Minutes

Board of Commissioners
February 27, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on February 27, 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 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, County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the February 27, 2014 Board of Commissioners Meeting to order at 7:00 p.m.

Commissioner Barlow resumed his presentation on the 28 Principles of Liberty that were used to craft the United States Constitution. His presentation focused specifically on the 8th, 9th, 10th and 11th Principles of Liberty. Commissioner Barlow then asked Pastor Chuck Chambers of Woolsey First Baptist Church to offer the invocation, and Pastor Chambers did so. A copy of the PowerPoint presentation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Commissioner Oddo led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as written. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. **Presentation and acknowledgment of the first responders, state and local employees, medical personnel, local utility companies, and Fayette County's Faith Based volunteers who protected and provided for Fayette County's citizens during the recent snow and ice storms.**

Chairman Brown, County Administrator Steve Rapson, Fire Chief David Barlow, and Division Chief- EMA Director Pete Nelms recognized the first responders, state and local employees, medical personnel, the local utility companies, and Fayette County's Faith Based volunteers who protected and provided for Fayette County's citizens during the recent snow and ice storms.

Representatives of the following departments and agencies were present for this acknowledgment: Fayette County Water System, Fayette County Road Department, Fayette County Fleet Maintenance; Fayette County Information Systems, City of Fayetteville Fire Department, Fayette County Fire Department; the Georgia Emergency Management Agency, the National Weather Service, Fayette County Health Department; District Four Public Health Department, Piedmont Fayette Hospital, Fayette County Sheriff's Office; Fayette County Buildings and Grounds Maintenance, Fayette County Board of Education, Fayette County Bus Drivers; Fayette County Public Works Department and Fayette County's Faith Based network volunteers. Copies of the request and related documentation, identified as "Attachment 2", follow these minutes and are made an official part hereof.

2. Recognition of the 2013 Master Gardener Extension Volunteer Service Program.

Agricultural and Natural Resources Agent Kim Toal spoke about the purpose, work and services provided by the Master Gardener Extension Volunteer Service Program during 2013. She then introduced Ms. Carol Ledbetter, Program Administrator of the Plant a Row for the Hungry Initiative, and she asked Ms. Ledbetter to talk about Fayette County's contributions and statistics. The Extension Services then provided a "faux" check to the Board of Commissioners demonstrating the amount of services provided by and to the citizens of Fayette County. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

3. Recognition in appreciation of Mr. Samuel Patton's volunteer work in taking pictures of various iconic locations throughout Fayette County.

Chairman Brown recognized Mr. Samuel Patton and his volunteer work and contribution to Fayette County. Chairman Brown spoke about Mr. Patton's talent as a photographer and how his work would go to preserve Fayette County's history. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. Recognition of Fayette County Plans Examiner Steve Tafoya who has recently been accepted appointment by the Board of International Professional Standards to the Mechanical Exam Development Committee as a full member, with said appointment beginning January 1, 2014 and expiring December 31, 2016.

Permits and Inspections Director Joe Scarborough introduced Fayette County Plans Examiner Steve Tafoya to the Board and spoke about his recent appointment by the Board of International Professional Standards to the Mechanical Exam Development Committee. Chairman Brown spoke about how instrumental Mr. Tafoya was in the Pinewood-Atlanta initiative. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Recognition of Mrs. Ada Demlow, Children's Librarian and the 2013 Employee of the Year for the Fayette County Public Library.

Commissioner Barlow, as a member of the Fayette County Library Board, spoke about Ms. Ada Demlow and her qualifications in being named 2013 Employee of the Year for the Fayette County Public Library, and he presented Mrs. Demlow with a plaque in recognition of being Employee of the Year. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

6. Recognition and congratulations of Buildings and Grounds Director Greg Ownby on his upcoming retirement from Fayette County.

County Administrator Steve Rapson spoke about the Building and Grounds Director Greg Ownby's upcoming retirement. Mr. Ownby then spoke about his employment at Fayette County, and stated that those who deserve the credit are those who worked with him at Buildings and Grounds Maintenance. Mr. Rapson gave Mr. Ownby a plaque recognizing his employment with Fayette County. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

Chairman Brown informed the audience that Fayette County, working in conjunction with the City of Fayetteville, had won the Atlanta Regional Commission's annual award for Economic Development for the Year.

7. Proclamations honoring Fayette County couples who are celebrating milestone wedding anniversaries.

Chairman Brown recognized eight couples who are celebrating their milestone wedding anniversaries, and he read a proclamation honoring their anniversaries. The following are the couples who were recognized:

- Harold and Vernella Joseph were married on December 18, 1963 and recently celebrated their 50th anniversary. They met in college at Southern University in Baton Rouge, Louisiana, and they were married by the Justice of the Peace in Houston, Texas. They have demonstrated a firm commitment to each other through good times and bad times, through sickness and health. They share a loving relationship with their three children: Vernessa, Therion, and Thaddeus. They have seven grandchildren and one great-grandchild. Through the years, they continued to show respect, love, and commitment to each other while continually sharing their kindness and wisdom with all that surround them. Mr. Joseph's advice is: "Be able to talk to each other and willing to compromise. When you know you are wrong just apologize and move on. Never go to bed angry . . . whatever it is, fix it before you go to sleep." A copy of their proclamation, identified as "Attachment 8", follows these minutes and is made an official part hereof.

- Allen and Lana McCarty were married on February 24, 1962 and recently celebrated their 52nd anniversary. They met at a Youth for Christ event in 1958 and were married at Lana's parent's home in Atlanta by Pastor Paul Van Gorder, and share their loving relationship with their daughter Lana Lee Infante. They also have one granddaughter and one grandson. Their advice "is to put God first, depend on Him, and He will bless you." They asked all to remember that they are just two imperfect people who did not give up on each other. A copy of their proclamation, identified as "Attachment 9", follows these minutes and is made an official part hereof.

- Alonzo and Sandra Wilkins were married on February 11, 1961 and recently celebrated their 53rd anniversary. They were married at the Holman Methodist Church in Los Angeles, California. Together, they share a loving relationship with two sons, seven grandchildren, and three great grandchildren. Mr. Wilkins was a resident of Griffin, Georgia and one of the founding board members and the past president of Citizens Trust Bank in Atlanta, Georgia. He and Mrs. Wilkins have been residents of Fayetteville since 2004, and they are active members of the First Church, Christ Scientist in Fayetteville, Georgia. A copy of their proclamation, identified as "Attachment 10", follows these minutes and is made an official part hereof.

- Donald and Robert Furlong were married on December 27, 1958, and they recently celebrated their 55th anniversary. They met at a square dance in Connecticut and were later married at St. Paul's Episcopal Church in Plainfield, Connecticut. They have two children, Donna and Allen, four grandchildren, and three great-grandchildren. They are members of the Cathedral of Christ the King Church in Sharpsburg, Georgia. Mr. Furlong says, "We still love each other." Their advice for a long and happy marriage is to make sure God is part of your marriage, never go to bed angry, to give 100% to your marriage, and learn say "Yes, dear." A copy of their proclamation, identified as "Attachment 11", follows these minutes and is made an official part hereof.

- Paul and Nancy Davis were married on January 30, 1959 and they recently celebrated their 55th anniversary. The couple was married in Madisonville, Tennessee. They met at a local movie theater in a small collage town where Paul was attending school. After just a few weeks they were married, had two daughters, and moved to Atlanta in 1968. They renewed their vows in 2007 at Christ our Shepherd Lutheran Church in Peachtree City where they have lived for the past forty years. A copy of their proclamation, identified as "Attachment 12", follows these minutes and is made an official part hereof.

- Otis and Joan Hicks were married on February 19, 1955 and recently celebrated their 59th anniversary. They met while Joan was babysitting and while Otis was visiting his sister in the same duplex. Otis talked to Joan's best friend, who then talked to Joan. They began dating and later graduated together. The couple was married at St. Anthony's Catholic Church West End in Atlanta, Georgia. Mr. Hicks served in the United States Coast Guard. Together, they have five children, ten grandchildren, and nine great-grandchildren. Three of their four girls are school teachers, and all the children attended Fayette County schools. A copy of their proclamation, identified as "Attachment 13", follows these minutes and is made an official part hereof.

- Ronald and Ima Steele were married on February 20, 2953 and recently celebrated their 60th wedding anniversary. They met at a church in Riverdale, Georgia and were later married at that same church. They have five children, David, Paul, Bruce, Jeana, and Bryan, thirteen grandchildren, and thirteen great-grandchildren. Mrs. Steel says that serving the Lord, staying in church, and working it out is how you make a marriage last. A copy of their proclamation, identified as "Attachment 14", follows these minutes and is made an official part hereof.

- Lewis and DeAnne Rabbitt were married on December 14, 1953 and they recently celebrated their 60th wedding anniversary. The couple met in Minneapolis, Minnesota while flying on Northwest Airlines. DeAnne was a flight attendant and Lewis was a pilot. In 1956, Mr. Rabbitt began piloting for Eastern Airlines and he retired in 1987. The Rabbitts have five children, twelve grandchildren, and great grandchildren. Mrs. Rabbitt shares that the key to the longevity in marriage is "knowing Jesus Christ." She said couples should "keep looking up and trust God." Mrs. Rabbitt has stated

that "the best days are yet to come" for her and Mr. Rabbitt. A copy of their proclamation, identified as "Attachment 15", follows these minutes and is made an official part hereof.

Copies of the request and general information, identified as "Attachment 16", follow these minutes and are made an official part hereof.

PUBLIC HEARING:

8. Approval of staff's recommendation to approve a retail sales alcohol license, beer and wine, for Welcome Pantry 9 located at 2400 Highway 138, Fayetteville, Georgia with licensee being Dishad Hooda.

Mr. Dishad Hooda spoke in favor of this request. No one else spoke either in favor of or in opposition to this request. Code Enforcement Officer Kathy Hobbs informed the Board that the applicants had satisfied all the appropriate requirements and that references had been checked.

Commissioner Oddo moved to approve staff's recommendation to approve a retail sales alcohol license, beer and wine, for Welcome Pantry 9 located at 2400 Highway 138, Fayetteville, Georgia with licensee being Dishad Hooda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of this request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

CONSENT AGENDA:

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

9. Approval of staff's recommendation to dispose of turnout gear that is no longer serviceable and to donate the unserviceable items to the Real Life Center. A copy of this request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

10. Approval of the February 17, 2014 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

11. Discussion of the trend of transient / vacation lodging through short-term rentals in residential neighborhoods. This item was tabled at the February 17, 2014 Board of Commissioners meeting.

County Attorney Dennis Davenport said this issue of short-term leasings has come up recently, and that both he and Code Enforcement Officer Kathy Hobbs have been working closely on it for the past several months. He explained that Fayette County is now a destination for people to locate on the internet and find a place to stay for a weekend or a week, and to enjoy themselves; which is well and good. That stated, he added that those kinds of relationships can bring some negative impacts. He said staff was trying to highlight some of the issues associated with short-term leasings and was trying to get direction from the Board on how to proceed with resolving these issues. He suggested drafting an ordinance that would address some of the negative impacts with short-term leasings. He then turned the floor over to Officer Kathy Hobbs.

Officer Hobbs showed a PowerPoint to the Commissioners concerning short-term leasings, and she informed the Board that the county is receiving residential complaints from one particular neighborhood that is experiencing a tremendous problem with their neighbor who has a home that is being rented out for special occasions. She said the rentals are for weeks at a time. She told the Board that some of the problems involve motorcycle gangs coming into the neighborhood and disrupting the neighborhood. She further told the Board that big busses are coming to the neighborhood, and that the busses are causing damage to dams and county roads. Officer Hobbs reported that there is nothing on the books prohibiting this activity. She said the county met with the property owner and gave a cease and desist order, but the property owner replied that he was not in violation and that the activities would continue. Officer Hobbs told the Board that there are five known properties used for short-term leasings, and she told the Board that those properties should be paying sales tax. She then showed her PowerPoint presentation to the Board and gave additional explanation on this matter. She explained that Georgia state law considers these types of situations as hotels and that the property owners were not paying appropriate sales tax as required by law. She stated that Fayette County can charge 3% taxes without going to the Georgia legislature asking permission to increase the tax. Officer Hobbs showed some of the websites available to rent properties nationally and within Fayette County, and she provided the Board with some of the rates being charged for short-term leasings. It was pointed out that one rate "sleeps 26 for $600 per night," and Officer Hobbs reminded the Board that this accommodation runs afoul of fire safety codes. Officer Hobbs added that there were also septic concerns with this type of arrangement. Officer Hobbs then discussed the effects in the neighborhoods where vacation rentals take place. Officer Hobbs then asked the Board to consider how it wanted to address the issues surrounding short-term leasings.

Ray Swann: Mr. Swann, a resident on Adams Circle, spoke about the negative impacts in his neighborhood due to a property owner who is using his property for short-term leasings. He explained that there were several ongoing problems in his "one-street neighborhood." He said those problems, which began in the spring of 2013, have made his life and his neighbors' lives "hell." He told the Board that the Sheriff's Office has been called on numerous occasions due to noise and traffic. He explained that the problems typically begin around 7:00 a.m. and last until 3:00 a.m. He said the property is rented out for wedding receptions and other events, that the renters are making it impossible for the neighbors to enter or leave their driveways, and that shuttles are running up and down the street. Mr. Swann said he was appreciative of change, but that change had to be regulated. He explained that unregulated, uncontrolled change was destructive to communities and counties. He told the Board that community cohesiveness has been destroyed in his neighborhood by the one individual who is renting out his property. He asked the Board to look further into the matter in his neighborhood. Mr. Swann informed the Board that the person renting his property was also similarly renting his property in Oconee County.

Mona Arnold: Mrs. Arnold, a resident on Adams Court, said she and her husband moved to Fayette County in March 2013, and they moved to Fayette County because of the pristine homes and quiet, peaceful neighborhoods. She said the street she lives on seemed to be a wonderful place with great neighbors, but there is a problem. She explained that the problem began shortly after moving into the home when she and her husband started noticing tour buses. She said the problem property is near her house, and if she had known there was a hotel so close to her house then she would not have bought the house. She said people would get off the bus and walk up the driveway, but there were times when the big Greyhound-type bus would pull into the driveway. She said the bus would then try to turn around and would tear up the front lawn. She said one afternoon she found her husband, Mr. Swann, and another neighbor livid because a gang of about eight motorcycle riders had come into the neighborhood. She reported that another lady with two children was trying to get out of her driveway and was almost hit by the

motorcycles. Mrs. Arnold said she can sit on her porch and hear loud music to the point that she does not want to sit on her porch anymore. She said there are times when she is alone at home and it concerns her that there are unknown people in the neighborhood. She said the people are walking the neighborhood, coming into other people's yards, while being strangers and while presenting safety concerns. She said this matter was destroying the community's quality of life, and she asked the Board to intervene in this matter.

Scott Hall: Mr. Hall, a resident of Adams Court, informed the Board that this is not the first time he has had dealings with his neighbor. He stated that there have been several occasions with parties and that those incidences have taken place over a lengthy period of time. He informed the Board that his neighbor built a pond on his property and in doing so he flooded the cul-de-sac. He said the pond was reported and the County, at that time, told him to stop working on the pond since it would continue to flood people's property. Mr. Hall said his neighbor went ahead and built the pond anyway. Mr. Hall said no one in the community was able to stop his neighbor, and that was why the neighborhood was asking for help in this matter. Chairman Brown asked if the county was aware of the pond incident. Director of Environmental Management Vanessa Birrell replied that she did not know if there was a record on the pond. County Attorney Dennis Davenport interjected that he had visited with the people on Tuesday night, and that he has a list of things to go over with Planning and Zoning Director Pete Frisina as well as with Mrs. Birrell.

Albert Shaw: Mr. Shaw, a resident of Adams Court, told the Board that his house was the first house constructed on Adams Court in 1985. He said Adams Court was a nice street where everyone knows and helps everybody else. Then, buses started coming into the neighborhood. He said he told his wife at the time that they have good neighbors, two of whom are pastors, and that the buses must be related to church business. He said it was discovered that they were party buses going to the cul-de-sac. He said the neighborhood was a good one with many senior citizens and retirees, and he said the neighborhood was full of children and grandchildren. He asked the Board to help in this matter.

Steve Richards: Mr. Richards, a resident of Adams Court, agreed with the previous citizens who spoke on this matter. He said one of the reasons the property owner found success in renting his property was because everyone else on the street took great care in maintaining their own property. He told the Board that he and Mr. Swann had maintained their lawn on the day that the motorcycle gang came to the neighborhood. The motorcycle gang learned of their displeasure and so the next day the tops of their yards were torn up from motorcycles driving through it. He said the action sent the intended message. He further told the Board that as the motorcycle gang was leaving, they made sure to stop at Mr. Swann's house and they took an extremely long time to fix their motorcycles or do other business or walk the street. He said those were his reasons in asking for help in this matter.

Ray Swann: Mr. Swann returned to the podium to inform the Board that the Fayette County Board of Education will not let their buses go down Adams Court since there is no room to turn a bus around at the end of the street. Commissioner Barlow asked if there was anyone living in the house or who is actively involved in the home. Mr. Swann replied by explaining how the property owner came into possession of the property, how he has family in the immediate vicinity, and how it appears he does not want to disturb his family. Mr. Swann added that the property owner's pond should be an environmental concern.

Mona Arnold: Mrs. Arnold returned to the podium and informed the Board that while she was unsure whether someone was currently in the house that anyone could look on the internet and find the house is booked up through the spring and all the way through the summer.

Albert Shaw: Mr. Shaw returned to the podium and told the Board that Adams Court is a "one-way street" with no outlet.

County Administrator Steve Rapson recommended putting this item on the April 4, 2014 Board of Commissioners Retreat Agenda and to draft an ordinance for Excise Tax in order to regulate rooms, lodgings, and accommodations. He said the Board could provide feedback at the retreat with a goal to subsequent approval after the retreat. He reminded the Board that the County can immediately begin collecting a three-percent excise tax without getting approval from the State of Georgia, and that the collected funds would go to the County's General Fund. Mr. Rapson added that putting the recommendations into place would be a way of recouping some of the costs. He added that Code Enforcement and the Sheriff's Office would be made aware of any activities taking place until the recommendations are put into place. Discussion followed.

County Attorney Dennis Davenport reminded the Board that it needed to truly determine what was occurring in the neighborhood and that is where the Excise Tax program would come into effect. He said the Excise Tax comes with a regulatory framework that helps to facilitate the problems being discussed. He said it would allow the County to limit the numbers and types of vehicles, as well as the number of times per timeframe the location can be rented. Mr. Davenport added that in addition to enacting the Excise Tax, the County would merge other capabilities that would address the problems. He concluded that a draft ordinance would be prepared by the time of the retreat.

Commissioner Barlow said that public safety is the chief responsibility of Fayette County and of what is supposed to be provided to the citizens. He said the situation does not sound like the community is a safe environment. He said he wanted this issue to be raised to the very top of what the County needs to look into, and that the process needed to be expedited.

Chairman Brown said it appeared there were permitting issues that the County needed to look into immediately. Commissioner Ognio suggested that a handful of people start working before the retreat to look into what options are available. He wanted more minds involved. County Administrator Rapson replied that the regulations need to be pervasive enough to address problems while working with the film industry. He also reminded the Board that this issue was the tip of the iceberg with regard to how these types of activities will be regulated throughout Fayette County. Commissioner Barlow pointed out that legitimate film studios conduct themselves properly and responsibly.

Chairman Brown stated that this issue had caught the Board's attention, that the appropriate staff has started a process to address the issues, and that the Board would look into what could be done. He also told the audience that the County Retreat would be held on April 4, 2014 at New Hope Baptist Church's south campus. He said the retreat was open to the public and this issue would be addressed at the retreat.

The Board took no formal action and gave no direction on this matter. Copies of the request and PowerPoint presentation, identified as "Attachment 19", follow these minutes and are made an official part hereof.

NEW BUSINESS:

12. Consideration of staff's recommendation to amend the contract with Jacob's Engineering Group, Inc. by approving Addendum #1 in an amount not to exceed $192,500.00, in order to complete required work for the Methane Remediation Plans for both the closed Northside and Southside landfills on First Manassas Mile Road.

Director of Environmental Management Vanessa Birrell gave a PowerPoint presentation on her request and answered questions from the Board. She said her request was to perform remediation as a result of a Notice of Deficiency that the County received from the Environmental Protection Division, in December 2013. She said the County had two perimeter methane wells that exceed the regulatory limits. She said the methane well on the northside of the landfill had exceeded its limits, on an off and on basis, since it was installed. She said an old remediation system was installed that has not worked or been repaired in the needed fashion since she began working for the County. She informed the Board that in 2011, the County installed two mitigation systems to mitigate methane that was migrating across the street into the other landfill, and that a passive remediation system was also installed. She reported that the County has reduced a good amount of methane at one well, but the levels have been hovering near the regulatory limit. Mrs. Birrell informed the Board that the proposal was to install ten wells at 30-feet deep, and to dig a 450-foot long trench about 12-inches deep for header pipes, as well as other equipment, to also mitigate the methane. She said this is the exact same system that was installed on the southside landfill that has worked really well. She also spoke of another solar-powered passive system that would convert some wells into extraction wells. Mrs. Birrell briefly described how the work would progress in getting the requirement met.

Chairman Brown reminded everyone that the County recently engaged Jacobs Engineering with this type of work and that the County has been very pleased with the quality of work they provide. Mrs. Birrell agreed that Jacobs Engineering has done quality and timely work. Commissioner Barlow asked if Jacobs Engineering was the firm that he observed working when he and Mrs. Birrell went to the landfill site. Mrs. Birrell replied that the gentleman who was doing the work was an employee of Jacobs Engineering. Commissioner Barlow pointed out that the reports had to be submitted by March 1, 2014. Mrs. Birrell agreed that she had a short amount of time to submit the reports, that she had already asked for an extension, and that if the Board did not approve she would have to ask for a second extension.

County Administrator Steve Rapson added that Jacobs Engineering has been very accommodating in working with the County, and that their base contract has been reduced twice to a total reduced amount of about $50,000.00.

Commissioner Barlow moved to accept staff's recommendation to amend the contract with Jacob's Engineering Group, Inc. by approving Addendum #1 in an amount not to exceed $192,500.00 in order to complete required work for the Methane Remediation Plans for both the closed Northside and Southside landfills on First Manassas Mile Road. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and PowerPoint presentation, identified as "Attachment 20", follow these minutes and are made an official part hereof.

13. Consideration of staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed $104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management.

Director of Environmental Management Vanessa Birrell gave a PowerPoint presentation on her request. Mrs. Birrell reminded the Board that around July 2012, she approached the Board asking for permission to argue with the Department of Natural Resources and the Environmental Protection Service about the proposed changes, and that the Board at that time had denied the permission to make those arguments. She said her request was for the Board to approve an addendum to the Jacobs Engineering Group contract that would permit a new, inert landfill. She said the very stringent, inert landfill requirements will cause the county to close its inert landfill that has been opened since 1990. She agreed that it was time to close the landfill since it is full. She said the County needed to permit a new inert landfill in the same manner that a new solid waste landfill would be permitted. Mrs. Birrell informed the Board that the new inert landfill would be north of the close inert landfill. She told the Board that the scope of work was for the Limited-Site Suitability Report and its involved fieldwork, the topographical survey, and the actual submission of the permit and design and operation report. Mrs. Birrell estimated that the new inert landfill could be operated for at least twenty years. She said this new inert landfill could be monitored closely to determine who has access to it, and that it would only be used by Fayette County's departments.

Chairman Brown complemented Mrs. Birrell on her work with Stormwater Management and with the landfills.

Commissioner Barlow moved to approve staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed $104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management. Commissioner McCarty seconded the motion.

John Munford: Mr. Munford said he had a child attending Spring Hill Elementary, and he asked where the school was in relation to the new landfill. Mr. Rapson replied that the new landfill would not be near the elementary school.

Commissioner Oddo asked Mrs. Birrell what "limited site suitability" meant. Mrs. Birrell answered that it meant that the County was "not going the full gambit" and that the county could do further testing to determine where bedrock is located, as well as other types of analysis. She said this limitation would only address groundwater and wetlands. She said the county could look at seismic activity since landfills should not be placed over a fault. She stated that there is a whole list of requirements for hazardous waste landfills that "goes the full gambit." County Administrator Steve Rapson added that it depended on the type of landfill since, currently, the issue is about an inert landfill. He said that the County has to use the standards that the State of Georgia just changed to be solid waste. Commissioner Oddo asked what would happen after twenty years. Mr. Rapson replied that it would not go near the elementary school, but that there was more land available.

The motion to approve staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed $104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management passed unanimously. Copies of the request and PowerPoint presentation, identified as "Attachment 21", follow these minutes and are made an official part hereof.

14. Consideration of Chairman Steve Brown's recommendation to adopt term limitations for the Board of Commissioners of no more than two consecutive four-year terms, and with said recommendation being retroactive to those holding office since January 1, 2011.

County Attorney Dennis Davenport reported that this item would require approval by the Georgia Legislature, and that this year's legislative session was shorter than most years due to the election cycle. He explained that if the Board approved this item, there would be no time to complete the legally required procedures before this year's legislative session was concluded. He suggested that the Board could submit this item for the 2015 Legislative Session. The Board consented to bring this item back around December 2014 for further consideration. The Board did not take formal action on this item. A copy of this request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

15. Consideration of Commissioner Allen McCarty's recommendation to adopt Resolution 2014-11 acknowledging American English as the Official Language of Fayette County.

Commissioner McCarty informed everyone that at the founding of this county, a vote was taken on whether English or German would be the official language of the United States. He stated that English was the chosen language by one vote, and he recommended that Board adopt American English as the official language of Fayette County. Commissioner McCarty then read Resolution 2014-11 into the record. The following is Resolution 2014-11 as read into the record:

RESOLUTION 2014-11

RESOLUTION ACKNOWLEDGING AMERICAN ENGLISH AS THE OFFICIAL LANGUAGE OF FAYETTE COUNTY

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

WHEREAS, *As a result of British colonization, English became the predominate language in the United States dating back to the 17th century; and*

WHEREAS, *The English language in the United States evolved into what is now called "American English," influenced by the languages of West Africa, the Native American population, German, Irish, Spanish, and other languages of successive waves of immigrants to the U.S.; and*

WHEREAS, *Two-thirds of world's native speakers of English live in the United States; and*

WHEREAS, *American English is the common language used by the federal government and is considered the de facto language of the United States due to its widespread use; and*

WHEREAS, *American English has been given official status by 30 of our 50 state governments and is, under federal law, the official language of United States courts in Puerto Rico; and*

WHEREAS, *Even with our deep appreciation of other nations and other cultures, our use of a common language, American English, removes barriers of misunderstanding and helps to unify the people of our county, state and nation, enhancing the full economic and civic participation of all citizens;*

BE IT THEREFORE RESOLVED THAT *the Board of Commissioners of Fayette County does hereby formally recognize American English as the official language of Fayette County, Georgia, encouraging our citizens to aid those non-English speaking persons residing within our boundaries to become fluent in American English while observing the Native American Languages Act, the Individuals with Disabilities Education Act, the Voting Rights Act and all other laws protecting the rights of individuals.*

Commissioner McCarty moved to make American English the official language of Fayette County. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-11, identified as "Attachment 23", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

No one spoke under Public Comment.

ADMINISTRATOR'S REPORTS:

Fayette County Water Committee: County Administrator Steve Rapson reported that staff had readvertised to fill the vacancy on the Fayette County Water Committee since the County had not received any applicants with its first advertisement. He also reminded the Board that Chairman Brown and Commissioner Barlow had already been appointed as the Selection Committee to review applicants for the Board.

Fayette County Development Authority: County Administrator Steve Rapson reported that four appointments to the Fayette County Development Authority would be expiring in April, and that those positions were being advertised. Chairman Brown and Commissioner Ognio were appointed as the Selection Committee to review the applications for the Development Authority. Chairman Brown thanked the media for running the advertisements in the newspapers. He thanked the media for repeating the advertisements as they repeated notices were prompting great applicants for coming to the county.

Limited Power of Attorney: County Administrator Steve Rapson said he was requested to provide a limited Power of Attorney. He explained that there were some people reviewing the sales tax that the County's subcontractors had paid on behalf of the County and that this was an effort to obtain a refund of those sales taxes. He said the request was to provide a limited Power of Attorney, which had been reviewed by County Attorney Dennis Davenport for one vendor and the Georgia Department of Revenue.

At County Attorney Dennis Davenport's prompting, Chairman Brown moved to provide a limited Power of Attorney as requested. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

March 11, 2014 Board of Commissioners Meeting: County Administrator Steve Rapson reminded the Board that the next County Commission meeting would be held on Tuesday, March 11, 2014 at 7:00 p.m. It was pointed out that the meeting was rescheduled from its original Thursday, March 13, 2014 due to ACCG training in Tifton, Georgia.

ATTORNEY'S REPORTS:

Pending Litigation, Threatened Litigation, Land Acquisition and Review of Executive Session Minutes: County Attorney Dennis Davenport informed the Board that he had one item of pending litigation, one item of threatened litigation, one item of land acquisition, and the review of the January 23, 2014 and February 4, 2014 Executive Session minutes for consideration by the Board in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said that during the past Saturday he had the privilege, for the second year in a row, to judge the American Legion Oratorical Contest. He thought it was wonder to see high school seniors who submit applications to participate. He told the audience that as students progress from the local level to the national level that they are eligible to win an $18,000.00 scholarship. He said the students had to speak for eight to ten minutes on the United States Constitution followed by another speech on either the 1st, 2nd, 3rd or 4th Amendment to the Constitution for three to five minutes. He said the lady who won resides in Fayette County, and that he has invited the winner to provide a two-minutes presentation on the Constitution at a later date. He thought it was encouraging to see people in high schools that have more knowledge of the Constitution than 90% of the elected people in Washington, D.C.

Commissioner McCarty: Commissioner McCarty pointed out that recently the Board had voted to declare Fayette County as a Constitutional County, and given that the County has passed agreed to work use American English, he quipped that Fayette County was officially American.

Commissioner Oddo: Commissioner Oddo pointed out that for the past year, Pat Cooper, John Munford, and Deputy County Clerk Tameca White take pictures of Commissioners meetings, and he asked whatever happens to the pictures. Chairman Brown replied that many pictures do get published to the County's website, and he encouraged everyone to sign up for the County's e-newsletter. County Administrator Steve Rapson informed the Board that the County would soon be reaching out to citizens through a Facebook site, and that the pictures would be included on the Facebook site.

Chairman Brown: Chairman Brown gave a PowerPoint presentation answering inaccurate information that generally had been written by Mr. Paul Lentz and provided to the media. He told everyone that he had informed Mr. Lentz that he would be making these comments, that he had invited Mr. Lentz to come to the meeting, that he did not feel Mr. Lentz was being malicious, but that the county was getting comments with inaccurate statements from those who were reading Mr. Lentz's letters. He told the Board that he was responding since, when there is no response, people assume the allegations are true. A copy of Chairman Brown's PowerPoint presentation, identified as "Attachment 24", follows these minutes and is made an official part hereof.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation, Land Acquisition, and Review of Executive Session Minutes: Chairman Brown moved to recess into Executive Session. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:10 p.m. and returned to Official Session at 9:27 p.m.

Return to Official Session and Authorization to Sign an Executive Session Affidavit: Commissioner Ognio moved to return to official session and to authorize the Chairman to sign an Executive Session Affidavit. Commissioner McCarty 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.

Settlement of Threatened Litigation: Chairman Brown acknowledged that Fayette County had a claim due to threatened litigation with Mang Dieke on June 2012. He told everyone that Mr. Dieke received multiple dog bites from a canine unit of the Fayette County's Sheriff's Office after escaping from a Sheriff's vehicle. He said that Mr. Dieke sought damages from Fayette County, the Sheriff's Office, and other Fayette County personnel. He stated that through negotiations, the County resolved the claims for $37,500.00

Chairman Brown moved to approve the settlement for $37,500.00. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the January 23, 2014 and February 4, 2014 Executive Session Minutes: Chairman Brown moved to approve the January 23, 2014 Executive Session Minutes and the February 4, 2014 Executive Session Minutes. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the February 27, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown adjourned the February 27, 2014 Board of Commissioners meeting at 9:29 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 11th day of March 2014.

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Floyd L. Jones, County Clerk