Minutes

Board of Commissioners
April 11, 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 April 11, 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 Jones, County Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the April 11, 2013 Board of Commissioners meeting to order at 7:03 p.m.

Associate Pastor of Finance and Business Administration Joe Pritchett, of New Hope Baptist Church, offered the invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PRESENTATION / RECOGNITION:

1. **Recognition of Mr. Chuck Faison in honor of his rescue efforts during the Weatherly Walk Apartment fire.**

Chairman Steve Brown read a proclamation recognizing Mr. Chuck Faison in honor of his rescue efforts during the Weather Walk Apartment fire. Chairman Brown also handed Mr. Faison a catcher's mitt that was signed by each first responder and by each Commissioner in recognition of his heroic efforts. A copy of the request and presentation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Proclamation recognizing April 2013 as "Confederate History and Heritage Month" and April 26 as "Confederate Memorial Day".

Commissioner David Barlow read a proclamation recognizing April 2013 as "Confederate History and Heritage Month" and April 26 as "Confederate Memorial Day". A copy of the request and proclamation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

There was no Public Hearing.

PUBLIC COMMENT:

Ray Watt: Mr. Watt said that as someone who helped get each Commissioner elected it was disturbing to see a recent article in the newspaper on the Board's retreat. He understood that the Board recently held a retreat where many ideas are discussed, but he stated that the paper made a report that on the East Fayetteville Bypass and the S-SPLOST like "these are the facts of life". Mr. Watt reminded the Board that two administrations lost people because they were stuck on "this bypass thing". He said he expected each Commissioner this year to have an austerity-type mind-set when they review "money and what they are doing, and to correct past administration abuse, waste, and stupid things." He said he did not understand, and he asked if the paper misunderstood what the Board's intention was at the retreat. Mr. Watt stated, concerning the S-SPLOST, that there would be a better chance of having a foot of snow next week in Fayette County [than to see S-SPLOST pass]. He said people do not like SPLOST. He suggested that the County consolidate what Peachtree City needs, what Fayetteville needs and what the County needs, put the needs into a bundle, and figure out how much it would cost for the whole county. He suggested another approach would be for the County to obtain a bond, and by doing so to get the issue off of the table.

Frank Gardner: Mr. Gardner said he had talked to County Administrator Steve Rapson during the previous week about the County's involvement in charging fees for parking at Lake Horton. He explained that the Mr. Rapson questioned how to administer charging fees apart of looking at a tag on the back of a car. Mr. Gardner said this issue gets to him because anybody who pays taxes in Fayette County will have to pay a "parking tax" unless he has a Fayette County tag on his automobile. Mr. Gardner said he was at the Stormwater meeting a couple of weeks ago, and that a young man from Coweta County who owns land and pays taxes in Fayette County was at the meeting. He said that man, if he travels to Lake Horton, is going to get a ticket. Mr. Gardner suggested that people could put a copy of their tax bill on the dash of the car, and that their tax bill it would stand as paying the $10 fee. Secondly, Mr. Gardner questioned Consent Agenda Item 7 and suggested ways that the printing and mailing costs would be significantly less than $21,448.00.

CONSENT AGENDA:

Commissioner Ognio asked to remove Consent Agenda Item 7.

Commissioner Barlow moved to approve the Consent Agenda minus Item 7. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

3 Approval of a request from Promise Place for authorization to file a grant application in Fayette County's name with the Department of Community Affairs, and authorization for the Chairman to execute said application. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Approval of mid-year budget adjustments for Fiscal Year 2013 (FY2013) including closing completed capital and CIP projects. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to appoint Interim Deputy Fire Chief Thomas F. Bartlett as the representative from Fayette County Fire and Emergency Services to the Region 4 EMS Council. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

6. Approval of staff's recommendation to authorize Mill Creek Environmental Services to complete the scope of work required to abandon seven (7) monitoring wells and to prepare a Completion Report and Certification for submittal to the Georgia Environmental Protection Division in an amount not to exceed $2,226.15, and authorization for the Chairman to execute related contracts and documents. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

7. Approval of staff's request to award Bid #880 to low bidder, The Master's Touch, LLC., in the amount of $21,448.00, for preparing and mailing Personal Property Return Forms and Assessment Notices, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.

Commissioner Ognio said he brought up the same question raised by Mr. Gardner during Public Comment. He said he was informed this request would allow work to be done cheaper than can be currently done in-house. He added that he wanted to see that this request investigated before it comes up again next year, in order to see if there is equipment or another way to help cut costs.

Commissioner Ognio moved to approve staff's request to award Bid #880 to low bidder, The Master's Touch, LLC., in the amount of $21,448.00, for preparing and mailing Personal Property Return Forms and Assessment Notices, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Barlow 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.

8. Approval of staff's request for the Board to declare approximately 12,000 transponder, excess brass, copper, and cast iron as unserviceable, to authorize staff to sell said items to the highest bidder or through the GovDeals website, and to return proceeds to the Water System's Sale of General Fixed Assets account. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

9. Approval of the Water Committee's recommendation to allow The Frederick Brown, Jr. Amphitheater in Peachtree City to insert a flyer in the customers' water bills during the month of June 2013. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

10. Approval of the March 25, 2013 Board of Commissioners' Stormwater Town Hall Meeting Minutes and the March 28, 2013 Board of Commissioners Meeting minutes.

OLD BUSINESS:

NEW BUSINESS:

11 Consideration of the Georgia Department of Transportation's "Option for Right of Way" for the widening and reconstruction of State Route 54 (GDOT PI Number 721440).

County Administrator Steve Rapson explained that this request represented the fair market value of the easements as determined by the Georgia Department of Transportation (GDOT), and he said this request was really just a pass through that requires the Board's approval since it is an agreement with GDOT. Chairman Brown asked if this was the land next to the ballpark, and Mr. Rapson replied that the land was next to McCurry Park.

Commissioner Ognio moved to approve the Georgia Department of Transportation's "Option for Right of Way" for widening and reconstruction of State Route 54 (GDOT PI Number 721440). Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

12 Consideration of staff's request to combine the current four (4) technology service agreements with Siemens Buildings Automation Systems into one agreement, and authorization for the Chairman to sign said agreement.

County Administrator Steve Rapson explained that this request was taking four contracts and basically just consolidating them into one agreement. He stated that by taking this step, the County would save more than $10,000. He stated that the Board's vote would be to ratify the action of consolidating the agreements.

Chairman Brown asked which four facilities were being combined. Buildings and Grounds Director Greg Ownby replied the four facilities included the Justice Center, the Jail, the Annex Building, and the Library. Chairman Brown clarified that the County would get a better price by putting the four locations into one contract. Mr. Ownby agreed that the County would get a better price.

Commissioner Barlow moved to combine the current four (4) technology service agreements with Siemens Buildings Automation Systems into one agreement, and authorization the Chairman to sign said agreement pending counsel's approval. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

13 Consideration of Commissioners Oddo's and Ognio's request for the Planning Commission to review potential changes for variances for improved illegal lots and for the Planning Commission to work with the County Attorney to finalize and present recommendations to the Board of Commissioners at a later date.

Commissioner Oddo reminded the Board that, recently, a zoning issue came before it in an effort to make an illegal lot into a legal lot, and in doing so by changing the zoning ordinance. He stated that at the time, the Commissioners explained why they could not vote in favor of the request since the fix was not a correct solution and since there was concern about Fayette County's Land Use Plan and what might happen. Commissioner Oddo reminded the Board that the problem and its difficulty still exists, that there are people in Fayette County with illegal and nonconforming properties and who are in that position through no fault of their own. He agreed with a something Commissioner Ognio said previously that the County did not want to find itself as owners of the properties, and that it would be better for the citizens to take care of their own properties. He said he had spoken to several people about this issue, and that he wanted the Planning Commission to discuss this issue with the County Attorney and to come up with language that will create a variance enabling the Board to lots and make them legal nonconforming. He said this work would give people a way to have property without having a burden hanging over their heads, and that it would give the County a way to not have to deal with and maintain unwanted properties. Commissioner Oddo added that he wanted the Planning Commission to do away with the initial ordinance that created the Legal Nonconforming Status Zoning District.

Commissioner Oddo moved to direct the Planning Commission to come up with some language that will allow a variance for nonconforming properties, and to do away with the Legal Nonconforming Status Zoning District. Commissioner McCarty seconded the motion.

Commissioner Ognio thought this action would be good for Fayette County, and he hoped the Planning Commission could come up with language that would not destroy the County's zoning. He said he did not want to away people for illegally dividing their properties. He asked for some language that would keep the County from ending up with lots that drive down property values because they are not maintained. Commissioner McCarty added that if a solution to the problem was found, it would create a source of income to the County instead of becoming a liability for the County. Chairman Brown cautioned that the Board needed to be very careful with this issue. He said that the County did not need to become the mediator in civil cases. He hoped the Planning Commission would come up with language that would walk that tightrope.

The motion to direct the Planning Commission to come up with some language that will allow a variance for nonconforming properties, and to do away with the Legal Nonconforming Status Zoning District passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

14. Commissioner Randy Ognio would like to discuss issues concerning former County Attorney Scott Bennett.

Commissioner Ognio stated that he reviewed the Marshal's investigation concerning former County Attorney Scott Bennett. He said the investigation was started due to missing hard drives from the county computer, and the investigation report concluded that Mr. Bennett may have violated the Georgia Open Records Act.

Commissioner Ognio moved that the Board forward the information to the State Solicitor. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Clarifying Several Points: County Administrator Steve Rapson stated that he wanted to clarify some issues. First, concerning Stormwater Utility, Mr. Rapson affirmed that the SPLOST initiative was proposed, but he added that the Board was going to eliminate the Utility Fee from four years to two years while the SPLOST moneys were collected, and the two years after SPLOST is collected. He said this proposed action would be enacted as opposed to lowering the Utility Fee to 90 percent. He mentioned that there was a comment made about issuing a bond to pay for Stormwater, and he explained that either a bond or a SPLOST would require a referendum and would be a voter-required request. Second, concerning the East Fayetteville Bypass, Mr. Rapson reported that there was discussion to evaluate the project, but that the Board did not make a decision in regard to that particular item. Third, Mr. Rapson spoke about the citations issued at Lake Horton. He explained that this issue does not involve the County's General Funds, but really is a Water System issue since the Water Department maintains the sites. He stated that the tag on the vehicle is the easiest way to check residency. He suggested that if someone has a business and pays taxes in Fayette County but lives in another location, that person could register his vehicle at his business location and by doing so he would resolve that particular problem.

ATTORNEY'S REPORTS:

Notification of Executive Session: Interim County Attorney Dennis Davenport reported that he had two items of Pending Litigation, one item of Real Estate, one Personnel matter, and reviewing of Executive Session Minutes for consideration in Executive Session.

Ethics Ordinance: Interim County Administrator Dennis Davenport reminded the Board that in January there was discussion about Municode and codification, and how there would be some time to go through the process before there could be any substantial changes to the County Code. He reported that he had information from Municode that gave him some comfort that they are at the point where, if the County wanted to start making changes, they could handle those changes. He said the reason he brought the issue up was because the Ethics Ordinance seemed to be the thing that was at the forefront of everyone's mind with respect to reviewing it and seeing where the County stood. He said he wanted to distribute a copy of the ethics ordinance as it exists today and as it existed prior to being substantially changed to the Board, to look at the differences, to start a conversation, to find out which direction the Board wants to go, and how to accomplish making revisions to the ethics ordinance. He concluded that he would bring the issue to the Board at the next meeting.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow pointed out that reporter John Munford was in the audience and that he attended the Workshop meeting that is referred to as a retreat. He said that after he read the article, like Ginger Smithfield and others, that he too was under the impression that the Commissioners had agreed to continue with the East Fayetteville Bypass. He said that could not be further from the truth. He said the part that was sad for him was that perception becomes a lot of people's reality and that, sadly, a number of complaints have come to the county's office via email and voice messages from citizens who have interpreted the article. He asked Mr. Munford to write an article from this evening's meeting clearly indicating that the Board was not moving forward with the East Fayetteville Bypass.

He acknowledged that the East Fayetteville Bypass was a topic of discussion, that he asked the question how much money had been spent on its research and engineering, but that he recalled that this issue was just one of many discussions that the Board had in trying to move forward.

Commissioner Oddo: Commissioner Oddo said he enjoyed the retreat since it gave him the opportunity to meet more folks and to reacquaint with others. He said the idea for the new commissioners and at least for him was to see a snapshot of where the County is at this moment in time, and from that to help set priorities. He said it was in no way intended to be a meeting where decisions were made. He said the Board talked about a lot of items. He said he asked a question about how many paved roads were in Fayette County, and there was no vote taken on that question either. He wanted the people to understand that the retreat was an excellent way for the Commissioners, especially the new Commissioners, to get together, understand where they are and the situation, to talk through ideas, and prepare for upcoming budget talks. He encouraged the people to attend the meetings, to come to the retreats, and to become a part of the work. He emphasized that no decision was made at the retreat, but that it was a place for learning.

Commissioner McCarty: Commissioner McCarty began his comments saying: "I was, always have been, am, and always will be against the SPLOST bypass situation that we have in this county. That has not changed." He said that there were aspects of the bypass that cannot be undone, and that if they are left undone it would leave the County with a big, several-miles long "mudstrip". He said so much work has been done that the County is at a point where it has to be finished or else the County will lose all the money that has been put on it. He emphasized, "No bypass is on my agenda. Period." He said the only way a bypass would be on his agenda would be if the citizens of Fayette County stood up and told him that is what they wanted. He said he represents every citizen of Fayette County, and he has to listen to what they say. He said the citizens elected him because of his stand against the bypass, and that has not changed. Commissioner McCarty spoke about the negative impact of the bypass to his property; including more snakes and a bobcat. He added there was a positive result of the bypass for his property since a flock of guineas came through his yard and they left a good experience by eating all of the ticks, fleas, and yellow jackets.

Commissioner Ognio:

Stormwater SPLOST / Infrastructure Repair SPLOST: Commissioner Ognio spoke about the Stormwater SPLOST. He said that during the Town Hall Meetings, the Board listened to the citizens. He said the citizens let it be known loudly "It's unfair. We're paying for it and everybody uses the roads." He said it appeared that the SPLOST was the most equal way to fund the repairs. He thought the SPLOST should be classified as "Infrastructure Repair", and that it should not be called "Stormwater" anymore. He thought it should be funded by everybody, and that the SPLOST would even have people who travel to Fayette County from out of county help pay for it since they use County roads too. He said it seemed to be the logical way to raise the funds. He understood there would be a lot of opposition, and that it was hard to get the citizens informed enough to be willing to vote for it. He explained the SPLOST would include the cities since they would get part of the SPLOST funds. He thought the County would have to go through an education, and that the citizens would have to vote on the issue. He said these were ideas that were taken from the citizens, and the Board was trying to make the best of a situation that was dumped on it. He said there was talk about moving the Stormwater staff back to the General Fund and that the Board is trying to fix things that are broken. He anticipated the Board would catch a lot of slack for doing its best in fixing what someone else messed up.

Issue Concerning Opening County Ball Parks on Sunday Morning: Commissioner Ognio said he was at a meeting a while back and someone came to him asking him to look into a situation with the ballparks. He confessed that he has not followed through on the request as he should have, but he wanted to mention the issue. He said the person would like to see the County not allow games on Sunday mornings. He said he understood there were different ways to look at the issue, and that while he attends church he also has had kids who play ball during that time. He said he sees both

sides of the issue. He encouraged church goers to go to the ball games after church and be a part of it. He pointed out that this was free entertainment, and that it would be nice to see more people at the ball fields. He said he would look into the issue for the pros and cons, and see how it goes from there.

Commissioner McCarty: Commissioner McCarty reminded the audience that the meeting was being shown live on Channel 23, and if everything continues to work out the plan was to have all Commission meetings live on Comcast Channel 23. He said as the County continues to move along, the meetings would be streamed so that anybody with a computer could watch the meetings and other live events.

Ray Watt: Mr. Ray Watt commented on Old Business Item 12. He thought it would be helpful that, once a quarter, the Board should put out something that says "I saved $10,000 here, I saved $12,000 there". He said the information is contained on the Agenda, that ten other people know it, but the people out there have no idea how much money the County saved in the first quarter. He said it would be a good time to make a report on the matter, and then to have quarterly reports.

Chairman Brown: Chairman Brown replied to Mr. Watts says staff was currently working on those suggestions. Chairman Brown first spoke about the East Fayetteville Bypass saying it was the only project everybody agreed on and it was the one project that did not get built in the whole SPLOST. He said it was the epitome of what could go wrong in some of the SPLOST situations, but that he also thought something would have to eventually be done in that area. He mentioned that there were some opportunities to pick up some right-of-way at some very low prices, and he thought the Board may want to consider that later on before the land becomes much more expensive. Chairman Brown then spoke about SPLOST for "core infrastructure" by explaining that Peachtree City just approved a large bond. He suggested that Peachtree City would use their proceeds of a two-year SPLOST to maintain their cart paths and to repave roads. He acknowledged that the County had not yet heard from Peachtree City, and therefore did not know if the city would participate. He mentioned that if Peachtree City does not participate in the SPLOST, then the SPLOST would go away since it requires the cities participation. He pointed out that if SPLOST does go away, then the County would have to consider other options. In closing, Chairman Brown stated that he and the County were mourning the loss of former British Prime Minister Margaret Thatcher. He referred to Prime Minister Thatcher as the "greatest woman-leader-politician" in the modern era. He said he loved to read about her and that next to former Prime Minister Winston Churchill, she was one of his all-time favorites. He closed his remarks saying Margaret Thatcher would be missed.

EXECUTIVE SESSION:

Interim County Attorney Dennis Davenport reported that the Personnel item he suggested to be considered in Executive Session was actually a Pending Litigation item. He clarified that there were three Pending Litigation Items, one Real Estate, and One Executive Session Minutes.

Chairman Brown moved to adjourn into Executive Session regarding three Pending Litigation items, one Real Estate item, and one approval of Executive Session Minutes from the last meeting. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 7:55 p.m. and returned to Official Session at 9:05 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and allow the Chairman to sign the Executive Session Affidavit. Commissioners Barlow and Oddo seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Approval of the March 28, 2013 Executive Session Minutes: Chairman Brown moved to approve the March 28, 2013 Executive Session Meeting Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the April 11, 2013 Board of Commissioners meeting. Commissioners Oddo and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned from the April 11, 2013 meeting at 9:06 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 25th day of April 2013.

Floyd L. Jones, County Clerk