Minutes

Board of Commissioners
January 24, 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 January 24, 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 Floyd L. Jones, County Clerk Dennis Davenport, Interim County Administrator

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Call to Order Invocation, and Pledge of Allegiance

Chairman Brown called the January 24, 2013 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner David Barlow introduced Pastor Al Meade of New Hope Baptist Church of Fayetteville, and he asked Pastor Meade to offer the Invocation. Pastor Meade offered the Invocation.

Commissioner Randy Ognio led the Board and those in attendance in the Pledge of Allegiance.

Acceptance of Agenda

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

PUBLIC HEARING:

1. **Consideration of Petition 1225-12, Gregory H. Moody, Jr. and Brenda K. Moody, Owners, and Lynette M. Bowles, Agent, request to rezone 2.49 acres from A-R: Agricultural-Residential to A-R (LNS): Agricultural-Residential (Legal Nonconforming Status) to bring said property into zoning compliance. This property is located at 250 Rising Star Road and also fronts on Old Greenville Road.**

Interim County Attorney Dan Davenport informed the Board that A-R (LNS) is a brand new zoning district for Fayette County, and that this was the first application the Board has received to rezone into the new zoning district. He said the practical and legal effect for a change to the district would be to transform an illegal lot into a non-conforming lot. He stated that there has always been an issue with how to deal with non-conforming lots, but he said that during the past twenty years he had never seen the new zoning district as a solution to the problem. He asked for an opportunity to look into what the County's purposes were and how the new zoning district was established since they may not be the best solution for the issue. He asked the Board to table the request until the February 28, 2013 Board of Commissioners meeting so he could return with a well-reasoned presentation. Discussion followed.

Commissioner Ognio moved to table the consideration of Petition 1225-12 until the February 28, 2013 Board of Commissioners Meeting. Commissioner McCarty seconded the motion. The motion passed unanimously. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Dawn Oparah: Ms. Oparah commended on the City of Peachtree City's effort to keep its citizens informed of openings on authorities or commissions, and said it was a very transparent way to engage citizens in the actions of the community. She said she was excited about having a new Board of Commissioners with a new commitment for transparency and doing things differently. She stated that several months ago she stood before the previous Board expressing dissatisfaction about the seating of the Ethics Board, but that she wanted to make another point about how the Ethics Board was seated. She thought it was important that when people serve on boards and authorities that the candidates should be vetted by ensuring their credentials and that the entire process should be open and fair. She said the current Ethics Board was seated in a manner that was not open. She added that the Ethics Board should have five people serving on it, and that it was important that each member of the Ethics Board should be trained. She asked the Board to look into possibly adjusting the Board both in size and expectations.

Chairman Brown replied that the current Board of Commissioners' position on boards, authorities, and committees is to solicit publically and there is an effort to get the public involved.

Arnold Martin: Mr. Martin said he has attended a few of the Ethics Board meetings, and one of the biggest issues to him was the size of the Board. He added that it should be increased to five members that would allow decisive perspectives. He said it also appeared that Ethics Board had concerns or trepidation about protocols, and he suggested that the Ethics Board be trained. He commented that it appeared that there was nothing in place allowing an alternate to immediately step up if an Ethics Board member could not be present, and that it could lead to a potential waste of taxpayers' money. He said he had heard not all of the Ethics Board members or alternates were invited or given notice about the meetings. He concluded that the Board of Commissioners has oversight of the Ethics Board and other similar bodies, and he requested the Board to increase the size of the Ethics Board to include five members and two alternate members. He also asked the Board to rewrite the Ethics Ordinance and that citizens should be involved in the process. Mr. Martin then asked the Board, and each individual Commissioner, to consider District Voting, to consider the benefits of District Voting, and to bring Fayette County into the 21st century by enacting District Voting just as the majority of counties in Georgia and the United States have done.

Bob Ross: Mr. Ross spoke about the conduct of the Ethics Board at the January 23, 2013 Ethics Hearing, and he pointed out that there were two issues brought under consideration. The first issue, he said, concerned making direct contact by a Commissioner to a department head. He thought it was odd that this issue would be brought into an ethical context when it should be an administrative policy or procedure, and that this issue may come under the duties or responsibilities of who can directly give directions to whom. He then commented on the second discussion, namely the disclosing of Executive Session proceedings, and he stated that everyone who attends Executive Session meetings is

responsible to higher authorities than County Ordinances; such as the United States Constitution, the Georgia Constitution, and state laws. He continued that people always have the right to defend themselves physically and legally, and that if felonies were discussed in Executive Session then the attendees have the obligation to do the right thing. He concluded that the current Ethics Ordinance is flawed in those two areas, and while he hoped it would not be used for another ten years, he suggested that the Ordinance does need to be cleaned up. He also suggested that the members of the Ethics Board undergo minimal training on *Robert's Rules of Order* on how to run a meeting and have ethical training to help distinguish ethical lapses from policy and procedural errors. Mr. Ross also stated that he hoped Fayette County would demonstrate its capacity to hear all of its citizens and that it would elect the most qualified citizens regardless of the district they are from.

Alice Jones: Mrs. Alice Jones said she was pleased to see a new set of sitting Commissioners and she congratulated them on their elections. She informed the Board that she is Vice President of the North Fayette Community Association, and she was coming to the Board on behalf of the residents of the north Fayette area who were concerned about the stopgap processes of continuing the development of Kenwood Park. She said Mr. David Brill, who is the president of the Kenwood Park Association, has stated that there have not been any plans to continue Phases II and III of Kenwood Park. She said other areas, including Coweta County, have a state of the art amphitheater where they have public gatherings, and the facilities pay for themselves. She said there is ample acreage on the property at Kenwood Park where a similar type facility could be constructed. She recognized that there was a budget crisis and no money available for continuation of development of the park; however, she said Fayette County does have professional ball players in its community. She suggested that the County could partner with them and other sports figures to get their name on a facility, and they would put up the money to get it moving. She said she wanted to sit down with the Board and the North Fayette Community Association, and see whether or not an amenable decision could be reached for the development of the facility. She concluded that Fayetteville needs a state of the art facility that would accommodate winter and summer sports.

CONSENT AGENDA:

Commissioner Barlow moved to approve the Consent Agenda. Commissioners Oddo and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

2. **Approval of staff's request to amend an architectural, engineering, and interior design services contract with The Howell Group by approving Change Order #1, in the amount of $4,800.00, and authorization for the Chairman to sign the Change Order contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of the Water Committee's 2013 Meeting Schedule. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of the Water Committee's recommendation to insert a letter into the February water bills informing customers about current water restrictions. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**

5. **Approval of the Water Committee's recommendation to prepare a Resolution to swap twenty-two (22) Fayette County Water System customers with twenty (20) City of Fayetteville Water Department customers. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. Approval of a request from the Honorable Ann Jackson to install a service window in the Justice Center Lobby to accommodate separation of passport services and adopt a budget amendment to increase revenues and expenditures for this project in an amount not to exceed $1,500.00. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

7. Approval of the January 2, 2013 Board of Commissioners Minutes and the January 10, 2013 Board of Commissioners Minutes.

OLD BUSINESS:

8. Consideration of staff's recommendation to renew Proposal No. P764 to Jacobs Engineering Group, Inc. to conduct post-closure environmental monitoring and compliance activities at the two closed Fayette County solid waste facilities on First Manassas Mile Road for a 12-month period, in an amount not to exceed $73,570.00.

Stormwater Maintenance Director Vanessa Birrell explained that Solid Waste responsibilities falls into her department. She stated that staff is asking the Board to consider renewing the contract with Jacobs Engineering Group, Inc. in order to continue the ongoing semiannual groundwater monitoring and the monthly methane monitoring and reporting of results and interpretations to the Environmental Protection Division (EPD). She said the contract would also be to prepare a minor modification request on the north side boundary. She said she was basing the recommendation on the following points: 1) that the contract for professional services is still very competitive and relative and 2) that there was a risk to Fayette County where, if the contract was rebid at this time, the costs to Fayette County would increase with lesser service. She stated that Jacobs Engineering Group, Inc. has accomplished much within the past years by cleaning up the previous consultant's mess; they installed a methane remediation system that has exceeded their expectations, and worked to increase a better negotiation position with the EPD on the north side boundary.

County Administrator Steve Rapson added that he spoke to the president of Jacobs Engineering Group, Inc. who agreed to lower the contract by $6,500.00, or an 8% reduction, versus what it was bid two years ago. Additionally, Mr. Rapson reported that he told the president that this would be a three-year contract and that the County would bid out in the future, so that the next cycle that the County goes through will have a one-year contract with a two-year renewal option. Discussion followed.

Commissioner McCarty moved to approve Proposal No. P764 to Jacobs Engineering Group, Inc. in the amount of $73,570.00, contingent upon the County Attorney's review and approval, and subject to the Chairman's signature, or Vice Chairman's signature if the Chairman is unavailable. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

NEW BUSINESS:

9. Consideration of staff's recommendation to recodify Fayette County's Ordinances through Municipal Code Corporation, in the amount of $22,950.00 to be funded from the General Fund's Unassigned Fund Balance, and authorization for the Chairman to sign a contract or related documents contingent upon the County Attorney's review.

County Administrator Steve Rapson reported that as the County approves local ordinances, those ordinances are sent to Municipal Code Corporation whom the County has done business with for the last twenty years. He said Municipal Code Corporation is basically a sole-source vendor, and that Fayette County actually contacted ten other counties, and each of them is using Municipal Code Corporation. He said Municipal Code Corporation takes the ordinance and put it into codified form. He further reported that the ordinances for Fayette County have not been updated since 2007, so there are currently fifty-seven (57) ordinances that need to be revised. He said it makes it extremely difficult to move forward because if there are any ordinances or any codifications to be change, all of those codifications ripple as they are changed. He said the bid price was to reach out to Municode and have those 57 ordinances codified. He concluded that in the future the ordinances will be submitted at least yearly or biyearly in order to stay on top of this subject. Discussion followed.

Commissioner Barlow moved to accept staff's recommendation to recodify Fayette County's ordinances through Municipal Code Corporation, in the amount of $22,950.00 to be funded from General Fund's Unassigned Fund Balance, and to authorize the Chairman to sign a contract or related documents contingent upon the County Attorney's review. Commissioner McCarty seconded the motion. Ms. Dawn Oparah commented "that it is about time." No other discussion occurred. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Meet and Greet: County Administrator Rapson reported that beginning next week he will be going around and meeting individually with all of the elected officials, the constitutional officers, as well as all the department heads. He said that effort would take him up until mid-February to meet everyone. He said if you do not see him in his office and his light is on, then he is somewhere around the County.

Temporary Security: County Administrator Rapson reported that next week the County would begin with a temporary security fix with regards to securing Commission chambers so that if a resident would go to the restroom they cannot walk through the entire corridor anymore. He said the front entrance ways would be secured as well.

Stormwater Notices: County Administrator Rapson reported that all the Stormwater Notices for the Town hall Meetings were actually at the Post Office earlier in the day. He reminded the public that the Town hall Meetings were scheduled for February 13, March 4, and March 25, 2013.

ATTORNEY'S REPORTS:

Executive Session: Interim County Attorney Dennis Davenport informed the Board that he had two items to discuss in Executive Session involving pending litigation and to review the Executive Session Minutes from January 10 and January 22 Called Meeting.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty said he was still excited about getting 5-0 votes since he was accustomed to 3-2 votes and he was always on the "two" side.

Commissioner Oddo: Commissioner Oddo pointed out that there were a number of people present but that not everyone has spoken. He thanked everyone for coming, asked them to keep coming, and he encouraged people to participate in their government.

Commissioner Barlow: Commissioner Barlow agreed with Commissioner Oddo's comments.

Commissioner McCarty: Commissioner McCarty said he wanted people to understand that the Ethics system that Fayette County currently has was not voted upon by any of the current County Commissioners, and that two of the Commissioners voted against it.

Chairman Brown: Chairman Brown pointed out that there is an easel in the back of the room with a copy of the Resolution that was passed on January 2, 2013, and it expresses the Board's commitment to where it stands in terms of its values and principles. He said one of the things that are found in that document is that the Board owns up to its problems and takes care of its problems. He said an issue was raised in the public comment section, and justifiably so, that the County did not contact the alternates for the Ethics Board. He said the Board owns that, it was a mistake, it has been corrected, and it will never happen again. Chairman Brown also thought it was a marvelous idea to put citizens together to look at the Ethics Ordinance. He also commented on Mrs. Jones' suggestion saying it was a wonderful idea to and suggesting if anyone had Calvin Johnson's number he would call personally. He noted that Fayette County has some really high-profile citizens and the Board would love to name a park after them if they are willing to put forward some funds.

EXECUTIVE SESSION:

Pending Litigation: Chairman Brown moved to proceed into Executive Session on two pending legal items and for the Board to review the Executive Session Minutes for January 10 and January 22. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 7:42 p.m. and returned to Official Session at 9:25 p.m.

Return to Official Session: Commissioner Barlow moved to come out of Executive Session. Commissioners McCarty and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Executive Session Minutes: Commissioner Oddo moved to approve the January 10 and January 22 Executive Session Meeting Minutes. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Executive Session Affidavit: Commissioner Ognio moved to authorize the Chairman to sign an Executive Session Affidavit for two pending legal items. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 9", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner McCarty moved to adjourn the January 24, 2013 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned its January 24, 2013 meeting at 9:26 p.m.

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 14th day of February 2013.

Floyd L. Jones, County Clerk