleum, Inc.

Chairman Frady asked if anyone was present to speak in favor of this application. Hearing none, he asked if anyone wished to speak in opposition. Hearing none, he asked for the Board's pleasure in this matter.

Commissioner Horgan made a motion to approve the Packaged Beer and Wine Sales License for RaceTrac Petroleum, Inc. d/b/a RaceTrac #192, 897 Highway 85 South, Fayetteville, Georgia, RaceTrac Petroleum, Inc., Owner, and Gabriel G. Wallace, Corporate Agent/Applicant. Commissioner Hearn seconded the motion. The motion carried 5-0.

PUBLIC COMMENT:

David Hall: David Hall expressed his displeasure with the Board's response to an e-mail that he had sent regarding continued construction of the West Fayetteville Bypass. He said the citizens of this County were the majority and the Board would know this in the next election. He said he was thankful that Commissioner Brown and Commissioner McCarty were members of this Board.

Steve Smithfield: Steve Smithfield said he was astonished when he heard that Commissioner Lee Hearn had nominated his cousin to the serve on the Board of Elections and did not admit this fact until a later date. He felt there was so much negativity in the public regarding this nomination that the Board should make a motion to remove Mr. Lester from the Board of Elections. He also commented on several situations that he was aware of involving property owners and their property being condemned as a result of the West Fayetteville Bypass.

Josh Bloom: Josh Bloom commented on several issues that were of concern to him and several friends including the West Fayetteville Bypass, mass transit, and the appointment of a relative to the Board of Elections. He said he had never attended a Board of Commissioners meeting until tonight but he felt compelled to come. He said there was a great deal of worry and resentment about the direction that the Board is taking the County.

Bob Ross: Bob Ross commented on a Marine promotional which is Trust, Respect and Honor–Earned–Never Given. He commented on the last meeting of the Board of Commissioners in December 2010 when Chairman Smith denied two newly elected and sworn in Commissioners to sit in an Executive Session. He said Chairman Frady, Commissioner Horgan and Commissioner Hearn did not do the right thing and ask the newly sworn in Commissioners to sit in on this meeting. He said those Commissioners sat mute–See No Evil, Speak No Evil, Hear No Evil. He commented on the construction of the West Fayetteville Bypass as well as the projects listed on the SPLOST. He also commented on the appointment made to the Board of Elections. He said the public speaking out now was not the same public speaking out during the years of the previous Board. He said until Chairman Frady, Commissioner Horgan and Commissioner Hearn live up to the promise made by the two new Commissioners who said when they were sworn in that they would look to earn the respect of every citizen in the County rather than demand it, he and many others would continue to come to the Thursday evening Commission meetings.

Denise Ognio: Denise Ognio remarked on David Hall's comments and pointed out to the Board that David's concerns were very strong and that was the reason he continued to speak out at the Board meetings. She said she also agreed with another gentleman who mentioned that he would rather be at home with his family than at this meeting. She also urged Commissioner Hearn to do the right thing regarding the appointment to the Board of Elections.

Tom Waller: Tom Waller said he wanted to express his concern about the loss of the County Extension Agent in the University of Georgia Cooperative Extension Office here at the complex. He felt this would be a great loss to the County.

CONSENT AGENDA: Commissioner Brown requested Item # 6 be removed for discussion and the Board agreed with his request. Commissioner Horgan made a motion to approve consent agenda items 4-13 with the exception of item #6 as presented. Commissioner McCarty seconded the motion. The motion carried 5-0.

COOPERATIVE EXTENSION OFFICE - Annual Agreement:

4. Approval of staff's recommendation that the County renew its annual Agreement with the University of Georgia for the provision of Extension Office Programs in Fayette County for a period beginning July 1, 2010 through June 30, 2012; and authorization for the Chairman to execute said agreement. A copy of the request and backup, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

ELECTIONS DEPARTMENT - Purchase Optical Scanners:

5. Approval to transfer $4,502 from the County's Contingency Fund to Elections Department budget to cover the balance of the cost of repairs to voting equipment; and approval to purchase two AccuVote-OS Optical Scanners at a cost of $1,940, for a total request for funds from the Contingency Fund of $6,442.00. A copy of the request and backup, identified as "Attachment No. 7", follow these minutes and are made an official part hereof.

FLEET MAINTENANCE - Mill Creek Environmental Services, Inc. Agreement:

6. Approval of staff's recommendation to enter into an agreement with Mill Creek Environmental Services, Inc. (MCES) to conduct quarterly groundwater monitoring as required by the Georgia Environmental Protection Division, at a quarterly cost of $3,859; and authorization for the Chairman to execute said agreement pending approval of the County Attorney. A copy of the request, backup, and Acceptance of Work, identified as "Attachment No. 8", follow these minutes and are made an official part hereof.

Commissioner Brown said he did not remember this work being in the initial contract and with the quarterly cost exceeding $15,000 per year, he asked if this had been bid out to see if someone could do the work at a reduced rate.

Director of Fleet Maintenance Bill Lackey responded this was put out for bid in 2008. He said the County would not incur these expenses because it had already met the deductible. Commissioner Brown asked who would be paying the quarterly cost of $3,859 and Mr. Lackey said the County would be reimbursed by the Georgia Underground Storage Tank Trust Fund which was basically an insurance policy.

County Attorney Scott Bennett remarked this is the agreement that the E.P.D. finally accepted and now the County was performing the work that E.P.D. said the County must do to monitor the site. He said this was the company that came up with the proposal in working with the E.P.D. He said this work was tied to the original agreement.

Commissioner Brown made a motion to approve staff's recommendation to enter into an agreement with Mill Creek Environmental Services, Inc. (MCES) to conduct quarterly groundwater monitoring as required by Georgia Environmental Protection Division, at a quarterly cost of $3,859; and authorization for the Chairman to execute said agreement pending approval of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0.

HUMAN RESOURCES - Employee Health Care Benefits Annual Renewal and Implementation of Options:

7. Approval for the Chairman to execute any and all required documents associated with the annual renewal and implementation of options for Employee Health Care Benefits, including but not limited to agreements and contracts, for the benefits year which begins June 1, 2011 pending approval of the County Attorney. A copy of the request, identified as "Attachment No. 9", follows these minutes and is made an official part hereof.

PLANNING AND ZONING - Resolution No. 2011-07 Fire Services Impact Fee Adopted:

8. Approval of a Resolution to adopt the "Fayette County 2010 Annual Report on Fire Services Impact Fee (FY2010), including Comprehensive Plan amendments for updates to the Capital Improvement Element and Short-Term Work Program (FY2011-FY2015.)". A copy of the request, backup and Resolution NO. 2011-07, identified as "Attachment No. 10", follow these minutes and are made an official part hereof.

SHERIFF'S OFFICE - Budget Adjustment for Criminal Investigation Overtime:

9. Approval of the Sheriff's Office request to amend the Overtime Budget for the Criminal Investigations Division by $4,087.54 for reimbursement for employees assigned to work with various Federal Agencies. A copy of the request, identified as "Attachment No. 11", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - Amendment of the State Confiscated Revenue Technical Services Revenue Account:

10. Approval of the Sheriff's Office request to amend the State Confiscated Revenue Technical Services Revenue Account by $40.00 to recognize abandoned monies which have been ordered retained for law enforcement enhancement. A copy of the request, identified as "Attachment No. 12", follows these minutes and is made an official part hereof.

SHERIFF'S OFFICE - Disposal of Three Vehicles for the Purpose of Acquiring One Replacement Vehicle:

11. Approval to authorize the Sheriff to dispose of three vehicles for the purpose of acquiring one replacement vehicle; and authorization for the Chairman to execute all necessary paperwork for the disposition of the vehicles and the acquisition of the replacement vehicle, using Federal Seizure Funds for any balance due. A copy of the request, identified as "Attachment No. 13", follows these minutes and is made an official part hereof.

WATER SYSTEM - Flyer for Frederick Brown, Jr. Amphitheater Approved for Insertion in Water Bills:

12. Approval of staff's request for authorization to insert a flyer from The Frederick Brown, Jr. Amphitheater in the water bills to be mailed out during the month of May. A copy of the request and backup, identified as "Attachment No. 14", follow these minutes and are made an official part hereof.

MINUTES:

13. Approval of the April 6, 2011 Board of Commissioners Workshop Minutes and the April 14, 2011 Board of Commissioners Minutes.

OLD BUSINESS:

14. Further discussion of a request from the Physical Health Department for additional cleaning services and costs associated with providing space and ancillary services to that agency:

County Administrator Jack Krakeel briefed the Board on this matter. A copy of the request, identified as "Attachment No. 15", follows these minutes and is made an official part hereof. He felt there were two issues and they were separate issues. He said the fact that there was a recoverable stream for having the WIC program located in Fayette County was one issue. He said he would recommend that the Board institute a contractual amendment to allow Fayette County to recover pro rated costs for the space that was being provided to the WIC program. He said these were costs that were reimbursable through the Federal program and he felt it was appropriate that Fayette County receive those fees. He commented on dedicating the revenue to assist the Public Health Department and said that would be a separate issue because those funds would go into the General Fund. He said he was not sure that would be a decision that the Board would have to make this evening but could be something for discussion during the budget deliberations. He said the contract addendum was an issue that the Board needed to take action on tonight. He said there was a requirement in the contract that sixty days prior to the renewal date, any modifications to the contract need to be submitted and that occurs on May 1st. He said he was not sure if the Board needed to take action tonight on the cleaning issue and that could be deferred to the budget discussions.

Commissioner Brown clarified that the County could recover approximately $275 per month for utilities and Mr. Krakeel replied yes, this would be for eligible expenses under the Federal guidelines for the WIC program. Commissioner Brown asked for the dollar figure that the Public Health Department said they needed in order to get the level of cleaning that they need in that facility. Mr. Krakeel said there were five bids received for conducting the cleaning services and those bids were $490, $700, $995, $1,130 and $1,265.

Commissioner Brown remarked that the Fayette County Health facility gets a tremendous amount of use from people who are residents of other counties. He asked if the State takes this into account and also if this would be anywhere in the formula. He noted that the County was obviously paying for those out of county people. Mr. Krakeel said there had actually been a meeting with the Director of the State Department of Public Health approximately three weeks ago and Commissioner Horgan was also present at that meeting. He said for several years Fayette County has stated that the formula for how public health is funded within the County was not a factually based formula, but was a formula using a population base and the population base being used was not a current figure.

Mr. Krakeel further remarked that as the validity of the population based formula was questioned by several counties throughout the State, there has been movement at the State level to change the formula. He said he did not recall all of the numbers, but he did know that Fayette County was one of the counties, that under the new funding formula, would receive an increase in the amount of revenue to support public health in Fayette County. He said the problem was with the implementation time frame for the new formula being a five year implementation schedule. He said, at best, the County would potentially be looking at a 20% increase on an annual basis for that component of the revenue stream.

He felt it would take some significant time before the County and the Health Department realize the full extent and value of the new formula. He said the formula uses a population component, a poverty component and an aggregate poverty component. He said the issue had been brought up about why there was not a component in the formula that recognizes out of county population utilization. He said the State Public Health Director was sympathetic to this issue, but was pretty adamant that there was not going to be any change in the formula at this juncture.

Commissioner Horgan interjected that data had been presented to the Board of Health at its last meeting that the County was only receiving approximately 10% to 15% out of County people.

Mr. Krakeel confirmed that the County was required to provide space for the Board of Health but there was not, to his understanding, a requirement for the County to provide space for the WIC program.

Commissioner McCarty asked if the cleaning status could be left as it was currently, and Mr. Krakeel replied that the Health Department had received a commitment from the District for additional funding in the amount of $700 per month and he felt they would try and get a contract close to that amount.

Commissioner Horgan said the Board of Health and the WIC program here in Fayette County do receive the most complaints and the majority of the complaints involved cleanliness. Mr. Krakeel noted that the complaints received were directed at the entire Health Department area and the standards that were presented to the Board previously go far above and beyond the level of service that the County was capable of providing.

Commissioner McCarty asked how the cleanliness for the Fayette County Health Department compared to surrounding counties. Commissioner Horgan replied that there had been no comparison but the fact that the Fayette County Health Department had received the most complaints.

Chairman Frady said he did not understand the request for additional cleaning being necessary. Commissioner Horgan responded that currently the County provides two days per week of basic janitorial services including trash pickup and so forth.

Commissioner Brown noted that there was a level of infectious control that the Health Department has to maintain but in the private sector this was done by the employees who operate the facility. He said he did not understand why the Health Department was not purchasing these supplies and doing this in the same manner as the private sector, but instead wanting a third party to come in and handle this for them.

Commissioner Horgan made a motion to authorize the County Administrator to send a new agreement to WIC and the Board of Health as far as having them in the County's facility as well as working with the Board of Health to receive the $700 for the additional janitorial cleaning of the facility. Commissioner Hearn seconded the motion. Discussion followed.

Commissioner Brown asked if the motion should include the portion of the contract in terms of recovering the utilities and things of that nature.

County Administrator Jack Krakeel said he had some concerns about the part of the motion regarding recovery of the $700 per month from the Board of Health for cleaning services. He felt some additional thought should go into how this should be constructed and whether it was a contract that the Health Department was responsible for versus the County being responsible for the cleaning of the facility.

Commissioner Horgan said he would amend his motion to at least provide a new contract for WIC in the facility to regain services as far as utilities and recapture that. He said he agreed that this should be discussed further. Commissioner Hearn said he would amend his second to the motion.

Commissioner Brown questioned if the adjustments were made to the contract for the reimbursables and the contract was executed, was the County now responsible for keeping WIC in this facility for another 12 months.

Mr. Krakeel replied yes, if the contract was approved, but he added that there was nothing that would preclude the cancellation of the contract and that would require 60 days notice. He said that would apply to both parties. He said the cleaning issue was a Board of Health issue. He said WIC was just one program that was co-located in their facility.

Chairman Frady asked if he would need to sign this agreement and Mr. Krakeel remarked that the prior contract had been signed by Commissioner Horgan, but he felt it appropriate for the Chairman or Commissioner Horgan to sign the contract.

The motion carried 5-0. A copy of the letter and contract, identified as "Attachment No. 16", follow these minutes and are made an official part hereof.

15. Approval of staff's recommendation that the Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners be accepted by the County as the basis for the County's five-year plan identifying future technology initiatives and the reduction of risks associated with the County's technology systems:

Information Systems Director Russell Prince and Consultant Brad Lyons of LBL Technology Partners discussed and presented the Board with a Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners. Mr. Prince asked for the Board's consideration to adopt the Strategic Technology Plan and Risk Assessment documents as a five-year plan for future technology initiatives. A copy of the request and the power point presentation, identified as "Attachment No. 17", follow these minutes and are made an official part hereof.

Commissioner Brown made a motion to approve staff's recommendation that the Strategic Technology and Risk Assessment Plan developed by LBL Technology Partners be accepted by the County as the basis for the County's five-year plan identifying future technology initiatives and the reduction of risks associated with the County's technology systems. Commissioner Horgan seconded the motion. The motion carried 5-0.

NEW BUSINESS:

16. Steve Vaughn with GEBCorp will present the annual valuation report on the County's defined benefit retirement plan:

Director of the ACCG Retirement Programs Steve Vaughn presented the Board with the annual valuation report regarding the County's Defined Benefit Retirement Plan. He noted that the return for the Defined Benefits Plan as a whole for 2010 was approximately 13½% which was 5¾% above the actuarial projections. He noted that this was the second year for the Plan and in 2009 the return was approximately 21.7%. He remarked that this Plan was started on July 1, 2009 at which time a significant number of assets came in during January of 2010 from employee buy backs. He remarked that the County was in excellent shape and 100% funded A copy of the request and backup, identified as "Attachment No. 18", follow these minutes and are made an official part hereof.

17. Consideration of preferred provider agreements under the County's employee health care plan that will address sleep disorder diagnostics and associated durable medical equipment as well as digestive healthcare procedures:

Human Resources Director Connie Boehnke and Jaki Turner representing Pacific General discussed these issues with the Board. A copy of the request, identified as "Attachment No. 19", follows these minutes and is made an official part hereof. She remarked that Ms. Turner had negotiated Agreements with Total Sleep Diagnostics, Inc. as well as Trusted Life Care, Inc. for the Board's consideration to approve and authorize the Chairman to execute. She said this would be a sole source at the same discount level currently in the County's plan.

Commissioner Horgan made a motion to approve the contracts with Total Sleep Diagnostics, Inc. and Trusted Life Care, Inc. and authorize the Chairman to execute the contracts pending review of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of the contracts, identified as "Attachment No. 20", follow these minutes and are made an official part hereof.

Ms. Boehnke also remarked on the Summit Endoscopy Center contract. She said the providers were in the network but the facility was out of the network. She noted that employees could go to the hospital for the procedure, but it would be at a higher cost. She said this was costing the employees more money as well as costing the plan more. She said Ms. Turner had gone directly to the source and negotiated an agreement with Summit Endoscopy Center for the Board's consideration.

Commissioner Horgan made a motion to approve the contract with Summit Endoscopy Center and authorize the Chairman to execute the contract pending review of the County Attorney. Commissioner McCarty seconded the motion. The motion carried 5-0. A copy of the contract, identified as "Attachment No. 21", follows these minutes and is made an official part hereof.

18. Consideration of proposed Amendment to the County's Flexible Benefits Plan as required by the Patient Protection and Affordable Care Act of 2010:

Human Resources Director Connie Boehnke and Jaki Turner representing Pacific General discussed this issue with the Board. A copy of the request, identified as "Attachment No. 22", follows these minutes and is made an official part hereof. She said the Flexible Spending Plan needed to "mirror" the same language in the County's Health Plan.

Commissioner Brown questioned if the County could file for an exemption for keeping dependents on the plan until age 26 under the Federal law.

Ms. Turner responded that the County's plan options had already been approved and it could not be changed at this point. She said the County must keep the same plan with no alterations whatsoever except for certain components such as the dependent age or the preventative services that had to be expanded under the law. She said if the Board wanted to redesign anything within the Plan structure, there would no longer be eligibility to grandfather.

Ms. Boehnke remarked that with the restrictions of the employer to remain in a grandfather status, it would be very challenging for anyone to maintain the exact same benefits and the exact same rates in the same contribution ratio.

Commissioner Horgan asked if there was an estimate for enacting this plan to be in compliance and Ms. Turner replied it would mean a 12% increase and this as just Phase I. Ms. Turner said this would be incremented over the next several years through 2019. Chairman Frady asked if this increase was due to the new healthcare law and Ms. Turner replied yes it was.

Commissioner Horgan made a motion to approve the amendment to the County's Flexible Benefits Plan as required by the Patient Protection and Affordable Care Act of 2010 and authorize the Chairman to execute any and all necessary documentation pending review by the County Attorney. Commissioner Brown seconded the motion. The motion carried 5-0. A copy of the agreements, identified as "Attachment No. 23", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Report on Storm Damage in Georgia: County Administrator Jack Krakeel reported on the utter degree of devastation that had occurred across the Southeast. He remarked that Fayette County, very fortunately, escaped the wrath of these storms. He noted that County crews were busy throughout the night including the Public Works crews who removed trees from roadways. He noted that there were two fatalities in Spalding County as a result of this storm as well as major, major damage in that County. He said Fayette County Emergency Services had responded to Spalding County to assist them with this damage and also Fayette County Public Works employees had responded with several pieces of equipment to help clear roadways. He noted that individuals from the Fayette County Building Department had also assisted Spalding County with damage assessment of structures.

COMMISSIONERS REPORTS:

Chairman Frady: Chairman Frady asked Commissioner Brown if there was any update on the regional library funding issue. Commissioner Brown responded that there was nothing the County could do to make changes because the State had frozen everything. He said he was continuing to collect data on this matter and noted that the County was very limited in terms of options.

Commissioner Brown: Commissioner Brown said he wanted to also comment on the recent storm and noted concern with the Emergency Command Center being located on the second floor of the Administrative Complex which was essentially a retail structure and not built to any specific standards. He said the command operations room had a wall of solid glass leading out to a parking lot. He said this was less than ideal in terms of what needed to be provided. He said this was something that would definitely need to be addressed.

Chairman Frady remarked there were already plans drawn up to build that particular building. County Administrator Jack Krakeel said well over ten years ago when he was the Public Safety Director he had identified the need for an emergency services facility that could sustain all different types of weather events that the County might witness. He said this was strictly an issue of funding. He said there were plans as well as a design, but it was simply a matter a coming up with the necessary funding. He said the County already had the property and in this year's budget funding was requested and he had concurred with improving the issue of the glass walls currently in Emergency Services.

Commissioner McCarty: Commissioner McCarty said he wanted to comment on a couple of things that add to making someone proud to live in Fayette County and to be part of what happens here. He said one was the article in the *Fayette County News* stating that Fayette County was named "Georgia's Healthiest County" and he felt this was tremendous. He said another one was in the *Georgia County Magazine* stated that "Fayette County sets the bar for South metro quality of life." He also commented on some Georgia trivia. He noted that in the late 1880's Matthew Yates found some strange apples growing near a creek bank and he started to cultivate those apples. He said at one time many hundreds of acres of land in the Sandy Creek area were covered in Yates apple trees. He said these apples were in as much

demand today as they were in the early 1900's. He said the only known tree left of the original orchard and that was on property located near Coleman's Corner at Westbridge Road and Highway 92.

Commissioner Hearn: Commissioner Hearn said he wanted to comment on the Elections Board and the make up of that Board. He noted that David Studdard who is currently a member of the Elections Board is married to an elected official who is Clerk of the Superior Court Sheila Studdard. He said to his knowledge there have been no problems and no conflicts of interest and no protests and not one single eyebrow has been raised as a result of that relationship. He felt some of the comments that had been made were obviously attacks and that would go with the territory. He said the people who had attacked him regarding this issue were half as diligent about looking at other issues as it relates to the Elections Board, that it would add some credence to their motives.

EXECUTIVE SESSION: County Administrator Jack Krakeel requested an Executive Session to discuss litigation and real estate acquisition.

Commissioner Hearn made a motion to adjourn to Executive Session to discuss litigation and real estate acquisition matters. Commissioner Horgan seconded the motion. The motion carried 5-0.

Chairman Frady reconvened the public meeting back to open session.

Chairman Frady remarked that the Board had discussed litigation and real estate acquisition matters and staff was given direction in both instances.

Commissioner Horgan made a motion to authorize the Chairman to execute the Executive Session Affidavit affirming that litigation and real estate were discussed in Executive Session. Commissioner Hearn seconded the motion. The motion carried 5-0. A copy of the Executive Session Affidavit, identified as "Attachment No. 24", follows these minutes and is made an official part hereof.

ADJOURNMENT: Commissioner Brown made a motion to adjourn the meeting at 9:51 p.m. Commissioner McCarty seconded the motion. The motion carried 5-0.

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Karen Morley, Chief Deputy Clerk Herbert E. Frady, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of May, 2011.

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Karen Morley, Chief Deputy Clerk