Minutes

Board of Commissioners
November 14, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on November 14, 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 Tameca P. White, Deputy Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the November 14, 2013 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner Barlow asked the Veterans to stand and be recognized in honor of Veterans Day. He also informed everyone that he had been asked to judge at the Patriot Pen's essay contest where there was a young man who wrote an essay from St. Paul's Lutheran Church. He said he asked the young man to come to the meeting to talk to the people about patriotism. Commissioner Barlow said examples like this young man "bode well for the United States," and he referred to former United States President Theodore Roosevelt who said "Patriotism stands by the County. It does not mean to stand by the President or any other public official." Commissioner Barlow then asked Mr. Jacob Richardson to read his essay to the audience. Mr. Richardson did so. After Mr. Richardson read his essay, a brief video was shown concerning veterans and patriotism.

Commissioner Barlow asked Pastor Rob Maulella of St. Paul's Lutheran Church to offer the Invocation, and Pastor Maulella did so.

Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda, to move New Business Item #22 before Public Comment, that New Business Item #23 be moved before Public Comment, to remove New Business Item #24, and to add New Business Item #25– Highway 85 sewer line easement to the Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Recognition of the 7th Annual Chair-ity for The Children's Village at Christian City.

Commissioner Barlow presented the recognition of the 7th Annual Chair-ity for The Children's Village at Christian City to Ms. Heidi Becker on behalf of the Fayette County Board of Commissioners. Ms. Becker showed a video about the 7th Annual Chair-ity event, and commented about the need to contribute to children who need help. A copy of the request and recognition, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Giving Thanks and Donating in Fayette County: Recognition of a few organizations in Fayette County that provide food and clothing donations and thanking them for their service to the community.

Commissioner Oddo recognized the following charitable organizations on behalf of the Fayette County Board of Commissioners:

Real Life Center: Mr. John Leake , representing the Real Life Center, said it was because of the Fayette County community that Real Life Center started more than ten years ago to provide a safe place for people from all walks of life; knowing that hard times can happen to anyone at any time. He said the main programs they offer are food, clothing, and financial assistance all with accountability, follow-up and encouragement. He spoke about the organization's involvement with Fayette's Biggest Food Drive, and he reported that about 400,000 pounds of food have been distributed this year throughout Fayette and Coweta Counties. He also spoke about the T-Shirts for Turkey's promotion that the organization just completed, and he reported that Real Life Center was able to distribute more than 900 turkeys to struggling families. He thanked Fayette County for being a community that helps those in needs.

Bloom: Ms. Angela McNulty, who serves on the Board of Directors for Bloom, said Bloom has been serving the Fayette County for more than 24 years. She told everyone that Bloom was formerly known as Fayette Youth Protection Homes, and that the organization went through a renaming. She stated that Bloom is very thankful for the support that it has had over the past years, and the decision to change the name took a long time and much prayer. She said the reason the name was changed was because the organization is now serving children from across Georgia; not just Fayette County. She reported that this year Bloom has served children in 28 counties throughout the state and that more than 350 foster children and more than 200 foster families that have come to shop at the Bloom Closet. She stated that through the generosity of the people of Fayette County, Bloom has given more than 32,000 items of clothing and shoes and backpacks and school supplies to kids in foster care. She said that at Bloom the heart and soul of every child matters, and that the organization works to give dignity and respect to the children. She explained that Bloom has three basic services: 1) eight children currently live in the Friday-Johnson Home, 2) the Bloom Closet, which was formerly known as Gracie's Closet, provides clothing and supplies to foster children and families with the idea of easing financial burdens on sponsored families, and 3) a foster parenting program where families and individuals are trained to be foster parents. She asked for donations to the Bloom Closet as the needs are great. She asked people to consider becoming a foster parent, or to volunteer at Bloom. She added that financial donations are always appreciated. She closed by quoting Nelson Mandela: "The measure of any society is in how it treats its children."

Fayette Samaritans: Ms. Linda Ladd, representing Fayette Samaritans, stated that the organization was established in 1991 as an emergent crisis type organization. She said it is run solely by volunteers with no paid employees. She said the primary services include a food pantry, a food closet, and limited financial assistance for utilities and rent. She said that since they are a crisis organization, they are trying to keep a roof over the heads of children and to provide electricity. She asked for financial assistance, food items, and gently used clothing to help meet the need.

Grandparents and Kin Raising Children: Ms. Queen Gordy, representing Grandparents and Kin Raising Children, thanked the citizens of Fayette County for the recognition, and she presented members of the Board of Grandparents and Kin Raising Children to those in attendance. She explained that the name of organization changed from Grandparents Raising Children to Grandparents and Kin Raising Children because the scope was much larger. She said the Grandparents and Kin Raising Children was a nonprofit organization and was a benefactor of Bloom. She explained that they were not foster parents, that they did not receive any financial aid, and that the children were being raised often on a retirement income. She asked the community to help with financial support so that the children could experience cultural opportunities that they could not otherwise partake of due to limited finances.

Mid-West Food Bank was also recognized; however, the representative from the organization was unable to attend the meeting.

Chairman Brown encouraged Fayette's citizens to consider helping out each of the organizations. Copies of the request and of the certificates of recognition for each charitable organization, identified as "Attachment 2", follow these minutes and are made an official part hereof.

Commissioner Barlow asked Parks and Recreation Director Anita Godbee to stand and be recognized for her department's work with Special Olympics in Fayette County. He reported that Fayette County has the "number one rated Special Needs education in the State of Georgia." He thanked Anita, her staff, and the volunteers who make Special Olympics possible in Fayette County, and how the children smile as they participate in the programs.

3. Recognition of Fayette County Public Safety's Agreement with the Georgia Department of Public Safety and the Georgia Department of Transportation regarding the Open Roads Policy.

Chairman Brown asked Fire Chief David Scarbrough and the Deputy Sheriff on duty to come to the front of the room to be recognized. He reminded everyone that there is a lot of traffic congestion in metropolitan Atlanta, and that one thing that the Georgia Department of Transportation (GDOT), the Atlanta Regional Commission (ARC), and the Georgia State Patrol was trying to do was to work out a system to move vehicular accidents out of the right-of-ways as quickly and safely as possible. He told the audience that the Sheriff and Fire Chief had signed a resolution telling the GDOT, the State Patrol, and Governor's Office that Fayette County would work with them in their endeavor in what is known as the Georgia Open Road's Policy. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Proclamation honoring a Fayette County couple who is celebrating their 50th Wedding Anniversary.

Chairman Brown and the Board honored Mr. and Mrs. Darrell Clay and Karen Darlene Hatton who was celebrating their 50th Wedding Anniversary. Mr. and Mrs. Hatton were married on November 16, 1963. They met while attending church in Arlington, Virginia and were married in Alexandria, Virginia at the Arlington Calvary Church of the Nazarene. The Hatton's have two children: Darla Lynn and Darren Keith. They have six grandchildren: Brittney Darlene (named after Grandma), Bradley Clay (named after Grandpa), Mira Elizabeth, Cole Robert, Chloe Pamela, and Clark Nathaniel. The Hatton's are anticipating their first great-grandchild in December. Mrs. Hatton said that to be married for fifty years requires keeping Christ first in the marriage and in life, and to never stop being who you are. Mrs. Hatton said that married couples must be tolerant of one another, patient, and kind to one another. Copies of the request and proclamation, identified as "Attachment 4", follow these minutes and are made an official part hereof.

Motion Concerning New Business Item #25: Chairman Brown moved to consider having New Business Item #25 to be heard prior to Public Comment. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC HEARING:

5. Consideration of a transfer of the 2013 and 2014 licenses for the sale of alcoholic beverages (package sales of beer and wine) from Amir Shahzid, Eight Era, Inc. DBA BP Kenwood, located at 1866 North State Route 85, Fayetteville, Georgia, 30214, to John Carter, Park Avenue C-Store II, LLC., DBA Kenwood BP.

County Manager Steve Rapson informed the Board that all the paperwork is in order, and that Code Enforcement Officer Kathy Hobbs was present to answer questions if needed.

No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to accept the consideration of a transfer of the 2013 and 2014 licenses for the sale of alcoholic beverages (package sales of beer and wine) from Amir Shahzid, Eight Era, Inc. DBA BP Kenwood, located at 1866 North State Route 85, Fayetteville, Georgia, 30214, to John Carter, Park Avenue C-Store II, LLC., DBA Kenwood BP. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

6. Consideration of Ordinance 2013-20 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article III. Definitions, Article V. General Provisions, Sec. 5-45. Standards for Telecommunications Antennas and Towers, and Article VI. District Use Requirements, Sec. 6-22. M-1 Light Industrial District and Sec. 6-23. M-2 Manufacturing and Heavy Industrial District.

Community Development Director Pete Frisina briefed the Board on this request. He stated that this request was basic housekeeping within the ordinance. He said the county has a request from a property owner to move a cell tower on the property, and it presented a new situation for the County since this had never come up before. He said this amendment would allow a person, for a period of time, to have an existing tower on their property, to build a replacement, and then once the Certificate of Occupancy is

issued for the replacement tower to give them 120 days to get it functional before they can dismantle the initial cell tower. Secondly, he explained the amendment would allow, within the M-1 and M-2 zoning districts, that the building heights are raised from 35 feet to 50 feet.

No one spoke in favor of or in opposition to this request.

Commissioner Ognio moved to approve Ordinance 2013-20 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article III. Definitions, Article V. General Provisions, Sec. 5-45. Standards for Telecommunications Antennas and Towers, and Article VI. District Use Requirements, Sec. 6-22. M-1 Light Industrial District and Sec. 6-23. M-2 Manufacturing and Heavy Industrial District. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-20, identified as "Attachment 6", follow these minutes and is made an official part hereof.

PUBLIC COMMENT:

Mr. Ken Lindsey: Mr. Lindsay read a letter to the Board on behalf of Liberty Baptist Church–located at 1077 Highway 314. The following is a transcript of what he read:

Dear Fayette County Commissioners,

Thank you for your faithful representation of the citizens of Fayette County. The Commission, residents, and church members share a common commitment to preserve the health and safety of every family in Fayette County. On Wednesday, November 13, 2013, the members of Liberty Baptist Church of Fayette County, Georgia discussed the decision to zone two adult entertainment sex shops in our neighborhood. By unanimous vote, the members expressed deep concern. The north Fayette County area is a lovely family environment. Local schools are safe havens for children, the recently developed Kenwood Park provides our families with safe recreation. Our churches develop strong families and community values. Providing room for sex shops in our community invites crime, elicits sexual activity in an unsafe environment for the children and families of north Fayette County. We respect your efforts to limit sexually-oriented businesses, but the churches in the north Fayette community feel targeted. Liberty Baptist Church has been a strong contributor to a healthy and safe family community. The Commissions actions that target our neighborhoods with sex shops diminish these two aims. The members of Liberty Baptist Church ask you to represent all the families of Fayette County and to stand with us in providing an environment for healthy families in a safe community.

Sincerely,

Dr. Randy S. Wood

Mr. Lindsey added that his thought was "if you don't build a China shop, you wouldn't have to take the bull by the horns." The members of Liberty Baptist Church stood up in the audience in support Mr. Lindsey and the letter that he read into the record.

Mrs. Laurie Klonoski: Mrs. Klonoski reminded the Board that she had spoken to the Board twice before in favor of the recently defeated Core Infrastructure SPLOST. She explained that the electorate's choice to deny the Core Infrastructure SPLOST may have caused devastation for two homes on Merrydale Drive. She said that prior to its defeat, the County's staff made a priority list of the infrastructure projects, and that her property was on Category I– those considered the most serious and in the most need of resolution. She said her problem was explained by the fact that when her subdivision was built in the early 1980s, the developer devised a slipshod for a stormwater drainage pathway that was totally unworkable. She said the developer and the County Engineer should have known better, but it was passed. She said that when he realized the possibility of future stormwater problems, the County Engineer signed a stamp on the property plat absolving the County of any responsibility for future drainage damage. She explained that at the time, the County already knew there were plans to build some homes near the older homes and on higher ground. Mrs. Klonoski said one option, albeit less profitable, would have been to leave the two lowest lying lots empty so that a drainage system could be worked out that would function properly. She said the County must reprioritize the infrastructure repairs they can afford. She hoped the County would have $16 million with the passage of the Core Infrastructure SPLOST, but now the County must settle for a $5 million bond. She understood that there are several dam projects would cost $3 million of the $5 million, and that the remaining money was not nearly as much for the remaining infrastructure repairs. She said she was worried that she may lose her spot as a Category I concern. She stated that the result of the poorly designed stormwater drainage paths is that her property gets all the drainage from scores of homes, causing an enormous ravine that is 75 feet wide and 25 feet deep. She said the ravine has further erosion with every rain. She reported that uprooted trees have fallen with the ravine and others have their entire root structures exposed. She stated that since Chairman Brown came to the property that, in addition to their yard sliding toward the ravine, the property has dramatic depressions in both the front and back yards. She told the Board that this problem would only get worse unless the County can come up with the $125,000.00 that was estimated to make the repairs. Mrs. Klonoski said the consequences for her family, if there was no money or repair, would be horrendous since the values of their two homes are plummeting. She said she could not possibly sell her homes in that condition, and that the equity they hoped to earn as part of their retirement was nonexistent. She hoped the Board would understand why she was at the meeting, asking for help. She said her family does not have $125,000.00 and cannot raise the money under any circumstances. She added that she should not have to raise the money since they did not cause the problem to begin with. She invited the entire Board of Commissioners to look at her property, saying the problem was pretty astounding when seen in person and that it would help the Board understand why she was so worried about it.

Mrs. Alice Jones: Mrs. Jones, vice-president of the North Fayette Community Association, said she was echoing the letter written by Liberty Baptist Church. She said she was concerned, and that many residents have called with concerns, about the proposed adult shops and businesses on the corridors of State Route 314 and Georgia Highway 85. She thought that some people thought about the issue at the October 24, 2013 Board of Commissioners meeting, and was told that this was publicized for public comment before a decision was voted upon. She thought that if the Board meant that the people were to read *The Citizen* newspaper, then the Board should know that her neighborhood does not receive *The Citizen*. She stated that there had been no prior communications with either her or anybody else, including Mr. David Brill who is the president of the North Fayette Community Association. She said the community was outraged, and she urged the Board to revisit its decision in order to find other locations to put adult oriented establishments. She thought the Board's decision was a disrespect to the community, and again asked the Board to revisit the issue. Secondly, Mrs. Jones spoke about the failure of the Core Infrastructure SPLOST project to pass, and she said her street in her subdivision was one of the identified Category I items on the proposed SPLOST list. She said her street floods badly when it rains because they are located in the lowest point of the subdivision. She urged the Board to revisit that issue and to include the issue in the County's budget for Capital Improvements and road improvements.

Ms. Dorothy Herring: Ms. Herring said she was the President of the Northridge Homeowners Association, and that the homeowners in the Northridge community are caught between some bad things happening north of them in Clayton County where adult entertainment shops are located, and now with the potential of being closed in on the south with adult oriented shops. She said the community has already had several break-ins, and that the community is continually trying to guard its neighborhood and to keep it safe, and to keep the kids and adults in the neighborhood safe. She was hopeful that the Board would revisit the areas where it was potentially proposing for adult entertainment to determine if there is a way to help the citizens protect their property values. She said when a person is on the north end of the county, it is much easier for unsavory things to happen. She said her neighborhood has been very lucky and blessed to have the Sheriff's Office to come out since there have been several break-ins in the past month. She said the Sheriff's Office is watching the neighborhood and monitoring the neighborhood, but that the neighborhood would definitely need help from the Board of Commissioners in order to maintain the value and sanctity of their property. She said the people were looking toward the Commissioners to help in that endeavor. Ms. Herring said that she read that some of the places where the shops would potentially be located, and she asked, if by some chance someone decided to put an adult oriented shop on each of those three locations, what would the County be left with. She suggested that the County would be left with senselessness to their north and nothing much better south of them. She added that even though people think it may not happen, the possibility existed that it could happen, and that there is nothing in the legislation to protect the people and neighborhood from being a victim. She hoped the Board would revisit the issue, and know that on the north side, and especially with Northridge, the people needed the County's help. Ms. Herring stated that she also attends Olivet Baptist Church, and that the church is going through a major funding to build a bigger facility. She said the church was not going through that endeavor to be hemmed in by unsavory behavior around the church, and she asked the Board to keep that in mind.

Mr. Clay Crim: Mr. Crim, of Crim Development, spoke about New Business Item #25, and he corrected staff by saying the address is 1391 Highway 85 instead of 1381 Highway 85. Chairman Brown said this item would be readdressed at the end of the meeting. He also asked staff to verify the address and to ensure records are accurate.

Mr. Gary Hogart: Mr. Hogart said he was attending the meeting with other members from Liberty Baptist Church. He said that within the last year, he and his wife were fortunate and blessed to be able to move to Fayetteville, and that they had been looking forward to moving to Fayetteville for a number of years. He said it was always known that Fayetteville was a family-type of a city. He said this was the first time he had ever been to a Commissioners meeting, and he was very impressed with the very positive way that the meeting began and how people are allowed to speak. He thought the way the meeting was handled was awesome. He wanted the Board to know how he and others felt, namely, he was strongly opposed to those kinds of things that will demean the families in Fayette County. He spoke about how families are already in trouble today, and it seems that the only people who can do anything about stopping some of the issues are people like the Commissioners who are placed in elected positions. He said that the church prayed daily for the Commissioners and those in leadership so that they would make the right kinds of decisions. He informed the Board that the church was not angry at the Board, and instead was grateful to the Board for the opportunity to come and share how they feel. He appreciated how much the Board listens to the people, and he said the people would continue to pray that God would work in everyone's hearts so that the terrible trend of families breaking down could be stopped.

Ms. Debbie Feemster: Ms. Feemster, a member of Liberty Baptist Church and a member of the North Fayette Community Association, said many of the older members have great and valid concerns. She said they would like to know what means could be brought to the county to stop adult oriented businesses in Fayette County without picketing or without standing in the rain. She said the people have been in the community for years. She said she

and her husband raised their children in the Fayette community, and that while they are not afraid, many people are. She knew that the issue was advertised in the newspaper, and she suggested that the advertisement may have been very tiny; especially if it was not something the County wanted to reveal. She said the people were concerned with valid concerns since they are property holders, and that they need the Board's help. She stated that her family lived in Fayette County for twenty years, but that they are still young enough that they could move out if needed. She told the Board that many of the older people cannot move anywhere, so they need help to protect their property. She said the people wanted to know what provisions are available through the County to revisit the issue. She said the people are sitting back there and are wondering when the Board is going to address the issue. She asked the Board to let the people know what provision they have, and how can this issue be revisited, and how to get the issue on the Agenda. She asked if there needed to be a number of signatures, do the churches need to come together, do the communities need to come together, does a picket line need to be formed, or what needs to be done to get this back in front of the Board. She said the people needed to have answers tonight so that the people could start working on the issues.

Ms. Carla Hollins: Ms. Hollins, who lives in the southern part of Fayette County, said she came in support of her neighbors and friends in the north end of Fayette County. She said she read about the adult sex shops that were coming to Fayette community, and she understood that Fayette County has taken a proactive platform in order to try to contain some of the actions of some of the adult clubs. She said she understood the Board's intention, but her problem was that it seemed to be targeting the north end of Fayette County, and she thought that was unfair. She told the Board that she did not come to the meeting to speak, only to observe, but as she listened to the people speak that she understood what they felt. She suggested that if she were in their position she would feel the same way. She thought the people needed to come together as a county and try to address this issue together. She thought that the issue should be brought up again, and that a sampling should be taken from the county to try to come up with a collective solution to the issue. She suggested that the County needs to spread the love around, and that if people on the north side of Fayette County have to deal with the problem then the people on the south side should have to deal with it as well. She did not think it was fair to continue to dump on the north end of Fayette County because, at some point, that dump and waste will become so heavy that it will flush down into the south. She stated that those on the south side of Fayette County would have to support their neighbors to the north.

Mr. Johnnie Jones: Mr. Jones spoke about the ordinance that was passed at the October 24, 2013 Board of Commissioners meeting pertaining to adult oriented businesses. He said he listened intently to what was said and that he read about the decision. He proposed to the Board is to go back and delete the areas that would designated, remove them from the ordinance, because what the County needs is a definitive proposal that says "that if you want to locate these types of businesses they have to meet these criteria," and then, when they come and try to decide where they want to put the businesses, then they have to come to the Board with a place, then the community has a chance to fight against it. He suggested that if the Board has already designated a place for these types of businesses to go, then the Board has already helped them put adult oriented businesses into communities where they are unwanted. He thought that was a disservice to the people. Mr. Jones said he did not come to the meeting to make the issue one-sided, and he commended the Board for being proactive. He said his interest was in the north side of Fayette County, and that he noticed that there is a lot of much criminal activity trying to encroach into north Fayette County. He said one of the things he really appreciated was the Sheriff's Deputies who have deployed the license plate recognition devises that are on the trunks of Sheriff's vehicles, since they target people who are coming to the County who do bad stuff. Mr. Jones said he had a conversation with a South Fulton police officer who serves in the helicopter unit, and he asked if Fulton County had an agreement with Fayette County. He said the criminals from south Fulton are coming to Fayette County thinking they can get away with crime, and these are the things that he stays in tune with. He wanted to commend the Sheriff's Office and the Board of

Commissioners in the efforts to limit crime in north Fayette County. He asked the Board to revisit the adult entertainment ordinance and to eliminate the designation to designate any area. He suggested that if the Board was fearful of a lawsuit, then the Board would be sued one way or another.

CONSENT AGENDA:

Commissioner Oddo moved to approve Consent Agenda Items 7-13. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

7. Approval of staff's request to purchase a custom lighting system that will replace existing peripheral lighting at the Historic County Courthouse, from Universal Concepts, in the amount of $5,000.00, utilizing Project Contingency Funds. 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 to replace an existing postage machine with a Neopost IN-750 postage machine at the total first-year cost of $11,265.00, and to transfer $9,180.00 from Project Contingency funds to pay the unbudgeted balance of the cost. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

9. Approval of staff's recommendation to accept monetary and non-monetary donations to the Department of Fire and Emergency Services totaling $25,000.00. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

10. Approval of a request from the Chanticleer Subdivision Home Owner's Association seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Chapter 10., Article III., Motorized Carts of the Fayette County Code.

Ms. Joy McElwaney, vice-president of the Chanticleer Subdivision Home Owner's Association, said this was the first she had heard of this issue and asked for clarity on the matter.

Community Development Director Pete Frisina reported that this request was submitted by Ms. Becky Bartell, president of the homeowners' association, who requested that the interior streets be approved for golf cart use. He explained that currently Fayette County has twenty-three subdivisions that have similar permission to drive golf carts on the street within the subdivision. He stated that the County would post signs at the entrances and exits saying golf cart use is not permitted outside of the subdivision. He stated that the County started giving this type of permission in the early 1990s, and that he was not aware of a problem occurring within the approved subdivisions that currently have these permissions.

Chairman Brown added that the county has strict requirements on who can drive a golf cart, how to drive a golf cart, and other requirements. Mr. Frisina agreed with Chairman Brown and emphasized that the permission would apply only for interior mobility within the subdivision. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

11. Approval of Ordinance 2013-18 amending Chapter 12 Offenses and Miscellaneous, Article I in General, to include Sections 12-7 Disorderly Conduct; 12-8 Loitering and Prowling; and 12-9 Public Drunkenness; and to provide for enforcement of said regulations by law enforcement personnel. Copies of the request and Ordinance 2013-18, identified as "Attachment 11", follow these minutes and are made an official part hereof.

12. Approval of Ordinance 2013-19 amending Chapter 12 Offenses and Miscellaneous, Article IV Litter, to include Sections 12-91 through 12-98, to meet the mandated requirements of the Metropolitan North Georgia Water Planning District and to provide for enforcement of said requirements. Copies of the request and Ordinance 2013-19, identified as "Attachment 12", follow these minutes and are made an official part hereof.

13. Approval of the October 24, 2013 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

14. Consideration of staff's recommendation to adopt Ordinance 2013-14 amending the Fayette County Code of Ordinances, Chapter 5, International Property Maintenance Code, Section 302.4 Weeds, to include an allowable height of 14-inches, adding the exclusion of crops. This item was tabled by Commissioner Allen McCarty at the October 10, 2013 Board of Commissioners meeting.

Community Development Director Pete Frisina spoke about amendments made to Ordinance 2013-14 that were made after it was tabled at the October 10, 2013 Board of Commissioners meeting. He said the grass height had been raised from twelve inches to fourteen inches, and that verbiage was added for crops and associated provisions. He said staff took a spin at trying to rewrite the ordinance and placing it in a different section, but the interim county attorney reminded staff that there is a copyright over the material. He said staff was returning in an effort to fill in a blank that was left when the ordinance was adopted several years ago.

County Manager Steve Rapson added that staff was making this effort at the direction of the Justice System because the judges want a permissible height in the ordinance for enforcement purposes. Chairman Brown and Mr. Frisina added that grass more than fourteen inches high was due to someone cutting their grass or in relation to vacant properties.

Commissioner McCarty commented "dare we write anyone a ticket for weeds over fourteen inches as long as the county has them over fourteen inches." He added that if the County wants to give citizens a ticket, then the County needed to fix its problems first. Chairman Brown thought that was fair.

Commissioner Barlow said he had a copy of a book entitled *International Property Maintenance Code*, and that on page nine, Section 302.4 it reads: "All premises and exterior property shall be maintained free from weeds or plant growth in excess of "jurisdiction to insert height in inches."" He said the Code was intended to be a reference, and then the County selects the inches that will go in the code. He said the County was required to set the height but for approximately ten years this ordinance has been absent the "inch-indicator." He stated that in a couple of cases where the County's law enforcement has tried to get someone to comply, there was an opportunity where a homeowner hired an attorney, and the attorney proved to the Court and the County that because there was no inch designation the County could not enforce the ordinance. He stated that the County was basically housekeeping an ordinance that has been on the books for ten years that was not able to be enforced. He said this language was coming from the International Code Book that is used as a guideline for all counties.

Chairman Brown moved to approve staff's recommendation to adopt Ordinance 2013-14 amending the Fayette County Code of Ordinances, Chapter 5, International Property Maintenance Code, Section 302.4, Weeds, to include an allowable height of 14-inches, adding the exclusion of crops. Commissioner Barlow seconded the motion.

Ms. Linda Sandwich asked the Board to clarify "what this puts us on the hook for and what kind of enforcement is there." She also asked if the code would imply where specific areas of property such as private property or public property. Chairman Brown replied that it would cover everything. He stated that the ordinance has been on the books for some while, but the problem was that when the ordinance was adopted the height of the grass was not inserted. He said the County has been taking people to court based on this ordinance, and a judge finally called the county on the ordinance saying "You've got to put something in there; a measurable increment in order for this to be enforced." He proposed that if a neighbor just quit cutting their grass and it gets to fourteen inches or above, then the neighbor would be applicable for a citation. He said the way this is discovered by the County is generally by a neighbor calling Code Enforcement.

Ms. Eloise Delaine reported that she has called Fayette County for her neighbor's yard that has not been cut for three years. She said as she called the Marshal's Office, she was informed that they did not have someone to enforce the code, and she was passed from one department to another. She asked, once the neighbor has been cited, how long would the neighbor have to cut the yard.

County Manager Steve Rapson replied that the County would give the violator a period of time to correct the problem. Code Enforcement Officer Kathy Hobbs replied that once Code Enforcement is notified a citation is issued with a court date. She stated that if they go to court they could be fined and would be given an amount of time to cut their grass and they will be on probation with the court until such time that the grass is cut.

Ms. Delaine replied that her neighbor's yard was checked, that she did get a notice, that she cut half of the yard. Chairman Brown replied that if a citizen was not satisfied with anything the county was doing, then call one of the commissioners and there would be immediate conversation with staff. Officer Hobbs clarified that if there is a fence in the backyard, and if the officer is not able to visually see the property, then there are privacy laws that prevent officers from going into a fenced area.

The motion to approve staff's recommendation to adopt Ordinance 2013-14 amending the Fayette County Code of Ordinances, Chapter 5, International Property Maintenance Code, Section 302.4, Weeds, to include an allowable height of 14-inches, adding the exclusion of crops passed 4-1 with Commissioner McCarty voting in opposition. Copies of the request and Ordinance 2013-14, identified as "Attachment 13", follow these minutes and are made an official part hereof.

NEW BUSINESS:

15. Consideration of staff's request to award the bid for construction of the Emergency Operations Center to Atlantic South Construction, Inc., in the amount of $785,400.00, utilizing funding from 37530930-541320 2930C.

Fire Chief David Scarbrough reported that some time ago, staff received a federal grant for $1 million to build an Emergency Operations Center. He said it took time to develop the plan and to constantly re-

evaluate it. He said staff has put the Emergency Operations Center out to bid, that there were eleven proposals received, and he asked for the Board to award the low bid in the amount of $785,400.00 utilizing federal funding which is the money that will go into the capital fund. He stated that staff hoped to have the facility built and operational sometime next year around July or August.

Chairman Brown added that the County did receive a very sizeable grant from the Georgia Emergency Management Agency (GEMA) saying they would pay for the Emergency Operations Center. Chief Scarbrough agreed saying that it was a $1 million dollar grant but that GEMA gets to keep $50,000.00 of the grant money. Chairman Brown credited Fire and Emergency Services' staff for doing a fantastic job of pulling in the grants, and the funding is a result of staff's effort. He stated that the County would be getting a first-class facility that has to withstand natural disasters so that emergency communications could still be provided in the event that something goes wrong. Chairman Brown said the county currently does not have an Emergency Operations Center since the Emergency Command is in the second story of the Administration Building, which is a retail shopping center that was converted into a government building. He stressed that when a tornado comes then the entire second floor is going off with it, along with the command staff. He said the beauty of having an Emergency Operations Center is that there will be people in place who can protect the citizens, and he said the effort was owed to Fire and Emergency Services staff that brought in the grant.

Commissioner Oddo moved to approve staff's request to award the bid for construction of the Emergency Operations Center to Atlanta South Construction, Inc., in the amount of $785,400.00, utilizing funding from 37530930-541320 2930C. Commissioner McCarty seconded the motion.

Commissioner Barlow asked Chief Financial Officer Mary Parrott if she had verified the account number as read. Mrs. Parrott replied that the account number was correct, and that the funds had not yet been received by the County.

The motion to approve staff's request to award the bid for construction of the Emergency Operations Center to Atlanta South Construction, Inc., in the amount of $785,400.00, utilizing funding from 37530930-541320 2930C passed unanimously. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

16. Consideration of staff's recommendation to award a contract to CH2M Hill (Engineer of Record for the Water System) as outlined under Task #1 (Eng. Svc 90-Day-NTE) in the amount of $312,300.00 and Task #2 (Attached-Regulatory/CIP-Hrly Rate) in the amount of $26,250.00, and for the County Manager to execute said contract and related documents.

County Manager Steve Rapson said this request was a follow-up to the approval for the CH2M Hill contract. He stated that there were actually two contracts that staff was asking the Board to adopt. He said the first contract was a fixed-base contract that was outlined as Task #1. Mr. Rapson said he may have beat up on Mr. Frank DeStadio of CH2M Hill a little bit in order to lower the cost, but basically there was negotiation to get the rates to get to the $312,300.00. He explained that Task #2 was a separate contract based on an hourly rate. He asked for approval for both contracts.

Chairman Brown reminded everyone of the recent problems with the Water System, that the Board has taken ownership of the problems and continues to work on the problems, and that CH2M Hill is one of the best water engineering firms in the United States. He said the County went after CH2M Hill because they were the best and because it wanted to solve the problems.

Mr. Frank DeStadio, representing CH2M Hill, said his firm was pleased to be awarded this contract. He said he wanted to be clear that CH2M Hill resides in Fayette County, that he and his wife and his grandchildren live in Fayette County, and that they certainly do not want to be just a vendor, but instead want to be a partner. He said CH2M Hill intended to work long and hard to guarantee its partnership to the County.

Commissioner Barlow moved to approve staff's recommendation to award a contract to CH2M Hill (Engineer of Record for the Water System) as outlined under Task #1 (Eng. Svc. 90-Day-NTE) in the amount of $312,000.00 and Task #2 (Attached-Regulatory / CIP-Hrly Rate) in the amount of $26,250.00, and for the County Manager to execute said contract and related documents. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and contracts with CH2M Hill, identified as "Attachment 15", follow these minutes and are made an official part hereof.

17. Consideration of staff's recommendation to adopt Ordinance 2013-17 amending Chapter 14 Recreation and Parks of the Code of Ordinances for Fayette County, Georgia.

Parks and Recreation Director Anita Godbee stated that the current ordinance located in Chapter 14 of the Code of Ordinance applies only to water parks. She stated that staff and the Recreation Commission recommended an amendment to the code and to add to the General Section of the Ordinance the Policy and Procedures that have been employed for years into the code. She also asked the Board to change the penalty of the violation in the water parks to be in alignment with the penalty for all ordinances in the Fayette County Code of Ordinances.

Commissioner Ognio pointed out that there are several parts of staff's recommendation that really bothered him such as the part about changing clothes. He suggested that there were no real exceptions in the language, and he knew from experience that those at the parks may change their shirts. He thought the recommendations could create an issue. He understood that people needed to use common sense, but some people do not use common sense and they could be charged with a misdemeanor changing their shirt. He said when he coached that there would be many times when he rushed from work to coach, and he would change his shirt in the parking lot. He suggested that these are the kinds of things that he did not want to come into effect and make everybody a criminal. He said he wanted to put this recommendation off until the issues were addressed. He understood those changing areas were available, but that there were times when changing shirts in a hurry to play a game would occur and that the County would not want to make somebody a criminal simply for changing a shirt. Commissioner Ognio added that he had another issue with restricting people from flying remote control planes, and he suggested that if someone was flying a plane on an empty football field that had no signs prohibiting such activity, that the person could be charged with a misdemeanor. He said they were issues that should be better defined. Ms. Godbee replied that the county would use common sense in these matters. Commissioner Ognio agreed, but he added that once everyone was gone and others come into the County that they may not use common sense. He stressed that the County needed to make the law clear, and he suggested that this item needed to be tabled until the issues are corrected.

County Manager Steve Rapson said staff could work on tightening up the ordinance to make people more comfortable. He added that the County cannot legislate common sense, but that language could be added that would address the majority of the concerns.

Commissioner Ognio moved to table this item until the changes were made. Commissioner McCarty seconded the motion.

Commissioner Barlow pointed out that Mrs. Godbee had been the Parks and Recreation Director for twelve years, and had actually worked in the department for 26 years. When asked how many ball games and recreation activities she had attended over her years, Mrs. Godbee replied that there were more than she could count. Commissioner Barlow stated that the reason he asked the questions was because he has no prior experience of what Commissioner Ognio spoke about, and he asked Mrs. Godbee what she had witnessed people changing shirts that would be in violation of the ordinance. Mrs. Godbee replied that she had not personally witnessed them on the ball field, but that people could be changing their shirts in cars, but she had not seen them on the ball fields doing it. Commissioner Barlow asked Mrs. Godbee what she would recommend for the Board to do. Mrs. Godbee replied that it would be a good idea for legal staff to look at the proposed amendments.

County Manager Steve Rapson added that staff would get with the Sheriff's Office on this matter. He said he had personally witnessed kids changing their shirts and plays skins versus shirts, and he said it was certainly not the intention of the proposed amendments. He stressed that there has to be some common sense exercised, and even if a citation was issued the judge would throw the citation out. He stated that the proposed amendments could be modified to address some of Commissioner Ognio's concerns.

Commissioner Barlow suggested that if the County were being reasonable with what was put into the ordinance, then typically any citation would be upheld by the court system, but if it was unreasonable and the ordinance was too strict, then the judges will bypass the ordinance saying it is not reasonableness.

Interim County Attorney Dennis Davenport informed the Chair that the motion to table needed to include a date certain when it would come back up again. Commissioner Barlow asked what staff was doing now in the absence of an ordinance. Mrs. Godbee replied that the County was basically enforcing policies and procedures that are in the books, and she added that the manuals do not address clothing. Mr. Rapson asked each Commissioner to provide staff with their individual concerns in order to ensure they are all addressed.

Commissioner Ognio amended his motion to table this item until the January 23, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the amended motion. The motion passed unanimously. Copies of the request and Ordinance 2013-17, identified as "Attachment 16", follow these minutes and are made an official part hereof.

18. Consideration of staff's request to design and construct a parking lot at the Georgia Department of Driver Services facility, with said parking lot including seventy-three parking spaces, a driveway, and upgrades to the stormwater detention pond, for an estimated materials cost of $50,938.00, utilizing Project Contingency Funds.

Public Works Director Phil Mallon stated that a state agency operates the county property at the McElroy and McDonough Road. He said the county provides the property and building and that the state provides the services. He said that those who have gone to the location realize that there is insufficient parking. He told the Board that both he and County Manager Steve Rapson met with representatives of the Department of Drivers Services several times and looked at various options. He said they felt the best solution at this time was to expand the parking on the facility. He said a concept plan had been prepared, and he displayed the plan on the large screen for all to see. He explained that the plan was to put in approximately seventy parking spaces on the existing property and at the same time to improve the stormwater management pond at the location at a material cost of about $51,000.00. He asked the Board to provide direction and to make funding available. Chairman Brown asked Mr. Mallon to describe the map so that people in the audience would understand what is being proposed.

County Manager Steve Rapson explained that there would be a barrier installed that would prevent people from parking at the intersection because, currently, people were parking along the road at the intersection and creating for real safety concerns.

Chairman Brown explained that the Department of Drivers Services is a state entity, and that the County is providing them with the use of the facility and is paying for the utilities so that they can issue drivers' licenses. He said it was realized that they are having a problem in that facility and they are feeling the pressures of a lot of usage. He said the parking issue was one of the problems they were feeling. He told the people that he has asked if the state could come up with some money in order to get them in a different location. He told the people that there is currently no money available from the State for this matter, and so the County was trying to put a Band-aid on the situation and just eliminate the dangerous parking element. He stated that this effort would still keep the people in crowded conditions and this issue would have to be addressed down the road. He suggested that as the State generates more money as the economy recovers, then the County will ask them to come up with a better facility.

County Manager Steve Rapson suggested that this work was intended to be a short-term fix and that hopefully the Department of Drivers Services will find another location. He stated that if they did not find another location then ultimately the County could close the facility due to safety concerns. He said the residents of Fayette County would then be affected due to the lack of convenience in obtaining the services.

Commissioner Barlow asked how long the effort to fix this problem had been in the works. Mr. Mallon replied that this problem had been explored for several years, but that it had become a top priority in the past ten to eleven months.

Commissioner Barlow moved to approve staff's request to design and construct a parking lot at the Georgia Department of Driver Services, with said parking lot to include seventy-three parking spaces, a driveway, and upgrades to the stormwater detention pond, for an estimated material cost of $50,938.00, utilizing Project Contingency Funds. Commissioners McCarty and Oddo seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

19. Consideration of staff's request to adopt Ordinance 2013-21 amending the Code of Ordinances for Fayette County, Georgia by enacting provisions pertaining to the regulation of on-site sewage management systems.

Interim County Attorney Dennis Davenport briefed the Board on staff's request saying it was a housekeeping measure since it effectively takes state regulations and adopts them as a local ordinance for enforcement purposes. He said it would not change anything, but it would allow Code Enforcement Officers to write citations on these issues where before it would have to be enforced through the Board of Health and ultimately through the State Board of Health in Atlanta. He suggested that it would remove the inconvenience of enforcing the state's regulations through the Health Board and it would make enforcement more efficient. Mr. Davenport explained that some of the problems addressed would be the occasional failed sewage system that requires quick action and results.

Commissioner Ognio pointed out that one section of the ordinance that talked about the type of pipes to be used and referred to them as Schedule 40 PVC, and he hoped that requirement could be put as a minimum standard. Environmental Health County Manager Robert Kurbes replied that it is a minimum standard since it is the minimum sized pipe that can be used for the conveyance piping. Commissioner Ognio stressed using Schedule 40 PVC as a minimum and that someone could upgrade to better pipes for their jobs. Mr. Kurbes replied that the State's mandated Code that the Board of Health has to enforce only allows PVC as the only acceptable piping for conveyance piping. He said a person could go stronger than a Schedule 40, but that the person could not use any other material than PVC pipes. Commissioner Ognio replied that he was aware that in other counties they have used stainless steel and pure iron pipes, and he said he was confused. Mr. Kurbes replied that they were not allowed for on-site sewage, but that they may be allowed for sewer systems and he referred to the code in providing his answer.

Commissioner McCarty asked if this ordinance applied to septic systems. Mr. Kurbes replied that this ordinance applied to septic systems since on-site sewage management systems are septic systems.

Commissioner Barlow moved to approve staff's recommendation to adopt Ordinance 2013-21 amending the Code of Ordinances for Fayette County, Georgia by enacting provisions pertaining to the regulation of on-site sewage management systems. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-21, identified as "Attachment 18", follow these minutes and are made an official part hereof.

20. Consideration of Ordinance 2013-22 amending the Fayette County Code, Chapter 19., Article IV., Stormwater Management and establishing a rate-fee schedule and amendments to the Stormwater Utility Credit Technical Manual referenced in this ordinance.

Environmental Management Director Vanessa Birrell briefed the Board on this request by saying after a long year of assessing stormwater that she was coming to the Board to bring an amended ordinance. She said the ordinance had been dissected, that the rate schedule was removed from the ordinance and is being presented as a separate document for the Board's consideration. She said staff also amended the Stormwater Utility Credit Technical Manual as directed by the Board members to exclude the credits pertaining to water quality, and to give those credits toward structural stormwater improvements.

Commissioner Oddo said the ordinance was still a work in progress and there were still areas that needed to be clarified.

Commissioner Oddo moved to amend the Stormwater Ordinance as follows: to establish a late payment penalty removing sections pertaining to filing notice of liens as a payment enforcement method, to remove the credits for rain barrel watershed stewardship and septic tank maintenance, and to add credits for ten

and fifteen acre lots, and for residential ponds, with the balance of the actual finalization of the ordinance to be taken up at a later date. Commissioners McCarty and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Oddo moved to establish a date for the finalization of the ordinance to January 23, 2014. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-22, identified as "Attachment 19", follow these minutes and are made an official part hereof.

21. Discussion of a Future Land Use Plan study for the State Route 74 Corridor.

Chairman Brown told the audience that the Board had additional documents on the dais. He explained one document was provided from Ms. Linda Sandwich and it was dated November 14, 2013 to the Fayette County Board of Commissioners, that there was a Fayette County GIS map, and there was another GIS map entitled Highway 74 South, and a Group Six Starr's Mill Professional Center Conceptual Master Plan, and a Conceptual Plan for the Gates with Integrated Science and Engineering.

Community Development Director Pete Frisina reported that Ms. Sandwich approached Planning and Zoning some while ago in order to rezone some property on State Route 74 South. He said staff discussed the issue with Ms. Sandwich and relayed to her that the County's Land Use Plan does not reflect those types of Land Uses in the southern portion of Fayette County in that area. He said staff suggested that she bring the question to the Board of Commissioners in order to determine if the Board wanted to consider making Land Use changes on the State Route 74 South corridor. Mr. Frisina then displayed maps of the area and described the area under consideration and told of some considerations to bear in mind. Chairman Brown informed everyone that the State Route 74 Corridor recently went through a widening project and is now a four-lane highway.

Ms. Sandwich informed the Board that the four lots that she was looking at for possible rezoning do have "some detractable" for future sales. She said there is one home for sale which is located next to a church and it has a horse farm, and that there is another house for sale. She said the owners of both houses are not opposed to rezoning or a future land use because this should open up the market for those houses that are somewhat landlocked. She requested that the Board submit her suggestion to the Planning Commission in order to look at a future Land Use Plan change.

Chairman Brown said he had looked at the area for quite a while and said that the borders of Peachtree City were going to rest where they were and that he did not anticipate any change to them. He explained that one thing he was looking at was that he did not want to see properties get subdivided and split into more houses that would cause more access problems. He thought the office concept might be a pretty decent proposal. He added that one thing that the Starrs Mill School Complex is looking at is that some schools do have capacity and they could bring in a few more students, but that Starrs Mill is not one of those schools; so space is an issue in the area. He suggested that there would be low traffic counts by placing office facilities in the area, and they do not interfere with the subdivisions nearby since they have different access points onto the highway. He said he did not have a real problem with Ms. Sandwich's request, and he thought the rural boundary would make a great line of demarcation. He said he would be in favor of having the Planning Commission explore what the possibilities would be for office use in that area since it would bring revenue, since it would not produce more students, and since it will not have a negative traffic effect on State Route 74.

Commissioner Barlow asked Ms. Sandwich if he heard her correctly that there were several houses in the area. He recalled that Ms. Sandwich said she had spoken to homeowners, but he asked if she had spoken to the church as well. Ms. Sandwich replied she had not spoken to the church. Commissioner Barlow thought it would be a real plus to talk to the church since the church was really well respected and since the leadership is well respected. He suggested that if the church were in favor of the initiative then it would be a plus for Ms. Sandwich. He added that he saw nothing that would prevent the Board from going forward with the Planning Commission.

Commissioner Oddo said he had driven the area as well trying to observe the area. He said he saw the retail moving south. He suggested that Georgia Highway 85 would serve as a natural barrier as a step-down to A-R Zoning. He agreed that people would probably not want to build homes in the area so the request should be considered.

Commissioner McCarty added that he has driven through the area and he thought the request would make great use of the property in the area, and he added that he could not think of anything else that could go into the area any better.

Chairman Brown moved to send this item to the Planning Commission to review for a possible decision on the Future Land Use Plan being amended to allow office in those specific sites that have been mentioned. Commissioners McCarty and Oddo seconded the motion.

Mr. Dennis Chase commented said the area near The Chimneys is already being served with sewer line, and that the County would be running into a situation with the Peachtree City Water and Sewerage Authority who will want to service some of the area, especially since areas are adjacent to properties already being served. He thought the County should be sure that when the plan is under consideration, then the County should consider how it is going to address that problem. He predicted that the problem would come up, that the Peachtree City Water and Sewerage Authority was desperate to sell their excess capacity, and that they will want to sell it to the County. He said that in the past the Board of Commissioners has opposed any extension of sewer lines into county properties or county zoned areas, and when the County does this, then it would begin looking at starting a precedence. He said these issues should be taken into consideration before the County makes too hasty a decision.

The motion to send this item to the Planning Commission to review for a possible decision on the Future Land Use Plan being amended to allow office in those specific sites that have been mentioned passed unanimously. Copies of the request and the additional documents specified by Chairman Brown, identified as “Attachment 20", follow these minutes and are made an official part hereof.

22. Consideration of a recommendation from the Selection Committee to appoint Mr. Allen Phinney to the Fayette County Development Authority, and for said appointment to begin immediately and to expire on April 9, 2014.

Commissioner Oddo moved to accept the Selection Committee’s recommendation to appoint Allen Phinney to the Fayette County Development Authority, and for said appointment to begin immediately and to expire on April 9, 2014. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Commissioner Oddo commented that he was on the Selection Committee for this appointment, and he wanted everyone to know that all the candidates were very qualified. He said both he and Commissioner McCarty had a difficult time making the selection. He said there were many people in the County who want to serve and are capable of serving. He said in this situation, Mr. Phinney had some excellent qualifications that would really be good for the Development Authority. He encouraged everyone to keep applying for other positions. He thanked Mr. Phinney for offering to take on the position, and he thought the appointment was good for Fayette County. A copy of the request, identified as "Attachment 21", follows these minutes and is made an official part hereof.

23. Consideration of a resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor.

Mayor Greg Clifton of the City of Fayetteville stated that the city appreciated the Board's cooperation on this matter, and that the city looked forward to renovating the older parts of the City of Fayetteville. He suggested that with Pinewood Studios coming to Fayette County the city was going to see growth and economic activity, and it was his desire and hope that the Tax Allocation District would play a part in revitalizing the city with new growth. Mayor Clifton explained that a Tax Allocation District is an area that is mapped off within the confines of a jurisdiction that must have sewer, and the properties within the mapped out property must be contiguous by way of right-of-way. He said the properties have to be in state of distress or are underutilized. He stated that the taxes for the properties within the mapped out area would be frozen and the future increase of the value of property goes into a fund for the TAD district. He said the incremental valuation of those properties are paid to a fund instead of to a city of school board, and those funds are used to finance future economic growth. Mayor Clifton said the TAD has been on the law books within Georgia over the past fifteen years, that over half of a billion dollars of economic development have been funded through TAD, and that no TAD initiative has failed, even during the past recession. He thought this was perfect timing for the city since old Fayetteville needed to be renewed. He repeated that he appreciated the County and the School Board's support in this matter. He clarified that the hope for result of the TAD is not only for property in the TAD district but also for properties adjacent to the TAD district, and that there will be an increased tax digest that will benefit everyone.

County Manager Steve Rapson agreed with the mayor's comments, clarified that the Tax Allocation District has to be for distressed properties, and that the definition of distressed properties is the State government's definition of distressed properties. He explained that the thought process was that those properties would not develop as quickly, so it is a good economic development tool as well as a good revitalization tool. He suggested that since the taxes are fixed, the two other aspects of this particular TAD that was being put into place established a TAD Advisory Board that will be made up of the city manager, the county manager, and the superintendent of the school board so that the projects, as they are coming before the TAD to be funded, will be vetted by the Advisory Board who will then return to the respective Boards or Council. He said that as far as Fayette County is concerned, this TAD would exclude EMS and E-911, so as those incremental properties develop, they would not have derogatory impact to public safety.

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Commissioner Oddo moved to accept the resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor. Commissioner Ognio seconded the motion.

Chairman Brown said he had seen the TAD tool work before, and he thought the City of Fayetteville was on the right track. He said the County would not lose a dime over what it is already collecting in ad valorem revenues on those properties. He said that on January 1, 2014, the County would be collecting the same amount that it is collecting currently, and he clarified that while the County would not lose revenue it would also not gain additional revenue as the property grows over the allowed timeframe. He said that was the incentive for developing the property. He pointed out that what is good for Fayetteville is good for Fayette County, and that the County would help the cities any way that it could.

The motion to accept the resolution from the City of Fayetteville consenting to the inclusion of Certain Fayette County Ad Valorem Taxes in the computation of the Tax Allocation Increment for the City of Fayetteville Tax Allocation District Number One- Highway Corridor passed unanimously. Copies of the request and Resolution with the City of Fayetteville, identified a “Attachment 22", follow these minutes and are made an official part hereof.

24. Request for Fayette County to pay for legal representation for Ms. Marilyn Watts.

This item was removed from the Agenda at the Acceptance of the Agenda. A copy of the request, identified as “Attachment 23", follows these minutes and is made an official part hereof.

25. Water Committee recommendation to approve the City of Fayetteville to use the waterline easement on Highway 85 to service 1391 Highway 85 with sewer conditioned upon any future ongoing maintenance associated with the waterline under the sidewalk not to be paid for by the Fayette County Water System.

Chairman Brown informed everyone that this item was added to the Agenda 24-hours prior to the start of the meeting, and that the media was notified, and that copies of the Agenda item were given to the press. He explained that the Agenda item was with each Commissioner at the dais and that if anyone wanted a copy of the material that they could contact the County Clerk.

County Manager Steve Rapson explained that this issue was basically a housekeeping item that was talked about when a similar request was rescinded at the October 24, 2013 Board of Commissioners meeting. He said the owner and the developer have worked out the issues in regards to the easement. He said Matt was in the audience to answer specific questions, and he repeated that this was basically the same project that the Board recently rescinded.

Chairman Brown stated that the reason that this item had to be added to the Agenda so quickly was because the parties were closing on December 5, 2013, prior to the Board of Commissioners December 12, 2013 meeting. He said the Board was trying to accommodate the parties so that they could make their closing date.

Commissioner Barlow moved to approve the Water Committee’s recommendation to approve the City of Fayetteville to use the waterline easement on Highway 85 to service 1391 Highway 85 with sewer conditioned upon any further ongoing maintenance associated with the waterline under the sidewalk not to be paid for by the Fayette County Water System.

Chairman Brown indicated that staff was informing him that the address was 1381 Highway 85.

Commissioner Barlow amended his motion to approve the City of Fayetteville to use the waterline easement on Highway 85 to service 1381 Highway 85 with sewer conditioned upon any further ongoing maintenance associated with the waterline under the sidewalk not to be paid for by the Fayette County Water System. Commissioner McCarty seconded the motion.

Interim County Attorney Dennis Davenport said he understood Commissioner Barlow to say that the County would not pay for maintenance. He said the issue was not paying for maintenance, but that the portion of the waterline easement that is going to have a sidewalk over the top of the waterline to the extent that the County would have to maintain the waterline by going through the sidewalk. He said that is what the County would not pay for–replacing the sidewalk.

The motion to approve the City of Fayetteville to use the waterline easement on Highway 85 to service 1381 Highway 85 with sewer conditioned upon any further ongoing maintenance associated with the waterline under the sidewalk not to be paid for by the Fayette County Water System passed unanimously.

The Board returned to this Agenda item based on Mr. Clay Crim's correct information provided during Public Comment. Mr. Rapson verified to the Board that the property in question is located at 1391 Highway 85 as originally listed.

Commissioner Ognio moved to change the address on the Water Committee recommendation to approve the City of Fayetteville to use the waterline easement on Highway 85 to service 1391 Highway 85 with sewer conditioned upon any further ongoing maintenance associated with the waterline under the sidewalk not to be paid for by the Fayette County Water System. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and other documents specified by Chairman Brown, identified as "Attachment 24", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Direction Sought on New Business Item #24: County Manager Steve Rapson asked for Board direction on how staff should handle the request. Commissioner Oddo suggested that it would be better to redirect the matter to the County's Insurance Agency, and to let the Insurance Agency analyze the matter and take it out of the Board's hands. Interim County Attorney Dennis Davenport agreed that this is a coverage issue, and that the County typically sends coverage issues to the Insurance Agency.

Chairman Brown informed everyone that he would abstain from the conversation because he was named in the matter.

Commissioner Oddo moved to send the request for Fayette County to pay for legal representation for Ms. Marilyn Watts to the County's Insurance Agency. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Brown abstaining from the vote.

Update on the Core Infrastructure SPLOST: County Manager Steve Rapson informed the Board that there were plenty of rumors and speculation about what the County would do since the Core Infrastructure SPLOST was not passed in the recent election. He explained that staff would take the Category I, Category II, and Category III projects and short-list them according to how the County would like to spend half a million dollars on the needs. He told the Board that Stormwater Utility bills would be issued shortly around Thanksgiving and Christmas. He suggested that this issue would be taken up at the April 2014 Retreat in preparation of next year's budget in regard to what the long-term plan will be.

Consent Order from the Environmental Protection Division: County Manager Steve Rapson reported that the County received a draft Consent Order from the Environmental Protection Division (EPD) and that it is under evaluation at the moment. He reported that staff had a meeting with EPD on October 21, 2013 to review the County's comments with regard to the issue, and he reported that the County has a 45-day window to respond to the draft Consent Order. He informed the Board that staff intended to respond to the draft Consent Order right after the Thanksgiving holiday as opposed to taking the entire 45-day window to respond. He stated that an update could be given to the Board at the December 12, 2013 Commissioners meeting. He added that the County has completed 89 out of the 150 deficiencies listed in the Sanitary Survey, meaning 59.3% of the deficiencies have been completed.

ATTORNEY'S REPORTS:

Four Items for Executive Session: Interim County Attorney Dennis Davenport reported that he had four items to be discussed in Executive Session composed of one item of Real Estate, two items of Threatened Litigation, and one review of the October 24, 2013 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow responded to Mr. Hogart's public comments, and he thanked Liberty Baptist Church and Mr. Hogart for keeping the Board in prayer. He said he thought about II Chronicles 7:14, quoted the verse, and submitted that it was prayer that is going to solve the issues in Fayette County. He stated that God was needed in America and that God is needed in Fayette County. He thanked staff for their work, and he said he prayed for staff's safety in travel and he wished staff would have a wonderful time with their families. He also said he prayed for those in attendance and he would pray that they have a good time with their families. Commissioner Barlow closed by thanking the citizens who come to the meeting and express their opinions. He recalled that the first Commissioner meeting that he attended about three years ago had all of about five citizens in the audience. He suggested the reason that was the case was because the Commissioners did not pay attention to what the citizens had to say, so the citizens stopped coming. He said that current Board has turned that matter around, that he was proud of that, and that he was thankful for the people who come to the meetings. He acknowledged that he may not always agree with what a citizen says, but he agrees that they have the right to say it, and that he volunteered and was elected to hear the citizens, and that he gladly does so. He reiterated that he would pray for everyone's safety, and thanked them for coming out.

Commissioner McCarty: Commissioner McCarty stated that Mrs. Emily Louise Burgess, who is the mother of Purchasing Director Ted Burgess, passed away earlier in the week. He informed everyone that she was 92 years of age when she passed, and she left a husband that she had been married to for 72 years. He wished that they had been around so that the Board could celebrate their 73rd wedding anniversary. He said everyone knew, and that the family knew, where Mrs. Burgess is at the moment. He said the Commissioners wanted everyone to know that they were remembering Ted and his family in the prayers. Commissioner McCarty closed his remarks by wishing everyone a Happy Thanksgiving.

Commissioner Ognio: Commissioner Ognio said he wanted to address the Sexually Oriented Businesses that were discussed in public comment. He said he personally did not like where they were going because he has a business in those areas and that he does not want "sex shops" next to his business. He understood that his business is not his home, and he understood that those who live in the area are affected differently. He said that as far as being afraid of being sued over where "sex shops" can be located, the fact is that if the ordinance was not passed and a sexually oriented business decided to come to the County, in most cases the "sex shops" have won the suit and been able to locate anywhere they want. He thought that if the people wanted to address the problem it would be more beneficial to get with the State legislatures to see if there is a way to prevent them altogether. He explained that the Board of Commissioners does not have the power to prevent sexually oriented businesses from coming to Fayette County, but that it does have the ability to try to limit them to areas. He suggested that if the people had a better way to figure out a limited area, then the Board would be open to those suggestions. He emphasized that the County has to do something and not just open for "sex shops" to locate anywhere they want. Commissioner Ognio closed his remarks by wishing everyone a Happy Thanksgiving and hoped everyone would have a safe holiday.

Commissioner Oddo: Commissioner Oddo agreed with Commissioner Ognio's remarks. He suggested that the Board's recent action can be fixed or changed or amended, but that the Board's action did put protections into place. He wished the Burgess family well. He told the audience that each Commissioner went to the visitation, that Ted and his wife, Del, are great people. He said he understood how Ted feels, and wished him well. Commissioner Oddo wished everybody a Happy Thanksgiving. He said he was very thankful that Fayette's citizens gave him the opportunity to represent them this year by being a Commissioner. He understood that everything he did may not have exactly accorded with what everyone wants, but he suggested that he did not think anyone could find others who are trying as hard as the Board is trying to do what is right by the County. He said serving was a great privilege, that he appreciated the opportunity, and that he looked forward to the rest of his term.

Chairman Brown: Chairman Brown strongly advised everyone to use the internet and look at the October 24, 2013 Board of Commissioners Minutes and recordings to see the discussion that was had concerning sexually oriented businesses, or "sex shops." He corrected a misconception by saying that there are no proposed "sex shops" currently coming to Fayette County, and that the Board's action was strictly a preventive action in an effort to head off the issue. He reminded the people that there have been many lawsuits concerning this issue in the past throughout metropolitan Atlanta, and that the jurisdictions have lost almost all of them. He said the County had to do something, and that the Board is determined to do something about this issue. Chairman Brown told everyone that when he was mayor of Peachtree City this issue came up around 2002 or 2003. He said the city rushed on the matter since several jurisdictions had just lost lawsuits, and it did the same exercise that the County just did recently. He told everyone that the area that was designated was the closest to his subdivision as it was across the street from his subdivision in the industrial area. He said the decision did not go over well at his house or street, but something had to be done. He pointed out that to date, not a single "sex shop" has moved into Peachtree City, and he hoped it was because the city took the right action at the right time. He encouraged the citizens to give the Board alternatives that could be considered, and if better alternatives can be found, then there would be five Commissioners who would go back and change the current ordinance. He reminded everyone that there would be no easy choices, that there are no easy alternatives, and that somebody would feel pain no matter what zoning classification is used. Secondly, Chairman Brown stated that he accepted the 2013 Democracy Award, and it was for trying to improve State Ethics. He said the Board had passed a resolution on the matter and that he had testified at the state level. He stated that at the award ceremony that he told everyone that Senator Josh McKoon was the only person in the entire State Senate willing to do the ethics changes and that Senator McKoon took much abuse and was maligned for taking that stand. He said if Senator McKoon had not had the courage to put forth ethics reform into legislation, under fierce retribution, then there would have been nothing to talk about. Chairman Brown said he owed Senator McKoon a great deal of gratitude. He added that had it not been for the four County

Commissioners who sit at the dais with him and who also voted for the resolution that he drafted for consideration, then he would again have nothing to talk about. Chairman Brown said he was very proud of the Board that he serves with, acknowledged that they stood with him on this matter, and that Fayette County was the only local jurisdiction in the State of Georgia who called for ethics reform for the State Legislature. Chairman Brown said he owed a debt of gratitude to the Board of Commissioners, and that the award that he received goes five times over all the way across the dais. He said he was grateful to serve with the Board, that their hearts are in the right place, and they do the right things.

EXECUTIVE SESSION:

Four Items of Executive Session: Chairman Brown moved to recess into Executive Session for one Real Estate Item, two items of Threatened Litigation, and to consider the Executive Session Minutes from October 24, 2013. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:51 p.m. and returned to Official Session at 10:16 p.m.

Return to Official Session and Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 25", follows these minutes and is made an official part hereof.

Approval of the October 24, 2013 Executive Session Minutes: Chairman Brown moved to approve the October 24, 2013 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner McCarty moved to adjourn the November 14, 2013 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the November 14, 2013 Board of Commissioners meeting at 10:17 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 12th day of December 2013.

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Floyd L. Jones, County Clerk