



## *Action Agenda*

Board of Commissioners  
May 2, 2012  
3:30 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, May 2, 2012, at 3:30 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

**Commissioner Absent:**

Allen McCarty

**Staff Present:**

Jack Krakeel, County Administrator  
Scott Bennett, County Attorney  
Carol Chandler, Executive Assistant  
Floyd Jones, Chief Deputy Clerk

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Chairman Frady called the meeting to order at 3:39 p.m.

**Acceptance of Agenda:** Commissioner Horgan made a motion to approve the agenda as presented. Commissioner Brown seconded the motion. The motion carried 4-0. Commissioner McCarty was absent.

**PRESENTATION / RECOGNITION:**

1. Presentation by Becky Smith, Executive Director of Fayette FACTOR (Fayette Alliance Coordinating Teamwork, Outreach and Resources) concerning participating in a program known as the Underage Drinking Prevention Initiative.

**Executive Director of Fayette FACTOR Becky Smith and Dawn Oparah explained the grant that they had been awarded for the Underage Drinking Prevention Program. The Board commended them on the work involved in obtaining this grant as well as this initiative to get teens as well as members of the community involved in this Program.**

**OLD BUSINESS:**

2. Further discussion of Commissioner Allen McCarty's request to halt plans for construction of Phase III of the West Fayetteville Bypass and to begin construction of the East Fayetteville Bypass.

**Due to the absence of Commissioner McCarty, there was a consensus of the Board to place this item on the May 10<sup>th</sup> Board of Commissioners' meeting for discussion.**

3. Further discussion of the proposed replacement of the bridge that crosses the Flint River on McIntosh Road at the Fayette and Spalding County border.

**There was a consensus of the Board to direct staff to continue working in the process and to allow Commissioner Hearn and Public Works Director Phil Mallon to make a presentation and appeal to the Spalding County Board of Commissioners on this issue.**

**NEW BUSINESS:**

4. Discussion of funding the position of Constable for the Fayette County Magistrate Court.

**Chief Magistrate Judge Ruppenthal discussed this issue with the Board. This item will be discussed further during the upcoming budget meetings.**

5. Discussion of staff's request for consideration of proposed amendments to the Fayette county Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premises Consumption Dealers, Division 1 Generally, Sec. 3-180.6 Closing Hours, which would allow the Sunday sales of Beer, Wine, and / or Distilled Spirits for On-Premise Consumption.

**Senior Zoning Administrator Robyn Wilson presented this item to the Board for discussion. There was consensus of the Board to place this item on consent agenda for the May 10<sup>th</sup> Board meeting.**

6. Discussion by the Solid Waste Department of proposed amendments to the Fayette County Code, Chapter 19, Utility Regulations, Article IV, Solid Waste Management.

**Director of Stormwater Vanessa Birrell presented this item to the Board for discussion. There was consensus of the Board to place this item on the consent agenda for the May 10<sup>th</sup> Board meeting.**

7. Discussion concerning a request from the Director of the Water System to allow Mallett Consulting to prepare specifications and to issue bids for the Flint River pump station at a cost of \$19,750.00.

**Water System Director Tony Parrott presented this item to the Board for discussion. There was consensus of the Board to place this item on the consent agenda for the May 10<sup>th</sup> Board meeting.**

8. Discussion of a request from the Director of the Water System to allow Mallett Consulting to develop the specification package and to issue bids for the replacement of the Supervisory Control And Data Acquisition (SCADA) System at a cost of \$12, 900.00.

**Water System Director Tony Parrott presented this item to the Board for discussion. There was consensus of the Board to place this item on the consent agenda for the May 10<sup>th</sup> Board meeting.**

**ADMINISTRATOR'S REPORTS:** County Administrator Jack Krakeel stated that the budget books for next week's budget meeting on Wednesday, May 9<sup>th</sup> at 5:00 p.m. were available and ready for the Board members to pick up.

**ATTORNEY'S REPORTS:** County Attorney Scott Bennett remarked on the newspaper article that appeared in the paper today regarding the County Administrator Jack Krakeel's participation in the early retirement plan that was offered to 44 eligible employees. He said there was a suggestion to hire an outside attorney to review this issue as to whether or not it was legal. He said he had reviewed this issue and also consulted with the Human Resources staff regarding GEBCorp

who administers the retirement plan. He pointed out that the County had engaged the attorneys for GEBCorp to complete this plan to make sure it was compliant and met all of their standards and they determined that under the terms of the plan that Jack Krakeel was an eligible participant in the plan and the early retirement option. He said he had also received from the Human Resources Director Connie Boehnke a copy of Mr. Krakeel's employment contract. He noted that in paragraph 14.1 of that contract stated "the employee (Mr. Krakeel) shall be part of the County's general employee pension program and for purposes of an early retirement benefits shall be eligible consistent with the requirements for retiring members of the organization's public safety departments." He noted that when he began his employment as County Attorney, Mr. Krakeel was the Interim County Administrator. He said he was part of negotiating Mr. Krakeel's contract with the Board of Commissioners in 2008 as well as the contract renewal in 2010. He said one of Mr. Krakeel's issues about taking the County Administrator's position was the fact that he had been a Fayette County employee for over 20 years and he did not want to give up what he had earned in retirement in the plan. He said Mr. Krakeel wanted to make sure he was eligible for whatever might occur with retirement. He stated that provision was specifically included to be really clear. He said he did not feel there was a legal issue with regard to whether Jack Krakeel was eligible to participate in the plan. He remarked that Mr. Krakeel's contract states that he is eligible to participate in the plan and GEBCorp also states that Mr. Krakeel is eligible. He said he did not know what possible legal argument or claim could be made that he is not eligible. He said there was a second part of the plan that was raised about whether or not Mr. Krakeel's participation in formulating the plan was an issue. He felt there were two issues to be considered there including (1) as part of the Board's retreat the plan was discussed thoroughly about what was being offered and what employees would be eligible which was only 6% of the County work force; and (2) currently the expectation was that approximately one half of the eligible participants would take the plan. He pointed out that this says something about where the plan falls from a generosity level and what employees would be getting from the plan. He said he did not see anything here that would raise red flags with him. He said he sees a plan where it was 50/50 for employees to take the plan.

Attorney Bennett said if the Board wanted to review this issue further, it was the Board's decision to make. He said he had looked at this and had reviewed this and did not know what else could be done or what else could be determined. He said he just wanted to make the Board aware of the fact that he had reviewed this and these are the conclusions that he had reached. He said if the Board wanted him to look at anything else, he would be glad to.

Chairman Frady agreed with Attorney Bennett and he said this situation was part of the negotiations that took place that Mr. Krakeel would be put in a position to retire when he was ready and the Board voted on this package of retirement in order to save money in the approximate amount of \$800,000 to \$1,000,000 in funds. He said this was an opportunity that this Board gave to all of the eligible employees. He said it was unacceptable to him that anyone would even bring this issue up and he felt they just did not know the facts.

**COMMISSIONERS REPORTS:** Commissioner Brown said he had submitted the e-mail to the Board to place an item on an agenda to discuss Mr. Krakeel proposing the defined benefit plan and now being eligible for the early retirement plan. He said the only issue that he had was someone in the position of authority who was orchestrating the plan and looked over the plan and decided to take the plan. He said if he had been aware of a proposed early retirement plan he would have suggested Mr. Krakeel step aside and someone else formulate the plan. He said he understood the County Attorney had reviewed this situation, but he was interested in having an independent authority look at it and someone who was not subject to the County Administrator. He said if that person says the plan is good, then he was 100% in favor of it.

County Attorney Scott Bennett said he did not work for Mr. Krakeel and did not answer to him. He said he works for the Board of Commissioners. He said if he thought that he was not competent or prejudiced or could not give an opinion, then he would not give one.

Commissioner Brown said personally he would feel more comfortable if an independent person could come in and look at this information . He said if that person says it is alright then he would be 100% in support of it.

Chairman Frady interjected that this plan came from GEBCorp and their attorneys set up this early retirement plan. He said the County Attorney was asked to give the Board his opinion and he has done so. He said he was in favor of this plan and would not recommend spending more money to get another same opinion. He said this would be a waste of taxpayers' dollars.

Commissioner Horgan felt this was "crazy" and was an attack on the integrity of a gentleman who has been with the County for 28 years. He said this was totally uncalled for.

**ADJOURNMENT:** Hearing no further business to come before the Board, Commissioner Horgan made a motion to adjourn the meeting at 5:07 p.m. Commissioner Hearn seconded the motion. The motion carried 4-0. Commissioner McCarty was absent.

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Karen Morley, Chief Deputy Clerk