Minutes

Board of Commissioners
March 28, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on March 28, 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 Jesse McCarty Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the March 28, 2013 Board of Commissioners meeting to order at 7:03 p.m.

Commissioner Barlow introduced Pastor Mike Statua of Community and Global Ministries at Grace Evangelical Church, and spoke about Pastor Statua's ministry.

Commissioner Ognio led the audience on the Pledge of Allegiance.

Acceptance of Agenda

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

PRESENTATION / RECOGNITION:

1. Proclamation honoring Vietnam Veterans and proclaiming March 29, 2013 as Vietnam Veterans Day.

Commissioner Oddo read the proclamation honoring Vietnam Veterans. Nineteen men and women introduced themselves or stood in the place of Vietnam War veterans representing every year of the war and every military branch of the United States.

Ms. Allison Chambers, who helped organize this proclamation ceremony spoke about the dishonor the Vietnam Veterans received whey returned from war. She stated that she was putting together a program entitled *Forty Years Later: A Hero's Homecoming*. She asked for help from the veterans, those who love

the veterans, and all who wanted to help. She envisioned a parade, a program of speakers, and music from the speakers. She asked to hear from the veterans. She said she has already received a lot of support, but she asked for more. She thanked the Board for giving her the opportunity to speak.

The entire room packed with Fayette County citizens applauded the Vietnam Veterans in attendance.

A copy of the request and proclamation, identified as "Attachment 1", follow these minutes and are made an official part hereof.

2. Proclamation of March 28, 2013 as "Atlanta Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Inc. Day".

Commissioner David Barlow read the proclamation making March 28, 2013 "Atlanta Suburban Chapter of Delta Sigma Theta Sorority, Inc. Day." A copy of the request and proclamation, identified as "Attachment 2", follow these minutes and are made an official part hereof.

3. Proclamation of March 28, 2013 as "East Point / College Park (EPCP) Alumnae Chapter of Delta Sigma Theta Incorporated."

Commissioner David Barlow read the proclamation making March 28, 2013 "East Point / College Park Alumnae Chapter of Delta Sigma Theta Incorporated" Day. A copy of the request and proclamation, identified as "Attachment 3", follow these minutes and are made an official part hereof.

4. Presentation of the National Weather Service "Storm Ready" Community designation for 2013-2015.

Emergency Management Agency Director Pete Nelms spoke about the National Weather Service's "Storm Ready Recognition Program." He spoke about how Fayette County has been recognized as a "Storm Ready Community both in the past and today. Mr. Keith Stillman, who is the meteorologist in charge of the weather service in Peachtree City, spoke about the Storm Ready program. He also spoke about Fayette County's work, role, and benefits by being a Storm Ready Community. Fire Chief Scarborough also acknowledged Mr. George Knight who volunteers with Fayette County's Public Safety Division. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

5. Proclamation recognizing the J.C. Booth Middle School's Science Olympiad Team's state championship win.

Chairman Brown introduced the J.C. Booth Middle School's Science Olympiad Team, and he read a proclamation from Governor Nathan Deal honoring the J.C. Booth Middle School's Science Olympiad Team's state championship win. Chairman Brown then spoke about the team's science project, and asked the team to give a demonstration of their music. Chairman Brown introduced Ms. Tammy Pakulski, who leads the Science Olympiad Team. Ms. Pakulski spoke about the work, achievements, and aspirations made by the Science Olympiad Team. A copy of the request and proclamation, identified as "Attachment 5", follow these minutes and are made an official part hereof.

PUBLIC HEARING:

6. Consideration of Petition Number 1228-13, ARC Enterprises, LLLP, Sandy Creek Holdings, LLC & Fayette Property Holdings, LLC, Owner, and James I. Pace, Agent, request to rezone 288.5 acres from A-R and R-70 to G-B to develop a Media Production and Educational Campus, with said property located in Land Lots 10 & 11 and fronting on Veterans Parkway and Sandy Creek Road.

Community Development Director Pete Frisina read the *Introduction to Public Hearings* concerning the rules on how the public hearings would proceed. A copy of *Introduction to Public Hearings*, identified as "Attachment 6", follows these minutes and is made an official part hereof.

Mr. Jim Pace, representing Rivers Rock, LLC. introduced himself to the Board. Mr. Bill Foley, the architect planner for the project, presented a PowerPoint presentation while imploring for Petition Number 1228-13. Mr. Matt Forshee, President and CEO of the Fayette County Development Authority, spoke about the fiscal impact associated with Petition 1228-13. Mr. Jim Pace next spoke about how this opportunity came about for Fayette County. Mr. Len Gough said he spoke on behalf of landowners and the team members of Project Star Gate by asking for the Board of Commissioners unanimous support of Petition 1228-13. Mr. Gough then spoke about the implications Fayette County could experience with the unanimous support of the Board.

Chairman Brown asked Community Development Director Pete Frisina to read the seven conditions into the record, and Mr. Frisina did so. Chairman Brown asked the petitioners if they agreed to the conditions. Mr. Pace stated that the applicant would agree to all the conditions.

Chairman Brown opened the floor for those in opposition to Petition 1228-13.

Leslie Edwards: Ms. Leslie Edwards spoke in opposition to Petition 1228-13 stating that while she was largely in favor of the petition, she had concerns about how stormwater would affect property owners downstream of the site who live in close proximity to Whitewater Creek.

Dennis Chase: Mr. Chase spoke in opposition to Petition 1228-13 saying "If it sounds too good to be true, it probably is." He said this petition was as close to the definition of "spot-zoning" as possible, and that it would have a massive impact on zonings north, east, and south of the property. He added that the proposal did not fit into Fayette County's Comprehensive Land Use Plan. He said the citizens have already suffered enough from decisions of past Commission Boards since they already had to pay for Rivers Elementary School and the West Fayetteville Bypass. Mr. Chase asked the Board to impose two additional conditions. The first condition he proposed stated that if the development did not actually take place that the land would revert back to its original zoning. The second condition was that the applicant put a deed restriction on all of the wetlands and all of the property outside of the remaining Phase I, Phase II and Phase III areas, ensuring that it would never be developed.

Ginga Smithfield: Mrs. Smithfield spoke in opposition to Petition 1228-13 by pointing out how the homeowners along Phases I and II of the West Fayetteville Bypass have been affected by the construction of that road. She reminded the Board that one concern was that the road was built for the benefit of developers, and stated that now that Phase II is almost complete a development conglomerate is requesting 288.5 acres to be rezoned to General Business (G-B). She said that the Phase II homeowners are concerned about the future of their homes and neighborhoods, that the West Fayetteville Bypass was

constructed without regard to Fayette County's Land Use Plan, and that the homeowners were extremely concerned that precedence would be set by rezoning the land. She said the homeowners would need assurance that changing the zoning, as requested, would not set precedence for other parcels along the parkway.

Lesley Rathburn: Ms. Rathburn spoke in opposition to Petition 228-13. She was concerned about the traffic implications for Sandy Creek Road, saying she did not see how there would be no impact to traffic when a studio and ancillary businesses coming to Fayette County. She told the Board that she moved to metropolitan Atlanta from Phoenix, Arizona in 2003, and that she chose to live in Fayette County since it had a Land Use Plan. She said she bought properties in Fayette County since it would provide controlled growth. She stated that she knew about the economic challenges, and she thanked Mr. Chase for his comments. In closing, Ms. Rathburn said she was disturbed that many people who live in the area do not know about the project and about residual affects associated with rezoning the property. She also commented on the "boorish" look that Pinewood Studios has at other locations.

Tom Waller: Mr. Waller spoke in opposition to Petition 1228-13. He thanked the Rivers family for keeping up their property saying Mr. Charles Rivers would be proud. He was concerned since Sandy Creek Road has an 80-foot right-of-way and Veterans Parkway as a 150-foot right-of-way. He said the roads should not be treated as equal when berms are considered, and he recommended that Sandy Creek Road needed to be wider to compensate for the loss of space and depth. He pointed out that no one had presented a traffic study, and that traffic impacts should be considered before "thousands of vehicles and heavy trucks" were put onto Sandy Creek Road and Veterans Parkway.

Chairman Brown opened the floor for those in support of Petition 1228-13

Bob Ross: Mr. Ross spoke in favor of Petition 1228-13. He stated that this project would benefit Fayette County both economically and by putting another signature to Fayette County. He liked the idea that the proposal would not produce smoke, did not have the potential for hazardous materials, and would be self-contained. He pointed out that the Riverwood Studios and its ancillary business in Senoia, Georgia do not live a significant footprint. He acknowledged that there as risk involved with this proposal, but it was up to the elected officials to be mindful of the situation. He added that he did not anticipate that approving this request would set precedence for other rezonings, and he did not believe there would be a major traffic increase. He closed saying he thought this opportunity would provide a greater job base for Fayette County.

Yul Brynner: Mr. Brynner spoke in favor of Petition 1228-13. He said he lived in Fayette County most of his life and that he recently graduated from Clayton State University. He thought this petition would present an opportunity for people like him, and that the educational portion of this request was "monumental" since it would help expose the great lane in Fayetteville and its surround jurisdictions. He said he was a film student and that he would love to be able to wake up each day and be able to go next door to work. He said Fayette County could grow more and move "because of the things we are daring to do and daring to try". He thought this petition would present a good investment into Fayette County's future for those students who will want to do the work without having to leave for Hollywood or elsewhere.

Robert Torbush: Mr. Torbush spoke in favor of Petition 1228-13. He said that he attended one of the oldest churches in Fayette County. He said the church was close to closing its doors for good, but that the movie industry helped save it. He said the church, now, is not growing a lot, and it is not declining. He spoke about the capital improvements made at the church, and how the movie industry saved the church.

Gene Bell: Mr. Bell spoke in favor of Petition 1228-13. He "seconded" Mr. Ross' comments. He said that, due to his age, he would never need another job again before he referred to former President Bill Clinton's campaign quote: "It's the economy, stupid". He said if Fayette County does not keep in mind that the young people cannot work and cannot survive and cannot afford to go to college or pay their bills, then all of the other concerns really amounted to selfishness. He said the county needed to put its young people first, and if growth is stopped than it really would hurt the economy.

Derryl Anderson: Ms. Anderson spoke in favor of Petition 1228-13. She said that she had noticed Fayette County did not expand as rapidly as it could because there has been controlled growth over the y ears. She said the County needed a mechanism to bring in jobs, and this petition provided that mechanism. She said Fayette County was a wonderful county, but it needed to think about its future and its children.

Tom Lamb: Mr. Lamb spoke in favor of Petition 1228-13. He said his property faced the potential movie studio, and that he had three other homes that also faced the movie studio. He said he strongly favored the petition since it would bring economic growth and would keep kids in Fayette County. He closed by asking the Board to vote for the petition.

Rebuttal to Citizens Expressing Opposition to Petition 1228-13: Mr. Jim Pace spoke in rebuttal about the concerns that were addressed pertaining to watershed maintenance, about preserving the wetlands and traffic concerns

Seeing no other speakers, Chairman Brown called the Public Hearing to a close.

Commissioner Barlow: Commissioner Barlow spoke in favor of Petition 1228-13, saying it presented an opportunity that Fayette County would applaud for years to come. He also spoke about how the Fayette County Board of Commissioners were a part of a move of God over the last several years, and he singled out Sheriff Barry Babb, County Administrator Steve Rapson, and Interim County Attorney Dennis Davenport as indicators of God's movement throughout the county. Commissioner Barlow suggested that the movie studio would ignite the economic base of Fayette County like something that has never been "foreseen". He spoke about Mr. Chase's concerns, saying that while there was merit to them, he felt the good far outweighed the difficult and unusual circumstances. He added that he would do his upmost to take care of each individual taxpayer in Fayette County, and he repeated that Mr. Pace was making a proposal that would be applauded in Fayette County for years to come. After making a verbal gaffe, he closed his statement saying he felt Petition 1228-13 offered the biggest economic boon in the history of Fayette County.

Chairman Brown moved to approve Petition Number 1228-13 with all the seven (7) conditions that have been read into the record. Commissioners Ognio and Barlow seconded the motion.

Commissioner Ognio: Commissioner Ognio stated that the Board needed to bear in mind the zoning around the request. He hoped that the Board would receive citizens' input from "anything that comes up on this issue." He added that he did not want the area to grow into a city, but he thought it would be a good

development for Fayette County. He asked for due diligence be taken so that the proposed use would fit the area. He closed his statement saying he looked forward to seeing what the development would do for Fayette County.

Commissioner McCarty: Commissioner McCarty informed the audience that the Fayette County Land Use Plan, which has been in the county "for quite some time and which has varied a little from time to time", did not take into account considerations such as the recession, the loss of the younger population, and recent school problems. He said he was concerned about Fayette County's tax base, and he explained that while he did not like to see Fayette County's taxes increase he saw the current and potential future stresses in the County's budget. He reminded everyone that he had retired from the broadcasting industry, that he knew how the industry worked, and that he saw this potential as one of the biggest boons in Fayette County. He closed by thanking the applicants for choosing Fayette County.

Commissioner Oddo: Commissioner Oddo said he had listened to the concerns, and he stated that the concerns were valid, especially when they come from people who are in close proximity to the project. He said he had reviewed the presentation, and that he knew the quality of work that the Pinewood Studios has done. He explained his belief that the studios were striving and trying to maintain the look of Fayette County. He added that the situation was like an engine under the hood of the car that, while unseen, makes the car go. He told the audience that Fayette County needed a little "pep" and that the studio would provide an excellent engine. He thought Fayette County would be very happy, and he questioned how many people would drive by the studios and not even notice it since it would blend in while making the County go forward. He maintained that the Board would have to provide some oversight but he also acknowledged that providing overlie was one of the reasons the Board was elected into office. He thought that the County had excellent partners in Pinewood Studios and Group Six. He added that Fayette County was taking a difficult situation and doing something "very terrific" with it in that area. He said Petition 1228-13 provided so many good points that it was difficult not to support it.

Chairman Brown: Chairman Brown agreed that the West Fayetteville Bypass was probably the most controversial road in Fayette County. He said he knew many of the people who lived along the road, that he heard their emotions and saw their agony as property was taken away. He said he understood where the homeowners were, and he thought the homeowners knew that. He mentioned that when the paving on the West Fayetteville Bypass is completed, the County would look at how to enhance its landscaping to help those who live along the road in an effort to make a better situation than what they currently have.

Chairman Brown pointed out that several opponents referred to the Fayette County Land Use Plan. He agreed that there was a plan for the area, explained that he detested the plan since it called for more residential houses and retail properties; and added that Fayetteville, Peachtree City, and Fayette County did not need more retail areas. He reminded those in attendance that, currently, many of the retail areas are at 40% to 50% capacity, and that retail businesses needed people who would patronize them. He stated that the residential plans would also suck the tax dollars out of county government by bogging down county services without replenishing funds. He suggested this would have a negative impact on Fayette County, and that he relayed his concerns to the Economic Development Authority and to the City of Fayetteville's Mayor and City Manager. He reported that those he expressed his concerns replied that he had merit to his argument. He said three or four days after he expressed his concerns, Pinewood Studios came to Peachtree City, was shown the land under consideration, and said "That's perfect."

Chairman Brown informed everyone that Pinewood Studios has facilities in Berlin, Germany, and that those facilities look very institutionalized since Berlin is a very institutionalized city. He said Pinewood Studios tries to build to the character of their communities and that they have made a commitment to Fayette County's rural flavor. He added that the Board of Commissioners is also watching the situation closely. He pointed out that Fayette County has a great relationship with the City of Fayetteville, and that while the County was "working as the driver eventually the County will turn the project over to the City of Fayetteville" since the city has sewer capacity.

Chairman Brown pointed out how the *Drop Dead Diva* series is filmed less than a mile from his house, and that one thing he does not like about it is all the trucks driving in from Louisiana to the filming location bringing people to staff the lighting crews, to cater food, and to provide logistics for the show. He suggested that the reason the trucks were coming from Louisiana was because the type of skilled labor required to film the shows was not available in Georgia, Metropolitan Atlanta, or Fayette County. He said the "gift from God" was that Clayton State University, at no expense to the taxpayers and without a dime of incentive money, would train Fayette County's young people who come up through the County's high schools. He added that this opportunity would also give unemployed adults the ability to retrain since the factory and manufacturing jobs have either closed down or no longer exist. He added that the jobs would pay attractive union wages. He reminded the audience that Pinewood Studios has been in business for eighty years. He added that half the people in the county, if they were sitting in his chair, would have "given their right arms to have them land in their county", and that Pinewood Studios "fell in our lap".

Chairman Brown said he spoke in detail about this opportunity because he wanted the homeowners along the West Fayetteville Bypass to know that the pain that they felt was understood, but that the County was trying to turn lemons into lemonade. He quickly reiterated some earlier points before saying that the movie production industry was almost recession proof and that it had actually boomed during the recession. Chairman Brown then told a story of a young woman named Tara, and how she found her niche working as the Director's Assistant for *Drop Dead Diva*. He said her story spoke wonders to him. He promised that the county government would do its due diligence, that it would work arm in arm with the City of Fayetteville, and that Fayette County would have something it could be proud of. Chairman Brown then called question.

The motion to pass Petition 1228-13 with all the seven (7) conditions that have been read into the record passed unanimously. A copy of the request and the seven (7) conditions read into the record, identified as "Attachment 7", follows these minutes and is made an official part hereof.

RECESS:

Chairman Brown called for a brief recess. The Board recessed at 9:36 p.m. and resumed its meeting at 9:41 p.m.

7. Consideration of staff's request to adopt Resolution 2013-06 pertaining to the "Fayette County 2012 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2013-FY2017)", and authorization to transmit said document to the Atlanta Regional Commission.

Community Development Director Pete Frisina explained staff's request to adopt Resolution 2013-06 to the Board. The Board did not ask any questions. No one spoke in favor of or in opposition to Resolution 2013-06.

Commissioner Oddo moved to accept staff's request to adopt Resolution 2013-06 pertaining to the "Fayette County 2012 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2013-FY2017)", and authorization to transmit said document to the Atlanta Regional Commission. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2013-06, identified as "Attachment 8", follow these minutes and is made an official part hereof.

PUBLIC COMMENT:

Warren Oddo: Mr. Oddo said televising the meeting was a good and positive step, and he said the next step was to stream the meeting on the internet where polling could also be enabled. He thought the topics addressed at this meeting were ideal for registered tax payers to provide their input to the Board.

Tom Waller: Mr. Waller commented that in other Commission meeting, the speaker is shown, via the cameras, on the televisions in the room. He asked why the speakers were not shown during this meeting. Chairman Brown commented that the issue was being addressed, and he apologized on behalf of the County for the small televisions in the room. He said the county was working on getting a larger screen so that the people could easily see and pick out every individual facet of a presented document.

Frank Gardner: Mr. Gardner said his first experience coming to a County meeting was during the Stormwater Town Hall Meetings. He said he wanted to see the Stormwater Management Department placed under the Public Works Division to ensure fair rates. He stated that each of the Stormwater Town Hall Meetings had a different proposal on how to have a fair stormwater fee. He suggested that there was not a fair way to issue fees, but that the closest way to be fair was to put them on a "tax basis". He also spoke about the floating docks at Lake Horton. He said staff followed up on his comments made at a previous meeting, and they invited him to the Water Committee meeting. He thanked the Water Committee for taking their time to listen to him. He felt the Water Committee was listening to him and that there would be work in an effort to improve the launch boats at Lake Horton. Chairman Brown replied that Mr. Gardner was "putting his feet where his mouth is" by keeping his word to come to the meetings, and by attending the Water Committee's meeting and by offering to help out.

Dennis Chase: Mr. Chase pointed out that Consent Agenda Item 13 referred to bacteria testing, and he asked the Board to get clarification about what kind of bacteria would be tested and where the testing would take place.

CONSENT AGENDA:

Chairman Brown asked for Items 8, 13, and 17 to be removed from the Consent Agenda. Commissioner Ognio asked for Item 11 to be removed from the Consent Agenda. Commissioner Barlow asked for Item 9 to be removed from the Consent Agenda.

Commissioner Oddo moved to approve Consent Agenda Items 10, 12, 14, 15 and 16. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

8. Approval to abolish twenty-one (21) vacant positions associated with the ERIP action plan.

Chairman Brown said he did not want to take this issue lightly for County Administrator Steve Rapson. He said this request was part of the process that Fayette County was working on to provide balanced budgets and to end deficit spending. He reminded the audience that the Board committed to the citizens to take the necessary steps to curb spending and expenditures and to make the revenues meet the expenditures. He

informed everyone that Mr. Rapson has done an outstanding job by sifting line-by-line through the budget, and in doing so by taking jobs out of the system. He understood that the work came with a price and created concern among some departments, and added that the Board did not take the effort lightly. He thanked Mr. Rapson for his hard work, said the County was keeping promises previously made with the ERIP initiative, and said this effort brought those promises to fruition.

County Administrator Rapson thanked Chairman Brown for his comments but added that he has an entire staff and department heads that support the effort.

Chairman Brown moved to approve Consent Agenda Item 8. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

9. Approval of request from FACTOR Fayette Family Connection for Fayette County to serve as the fiscal agent for the Family Connection State Grant for the period of July 1, 2013 through June 30, 2014, and authorization for the Chairman to sign the Designation and Acceptance Agreement.

Commissioner Barlow said he had the privilege of attending several FACTOR Fayette meetings, that he met Ms. Dawn Oparah and Beck Smith at the meetings, and that he has had the privilege of seeing how the collaborative brings the 501(c)(3)s together to serve Fayette County's less fortunate. He said FACTOR Fayette is a "vehicle" that gives incentive to Fayette County's poor and needy to continue on. He said this collaborative of non-profit organizations was one of the finest he had the opportunity to work with, and he said Ms. Becky Smith was to be applauded for her work.

Chief Financial Officer Mary Holland told the Board that the request was to serve as the fiscal agent for the grant used to fund FACTOR Fayette, and she recommended that Fayette County take on the responsibility. She added that she had worked along Ms. Smith and that the County was ready for the responsibility.

Commissioner Barlow moved to approve Fayette County to serve as the Fiscal Year 2014 fiscal agent for the Family Connection State Grant awarded to the FACTOR Fayette, and for the Chairman to sign the Designation and Acceptance Agreement. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

County Administrator Steve Rapson said this was a good example of the county collaborating with the Fayette County Board of Education who has actually done this work for ten years before the County took over the fiscal agent responsibility. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

10. Consideration of the Sheriff's request to approve a list of Fayette County roadways for speed detection devices. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. Approval of the Water Committee's recommendation to request the Department of Transportation to relocate the Water System's water line for the Highway 54 expansion through the DOT's bid process when they bid the road work, and approval for the Water System to reimburse the Department of Transportation for the water line relocation.

Commissioner Ognio said he agreed with the recommendation, but he said the only issue that he had with it was that it looked open-ended. He said he did not want this to be open-ended, so he wanted to insert a $700,000 not-to-exceed amount into the recommendation. Water System Director Tony Parrott stated he had no problem with the not-to-exceed amount, and he reminded the Board that, irrespective of the bid amount, the Board of Commissioners would have to approve a contract with the Georgia Department of Transportation (GDOT) in order to do the work.

Commissioner Ognio moved to approve the Water Committee's recommendation to request the Department of Transportation to relocate the Water System's water line for the Highway 54 expansion through the DOT's bid process when they bid the road work, and approval of the Water System to reimburse the Department of Transportation for the water line relocation with a not-to-exceed of $700,000.00. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and are made an official part hereof.

12 Approval of staff's recommendation to award RFP #870- Repairs to Lake Peachtree Pump Station to Intercontinental Commercial Services, Inc. for painting and repairs to Lake Peachtree Pump Station at a cost of $27,300.00 and for painting the walkway for an additional $2,300, at an aggregate cost of $29,600.00, and authorization for the Chairman to sign the contract. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. Approval of staff's recommendation to approve a Memorandum of Understanding between Fayette County and the City of Fayetteville for bacteria testing, and authorization for the Chairman to sign said memorandum.

Water System Director Tony Parrott informed the Board that the City of Fayetteville once operated a water plant with a laboratory, and that the city once employed a certified lab analyst. He said that since that the city has downsized and is not running the water plant that it has been using a private firm to do their samplings. He reported that Fayette County's laboratory is State-Certified and that it runs samples daily. He said the Water System has proposed to run bacteria testing for the city at a set price.

Commissioner Ognio moved to approve staff's recommendation to approve a Memorandum of Understanding between Fayette County and the City of Fayetteville for bacteria testing, and authorization for the Chairman to sign said memorandum. Commissioner McCarty seconded the motion.

Chairman Brown said one thing that was being seen very clearly in today's meeting is that in, in this bad economy, everyone is having to make cuts and having to look at consolidating or eliminating services. He said this was a way that the County was able to help the City of Fayetteville with a situation where they have had to make cuts. He said the County would continue to work in that direction, and that the collaboration has been very strong whether FACTOR Fayette or the City of Fayetteville are considered.

The motion to approve staff's recommendation to approve a Memorandum of Understanding between Fayette County and the City of Fayetteville for bacteria testing, and authorization for the Chairman to sign said memorandum passed unanimously. A copy of the request and Memorandum of Understanding, identified as "Attachment 14", follows these minutes and is made an official part hereof.

14. Approval of the Water Committee's recommendation to approve a Variance in the Flood Easement of Lake McIntosh that authorizes the proposed existing deck additions to encroach in the County's flood easement and states that the County will be held harmless. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

15. Approval of the Water Committee's recommendation to allow Fayetteville Main Street to insert a flyer in customers' water bills that are mailed in the month of May 2013. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

16. Approval of the Water Committee's recommendation to allow Peachtree City Water and Sewerage Authority to insert a flyer in the customers' water bills during the months of October 2013 and March 2014. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

17. Approval of the March 14, 2013 Board of Commissioners Meeting Minutes.

Chairman Brown said he wanted to make a change to the minutes. He moved that the last line on page 12 and the first line on page 13, which read "He mentioned that this would not be a cost that the county would bear, but that it would be a cost that City of Fayetteville would bear", be changed to "He mentioned that this would minimize the cost to the County". Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

18. Consideration of Commissioner McCarty's nomination of Sharon Herbert to serve on the Fayette County Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board, contingent upon approval by the Region Six Mental Health Board, and for this three-year appointment to be determined by the Regional Planning Board's Commissioner.

Commissioner McCarty moved to approve Old Business Item 18. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

NEW BUSINESS:

19. Consideration of Chairman Brown's recommendation to adopt Resolution 2013-10 supporting Home Rule for Metropolitan Atlanta's Counties and Cities.

Chairman Brown read Resolution 2013-10 into the record. The following is a copy of Resolution 2013-10:

County of Fayette;
State of Georgia

RESOLUTION 2013-10

RESOLUTION OF REGIONAL SUPPORT FOR HOME RULE FOR METROPOLITAN ATLANTA'S COUNTIES AND CITIES

WHEREAS, *Fayette County is a recognized governmental entity, chartered by the State of Georgia; and*

WHEREAS, *Fayette County is a member of the Atlanta Regional Commission which serves as the metropolitan planning organization, providing intergovernmental coordination for 10 counties; and*

WHEREAS, *The Fayette County Board of Commissioners recognizes that "home rule" (self-government) is prescribed in the Georgia Constitution, authorizing counties to control their own ordinances and regulations that are consistent with the Georgia Constitution; and*

WHEREAS, *For generations, local governments in the State of Georgia have maintained a good working relationship with the Georgia Legislature, utilizing local legislation as a tool to make substantive positive changes to local jurisdictions through state law with the consent of the local governments and their respective legislative delegations; and*

WHEREAS, *The Fayette County Board of Commissioners is disappointed that the tool of local legislation is now being used a weapon against local governments, especially in metropolitan Atlanta; and*

WHEREAS, *The Fayette County Board of Commissioners believes that local government is closest to the people and the most efficient and accountable form of government; and*

WHEREAS, *The Fayette County Board of Commissioners believes that the citizens of the local jurisdictions should be the agent of change in counties and cities through public redress such as the ballot box and, if necessary, the courts; and*

WHEREAS, *The Fayette County Board of Commissioners believes that the legislative actions affecting the structure of local governments without consent of the locally elected officials is wrong and has the potential to bring significant harm to the local taxpayers;*

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request to our Legislative Delegation and all members of the State Legislature that the practice of local legislation be reverted back to a process that benefits local counties and cities with the consent of the locally elected body. Be it further resolved, we formally request that our Legislative Delegation oppose or leave the chamber when bills are called for a vote that impede the governance of Fulton, Clayton and Henry Counties, observing that obstructing government closest to the people and disregarding home rule is not in the best interest of the State of Georgia.

So resolved this 14th day of March 2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Chairman Brown said the reason the resolution was read into the record was because of what had been reported in the paper about Fulton County's Local Legislative Delegation, and because of what the Delegation was doing to Fulton County's government. He said the Fulton County Legislative Delegation was making radical changes without the consent of Fulton County government and in essence was trying to micro-manage Fulton County. He stated that once they Legislative Delegation gets accustomed to changing Fulton County, similar actions could affect Fayette County and other surrounding counties in the Atlanta area. He explained how Local Legislative Delegations have historically worked with county governments saying Local Legislation is a tool that is supposed to be used so that when counties request a change that there is an easy process to do so. He stated that the tools are being turned into bills without the consent of the governed, and that they are being used to ruin local government. He closed saying Fayette County stands beside Fulton County, Clayton County, and Henry County who have changes proposed against those counties.

Commissioner Barlow moved to approve Chairman Brown's recommendation to adopt Resolution 2013-10 supporting Home Rule for Metropolitan Atlanta's Counties and Cities. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Resolution 2013-10, identified as "Attachment 19", follow these minutes and are made an official part hereof.

20. Consideration of the City of Peachtree City's request to annex a 4.36 acre lot located at 1975 SR 54 West, and to rezone said lot from C-C Conditional (Community-Commercial) to O-I (Office-Institutional).

Chairman Brown stated that the Board had a copy of an email from Mr. John Rorie of Peachtree City written Ms. Tameca White of Administrative staff, and that the subject was Annexation Notification. He said the email gave notification that the City of Peachtree City made changes that they have resubmitted the annexation request.

Chairman Brown moved that the Board take no action on this agenda item pending the re-submittal forms that the County will receive from the City of Peachtree City. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 20", follows these minutes and is made an official part hereof.

21. Approval of proposed EMS ambulance fee adjustment recommendation.

Commander Steve Folden informed the Board that the last time Fayette County evaluated its EMS ambulance fees was in September 2006. He said that one year after that evaluation, Fayette County entered into an agreement with NRG (National Reimbursement Group) to do the billing for ambulance fees. He said that since that time there have been several economic factors that have driven the County to reconsider its billing schema, and to use a "step-wise fashion" as calls increase in acuity and in the nature of the treatments that are being provided. He told the Board that at the ALS-2 Level, the County is currently $107.00 below Medicare allowable, meaning the County is leaving federal dollars on the table. He said Medicare prices have risen since 2003, and that staff believed this adjustment was a fair and balanced approach to recoup some of the money expended to provide services.

County Administrator Steve Rapson added that staff did a comparison with the municipalities around Fayette County who provide similar services in order to ensure that the County's fee adjustments are comparable to those jurisdictions.

Commissioner Barlow moved to approve the proposed EMS ambulance fee adjustment recommendation. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 21", follows these minutes and is made an official part hereof.

22. Discussion in response questions concerning stormwater management as associated with the West Fayetteville Bypass.

Public Works Director Phil Mallon restated Mr. Dennis Chase's question as: "To what extent has the County satisfied the water quality permitting and stormwater management requirements that the county has for its own developers". He added that the County has partially fulfilled those requirements and gave an explanation to the Board. He explained that Fayette County is in full compliance with respect to its control measures during construction. He stated that staff would need greater guidance from the Board in how to come into full compliance with respect to post-construction activity and he apologized to Mr. Chase for since an answer to his question had not been promptly given.

Dennis Chase: Mr. Chase thanked Mr. Mallon for his answer. He also spoke about his concerns about "installing" major projects without taking stormwater into full consideration. He spoke about the impacts of stormwater on properties, and suggested new, innovative ways of offering stormwater protection and stormwater best management practices. A copy of the request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Intergovernmental Cooperation: County Administrator Steve Rapson commented that this agenda had items from the Fayette County Board of Education, Peachtree City, Peachtree City Water and Sewer Authority, as well as the City of Fayetteville. He said every time the County has to reach out to its neighboring cities, it is doing that as well as to the different authorities.

Board of Commissioners Retreat: County Administrator Rapson reminded the Board that its upcoming Retreat would be held on April 5, 2013. He stated it would be held at New Hope Baptist Church, and that there would be no cost to the County since the church was allowing the use of their facilities for free.

Chairman Brown thanked New Hope Baptist Church for allowing the Board to get out of its building and maybe come up with new and creative ideas in a different setting.

ATTORNEY'S REPORTS:

Three Items for Executive Session: Interim County Attorney Dennis Davenport reported that he had three items for Executive Session: one involving pending litigation, one involving land acquisition, and one for the review of Executive Session minutes from March 14, 2013.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty stated that what he saw at tonight's meeting really made him proud of Fayette County. He said the county has a great citizenry, that it has great staff, and this has been a really fun meeting for him. He said he had seen things in Fayette County that really made him proud.

Commissioner Barlow: Commissioner Barlow said he wanted to officially go on the record and give the caveat for his little mess up. He said if was in a court of law, he would tell the judge "Your Honor, I just misspoke." He asked for that to be reflected in the record. He added that this has been the most productive meeting that he has attended, and that he has attended meetings for over two years. He said this meeting was a historic meeting, and that tonight would be the start of something big. He thanked Commissioner Oddo for recognizing and having a proclamation for Vietnam Veterans. He added that he had no idea that Mr. Chase was a Vietnam Veteran, and that now they have something in common because they were brothers in the war effort in Vietnam. The said he appreciated Mr. Chase's service, and he appreciated Commissioner Oddo's efforts to recognize the veterans. He said was one of the people who was spit on, and that when he wore his uniform to church after returning home he was booed by people of his own church. He said he knew what it meant to be disrespected, and that now it is an honor to be a Vietnam Veteran. He thanked God that the nation now embraces its veterans and takes care of those who have been wounded in defense of the nation.

Commissioner Ognio: Commissioner Ognio said Mr. Mallon brought to his attention about a pipe under the unpaved part of the new West Fayetteville Bypass that there are issues with. He stated that the work for the pipe was contracted out, and he thought there needed to be a push to make the people that installed the problematic pipe to fix the problem. He did not want to chance the fact that the pipe would not settle any more. He hoped that Mr. Mallon would keep the Board in the loop and somehow the effort could be taken to correct the problem before the road is paved. County Administrator stated he would track the problem and get back to the Board with an answer.

Commissioner Oddo: Commissioner Oddo said the meetings were "going on a long time" and that there were some familiar faces out there who have attended all the meetings. He thanked those in the audience for coming. He appreciated the support of the Vietnam Veterans, and he said it was initiated by Ms. Allison Chambers. He suggested that if the Board could support her project that would be great. He said that he could not believe how returning veterans had been treated, that it was incomprehensible, and he was glad that the County could at least try to make amends now. He also wished everyone a Happy Easter and he hoped everyone enjoyed a tremendous and blessed holiday.

Chairman Brown: Chairman Brown thanked Ms. Jan Horn who volunteered to work the camera for the meeting. He stated that she had done a lot of work leading up to being able to broadcast the meetings, and again thanked her for volunteering. Chairman Brown reminded everyone that the Board held its third and final Stormwater Town Hall Meeting, and that there is a lot of anger, anxiety, and mistrust related to the stormwater issues. He said there is a lot of people who have said "I've paid my taxes all these years, why haven't these problems been resolved" or "Why are they all coming forward now?" He said there is not a person on the board who would disagree with any of those comments. He said the Board is coming forward, owning a problem that is 40 years in the making, and is trying to address the problem and take care of it. He said that whatever solution the Board ends up with will have someone who will ultimately disagree with it since that is politics and that you cannot get 100% approval on anything. He asked the citizens to know that the Board was doing the very best it could to take a problem and try to resolve it in the most cost efficient and functional way possible. He pointed out that 90 percent of the ideas that were presented in the PowerPoint presentation came from the speakers and the citizens in the audience who offered suggestions. He said the Board was reviewing the citizen's comments, was looking for creative ideas, and was reviewing the possibility of using TSPLOST money. He said the County would try to ultimately resolve the problems, and that it would require the citizens working with the Board. He apologized on behalf of the County for getting to this point, and he hoped that everyone could work together to resolve it.

EXECUTIVE SESSION:

Three Items for Executive Session: Chairman Brown moved to go into Executive Session related to one pending litigation, one land acquisition, and the minutes from the March 14, 2013 Executive Session meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:26 p.m. and returned to Official Session at 11:27 p.m.

Reconvene into Official Meeting: Chairman Brown moved to reconvene back into Official Meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

March 14, 2013 Executive Session Minutes: Chairman Brown moved to approve the March 14, 2013 Executive Session Minutes. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Executive Session Affidavit: Commissioner Ognio moved to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 23", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner McCarty moved to adjourn the March 28, 2013 Board of Commissioners Meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the March 28, 2013 meeting at 11:28 p.m.

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Floyd L. Jones, County Clerk