Minutes

Special Called Meeting
Board of Commissioners
October 16, 2013
9:00 A.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 16, 2013 at 9:00 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 Randy Ognio
Commissioner Absent:	Allen McCarty
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk
Staff Absent:	Tameca P. White, Deputy Clerk Dennis Davenport, Interim County Attorney

---

Call to Order

Chairman Brown called the October 16, 2013 Special Called Meeting of the Fayette County Board of Commissioners to order at 9:08 a.m.

Acceptance of Agenda

Commissioner Ognio moved to accept the Agenda. Commissioners Oddo and Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent from the meeting.

NEW BUSINESS:

1. **Consideration of staff's request to re-adopt the Intergovernmental Agreement for Distribution of Local Option Sales Tax Proceeds and authorization for the Chairman to sign the related Certificates of Distribution.**

   Chairman Brown informed the Board that Commissioner McCarty would not be present for the meeting. He said there was a note on the dais dated October 16, 2013 which read as follows:

Honorable Commissioners,

Commissioner Allen McCarty is not present for this Special Called Meeting due to previous plans that took him out of state.

He has asked for the record to reflect that he is in favor of re-adopting the Intergovernmental Agreement for Distribution of Local Option Sales Tax Proceeds and for authorizing the Chairman to sign the related Certificates of Distribution.

Floyd L. Jones, County Clerk

Chairman Brown also mentioned that there was an agenda packet on the dais that had been provided to each Commissioner.

Chairman Brown informed the Board that the Georgia Supreme Court issued a ruling on a case that did not concern Fayette County, but it did concern Turner County versus The City of Ashburn. He explained that the ruling was that judicial arbitration is a clear violation of the separation of powers doctrine, and that the ruling is causing all the counties that went into some form of arbitration to go back and approve their documents through other means. He reminded the Board that the County did go into arbitration in 2012. He stated that the good news was that when the current Board came in 2013, there was no need for arbitration because the Board was working with the cities at that time and in doing so the County rapidly came up with an agreement within a couple of weeks. He emphasized that since Fayette County was on the arbitration list with the Department of Revenue that the County would have to go through a formal re-adoption of the documents.

Commissioner Oddo moved to accept staff's request to re-adopt the Intergovernmental Agreement for Distribution of Local Option Sales Tax Proceeds and authorization for the Chairman to sign the related Certificates of Distribution. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent. Copies of the Intergovernmental Agreement for Distribution of Local Option Sales Tax Proceeds and its related Certificates of Distribution, identified as "Attachment 1", follow these minute and are made an official part hereof.

2. Consideration of the Chairman's request to submit the answers to the citizen's questions concerning Core Infrastructure SPLOST projects.

Chairman Brown reminded the Board that at the October 10, 2013 Board of Commissioners meeting, the Board made a public request through the news media and all of the County's communications channels that the Board wanted anyone who had a question at all that was related to the Stormwater Core Infrastructure SPLOST projects to submit those questions. He stated that the Board had been accused by several entities and personalities throughout the County as hiding things and not answering questions, so it was thought that the County would provide an excellent opportunity to show that the County would answer any question on the record. Chairman Brown reported that the answers were ready, that they would be submitted to the minutes of this meeting, and that they would be posted to the County's website. He pointed out that Mr. Lentz and Mr. Chase submitted a letter that was printed in the October 16, 2013 newspaper, and that the only problem that they cited was that the Environmental Management Department has not yet finished a Master Stormwater Drainage Plan. He explained that the County is in the process of

creating the plan and that the County knows that having the drainage plan is important. That said, he stressed that projects are currently failing. Chairman Brown continued saying that one of the questions was: *Given these (and other similar statements in meetings and the press), do you deny the use of scare tactics to influence voters?* He said the answer that was provided was telling since the County government and the news media have all reported facts related to failing culverts at several locations throughout the county. He said if the infrastructure is failing and falling through, then he would not consider the County as promoting scare tactics but as pointing to reality. He said the Board was trying to take care of a problem that it did not create, and that the Board was standing up to the problem by saying, "We are willing to take this on." Chairman Brown pointed out that Pinewood Studios was in Fayette County, that Panasonic just announced a major expansion, that Gerresheimer Peachtree City just doubled their capacity, and that the Board just passed a bond initiative for IPN which is located in Peachtree City and which will double their capacity. He said all of those point to tremendous economic momentum going in Fayette County, and the last thing the County needs is failing infrastructure.

Commissioner Oddo commented that if the Board did not say anything it would be a dereliction of duty, so therefore, the Board has to say something.

Commissioner Barlow agreed with Commissioner Oddo saying by saying "silence is consent." He explained that if the Board did not respond then it would allow "them" to have *de facto* control of what is going on in the County.

County Administrator Steve Rapson reported that staff has spent an enormous amount of time with both Mr. Chase and Mr. Lentz in the past, and that he had spent about 1 ½ hours with Mr. Lentz on October 11, 2013. He reported that Mr. Lentz was very impressed with the County's level of detail and that he was somewhat taken aback with some of the positions he had taken earlier; albeit not enough to change the letter that was printed in the newspaper. Mr. Rapson pointed out that Fayette County has answered 92 questions, including 56 questions from Mr. Lentz and 28 questions provided by Mr. Chase who did not offer any new questions at the October 10, 2013 meeting, as requested, therefore requiring staff to review all of the minutes and records so that all the questions could be addressed. He stated that the Environmental Management Department and Public Works staff have held very extensive meetings with both gentlemen, and that staff had provided nineteen pages worth of answers in regards to those ninety-two questions. He reiterated that the County was trying to be as open and transparent as possible, and that the work has resulted in the most detailed SPLOST list ever created by any entity that he has seen in his twenty-five years of government service. He closed saying the County has done everything it could to educate the public and to provide information to the public.

Chairman Brown added that it was important to point out that the reason the County went to all of the extreme "trouble" to put the questions into the record and to have questions publically presented, was due to the fact that Mr. Chase was saying the County was not answering his questions. He stated that it was disappointing that at the October 10, 2013 meeting, when the Board asked for his questions, that that citizen refused to ask questions. Chairman Brown said staff should be credited for spending more than four hours looking through documentation to find the statements and questions that Mr. Chase had presented in past meetings with staff and in public meetings, and for pulling all those questions and comments out. He clarified that any question from Mr. Chase, that was detailed in the question list, was not a product of him asking questions when the Board asked for questions for the public record, but instead, it was the work of staff digging through the records trying to find the questions. Chairman Brown thanked staff for taking the time to obtain the information, and he said the County had gone above and beyond trying to make sure the

it had dispelled any rumors about not answering questions. He also pointed out that the letter submitted to the October 16, 2013 newspaper did not say "we [Fayette County] are not answering questions," and so Mr. Chase and Mr. Lentz have apparently agreed through omission of that statement, that the County probably is answering all of their questions. Chairman Brown also reported that the State told the County to address the three dams by either breaching them or repairing them. He explained that the dams would cost millions of dollars, and if SPLOST did not pass then the County would have to figure out where millions of dollars would come from just to repair the dams.

Mr. Rapson said that the short answer would be to breach the dam and drain the lake, but he encouraged anyone who takes that position to go view the lakes that they would like to drain. He said they are incredibly huge reservoirs of water that could be a true amenity for Fayette County. He mentioned that it is very easy to look at numbers and draw conclusions, but that he has learned that sometimes numbers do not reflect the correct answer.

Commissioner Barlow challenged *The Fayette Daily News* and *The Citizen*, including the reporters who have attended each of the Commission meeting, to step up and acknowledge the fact that the Board of Commissioners has done everything it said it would do. He said it was time for the paper to acknowledge that publically instead of writing controversial articles, constantly bringing ill-will toward the Commission. He said he took that personally, he thought it was wrong, and he said he had no problem dealing with the truth. He said he did have a problem dealing with a half-truth since a half-truth is a lie. He again challenged the papers to step up and print the truth about what has been going on.

Commissioner Ognio said he agreed with everything that had been said.

Commissioner Barlow moved to approve the Chairman's request to submit the answers to the citizen's questions concerning Core Infrastructure SPLOST projects. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent from the meeting. Copies of the request and the citizen's questions and answers concerning Core Infrastructure SPLOST projects, identified as "Attachment 2", follow these minutes and are made an official part hereof.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the October 16, 2013 Special Called Meeting of the Fayette County Board of Commissioners. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent from the meeting.

The Board of Commissioners adjourned the October 16, 2013 Special Called Meeting at 9:20 a.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 24th day of October 2013.

_____

Floyd L. Jones, County Clerk