



Minutes

Board of Commissioners
May 23, 2013
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 May 23, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Steve Brown, Chairman
Charles Oddo, Vice Chairman
David Barlow
Allen McCarty
Randy Ognio

Staff Present:

Steve Rapson, County Administrator
Tameca P. White, Executive Assistant
Dennis Davenport, Interim County Attorney

Call to Order, Invocation, Pledge of Allegiance

Commissioner Steve Brown called the May 23, 2013 Board of Commissioners' meeting to order at 7:02 p.m.

Commissioner David Barlow introduced Pastor Edward Johnson, Fayetteville City Council Member. Pastor Johnson gave the invocation.

Commissioner Randy Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

On motion from Commissioner Chuck Oddo, seconded by Commissioner Allen McCarty and carried, the Board unanimously approved the acceptance of the agenda.

On motion from Chairman Brown, seconded by Commissioner Oddo and carried, the Board

unanimously approved that item number 18, Update: 2013 Board of Commissioners' Changes in Transparency be moved before the Public Comments portion of the meeting.

Update: 2013 Board of Commissioners' Changes in Transparency

Chairman Brown presented a PowerPoint presentation on the recent changes in transparency with the current Board. Chairman Brown stated that he was reflecting back and looking at some of the things the Board has done. He stated that the focus has been on the budget and that has overshadowed things like the Stormwater Town Hall meetings and various other things. He stated that he is proud of the Board and staff that he works with and they have strived to make significant changes in terms of transparency and openness with the Board of Commissioners.

Chairman Brown referenced the first slide and stated that the audience may have seen the headline in the newspaper, on the TV and news programs in the last couple weeks; "IRS abuses power in targeting tea party". He stated that he has a credo that he states as an elected official, "Never trust elected officials. Never trust government." He stated that when someone trusts government, this is the kind of thing that happens.

He referenced the second slide and he stated that the bottom of the slide reads; "It also shows how all Americans, from the most liberal to the most conservative, should closely guard their First Amendment rights, and why giving the government too much power to limit political speech will inevitably result in selective enforcement against unpopular groups." He stated that this was written by the president of the American Civil Liberties Union (ACLU) and that he does not often agree with the president of the ACLU, but this time he thinks he [the president] is dead on and that he is exactly right.

He referenced slide three. Chairman Brown stated that we have to remember the Declaration of Independence states that government gets its power from the governed; the people should have access to government. He stated that this is seen in the National Association of the Advancement of Color People (NAACP) district voting cases, this is a repeating theme and the people should have access to government.

He referred to the fourth slide and stated that one of the things the Board has done in Fayette County is introduce using town hall meetings. He stated that previously there was no real way for the public to interact with the government. He continued by stating there was no dialog and it was a Board of Commissioners doing whatever they wanted and nothing more. He stated that the current Board introduced town hall meetings and let people say whatever they wanted to say and did not limit them to five minutes to speak, which is what was done previously. He stated that anyone who wanted to speak was allowed to speak and more importantly the Board listened and made changes to the program with stormwater based on the comments of the public.

He continued with this slide and stated that the Board treats all participants fairly. He stated that the Board does not run a stop watch when the public approaches the podium as the previous administration did. He stated that when the stop watch buzzed, the speaker was asked to sit down. He stated that with the last Board of Commissioners he was voted down twice, as a sitting commissioner, and as a representative of those in the audience. He continued to state that he was voted down twice on being able to present his own agenda item that he had properly placed on an agenda. He stated that the Board does not cut the speaker off at the podium, even if there is a difference of opinion and that is a huge change. He asked the audience to look at their watch when people come to the podium to speak and see how long the speaker is given to speak.

He continued with this slide and stated that commenting on the agenda is another first for the Fayette County Board of Commissioners. He stated that the Board allows every citizen in the audience to be a part of the decision making process and to offer comments *before* the Board votes on any agenda item. He stated that every item is made a public hearing.

Chairman Brown continued with this slide and stated, "Public application for posts." He stated "no more backroom, closed door deals." He stated that this Board publicly advertises all appointments to commissions, Boards and authorities and some of those people are here in the room. He stated that Federal Judge Timothy Batten Sr., in the NAACP trial, found that the practice of the previous Board of Commissioners failing to regularly publicize these positions and instead, basing appointments on personal relationships and nepotism, have a chilling effect on the African American population in the local political process. He stated that now everyone has an opportunity in Fayette County regardless of who they are. He informed that the posts are advertised publicly and every applicant has an interview and the best candidates for the job are being selected regardless of appearance.

He shared that he handed a local senior citizen a copy of his business card at a recent town hall meeting, pointing out his cell phone number and he told him to call him anytime. He stated that the citizen was amazed. He stated that this was a long time resident of Fayette County that said on several occasions when he wanted to speak to commissioners in the past he was told he can only speak to the county administrator. Chairman Brown announced to the audience that this practice ended on January 1, 2013. He informed the audience that if they want to come to the administration building during the week, during office hours, he would personally listen to what they have to say and he extended a personal invitation to do that.

This slide presentation continued. Chairman Brown stated that no one has to take the word of another on what happens at a Board meeting, with the Board of Commissioners. He stated that the meetings are brought right to the home. He stated that the Board has received great feedback on the televised meetings, a very significant change. He thanked Commissioner Allen McCarty for doing this at no charge to the citizens of Fayette County. He stated that anyone can watch their government in action via the public cable channel.

Chairman Brown stated that as promised in the town hall meetings, the County has customized email newsletters to constituents. He stated that during the Stormwater Town Hall meetings, there are people who do not get the newspaper in their driveway and did not have access to information. He stated that for those who have internet access, this feature has just been installed. He informed the audience that the newsletter is set up so that the moment the Board knows something, the citizens will know something. He stated that the rural residents do not get the newspaper and this is their chance to be up-to-date on government.

The next slide displayed a screen shot of the webpage for the audience to view as Chairman Brown "walked through" how to sign up for the newsletter.

He concluded by asking the audience to continue giving great ideas and he continued by stating that the Board is going to move on toward more changes of openness and transparency and he is proud to be a part of a Board of Commissioners that respects and listens to the citizens.

A copy of the presentation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PRESENTATION / RECOGNITION: None.

PUBLIC HEARING: None.

PUBLIC COMMENT:

Public comments were given as follows:

1. **Steven Thomas Church**, a resident of Fayette County and a faithful taxpayer for 18 years. He expressed his own personal opinions and that he was not representing any group. He stated that he is asking the Commission to stop wasting taxpayers' money on the defense of at-large voting for County Commission and the Board of Education.
2. **Mr. Adams**, a 30 year resident of Fayette County. He stated that he is here to speak in regard to the recent court opinion about district voting. He stated that he believes the court made the right decision and he is in support of the arguments made by the previous speaker. He stated that the Board is not elected by other counties, our congressmen are not elected by other people in the state except from the congressional district, and our senators are not elected by a nationwide election. He stated that the law suit that was brought is asking for representation for a group that right now, does not feel like they have representation. He stated that they pray the Board does not appeal and that they do not spend any more money on a wasted appeal.
3. **Arnold Martin**. He stated that he is before the Board asking not to appeal the decision of district voting. He stated that close to \$300,000 has been spent in fighting against what is considered to be fair voting in this county. He stated that the \$300,000 could have been applied to some salaries; some people could have their jobs. He stated that he is asking that the Board not spend any more of the taxpayers' dollars in an appeal and see about a fair way to sit down and come up with comprehensive measures that work for everyone, but in the end going with the judges' decision.

Mr. Martin stated that this was not the main reason he was here. He stated that many people attended the funeral of a twenty-two year old lady, Symone Marks. He stated that sadly she died in a car accident on Lee's Mill Road. He stated that the fact that she perished in a one car accident lends to the issue of what is happening on Lees Mill and many of Fayette County's roads. He stated that he went after the accident and traveled around the same time frame and that road is very dark, many curves, but more so than anything is not illuminated correctly and the signage is very poor. He stated that as the Board is preparing for the growth that is occurring here, that the Symone Marks' of the world are not losing their life because of dark streets, the way they were fifty years ago and that we are doing everything to protect the current taxpayers and not just the future ones.

4. **Ross King**. He stated that he feels compelled to present a couple comments on the other side of the voting issue. He stated that one important issue is on expenditures. He stated that it is not just dollars, but it is about providing the best government this county can provide and if that cost more money, so be it. He stated that there are other expenses that the County bare in terms of public safety and we pay those. He stated that he is concerned that district voting will balkanize the county; will divide it into five districts will divide the county instead of unify the county. He stated that the County Commissioners

and School Board members would be responsible more to their individual districts in their voting or allocation of resources than they would be to the entire county. He stated that at the county level we have a responsibility of both developing legislation and then carrying it out. He stated that the other responsibility that is the education of our children and the quality of schools that are paid for by tax payers' dollars in the three jurisdictions. He stated that those are costs that have to be compared against attorney's cost. He stated that he has confidence in the citizens of Fayette County. He stated that he is willing to work with qualified black candidates out of any district as he is with white, Hispanic or Asian, because he is looking for the best candidate to serve in these key positions.

5. **Dawn Oparah.** She stated that she would like to thank the Board for the fiscal responsibility and changes the Board has made. She stated that she looks at stats a lot in Fayette County and she is looking at the logic that if someone comes from a particular district that they are only going to be concerned about their district. She stated that she hopes that if we have people who are voted from any district that they will care about all of Fayette County. She stated that one thing that is very important is that in the last election in Fayette County, approximately 35% of the voters voted democratic for the President of the United States. She stated that taxation and representation is important. She stated that because of at large voting there is not representation. She stated that so many people will not run because the vote is so diluted, that if 80% or whatever the population is, vote at large, that everybody in your district could vote for you, however if the whole county votes, you could still lose. She stated that this is specifically true for those that are democratic in this community. She stated that she would strongly urge that the Board does not appeal and to continue to be fiscally responsible.
6. **Lee Hearn** addressed concerns that included 1) Fayette County's public safety services, 2) Public safety employees' retirement insurance, 3) Lack of equipment replacement plan, 4) Employees health insurance, 5) Reimbursement of legal fees for Chairman Brown's ethics problems, 6) Re-zoning of property in the county and 7) Political payback. Mr. Hearn closed by saying at the last commissioners' meeting he made a mistake. He stated that his family had paid taxes in Fayette County for six generations, he was wrong, it is only five. He stated that he is determined to tell the truth to the best of his knowledge so he is sorry and will continue to be truthful.
7. **Tom Walker** spoke regarding the sale of the school and base taxes. He stated that the sale of the school was \$1.5 million. He stated that the county paid \$10 plus million. He stated that the Board should look at the base. He asked if the taxable base been reduced by half since 2007. He stated that the school represents a major loss to the tax base.
8. **Representative Virgil Fludd** stated that he has been a resident of Fayette County since 1995. He stated that he would like to comment on some things Mr. Ross said earlier. He asked that if we were to continue to expend unlimited dollars pursuing an inevitable outcome what is the purpose served. He stated that he takes concerns with Mr. Ross's statement that a necessary balkanization comes with district voting and the cost of government in other communities is much higher than the cost of government in Fayette County. He stated that the purpose of his remarks has to do with the essence of the law suit which is the premise of one man; one vote. He stated that it wasn't until 1963 that one person; one vote became a widely articulated core principle of the constitution as it was first spoken by Chief Justice Earl Warren. He stated that the ruling by Judge Batten recognizes that at large voting can have the potential to operate or minimize or cancel out

the voting strength of racial minorities in the voting population. He stated that most of the cases brought before the court have prevailed and this case is no different. He stated that he demand that the Board stop spending tax payers' dollars and be prudent as prescribed as your governing principles with public resources and accept the ruling of Judge Batten.

9. **Emory McHugh** stated that he lives in Fayetteville, Georgia and has resided in the unincorporated area of the county for the last 20 years. He stated that he agreed with Chairman Brown that you can't trust politicians. He stated that he would go as far as to say County Administrators and Chief Financial Officers as well. Mr. McHugh stated his background and stated that this gives the Board some idea that he has extensive background on how to run a business. He stated that the critical point he wants to make is when good employees that have the expertise and knowledge leave, what often follows is not pretty. His concerns included: 1) The County had serious violations of their bond and a number of violations of the IRS regulations such as arbitrage in regards to the issuance of the bonds. 2) Trying to maintain current service levels during the economic downturn without adjusting the millage rate to offset the decline in property values, the adoption of a true expenditure plan or operating budget simply did not occur. 3) The distribution or redistribution of the local option sales tax would provide an opportunity to close the physical gap without having to raise taxes significantly or cut services too drastically. 4) Reduction in force in the Marshal's office. 5) His termination with Fayette County. He concluded that his suggestion to the Board that wants accountability is to include statistics in their reports at the end of each meeting and he looks forward to seeing them at the budget hearings.
10. **Kevin Madden** stated that he is a Fayette County taxpayer and citizen since 1997. He stated that he is wants to speak on diversity in regards to district voting. He stated that there is not much diversity on the dais. He stated that he ask that the Board vote against the further expenditure of our limited resources in pursuit of trying to deny the citizens of Fayette County their fair say in our government process.
11. **Edward Johnson** stated that he is a 19 year resident of Fayetteville and recently elected as City Councilman for the city of Fayetteville. He stated that he stands in objection to comments that try to justify both perspectives on the district voting issue. He stated that he realizes that people have personal opinions on the possible or probable problem that could result if an individual elected by a major population would serve only that population's interest; however, he stands to say, enough is enough. He stated that if we continue to fight this issue we further divide and separate our county reluctantly along racial and economic lines. He stated that as we examine the decision by Judge Batten to rule that at large voting does unfairly give an imbalance to a segment of citizens, let's have confidence in the same judicial process that allowed African Americans and all minorities to vote since 1965 and abide by the ruling. He stated that with the help of God let us move forward to not only trust the integrity of the electoral process, but trust the morality of good men and women who seek to serve this county as servants as elected officials.
12. **Wayne Kendall** stated that he was shocked at what Judge Batten wrote. He stated that he has read a lot of his [Judge Batten] opinions lately and most have been against him to say the least, but the one he just read, the 81 page order, was probably one of the most cogent, well put together, well-reasoned opinions that he has read. He stated that he read it from the perspective of a lawyer and an interested party to determine what really is there to appeal. He stated that inevitably district voting will be a fact of life in Fayette County. He stated that if the Board counts the money they will spend continuing to fight this fight,

they need to look at is that a wise expenditure of tax dollars to fight the inevitable. He stated that the fourteen counties around Fayette County all have district voting and none have gone to "hell in a hand basket" and all of them have diversity. He stated that the Board has done a good job compared to the last commission with all the issue outlined in Chairman Brown's presentation. He stated that the last thing that the Board may need to do is forget about self-interest and whether they will be re-elected with district voting. He stated that on December 31st of this year, this county will have been in existence for 192 years; 192 years were no minority person has ever been elected to the school Board or the county commission. He stated that if the Board continues to fight the appeal it is a waste of more of the citizen's money.

13. **Harrison McFerrin** stated that one of the reasons he came to Fayetteville is the quality of life, good school and the hospitality that people give to one another here. He stated that it is time people do what is right in their hearts. He stated that as Americans we have to start treating each other fair and putting personal agendas aside and do what is right for each other. He stated that if we don't get it together as Americans we won't have much of America left.
14. **John E. Jones** stated that he is the face of the NAACP in Fayette County. He stated that in his opinion everybody in the room is colored because that is the only way to look at people, with different shades of color. He stated that he has been in this county since 1997 and when he came he noticed that there was no diversity in government and hardly any services on the north side where most African Americans reside. He stated that he knew that in order to get ahead he had to have an education. He stated that people of color value an education and that is why we are here in Fayette County. He asked the Board if they had to make an appeal on the case.

The Board did not reply.

Mr. Jones stated that he didn't think they would answer. He stated that if the Board does he wants them to make front page news and issue a press release on how much money it is costing because tax payers have a right to know. He stated he considered the Board his friends. He stated that the Board has a tough job and he admires them for what they do. He stated that no matter what the Board does, we will have district voting.

15. **Representative Ronnie Mabra** stated that he is not coming up to speak in his position as a State Representative. He stated that he is coming to say a few words as Ronnie Mabra who was born and raised here in Fayette County. He stated that Fayette County gave him the opportunity in the Fayette County school system, gave him the opportunity on the football field, gave him the opportunity to go on to Georgia Tech to play football, gave him the opportunity to go to law school at the University of Georgia and to excel there and come back home and start practicing law and passing the Georgia bar exam and the Florida bar exam. He stated that he owes everything to Fayette County. In this case with Judge Timothy Batten, how he ruled with district voting, he made the right decision. He stated that leaders make the right decisions in times when it might not be the most popular decision, but it is the right decision. He stated that he has faith in the Board that they will make the right decision and not appeal this case. He stated that he is coming as a citizen and not a representative and say don't take this opportunity away, don't waste tax payers' money on this. He concluded by asking the Board to read the order and think of the

people that have come to express their comments about district voting and let someone rise to the occasion and show that there are great leaders here that have not been discovered because they have not had the opportunity because of at large voting.

Chairman Brown asked for any other comments.

There were no other comments.

Chairman Brown closed the public comments section.

CONSENT AGENDA:

- 1. Approval of the Water Committee's recommendation to approve an increase of \$200,000.00 in the Fiscal Year 2013 budget for line extensions.**
- 2. Approval of the May 9, 2013 Board of Commissioners Minutes and the May 13, 2013 Board of Commissioners Budget Presentation Minutes.**

Chairman Brown opened for any public comments. There were no comments.

On motion from Commissioner Chuck Oddo, seconded by Commissioner David Barlow and carried, the Board unanimously approved the consent agenda.

OLD BUSINESS:

- 3. Discussion of a draft Ethics Ordinance prepared by Interim County Attorney Dennis Davenport.**

Chairman Brown asked Dennis Davenport to give an overview of the type of document he would like to present, and he added that he would like to get the consent of the Board to form a diverse citizens' committee in order to craft a new ethics ordinance to serve the residents.

Attorney Dennis Davenport stated that with the current state of the ordinance there was some criticism about various aspects. He stated that the regulations were so specific and not really tied to ethics but geared toward being like a "got you" ordinance. He further stated that he heard that the ordinance prior to that was general and lent itself to be used for potential ethics violations and it was done in a way that it functioned appropriately. He stated that he broke the two ordinances down and compared them in a working draft format to show the language of the immediately preceding ethics ordinance compared to the current ethics ordinance with edits on various aspects of the ordinance. He stated that he reached out to Georgia Municipal Association as a resource to draft an ethics ordinance. He stated that they have two programs, one called Cities of Ethics and one called Counties of Ethics where he went through their process and went through the information to incorporate and realized it is more than one person can do. He stated that he stayed with the format that he described and followed it through with an end result of how to handle an ethics complaint once it is received. He stated that there are various ways to do that and it seems like the most popular way is to have a citizen ethics panel, which we have currently, but they are formulated various ways. He stated that some jurisdictions have a pool of candidates to draw from, other jurisdictions have a Board that is set up and meets on a regular basis, other jurisdictions meet only when a complaint is filed. He stated that the options vary and this is just with citizen Boards.

He stated that some have Boards with elected officials and Boards with attorneys. He stated that he did not feel he was qualified to say this is what should be done so he is presenting the choices. He stated that the working draft serves as a tool that could possibly be used by a committee as a starting point to put together a structured template to where to start with Fayette County and go forward.

Chairman Brown asked the Board if they would like to put a committee together.

The Board agreed.

Chairman Brown asked Mr. John Jones and Mr. Bob Ross, to each give three (3) names from their organizations to be on the Ethics Committee and he said the Board would appoint names as well.

NEW BUSINESS:

4. Consideration of Commissioner McCarty's recommendation to appoint Reverend John Culbreath to the McIntosh Trail Community Service Board for a term to begin immediately and to expire on June 30, 2014, in order to fill the unexpired term resigned by Ms. Terri Willis.

Commissioner McCarty stated that an ad was posted for these positions. He stated that there are two positions available and three applicants. He further stated that it was a difficult decision, but he chose two and these are the ones being recommended.

On motion from Commissioner Ognio, seconded by Commissioner Barlow and carried, the Board unanimously approved the appointment of Reverend John Culbreath to the McIntosh Trail Community Service Board.

5. Consideration of Commissioner McCarty's recommendation to appoint Ms. Linda Lane to the McIntosh Trail Community Service Board for a three-year term to begin immediately and to expire on May 23, 2016, in order to fill a new position on the Board.

There was no discussion.

On motion from Commissioner Oddo, seconded by Commissioner Barlow and carried, the Board vote was approved 4-0-1, with Commissioner Ognio abstaining, to the appointment of Ms. Linda Lane to the McIntosh Trail Community Service Board for a three-year term to begin immediately and to expire on May 23, 2016, in order to fill a new position on the Board.

6. Consideration of Chairman Brown's recommendation to appoint Ms. Letitia "Tish" Naghise, County Administrator Steve Rapson, and Commissioner Randy Ognio to serve on Fayette County's Public Facilities Authority for one-year terms and with said terms beginning immediately.

Commissioner Ognio abstained from voting on this appointment because he is being recommended for the position.

Chairman Brown stated that he asked Steve Rapson and Randy Ognio to put in an application for this position because on these authorities, when they have a fiduciary responsible, it is important

for the commission to know what is going on when money, debts loads and things of that nature.

An audience member asked if they could be non-voting members.

Chairman Brown responded no. He stated that the problem is you can't get into executive session and you won't know what they are doing.

The audience member stated as ex-officio they could.

Chairman Brown stated that they cannot.

There was no further discussion.

On motion from Chairman Brown, seconded by Commissioner Oddo and carried, the Board unanimously approved the appointment of Ms. Letitia "Tish" Naghise, County Administrator Steve Rapson, and Commissioner Randy Ognio to serve on Fayette County's Public Facilities Authority for one-year terms and with said terms beginning immediately.

7. Consideration of the City of Peachtree City's request to annex four (4) properties totaling 7.398 acres located between State Route 54 West and Sumner Road, and to rezone said properties from C-C Conditional (Community-Commercial) and O-I (Office-Institutional) to O-I (Office-Institutional).

Pete Frisina, Community Development Coordinator led this discussion and stated that the properties in Fayette County are C-C and O-I and the properties are all going to O-I. He stated that the Board had a previous annexation request for the new building, doctor's office. He stated that he went to the Planning Commission in Peachtree City and they asked that the applicant to round up the other portions of property south of the initial piece of property. He stated that the four properties at the intersection of Sumner Road and State Route 54; the bottom ones are triangular pieces of property and are developed. He stated that three of them have existing homes that have been turned into business and the one that is turned into the doctor's office.

He stated that in terms of what is looked at in land use and changes in intensity, there is none in this annexation request. He stated that there is not a land use objection. He stated that staff has no problems with the annexation.

Chairman Brown stated that the property is already developed and they will keep the same use that they already have and there is no real change except now they will belong to Peachtree City. He stated that the Foot Pain Clinic; it is doubtful that they can handle the sewer needs, which sparked this request. He stated that the Foot Pain Clinic would need Peachtree City sewer because the building got so large they are worried about keeping up with the sewer capacity.

Chairman Brown continued that Peachtree City originally came to the County with the Foot Pain Clinic only and it left a gap of two properties and we do not want to create un-incorporated islands. He stated that this creates fire and police problems and stormwater problems trying to identify whose jurisdiction is whose. He stated that if the County is going to do the annexations we want to do them in logical blocks and that is what Peachtree City did.

Commissioner Oddo asked Pete Frisina if the Publix on the other side of the road in Peachtree City

or in the County.

Mr. Frisina stated that it is in Fayette County.

Chairman Brown stated that the cemetery is the Boarder on that side of town.

There was no further discussion.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to annex four (4) properties totaling 7.398 acres located between State Route 54 West and Sumner Road, and to rezone said properties from C-C Conditional (Community-Commercial) and O-I (Office-Institutional) to O-I (Office-Institutional).

8. Discussion of square-footage limitations for accessory structures in residential zonings.

Chairman Brown led this discussion by stating that a builder expressed some concerns. He stated that the builder was a pro basketball player that wanted to put an indoor basketball court behind his house. He stated that the County did not have an ordinance that applied. He stated that the closest the County had is ordinance that allows for something like a mother-in-law suite. He stated that one of his concerns is that we would not want to do this on a small lot and that it would have to be a large lot scenario and something where the gymnasium, basketball court, or someone who is a classic car collector and needs an extended building to store the automobiles.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to send this to the Planning Commission and see if they can bring something back for the Board to consider was unanimously approved.

Mr. Frisina asked if there was any direction or guidelines to give to the Planning Commission.

Chairman Brown stated he would say it should be no smaller than five (5) acres and the structure would have to be hidden from the street.

9. Discussion of Fayette County's height restrictions on uninhabitable building structures such as church steeples and high-frame roofs.

Chairman Brown led this discussion and stated that a local Anglican church who wants to build a new facility on Ebenezer Road. He stated that the roof line was over what the County's height limit is and that they could not build it. He stated that we had to look at why we have a height limit in the first place. He stated that generally it is related around fire protection because our fire apparatus will only go so high. He stated that if there is a four story building in un-incorporated county and there is not a ladder truck that can meet that demand we would not want to allow that structure to be built. He continued that un-inhabitable space is a different story. He stated that if there will only be people in the top ten feet of the building and everything else is air and it really is not a fire hazard to people and the fire fighters will be able to fight that as well. He stated that those type scenarios he would like to take a look at.

Mr. Frisina commented that part of the height restriction is fire protection and the other part of height restriction is character. He stated that the County is a low density, low intensity county. He stated that as mentioned, there are things in the county that will cause the county to look at height

limitations. He stated that we need to look at this and is an easy fix. He stated that churches have a certain look that is not usually detrimental to the character of the area. He continued that there is a struggle with height with the movie studio and trying to find common ground. He stated that other issues are non-residential uses that are moving into the county that need a higher limit. He stated that while he is working on this he would like to go ahead and look at the other zoning districts as well.

Commissioner McCarty stated that water and cell towers are taller than that and we have those in the county as well.

Mr. Frisina agreed.

Commissioner Ognio stated that the City of Fayetteville has a higher height than the County so maybe we can look at their ordinance.

Chairman Brown stated that he thinks Peachtree City is five (5) stories.

Mr. Frisina stated that everyone handles it differently and to remember that whatever numbers the county comes up with, someone will want to go higher.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission do research and to look at height restrictions across the Board in Fayette County.

10. Discussion of Conditional Use Requirements for churches and existing residential structures that do not meet the Conditional Use Requirements.

Chairman Brown led this discussion and stated that there is a church that wants to build a structure. He stated that there are conditional uses on churches in terms of zoning; the church can reside in any zoning classification in the county, but in lieu of just dropping a church building on any site there are conditions related to the zoning application they fall in. He stated that there was a church where there was an existing house on the property and the house was properly zoned for the zoning district that it was in and they wanted to build a small sanctuary on the church and they wanted to use the house as an administrative office for a couple of years until they had the money to buy a building behind the sanctuary.

Commissioner Ognio suggested looking at limitations. He stated that if it is partially in, tell them they can keep it for so many years.

Mr. Frisina stated that we have some zoning districts and allowances for that under certain highway corridors and some of the zoning districts. He stated that they encourage retrofit of the existing homes and the office for instance. He stated that with certain limitations we should allow for this and also limit the uses that can go in there as well.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the Planning Commission look at the issue of Conditional Use Requirements for churches and existing residential structure that do not meet the Conditional Use Requirements.

11. Consideration of staff's recommendation to adopt Ordinance 2013-03 amending Fayette County Code, Chapter 19, Article IV, Stormwater Management, and changing the Stormwater Utility Credit Technical Manual.

Chairman Brown led this discussion and stated that there were some issues related to this item and could not get the issues resolved.

County Administrator Steve Rapson agreed and added that direction is needed in regards to the re-billings because stormwater utilities customers waiting for the re-bills with the credits as well as the penalties. He suggested that the Board have the staff bill that in June so they can be cleared up as opposed to the new billing which will wait until after the SPLOST bill.

Chairman Brown agreed.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to table this item until the June 13, 2013 Board of Commissioners meeting and to handle the credits and re-billings from the previous billing issues.

12. Consideration of the Interim County Attorney's recommendation to enter into an Intergovernmental Agreement between Fayette County, Georgia and the Town of Woolsey, Georgia regarding the Town of Woolsey's Soil Erosion, Sedimentation, and Pollution Control Ordinance.

Attorney Davenport led this discussion and stated that the Board needs to be aware that there are a number of services between Fayette County and the Town of Woolsey and that erosion and sedimentation control enforcement is one of them. He stated that the problem with the way it is to be enforced is that this cannot be enforced in Woolsey or any other jurisdiction unless they are first named by the state as a local issuing authority. He stated that the agreement before the Board, if it meets with favorable consideration, is contingent on Woolsey applying for and receiving local issuing authority status from the state. He stated that once Woolsey has done this then the county can enforce the agreement and it is also contingent on their erosion and sedimentation ordinance being identical to the County's so there is no confusion of the enforcement thereof.

On motion from Commissioner Oddo, seconded by Commissioner McCarty and carried the Board unanimously approved to enter into an Intergovernmental Agreement between Fayette County, Georgia and the Town of Woolsey, Georgia regarding the Town of Woolsey's Soil Erosion, Sedimentation, and Pollution Control Ordinance contingent on the two items discussed.

13. Consideration of staff's request to approve the Bid for Kenwood Road Bridge at Morning Creek (SPLOST Project No. B-3) to the low-bidder, McCarthy Improvement Company, in the amount of \$1,390,422.50, for the construction of a new bridge on Kenwood Road over Morning Creek, and authorization for the Chairman to sign the contract and related documents.

Phil Mallon, Public Works Director led this discussion and presented a PowerPoint presentation before the Board.

Mr. Mallon shared with the Board the plans for the construction of the Kenwood Road Bridge at Morning Creek.

A resident stated that if the road will be closed for a period of time and there are stormwater issues on that road that need repair, this would be the time to find the money to do so.

The Board agreed.

Mr. Mallon stated that there were a total of five bids; four of them were close in price. He stated that McCarthy Improvement Company is the low bid. He stated that the County has experience working with them and they are working with for the County right now and doing an excellent job. He stated that the staff is asking for approval for award of the contract.

A copy of the presentation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

On motion from Commissioner Oddo, seconded by Commissioner Barlow and carried, the Board unanimously approved the Bid for Kenwood Road Bridge at Morning Creek (SPLOST Project No. B-3) to the low-bidder, McCarthy Improvement Company, in the amount of \$1,390,422.50, for the construction of a new bridge on Kenwood Road over Morning Creek, and authorization for the Chairman to sign the contract and related documents.

14. Approval of staff's recommendation to award Proposal P869- Dam Engineering Services, to Walden, Ashworth & Associates, Inc. for Margaret Phillips Lake Dam, in an amount not to exceed \$34,000, and authorization for the County Administrator to sign the contract and related documents.

Phil Mallon, Public Works Director led this discussion and presented a PowerPoint presentation before the Board.

Mr. Mallon informed the Board of background information to prepare the Board for what are ultimately important decisions the Board needs to make. He stated that the decisions do not have to be made tonight, but he wanted direction what additional information is needed to make a decision.

Chairman Brown announced for the record this is a combination of item number 14 and 15 on the agenda.

Mr. Mallon stated that in December a request for proposal to get qualified consultants to help look at these three projects. He stated that since then, Interim County Attorney Dennis Davenport has been helpful in finalizing this. He stated that the request for proposal that was prepared may have been presumptuous. He stated that they may still be appropriate, but we may have to put them aside and start over.

Mr. Mallon answered questions from the Board.

Mr. Martin asked that what if the property owner says she will not give the property and that is part of the motion, but what if she counters and says that she will sale it to the County.

Chairman Brown stated that the County is not interested and there is no money to buy it.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to direct staff to see if the owner is willing to donate the lake and any property necessary to create a passive park amenity and get a cost estimate to restore the dam and bring the cost to the Board. If the owner is not willing to donate, staff can move forward with working on the plan for breaching, not to exceed \$34,000.

15. Discussion of the Kozisek Dam and Emerald Lake Dam.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to have the County Attorney and Phil Mallon, Public Works Director to work with the Kozisek family to come up with acceptable terms for a shared agreement on how to breach the dam and bring the agreement, not to exceed \$34,000 to the next meeting and the Board will consider for a vote.

Mr. Mallon stated that Emerald Lake is a different twist with a similar issue. He presented a PowerPoint presentation with his findings for Emerald Lake. He stated that it is a Category II which means that it is tall enough or has enough storage to meet criteria, but when it was last evaluated it was not determined to be a threat to human life. He stated that staff believes that when it is re-evaluated, and there is not a time frame for this, that is a reasonable chance that it will be elevated to Category I status. He stated that it is being considered for the core infrastructure SPLOST.

A copy of the presentation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

On motion from Chairman Brown, seconded by Commissioner McCarty and carried, the Board unanimously approved to direct staff to provide cost estimate related to the project and that the project be included on the core infrastructure SPLOST list and pending the outcome of the referendum, if it fails, staff will bring this item to the Board to come up with another solution.

16. Consideration of the Telecommuting Committee's recommendation to approve both the Teleworking Policy 448.20 and the Fayette County Teleworking Agreement; officially allowing the county to begin the process of implementing a Teleworking pilot program.

Chairman Brown led this discussion and stated that he is on the committee for this and Fayette County will be one of the first counties in metropolitan Atlanta to initiate a telecommuting program. He stated that the program has a couple of facets to include one that gives employees that drive a distant the ability to work from home using an unique set of computer devices we have in house that allows employees to work as if they were in their own office. He stated that it give the capability that if there is inclement weather or some other form of disaster, the accounting department would still be able to function and provide payroll services and keep services going remotely. He continued there are a lot of good benefits for doing this program and a "green", clean air type of initiative as well.

Commissioner Ognio stated that he is glad it is a pilot program because he has seen a lot of these programs crash. He stated that he thinks it is good to try something before jumping in with both feet.

Chairman stated that employees from different departments will be used and if it works they will talk to the constitutional officers and see if they want to join in the efforts.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved both the Teleworking Policy 448.20 and the Fayette County Teleworking Agreement; officially allowing the county to begin the process of implementing a Teleworking pilot program.

17. Approval of a reduction in force for the Marshal's Department, per Separation of Employment and Policy 452.01

Mr. Rapson led this discussion and stated that this is the implementation of the reduction in force for the Marshal's Department that was incorporated in the 2014 budget. He further stated that on the second and third pages the reassignments associated with the Marshal's Department are listed. He personally thanked Finance, Human Resource, Water System and the Sheriff for divining those particular duties. He stated that the last acknowledgement is the severance agreement and general release for those employees who will not have a job after the reduction in force.

Mr. Rapson stated that one of the issues that Mr. McHugh mentioned that there were seven employees losing their job and that is not totally the case. He stated that there were eleven positions in the Marshal's department; Ed retired and that position was abolished. Additionally, the secretary moved from the Marshal's office to a vacancy in Permits and that position will be abolished and in addition to that there are three marshals that will retain their post certifications that have always been funded in the water department those were moved to the water department and are now directly funded there, which leaves three other positions to be abolished, and two positions for Code Enforcement that were created and will be moved to Permits. He stated that this leaves three individuals that do not have a position, two of those individuals have accepted a severance packages and one that will remain until the end of June, hopefully to be reappointed to a vacancy in another department. He stated that under policy each of the three individuals that did not have a seat will have a twelve month preferential hiring treatment for any position that they qualify in the Sheriff Department.

Chairman Brown confirmed that it was three not eleven.

Mr. Rapson stated, "That is correct."

Chairman Brown stated that for clarification the reason there are three marshals assigned to the water department is because they provide security for the water sites and they provide DNR water safety around the water reservoirs.

On motion from Commissioner Oddo, seconded by Commissioner McCarty and carried, the Board unanimously approved the reduction in force for the Marshal's Department, per Separation of Employment and Policy 452.01.

18. Update: 2013 Board of Commissioners' Changes in Transparency.

This item was moved to the beginning of the meeting. No action was taken.

19. Emergency Procurement for Professional Services Contract for the Fayette County Water System's Taste and Odor Project. A copy of the contract will be provided on the dais.

Chairman Brown led this discussion and stated that for the record there are copies on the dais and one is entitled Fayette County Georgia, Steps to Address Water Issues, an email from Tony Parrott to Steve Rapson dated May 23rd, a letter from the Peachtree City Water and Sewer Authority to Mr. Steve Rapson dated May 20th, a letter from the Georgia Department of Natural Resources; Environmental Protection Division (EPD) dated May 20th to Stuart B. Jeffcoat, a letter to Mr. Stuart Jeffcoat dated May 20th from Ted Burgess, Director of Purchasing, Fayette County, and the agreement for his services attached to the letter, and a client of Fayette County Water System, CH2MHill Incorporated compensation schedule. He stated that these items were added to the dais after the agenda package was put together. He stated that in regards to the water, we are now in good stead and everything is working. He stated that as part of the process at the EPD's recommendation the County got the services of a water expert, Mr. Stuart Jeffcoat with a company by the name of CH2MHill and that was done on an emergency basis according to the policy and procedures. He stated that the contract was established and Mr. Jeffcoat was brought in the next morning. He stated that the contract is being brought for formal approval to go on the record.

Chairman Brown thanked Mr. Jeffcoat for doing a marvelous job and he also thanked the people of the Georgia Environmental Protection Division for helping Fayette County restore the water back to our standard.

Dennis Chase, an audience member, asked the Board to explain to the citizens what CH2MHill will be doing for the contract and what it will cost.

Chairman Brown stated that CH2MHill initially came in and they took water test, accessed the plant and tried to get a grasp of what was going on. He stated that Mr. Jeffcoat put together an action plan, submitted it to EPD on steps to take for cleaning certain facilities and maintenance on equipment. He stated that EPD has responded and given their approval and gave a conditional approval on one item. He stated that Mr. Jeffcoat is now overseeing the actions of that item. He referred to Mr. Rapson for the total cost.

Mr. Rapson stated that there are two components that he wanted to review. He stated that one is the CH2MHill contract. He stated that this was a \$20,000 contract. He stated that in addition to that, the Peachtree City Water and Sewer Authority (WASA) through Mr. Hogan actually constructed a temporary connection through an existing manhole to do a force main to get the sludge to the WASA treatment plant to be treated. He stated that is a \$44,350.85 contract. He stated that it is estimated that the treatment of the effected water will be another \$18,450 and the preparation for Miller Farm, which is where the sludge will go, is roughly about \$6,950. He stated that all the expenses for WASA add up to approximately \$70,000. He stated that the expenses are expenses the County would have regardless of the issue because the ponds will have been cleaned out and the sludge removed. He continued that in addition the \$20,000 for CH2MHill is the only additional expense associated with the water and taste order and that was a requirement of EPD. He stated that the only outstanding is a contract with AllSouth Environmental Services to take the sludge from the solids of the Lagoon of the Crosstown Water Treatment Plant and either take those and disburse them at Miller Farm or transport it. If it does not have to be transported the cost will be about \$230,000 and if it does have to be transported it may be as high as a half million dollars. He stated that the same thing was done in 1999 and it cost \$200,000. He stated that when the contract is read he will bring it back separately.

Dennis inquired if CH2MHill will be doing any of the engineering or actual work.

Chairman Brown confirmed that CH2MHill is in a consultant/advisory role. He stated that they submitted the action plan to EPD on the County's behalf and they were consulting with EPD on implementing the plan.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved the acceptance of the professional services contract for CH2MHill and the Peachtree City Water and Sewer Authority as listed in the documentation.

ADMINISTRATOR'S REPORTS: Mr. Rapson stated that Lee Hearn made several statements and that he believes are opinion and he will address those issues that he thinks are pertinent factual based. He stated that one of the issues that Mr. Hearn made was that there was no plan for equipment and that is not the case. He stated there is roughly over \$6 million currently funded in vehicle and equipment replacement fund. He stated that in addition there is a five year capital plan which is totally funded at \$9 million. He stated that they are incorporated in the 2014 budget.

Mr. Rapson stated that when Mr. Hearn talks about not having insurance or benefits in regards to the retirement healthcare going away, that is one of the primary reasons for the HSA (Health Savings Account) program for employees which is a new option in conjunction with CIGNA and CIGNA has provided employees to the same rate that they charge the county.

Mr. Rapson stated that in regards to the public safety retirement plan the 55 year old plus 25 year service was never addressed nor changed in regards to the existing plan that the county has for retirement.

Mr. Rapson stated that in regards to the Marshal's responsibilities that Mr. Hearn was concerned about was on the agenda under number 17.

Mr. Rapson addressed a comment regarding the property tax associated with Rivers Elementary. He stated that Rivers Elementary is a nontax entity so there is no tax impact in regards to whether the school sold or not sold and to contradict what was stated, if the school is re-zoned that would actually help the County.

Mr. Rapson addressed the following topics addressed by Mr. McHugh: 1) Local Option Sales Tax, 2) Employee morale, and 3) Marshal's severance package.

He stated that change is not easy to embrace, nor is new leadership and direction. He stated that sometimes it is up to the individual to adapt or decide whether or not they want to continue to be on the team. He stated that Mr. McHugh was terminated and it is clear that he does not share this administration's vision for the future. He stated that he wishes him well.

Mr. Rapson stated that the results are that the 2014 budget is balanced- the budgeted revenues are more than the budgeted year expenditures. He stated that the general fund this year is forecasted to use \$6 million of fund balance for all the checks to clear. The 2014 budget is going to add about \$400,000. He stated that this budget represents a fundamental shift in how Fayette County can conduct business. He stated to sum things up, the focus is on the Fayette County tax payers that are paying the bills and the County is living within our means.

ATTORNEY'S REPORTS: Attorney Davenport reported that he has three items for executive session to include threatened litigation.

COMMISSIONERS' REPORTS:
Commissioner Oddo

Commissioners Oddo stated that he is not a member of the Tea Party. He stated that he goes there to learn, they are educational. He stated that he attends the North Fayette Community Association to learn, he is not a member there. He goes to learn what is going on in the community. He stated that his phone number is published and he is accessible to talk.

Commissioner Barlow

Commissioner Barlow stated that Mr. Ross will be the first to say there is no membership in the Fayette County Issues Tea Party. He stated that the Fayette County Issues Tea Party does not belong to a national Tea Party Association. He stated that when the Board is portrayed as a member of the Fayette County Issues Tea Party that is false because there is no membership. He stated that sadly these concerns need to be addressed on the front end because three quarters of the folks that heard the complaints on the front end. He is glad that Mr. Jones, Derrick and Mr. Martin are here because one of the points he wants to make is that during the NAACP debate about a year ago, during the campaign, when asked about district voting versus at large voting, he stated that he was for at large voting, but then he said that when Jesus was asked the question of what is the greatest commandment he said to love the Lord, thy God with all thy heart, soul, mind and strength and the second was like unto it; love thy neighbor as thy self. He stated that he said until we learn to love each other we will never get this solved. He stated that he is going to continue to love his neighbor as himself and continue to serve them as best he can and the Board will be making a decision on the 30th.

Commissioner McCarty

Commissioner McCarty stated he's back. He stated that he is not a member of the Tea Party. He stated that he ran as a Republican that was supported by the Republican Party; although he had Tea Party members who supported him, but he had Democrats that supported him also. He stated that he ran for every citizens of the county and every citizen, no matter what color they are or where they are from, if you are a citizen of the county, "you are his boss". He thanked everyone for coming.

Commissioner Ognio

Commissioner Ognio stated that Lee Hearn said the Board converted 288 acres to commercial and he does not think that is quite true. He stated that was another zoning altogether. He stated that Mr. McHugh's statement that he knew how to run a company, but he didn't name any company that he has run. He stated that he has run some companies and he knows how to do it. He stated that he needs to back up his information. He stated that if he has some information, Mr. Rapson is always open to anything that he brings forward. He stated that it is unfortunate that he did not feel like he could be a team player.

Mr. Ognio continued that people came forward to talk about the ruling and saying they do not see any diversity up here. He stated that he sees a lot of diversity and it may not be to everybody's favor. He stated that everybody in here has color, just different shades. He stated that is a fact

and it does not mean we all have different ideas; it means that we have similar ideas throughout the county. He stated that things have to be done to heal the county.

Chairman Brown stated that the school will be on the tax rolls. He stated that when the Board of Education owns it we make nothing off it. He stated that it is in private hands and it was empty elementary school. He stated that the value of an elementary school in terms of repurposing is not the same value as when it was built for educational purposes. He stated that he is very glad the school is in private hands, he is very glad it is on the tax roll and very glad it will create employment opportunities. He stated that there will be people with jobs filling that building and they will be buying goods and that is sales taxes and everything else that comes with it.

Chairman Brown stated that Mr. Hearn plays on public safety. He stated that we do not take these things lightly when making these decisions. He stated there are no frivolous decisions when it comes to personnel. He stated that the County owns a helicopter. He stated that we are the only county in our jurisdiction that owns a helicopter and the maintenance alone is \$250,000 and takes two pilots on call to fly it and it is used once a quarter if that much. He stated that we have to start thinking realistically. He stated that you have to operate in the scale that your county exists. He stated that the Sheriff was great and worked with the Board and given the impression that he is not going to have an impact on service delivery level. He stated that he applauds the Sheriff for looking out for the citizens. He stated that a lot of his savings was not just personnel, but renegotiating the jail dining contract, renegotiating the inmate healthcare policy and those were some of the big cost savings issues.

Chairman Brown stated that in Peachtree City at the time he was the Mayor of Peachtree City he took the child with him, he was going to go to a meeting that he had with the county government; a very important meeting and he was running late. He stated that his assistant volunteered to take the child to the camp so he could make the meeting at the county on time. He stated that when he returned from the meeting he was informed that she forgot to ask her supervisor to get off the clock. He stated that when he was told she forgot to take the time off he filed the ethics complaint against himself. He stated that it was in the newspapers and on television and he went before the ethics tribunal and he paid her wages which was \$9.57. He stated that the ethics complaint with the county, there was a county attorney that stole his hard drive out of his computer. He stated that the hard drive had valuable, legal documents on it and very private records related to caseloads that the county was dealing with in terms of litigation and the county attorney stole it from his computer. He stated that he reported that he stole his hard drive to the Marshal's office.

Chairman Brown stated that with Mr. Hearn he should not be deficit spending. He stated that if he is going to pave a gravel road with two houses on them and give \$500,000 pay raises that you have no revenue to pay and steal them out of fund balance reserve funds and keep incorporating these costs and not do anything with revenue. He stated that if you don't have the testicular fortitude to raise taxes then stop raising expenditures. He stated that when you don't raise revenue you crash the government which is where we were heading and so you have to make cuts and do the right things. He stated that this Board has done the right thing. He stated that this budget for 2014 is balanced. Thanks to the staff and the constitutional officers. He stated that he does not apologize for anything.

EXECUTIVE SESSION:

Attorney Dennis Davenport briefed the Board on a legal matter.

On motion from Chairman Brown, seconded by Commissioner Barlow and carried, the Board unanimously approved to go into Executive Session to discuss three (3) items of threatened litigation.

The Board recessed into Executive Session at 10:15 p.m. and returned to Official Session at 10:38 p.m.

Return to Official Session and Authorization to Sign an Executive Session Affidavit: On motion from Commissioner Ognio, seconded by Commissioner Barlow and carried, the Board unanimously approved to exit Executive Session and for the Chairman to sign the affidavit.

There was no further discussion.

ADJOURNMENT:

On motion from Commissioner Barlow, seconded by Commissioner Ognio and carried, the board unanimously approved to adjourn.

The Board of Commissioners adjourned the May 23, 2013 meeting at 10:38 p.m.

Tameca P. White, Executive Assistant

Steve Brown, 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 June 2013.

Tameca P. White, Executive Assistant