



## *Action Agenda*

Board of Commissioners  
April 24, 2014  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on April 24, 2014 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  
David Barlow  
Allen McCarty  
Randy Ognio

**Commissioner Absent:**

Charles Oddo, Vice Chairman

**Staff Present:**

Floyd L. Jones, County Clerk  
Tameca P. White, Deputy County Clerk  
Dennis Davenport, County Attorney

---

### **Call to Order, Invocation, and Pledge of Allegiance**

Chairman Brown called the April 24, 2014 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner McCarty offered the Invocation.

Chairman Brown led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Chairman Brown moved to accept the Agenda while removing New Business Item #11 from the Agenda.

Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

### **PRESENTATION / RECOGNITION:**

1. **Proclamation of April 26, 2014 as "Fayette County Pet Appreciation Day," and recognition of the Fayette County Humane Society.**

Chairman Brown read the proclamation of April 26, 2014 as "Fayette County Pet Appreciation Day," and he recognized the Fayette County Humane Society. Dr. Britton Hammet-McCurry and Animal Control Officer Rani Rathburn spoke about the importance of Fayette County Pet Appreciation Day and of the work of the Fayette County Humane Society.

**2. Proclamation of April 2014 as “Safe Digging Month in Fayette County.”**

Commissioner McCarty read the proclamation of April 2014 as “Safe Digging Month in Fayette County.”

**3. Proclamation of May 2014 as “Foster Care Month,” and the week of May 12-18, 2014 as “Foster Parent Appreciation Week.”**

Commissioner Barlow read the proclamation of May 2014 as “Foster Care Month,” and the week of May 12-18 as “Foster Parent Appreciation Week.” Ms. Susan Boggs of the Fayette County Department of Family and Children Services and foster parent Alicia Smith spoke about the need and importance of foster care and foster parents.

**4. Recognition of the Sandy Creek SkillsUSA Chapter.**

Chairman Brown read the recognition of the Sandy Creek SkillsUSA Chapter. Coach and Advisor Jeffrey Dykes spoke briefly about the Sandy Creek SkillsUSA Chapter.

**PUBLIC HEARING:**

There were no items for Public Hearing.

**CONSENT AGENDA:**

Commissioner Barlow moved to accept the Consent Agenda as read. Commissioner Ognio seconded the motion. The motion passed 4-0-1 with Commissioner Oddo being absent.

- 5. Approval of a request from the Fayette County Juvenile Court for authorization to file continuation and enhancement grant applications, on behalf of the Fayette County Board of Commissioners, with the Governor’s Office for Children and Families, and authorization for the Chairman to execute said documents.**
- 6. Approval of staff’s recommendation to declare a walk-in freezer as unserviceable and to authorize staff to sell the walk-in freezer on GovDeals.com with proceeds from the sale returning to Fayette County’s General Fund.**
- 7. Approval of staff’s recommendation to add Claudia’s Cove to the Fayette County Street Light Program.**
- 8. Approval of staff’s recommendation to adopt Ordinance 2014-07 enacting a new County Code entitled “The Code of Fayette County, Georgia.”**

Chairman Brown thanked County Attorney Dennis Davenport and his legal staff for working to enact the new County Code. Mr. Davenport credited Municode for working with the county in this matter.

**OLD BUSINESS:**

There were no items of Old Business for consideration.

**NEW BUSINESS:**

**9. Consideration of the Selection Committee's nomination of James L. Preau to the Fayette County Water Committee.**

Commissioner Ognio moved to accept the Selection Committee's nomination of James L. Preau to the Fayette County Water Committee. Commissioners Barlow and McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent.

**10. Consideration of staff's recommendation to adopt Ordinance 2014-08, establishing Operating Regulations for Short Term Lodging and Tourist Accommodations by designating Sections 6-165 through 6-205 of Article VI as a new Article pertaining to "Tourist accommodations" to Chapter 6 of the Fayette County Code of Ordinances, becoming effective June 1, 2014.**

Code Enforcement Officer Kathy Hobbs and County Attorney Dennis Davenport spoke about the recommendation to adopt Ordinance 2014-08 and answered questions from the Board.

Commissioner Barlow moved to approve staff's recommendation to adopt Ordinance 2014-08, establishing Operating Regulations for Short Term Lodging and Tourist Accommodations by designating Sections 6-165 through 6-205 of Article VI as a new Article pertaining to "Tourist accommodations" to Chapter 6 of the Fayette County Code of Ordinances, becoming effective June 1, 2014. Commissioner Ognio seconded the motion. Discussion followed.

County Attorney Dennis Davenport reminded the Board that Ordinance 2014-08 will provide for the enactment of an Excise Tax. He stated that the motion did not mention an Excise Tax, but he wanted it on the record that the ordinance would enact a 3% Excise Tax. He also said that the ordinance presented to the Board was not in final form since there were scriveners' errors that needed to be corrected,;however, passing the ordinance would demonstrate the Board's intention of putting the regulations on the books effective June 1, 2014. Mr. Davenport also informed the Board that the Ordinance refers to a Schedule of Fees, but that the schedule is not actually in the ordinance. He stated that there would have to be a second motion to adopt the Schedule of Fees, and that the Schedule of Fees would come before the Board prior to June 1, 2014. Discussion followed.

Commissioner Barlow amended his motion to approve staff's recommendation to adopt Ordinance 2014-08 enacting an Excise Tax and establishing Operating Regulations for Short Term Lodging and Tourist Accommodations by designating Sections 6-165 through 6-205 of Article VI as a new Article pertaining to "Tourist accommodations" to Chapter 6 of the Fayette County Code of Ordinances, becoming effective June 1, 2014. Commissioner Ognio seconded the amended motion.

Mr. Ray Swann and Mr. David Arnold spoke in favor of the recommendation to adopt Ordinance 2014-08. Mrs. Denise Ognio asked a question about this ordinance. No one spoke in opposition to the recommendation.

The motion to approve staff's recommendation to adopt Ordinance 2014-08 enacting an Excise Tax and establishing Operating Regulations for Short Term Lodging and Tourist Accommodations by designating Sections 6-165 through 6-205 of Article VI as a new Article pertaining to "Tourist accommodations" to Chapter 6 of the Fayette County Code of Ordinances, becoming effective June 1, 2014 passed 4-0-1 with Commissioner Oddo being absent.

- 11. Consideration of staff's recommendation to consolidate the City of Fayetteville's Fire Department into the Fayette County Fire Department, and for the consolidation of the departments to become fully operational on July 1, 2014.**

This item was removed from the Agenda at the acceptance of the Agenda.

- 12. Consideration of a request from the Environmental Health Department to adopt proposed Environmental Health Fee Schedule revisions.**

Environmental Health County Manager Robert Kurbes spoke about this request and answered questions from the Board.

Commissioner Barlow moved to approve the request from the Environmental Health Department to adopt proposed Environmental Health Fee Schedule revisions. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent.

- 13. Consideration of the April 9, 2014 Joint Meeting Minutes of the Fayette County's Board of Commissioners and the City of Fayetteville's City Council. Commissioners McCarty and Ognio were not present for this meeting.**

- 14. Consideration of the April 10, 2014 Board of Commissioners Meeting Minutes. Commissioners McCarty and Ognio were not present for this meeting.**

Chairman Brown pointed out that there was not a quorum present of those who were in attendance for the April 9 Meeting Minutes and the April 10, 2014 Meeting Minutes.

Chairman Brown moved to table the April 9, 2014 Joint Meeting Minutes and the April 10, 2014 Board of Commissioners Meeting Minutes to the May 8, 2014 Board of Commissioners Meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent.

**PUBLIC COMMENT:**

**Emory McHugh:** Mr. McHugh spoke for approximately sixteen minutes about his concerns about the finances of Fayette County.

**Robert Mudrinich:** Mr. Mudrinich asked the Board to change the school zone speed limit on Redwine Road for the South School Complex, around the Panther Path area, from 35 miles per hour to 25 miles per hour.

### **ADMINISTRATOR'S REPORTS:**

There was no Administrator's Report.

### **ATTORNEY'S REPORTS:**

**New Business Item #10:** County Attorney Dennis Davenport followed up on New Business #19- Tourist Accommodations saying staff would likely bring the Schedule of Fees to the Board at the May 8, 2014 meeting.

**March 27, 2014 Executive Session Minutes:** County Attorney Dennis Davenport informed the Board that there were Executive Session Minutes were available for review, but that there were no other Executive Session items to discuss. He asked for the Board's pleasure in whether or not it wanted to go into Executive Session to review the minutes. The Board consented to wait until the May 8, 2014 Board of Commissioners meeting.

### **COMMISSIONERS' REPORTS:**

**Commissioner McCarty:** Commissioner McCarty thanked everyone for coming and giving comments. He said the presenters did a good job. He said everyone who is enforcing ordinances has their hands full, and there are not enough people to enforce all the ordinances. He said his opinion was on the record and there were things that need to be addressed and fixed as they come up.

**Commissioner Ognio:** Commissioner Ognio thanked everyone for their thoughts and prayers, saying it was good to get back. He then replied to Mr. McHugh's public comments. Commissioners Brown and McCarty added to Commissioner Ognio's comments.

**Commissioner Barlow:** Commissioner Barlow said he was in the Leadership Fayette class. He said Mr. Rob Parker, the Executive Director of Southern Ground, shared a maxim that he thought was very interesting, namely, that a leader strives for the ability of when his identify is displayed when they call on a phone that the person on the other end of the phone finds it to be a good moment and they look forward to hearing what he has to say. He said it should not be where someone sees a name come up and the person on the other end "kicks it to 'leave a message'."

**Chairman Brown:** Chairman Brown acknowledged that previous County Commissioner Dennis Berkelbaugh passed away recently. He stated that Commissioner Berkelbaugh was elected into office in 1982 and that he served as a Commissioner for four years, and that he served as Chairman of the Board for two of his four years. Chairman Brown stated that the thoughts and prayers of the Board are with the Berkelbaugh family during this time, and that the Board appreciated his service to the people of Fayette County.

**Commissioner Ognio:** Commissioner Ognio said the thoughts and prayers of the Board are with County Administrator Steve Rapson on his mother's passing on Easter Sunday. He also stated that the Board's thoughts and prayers are with Commissioner Charles Oddo and his family as they are dealing with health issues. Chairman Brown commented on how trying things have been for individual board and staff members during the past month.

**Chairman Brown:** Chairman Brown told those new attendees to the meeting that Mr. McHugh comes to the meeting and often gives snide remarks. He said the Board gives him a lot of time and let him speak. He said Mr. McHugh does a lot of Open Records Requests and is a formal disgruntled employee. He said the County does respond to his Open Record Requests to the best of its ability, and that he takes pride in the fact that Fayette County has one of

the most open and transparent governments in the State of Georgia. He said a lot of people have recognized Fayette County for its openness. He stated that the County takes the complaints and the criticisms just as it takes awards and complements and accolades, and that people are more than welcome to come to a Board of Commissioners meeting and have their say. Chairman Brown then briefly replied to Mr. McHugh's public comments.

**EXECUTIVE SESSION:**

There was no Executive Session meeting.

**ADJOURNMENT:**

Commissioner Barlow moved to adjourn the April 24, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. There was no discussion. The motion passed 4-0-1.

The April 24, 2014 Board of Commissioners meeting was adjourned at 8:42 p.m.

---

Floyd L. Jones, County Clerk