Minutes

Board of Commissioners
January 2, 2013
6:30 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 January 2, 2013 at 6:30 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:	Dennis Davenport, Interim County Attorney Floyd Jones, County Clerk

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Swearing in of new elected officials by Probate Judge Ann Jackson

Commissioner Brown thanked the audience for coming to the swearing in of the new Commissioners and for attending the public meeting. He briefly described how the meeting would proceed before he introduced Probate Judge Ann Jackson and asked her to swear in the new Commissioners.

Probate Judge Ann Jackson swore David Barlow, Charles Oddo, and Randy Ognio into office as Fayette County Commissioners, and each new Commissioner took pictures with their families.

Call to Order.

Commissioner Allen McCarty called the January 2, 2013 Board of Commissioners meeting to order at 6:51 p.m.

Reverend Ed Johnson will offer the Invocation.

Commissioner McCarty asked Reverend Ed Johnson to offer the Invocation, and Reverend Johnson did so.

Pledge of Allegiance.

Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda.

Commissioner Brown moved to accept the Agenda as written. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ORGANIZATIONAL SESSION:

1. Election of Board Chairman for the year 2013.

County Clerk Floyd Jones called for the nominations for the Board Chairman. Commissioner David Barlow nominated Commissioner Steve Brown for Chairman. Commissioner Ognio seconded the nomination. No other nomination or discussion followed.

Mr. Jones closed the nomination and called for the vote. The nomination for Commissioner Steve Brown to be Chairman of the Fayette County Board of Commissioners for the 2013 calendar year passed 4-0-1 with Commissioner McCarty abstaining from the vote.

2. Election of Board Vice- Chairman for the year 2013.

Chairman Brown called for nominations for the Vice Chairman of the Board of Commissioners. Commissioner Charles Oddo nominated Commissioner David Barlow for the position of Vice Chairman. Commissioner Oddo commented that the group of men on the Board was very difficult to choose from for the position of Vice Chairman since they are all qualified, but he reiterated his nomination of Commissioner Barlow for the position.

Commissioner Barlow thanked Commissioner Oddo for the nomination but declined the nomination, and then he nominated Commissioner Charles Oddo for the position of Vice Chairman. Commissioner Randy Ognio seconded the nomination. No other nomination was given and no discussion followed. The nomination for Commissioner Charles Oddo to be the Vice Chairman of the Fayette County Board of Commissioners for the 2013 calendar year passed unanimously.

PUBLIC COMMENT:

Chairman Brown announced that the new Board of Commissioners would get rid of the sign-in sheets in the back of the room. He said if a citizen wants to speak they can speak whether or not they signed up. He further announced that any item that is on the Agenda, if a citizen wants to speak about it, once a motion and a second is made, the Board will allow the citizens to say what they want to say. He said if there is a comment that does not relate to something on the agenda, then citizens can speak about it during the Public Comment section of the Agenda.

Cherie Werginz: Ms. Werginz thanked the Board for all the effort it took to be elected to the Board. She then commented on the "Stormwater Assessment / Tax" saying it bothers her. She then commented on her research and asked if there was a way to amend the Stormwater Assessment during the year or a way to no longer have the Stormwater Assessment. She also asked if the TSPLOST could have paid for the Stormwater Assessment needs. She also asked if there was going to be committee or a study for those who cannot afford paying the Stormwater Assessment.

Chairman Brown: Chairman Brown stated that none of the five Commissioners at the meeting voted for the Stormwater Utility, however, there are significant stormwater problems that need to be addressed. He said the County would have to figure out a way to pay for the stormwater problems. He said he has easily answered 300 phone calls from constituents and that he has returned every phone call that has been forwarded to the Commissioners. He said he has told all 300 constituents that an invitation will be mailed to each person who received a Stormwater bill, and the invitation will have no less than three open, public meetings where the Board of Commissioners will sit on the floor-level with the citizens discussing the situation and how the citizens would like to see the Board address the problem. He said there has never been a plan since all the stormwater pipes have been under the roads for decades to replace the infrastructure, and he said there are no funds in place to pay for the replacements. He said there should be an invitation by the middle to the end of January to everyone who received a stormwater bill.

Commissioner McCarty: Commissioner McCarty added that the stormwater utility is not a new issue since it has been around for several years. He said when both he and Commissioner Brown inherited an $18 million dollar bill that had not been paid in the past since it was kicked down the road to be taken care of later. He said the current Board would have to make up for the "lack that was not done in the past."

Steve Smithfield: Mr. Smithfield stated that Mr. Dennis Chase emailed him earlier saying he would not be able to attend the meeting, but that he would appreciate if a message could be passed along on his behalf. Mr. Smithfield then read Mr. Chase's message to the Board. Mr. Chase's message addressed "important problems which exist with the Fayette County Stormwater Utility". The message further called on the Fayette County Board of Commissioners to "terminate the self-renewing contract between Fayette County, Georgia and Integrated Science and Engineering, Inc."

Tom Waller: Mr. Waller congratulated the new Board and thanked them for the opportunity to speak. He said he looked forward to transparency in government. He said he recently received his stormwater bill, and he said while "storms don't come, rainwater does." He said the issue was rainwater and he asked the County to be transparent on the matter. He said his bill came with a return address to the Water System, and he said that was incorrect since the money actually went to the "tax department" since the bill was an increase to the citizens' taxes. He called on the Board to take action by cancelling the Stormwater Utility, and if additional money was needed then look to increasing taxes. He again called on the Board to be transparent by repealing the "Stormwater / Rainwater bill."

CONSENT AGENDA:

No one in the audience spoke about the three Consent Agenda items. Commissioner McCarty moved to approve the Consent Agenda. Commissioners Barlow and Oddo seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of authorization to sign checks combining any of the following two signatures for transactions exceeding $5,000.00; Chairman, Vice-Chairman, County Administrator.**

2. **Approval of authorization to sign checks for transactions $4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**

3. **Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, and other documents approved by and on behalf of the Board of Commissioners.**

NEW BUSINESS:

1. Consideration of adopting the 2013 Board of Commissioners' Meeting Schedule.

Chairman Brown stated that the staff included the traditional schedule that includes Wednesday Workshop meetings on the first Wednesday of every month, and that he had added another schedule that does not call for Wednesday Workshop meetings. He added that a Wednesday Workshop meeting could be called if needed. He commented that he personally found the Workshop meetings did not accomplish much, that the public was not allowed to speak at Workshop meetings, and that issues were discussed that the Commissioners did not know much about and had to study after the Workshop Meetings. He said there would be better communication with the Board in terms of what would be on the Agenda "well before it gets on the Agenda". He said this would keep the Board from tying up staff for half a day and from paying an Attorney to sit in a meeting while ideas are discussed that will not be voted on at that time.

No other Commissioner and no citizens spoke about this item. Commissioner McCarty moved to approve the 2013 Board of Commissioners' Meeting Schedule that does not have the Wednesday Workshop. Commissioners Ognio and Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Discussion of Interim County Attorney.

Chairman Brown moved to approve Dennis Davenport as Interim County Attorney. Commissioner Ognio seconded the motion.

Commissioner Oddo reported that he has a relationship with Mr. Davenport and his firm and that he would recuse himself from the meeting until a vote is taken. Commissioner Oddo left the meeting. No other discussion followed.

The motion to approve Dennis Davenport as Interim County Attorney passed 4-0-1 with Commissioner Oddo abstaining from the vote.

Commissioner Oddo returned to the meeting after the vote, and Chairman Brown asked Mr. Davenport to take his place at staff's table in order to represent Fayette County as Attorney.

3. Selection of County Administrator.

Chairman Brown stated that the five Commissioners previously vetted applicants for the County Administrator position out of approximately thirty resumes, that the Human Resources Department recorded and rated each applicant in order of background and experience, and the five Board members have reviewed that data as well. He reported that five candidates were selected and interviewed, and he asked Interim County Attorney Davenport if the Board has the authority to appoint a County Administrator. Mr. Davenport answered that it was his opinion that the Board has the authority to appoint a County Administrator.

Chairman Brown moved to appoint applicant Steve Rapson as the new County Administrator contingent upon having a mutually agreeable contract ready to approve by the Board for the January 10, 2013 meeting, and to direct the County Attorney to meet with Mr. Rapson to assist in developing Mr. Rapson's contract for employment. Commissioner McCarty and Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown congratulated Mr. Rapson and asked him to take a place at staff's table.

4. Select Fayette County's representative for LOST renegotiations.

Commissioner Barlow moved to appoint the Chairman and the County Administrator as Fayette County's representative for LOST renegotiations. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

5. Consideration of a Fayetteville annexation request for the RaceTrac property at State Route 85 and Ramah Road.

Community Development Director Pete Frisina briefly updated the Board on the annexation request and answered questions from the Board. Mr. Frisina explained that the RaceTrac gas station, located at the corner of State Route 85 and Ramah Road, has petitioned the City of Fayetteville for annexation in order to "hook into" the city's sewer system. He said the property is already zoned Commercial in the county, is developed fully as a convenience store, and the petition from the city basically said it would be zoned Commercial and would remain as is.

Chairman Brown clarified that petition comes from the relatively new RaceTrac located south of the Administrative Complex on State Route 85, and Mr. Frisina agreed with Chairman Brown's understanding. Chairman Brown also clarified that there was no anticipation that anything would change with the gas station, and again Mr. Frisina agreed with Chairman Brown's understanding saying it was just a lateral move that would allow RaceTrac to hook into the sewage system.

Commissioner Barlow moved to not object to the annexation request. Commissioner McCarty seconded the motion.

Mayor Greg Clifton: Mayor Clifton of Fayetteville, Georgia said the main reason for the annexation request by RaceTrac was because of problems with their septic system. He said in order for RaceTrac to tie onto the city's sewer system they would have to be annexed into the city.

The motion to not object to the annexation request passed unanimously. A copy of the request and an Executive Summary, identified as "Attachment 3", follow these minutes and are made an official part hereof.

6. Consideration of Resolution 2013-01: Pledge to Citizens and County Staff on Core Values and Beliefs.

Commissioner McCarty read Resolution 2013-01 into the public record. Resolution 2013-01 reads as follows:

RESOLUTION 2013-01

RESOLUTION OF THE FAYETTE COUNTY COMMISSIONERS PLEDGE TO CITIZENS AND COUNTY STAFF ON CORE VALUES AND BELIEFS

WHEREAS, *upon the inauguration of the 2013 Fayette County Board of Commissioners, the five commissioners desire to affirm their core values and beliefs to our constituents and county staff; and*

WHEREAS, *the Board of Commissioners acknowledges they were placed in office by the voters of Fayette County and are responsible for conducting the official business of those citizens, looking out for their best interests; and*

WHEREAS, *the Board is determined to give the citizenry ample opportunity to voice their comments and concerns in all meetings; and*

WHEREAS, *the Board respects each individual staff member and believes that members who are treated with respect and given responsibility respond by giving their best; and*

WHEREAS, *although there may not be unanimous consent on every issue, the Board requires complete honesty and integrity in everything we do while valuing everyone's opinion; and*

WHEREAS, *the Board will take its commitments very seriously, and then do its utmost to live up to them, acknowledging the importance of doing what we say we are going to do; and*

WHEREAS, *the Board recognizes that the work performed by each staff member is an important part of their life, and it should be fulfilling and rewarding, so we encourage an open and welcoming workplace; and*

WHEREAS*, the Board vows to be good stewards of the citizen's resources, exercising the same vigilance that we would use to guard and conserve our own personal resources; and*

WHEREAS*, the Board insists that each commissioner and each staff member always give their best effort in everything we undertake, refusing to accept sloppiness or lack of effort; and*

WHEREAS*, the entire Board, each department director and each individual in our organization is expected to understand our mission and our goals realizing that doing so it is extremely critical to our success; and*

WHEREAS, *the Board believes in the Golden Rule, and we will strive to be friendly, courteous, fair and compassionate in all our dealings; and*

WHEREAS*, the Board and our staff members should always feel a sense of urgency on any matters related to our citizens, owning problems and always being responsive*

NOW, THEREFORE, BE IT RESOLVED *that we, the Board of Commissioners of Fayette County, Georgia do hereby pledge our acceptance of these core values and beliefs in the service of our citizens.*

So resolved the 2nd day of January 2013 by the

FAYETTE COUNTY BOARD OF COMMISSIONERS

Commissioner Oddo moved to approve Resolution 2013-01. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2013-01, identified as "Attachment 4", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

No report was given.

ATTORNEY'S REPORTS:

Mr. Davenport thanked the Chairman and the Board for the privilege of working with the County, and he said he looked forward to doing the best he could with the upmost of his ability with his firm McNally, Fox, Grant, & Davenport.

COMMISSIONERS' REPORTS:

[The following is a full transcript of the discussion of this agenda item as requested by Commissioner Barlow. This transcript begins at 7:21:30 of the recording.]

Chairman Brown: Commissioners' Report. Would anyone like to have a Commissioners' Report? Mr. Barlow would you like to start?

Commissioner Barlow: Mr. Chairman, I would. Giving honor to God, it is my distinct and humble joy to answer the call to serve my community as a County Commissioner. Therefore, if any man be in Christ he is a new creation. Old things have passed away, behold, Fayette County, all things have become new. I thank the Honorable Ann Jackson for being here tonight and officiating our swearing in. I thank my precious bride and family for attending. And I support you, the citizens of Fayette County, who make our community an outstanding place to live, work, and play. The journey to become Commissioner began after many months of prayer and seeking God's will for my life. Faith, family, and Fayette County became my campaign slogan. As I prepared for this evening, I came across a perfect quote from an esteemed law professor, and I quote:

> *"Secularists are wrong when they ask believers to leave their religion at the door before entering into the public square. Frederick Douglass, Abraham Lincoln, William Jennings Bryant, Dorothy Day, Martin Luther King, indeed, the majority of great reformers in American history were not only motivated by faith, but repeatedly used religious language to argue for their cause. So to say that men and women should not interject their personal morality into public policy debates is a practical absurdity. Our law is by definition a codification of morality, much of it grounded in the Judeo-Christian tradition."*

That law professor went on to become President of the United States Barack Hussein Obama. So, it is a privilege to serve, and I take my duties and fiduciary responsibilities very seriously. I count on my fellow Commissioners, and you, as citizens, to hold me accountable by being actively engaged and involved in the governance process; calling on me when you have questions, concerns, or simply to say "David, I appreciate the job you're doing." God bless America. God bless Fayette County. And God bless you.

[The transcript ends at 7:23:50 of the recording.]

Commissioner Randy Ognio: Commissioner Ognio let the audience know what an honor it is to be selected by the citizens to represent them, and that he is supported not only by the citizens but is also supported by his family, his wife, his children, his mother and father, his brother, his nieces, and his aunt and uncle. He added that his mother-in-law and father-in-law also support him and was in the audience from South Carolina. He thanked everybody for coming, he thanked all the elected officials in the audience, and he said he looked forward to doing the best of his ability for Fayette County.

Commissioner Charles Oddo: Commissioner Oddo thanked everyone for the opportunity to serve. He said he could not have done it without his wife's support and his family's support. He said the opportunity is a very humbling experience and he did not expect to be in this position at this point in time last year. He said he was on the Board to work for the citizens, and he asked the citizens to help him do a good job.

Commissioner McCarty: Commissioner McCarty thanked everyone for helping him on the "Commission previous to now. " He said he was usually on the losing side of most of the votes, and the citizens of Fayette County fixed that situation. He said the Board is working on a plan to put the Commission meetings or any public meeting that is held onto the internet as a live-streamed event, and that it would also be on the local cable channel. He said a package would be put together and that it should be implemented within the next month.

Chairman Steve Brown: Chairman Brown said it was really a privilege to be on the Board with his fellow Commissioners. He briefly commented on his each of the Commissioners and thanked them all. He spoke about his vision on how the Board of Commissioners would interact with Fayette County. He thanked his family and his wife for coming to the meeting and thanked them for everything they have to put up with as part of his being in elected office. He closed by giving a final reminder that the Board would have a meal at Broadway Diner and that no county business would be discussed.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the January 2, 2013 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned at 7:31 p.m.

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Floyd L. Jones, County Clerk 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 24th day of January 2013.

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Floyd L. Jones, County Clerk