Old Business #9-b

Minutes

Board of Commissioners
April 10, 2014
3:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on April 10, 2014 at 3:00 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
Commissioner Absent:	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 April 10, 2014 Board of Commissioners Meeting to order at 3:04 p.m. Chairman Brown stated that the meeting was being held early due to the need to attend early classes with the Association of County Commissioners Georgia (ACCG) in Savannah, Georgia. He stated that the early meeting would allow the Commissioners to travel to Savannah and be ready for those early classes.

Commissioner Barlow asked Mr. Darryl Hicks to offer the Invocation, and Mr. Hicks did so.

Chairman Brown led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as published and to add two additional items, namely the 2014 Retreat Minutes and the Emerald Lake Dam issue. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

Chairman Brown pointed out that those watching on Channel 23 would only be able to hear the meeting since the video capability was lost. He added that both the video and audio would be available on the internet, and he apologized for the technical glitch.

PRESENTATION / RECOGNITION:

1. Proclamation of April 2014 as "Prevent Child Abuse Month."

Commissioner Oddo read the Proclamation for April 2014 as "Prevent Child Abuse Month." Ms. Becky Smith of Fayette FACTOR and others accepted the proclamation as read and presented. The Board did not take a vote on this matter. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

Chairman Brown informed the audience that a publication had recently been printed recognizing Fayette County related to its Pinewood Studios efforts. He said Fayette County had won a state award for its collaborative efforts with the City of Fayetteville, as well as a regional award. He said it was a nice one-page article and told those in attendance that the article was entitled "Fayette Does the Impossible to Help an International Film Company."

PUBLIC HEARING:

2. Consideration of staff's recommendation to transfer an existing retail alcohol, beer and wine license from Duaa, Inc. to Arif Keshwani of Keshwani Investments, LLC., also known as Shell Food Mart, which is located at 1183 Highway 54 East.

Code Enforcement Officer Kathy Hobbs informed the Board about staff's recommendation, and she said that the applicant has met all requirements as required by the County ordinances.

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

Commissioner Oddo moved to approve staff's recommendation to transfer an existing retail alcohol, beer and wine license from Duaa, Inc. to Arif Keshwani of Keshwani Investments, LLC., also known as Shell Food Mart, which is located at 1183 Highway 54 East. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda as presented. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

3. Approval of staff's recommendation to dispose and destroy old uniforms and other items that are no longer serviceable. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Approval of staff's recommendation to enter into a Project Framework Agreement with the Georgia Department of Transportation for a multi-use bridge and accompanying path system project over State Route 54 near Piedmont Fayette Hospital (GDOT PI No. 0012878). Copies of the request and Project Framework Agreement, identified as "Attachment 4," follow these minutes and are made an official part hereof.

5. Approval of staff's recommendation to enter into an Intergovernmental Agreement with the City of Fayetteville for the Georgia Department of Transportation's multi-use bridge and accompanying path system project over State Route 54 near Piedmont Fayette Hospital (GDOT PI No. 0012878). Copies of the request and Intergovernmental Agreement, identified as "Attachment 5," follow these minutes and are made an official part hereof.

OLD BUSINESS:

There was no item under Old Business for consideration.

NEW BUSINESS:

6. Consideration of the Selection Committee's recommendation to appoint Darryl Hicks, Pat Hinchey, Margaret Laton and Todd Strickland to the Fayette County Development Authority for four year terms, with said appointments beginning April 10, 2014 and expiring April 9, 2018.

Commissioner Barlow moved to approve the Selection Committee's recommendation to appoint Darryl Hicks, Pat Hinchey, Margaret Laton and Todd Strickland to the Fayette County Development Authority for four year terms, with said appointments beginning April 10, 2014 and expiring April 9, 2018. Commissioner Oddo seconded the motion.

Ms. Dawn Oparah expressed some concern and asked questions about the appointments. She pointed out that four positions were posted for people to apply for, but five positions were being appointed. She said she did not see where the fifth advertisement was advertised, and she asked if that position had been posted. She asked who would be the Chairman of the Development Authority. Chairman Brown replied that the Development Authority would appoint its own Chairman. Ms. Oparah expressed concern that letters of approval and letters of decline are mailed prior to the actual approval of the County Board of Commissioners, and she thought sending the letters prior to formal Board vote for approval would leave virtually no room to appoint another applicant should additional information be discovered in the interim between the letters being mailed and the vote to appoint taking place. Ms. Oparah recommended that letters be sent out after the Board made its vote to appoint to positions, just in case. Ms. Oparah asked if there was a vetting process to ensure that there is no conflict of interest. She also asked, if there is a policy on this matter if it is public. She reminded the Board that she is serving on a committee concerning ethics in government, and she wanted to make sure every candidate is vetted to ensure there is no conflict of interest. She said she did not want to assume anything, but she wanted to make sure. She also asked if there was a statement that explained what constitutes what is a conflict of interest.

Chairman Brown addressed Ms. Oparah's concerns by saying the letters are received from the Selection Committee and not the Board of Commissioners. He said it was professional etiquette to let the applicants know whether or not they have been selected before they read their names in the newspaper, and that was why the letters were mailed. He stated that the applicants get the same vetting that the elected officials receive, namely, they are provided with a copy of the Ethics Ordinance and they are asked on the application and in the interview whether they have any ethics concerns related to serving in that position. He said the ethics questions are given to every applicant regardless of what board, committee, or authority they are seeking to fill. He said if the applicant or an appointed representative is found guilty of an ethics violation then they will be immediately extracted from the body they serve. Chairman Brown explained that there was a resignation from the Fayette County Development Authority, and that there were thirteen

applicants for the positions on the authority. He said he asked each Commissioner if they had any objections to going ahead and appointing the fifth member since there would be a wholly new board and a new Chief Executive Officer of the Development Authority. He stated that no Commissioner objected to appointing the fifth position, and that the applicants who responded to a public advertisement were vetted. He said the process was open and in the same timeframe as when the applicants were sending applications for a position on the Fayette County Development Authority.

Commissioner Oddo stated that the resignation came at the time that the other terms expired.

The motion to approve the Selection Committee's recommendation to appoint Darryl Hicks, Pat Hinchey, Margaret Laton, and Todd Strickland to the Fayette County Development Authority for four year terms, with said appointments beginning April 10, 2014 and expiring April 9, 2018 was passed 3-0-2 with Commissioners McCarty and Ognio being absent. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

7. Consideration of the Selection Committee's recommendation to appoint Dennis Dorsey to the Fayette County Development Authority to the unexpired term of Randy Hayes, with said appointment beginning April 18, 2014 and expiring April 9, 2016.

Commissioner Oddo moved to approve the Selection Committee's recommendation to appoint Dennis Dorsey to the Fayette County Development Authority to the unexpired term of Randy Hayes, with said appointment beginning April 18, 2014 and expiring April 9, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

8. Consideration of the Fayette County Humane Society's request to conduct a trial Trap / Neuter/ Return feral cat program and to apply for Trap / Neuter / Return grant funds to pay for the trial project.

Ms. Sharon Marchisello, Secretary of the Fayette County Humane Society spoke to the Board and gave a PowerPoint presentation on this issue. Fayette County Animal Control Officer Rani Rathburn also spoke in favor of the request from the Fayette County Humane Society.

Chairman Brown moved to create an exemption to Fayette County's Leash Law for the purpose of creating four test Trap / Neuter / Return sites, with the permission of the City of Fayetteville and the City of Peachtree City for their prescribed sites, with the sites being the Fayette Pavilion Shopping Center Business District area, Bryson Lane in Fayetteville, Highway 85 Connector, and Paschal and Dividend Drive Industrial area, for adequate reports are provided to the Fayette County Animal Control on a regular basis as determined by the Fayette County Animal Control Department, and for funding for the project to come through the Fayette County Humane Society. Commissioner Barlow seconded the motion.

County Attorney Dennis Davenport suggested that the motion include duration so that there would be a definite starting and stopping point for this initiative. Chairman Brown asked Ms. Marchisello and Officer Rathburn for suggestions on how long the test trial should take. After brief discussion, the decision was made for a duration of six months.

Chairman Brown amended his motion to create an exemption to Fayette County's Leash Law for the purpose of creating four test Trap / Neuter / Return sites, with the permission of the City of Fayetteville and the City of Peachtree City for their prescribed sites, with the sites being the Fayette Pavilion Shopping Center Business District area, Bryson Lane in Fayetteville, Highway 85 Connector, and Paschal and Dividend Drive Industrial area, for adequate reports are provided to the Fayette County Animal Control on a regular basis as determined by the Fayette County Animal Control Department, for funding for the project to come through the Fayette County Humane Society, and for the exemption to last for six months from the date of the program's implementation. Commissioner Barlow seconded the motion.

Chairman Brown asked Fayette County Animal Control to write a letter to the jurisdictions on this initiative and that the Administration staff would officially send the letters to the jurisdictions.

Ms. Sharon Douchot, Animal Control Director Fred Sisson, and Ms. Kimberly Davis spoke in favor of this request. No one spoke in opposition to this request.

Chairman Brown spoke about Ms. Marchisello saying she is working through the Humane Society and helping Fayette County through its Faith based volunteer program. He also spoke of Officer Rathburn saying everybody speaks well of her, that he gets nothing but good comments, and that her passion shows. He thanked Officer Rathburn for her efforts and encouraged her to continue in her good work.

The motion to create an exemption to Fayette County's Leash Law for the purpose of creating four test Trap / Neuter / Return sites, with the permission of the City of Fayetteville and the City of Peachtree City for their prescribed sites, with the sites being the Fayette Pavilion Shopping Center Business District area, Bryson Lane in Fayetteville, Highway 85 Connector, and Paschal and Dividend Drive Industrial area, for adequate reports are provided to the Fayette County Animal Control on a regular basis as determined by the Fayette County Animal Control Department, for funding for the project to come through the Fayette County Humane Society, and for the exemption to last for six months from the beginning of the program's implementation passed 3-0-2 with Commissioners McCarty and Ognio being absent. Copies of the request and PowerPoint presentation, identified as "Attachment 8," follow these minutes and are made an official part hereof.

9. Consideration of staff's recommendation to adopt Ordinance 2014-06, adding Chapter 15 to the Fayette County Code of Ordinances- Public Health.

Code Enforcement Officer Kathy Hobbs spoke briefly on this matter and answered questions from the Board. Officer Hobbs reminded that this item was addressed at the April 4, 2014 Board of Commissioners Retreat. She said the ordinance contained the new regulations set forth by the Georgia Department of Public Health for Tourist Accommodations. She said the regulations in the ordinance were verbatim to the state's regulations, and she asked for the ordinance's adoption so it could be enforced through the County's Code of Ordinances.

Commissioner Oddo asked if the regulations were commonly used throughout the state. Officer Hobbs replied that regulations became effective at the state on January 1, 2014, but that the Environmental Health Department was waiting until this ordinance was adopted before it would begin its work in Fayette County.

Commissioner Barlow moved to approve staff's recommendation to adopt Ordinance 2014-06, adding Chapter 15 to the Fayette County Code of Ordinances- Public Health. Commissioner Oddo seconded the

motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent. Copies of the request and Ordinance 2014-06, identified as "Attachment 9," follow these minutes and are made an official part hereof.

10. Approval of the March 27, 2014 Board of Commissioners Meeting Minutes. Commissioner McCarty was not present at that meeting.

Commissioner Oddo moved to approve the March 27, 2014 Board of Commissioners Meeting Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

11. Approval of the April 4, 2014 Board of Commissioners Retreat Meeting Minutes.

Chairman Brown informed the audience that the April 4, 2014 Board of Commissioners Retreat Meeting Minutes were provided to the Board earlier in the day and were present with the Board on the dais. He stated that the minutes could be obtained from the County Clerk's office.

Commissioner Oddo moved to approve the April 4, 2014 Board of Commissioners Retreat Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

12. Consideration of staff's recommendation to complete design and permitting work for repairs and enhancement of Emerald Lake Dam in The Woodlands subdivision per the "Labyrinth Weir and Raise Dam" option.

Chairman Brown informed the audience that an additional document for this item was at the dais. He said the document, consisting of the agenda request form, a memorandum, and a couple of PowerPoint slides, was provided to the Board members and could be obtained from the County Clerk's office.

County Administrator Steve Rapson provided a brief summary of this request. He stated this item was discussed at the County Retreat. He explained that it was part of the $2 million allocation from the Board out of the General Fund to fund the Category One Stormwater Projects. He said Emerald Lake is more comprehensive than originally thought, so the request is for approval of $1,720,000.00. Mr. Rapson, in answering a question from Chairman Brown, replied that it was more complex since the dam had to be completely redone. He said it was a single point of entry for a large subdivision adjacent to a 20-acre lake, and that a county road was on top of the dam. He said the intention was to replace a 600-foot long dam with a bridge, and to do that (based on the short-fallings of the actual structure) the County is providing long-term fixes. He reminded the Board that there were two recommendations, but that the long-term fix was the most cost effective for the foreseeable future while providing a long-term repair.

Chairman Brown stated that this effort was one of a number of stormwater issues, and that the County was trying to address the big problems first. He added that the State of Georgia requires the County to maintain the dams to state regulations, and that this effort is a step toward fulfilling those obligations. He reminded the audience that the Board had stated it would own problems and that while the problems will be addressed slowly and one at a time, the County was tackling some of the bigger problems.

Commissioner Barlow moved to approve staff's recommendation to complete design and permitting work for repairs and enhancement of Emerald Lake Dam in The Woodlands subdivision per the "Labyrinth Weir and Raise Dam" option in an amount not to exceed $1,720,000.00 Commissioner Oddo seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Chairman Brown moved to move the Public Comment section of the Agenda toward the front of the meeting out of professional courtesy for colleagues who were from Peachtree City who wanted to speak. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

Chairman Brown pointed out that two Commissioners were absent from the meeting. He said Commissioner Ognio had to have emergency surgery and was recovering. He also told those in attendance that Commissioner McCarty was celebrating his 52nd anniversary by going on a cruise. He

Mayor Vanessa Fleisch: Peachtree City Mayor Vanessa Fleisch spoke on behalf of the Peachtree City Council regarding the makeup of the Fayette County Development Authority. She asked the Board to amend the Intergovernmental Agreement relating to the Fayette County Development Authority, to eliminate the representative of the Peachtree City Development Authority, and to replace the position with a citizen representative appointed by the Peachtree City Mayor and Council. She also asked the Board to provide, through the Intergovernmental Agreement, for the representative Peachtree City Airport Authority to remain on the Board. She pointed out that the Peachtree City Airport Authority is a separate governmental agency chartered by State legislation and is the sole owner of the airport. Mayor Fleisch spoke about the contributions and benefits provided by Peachtree City and the Peachtree City Airport Authority to Fayette County. She also read an email from Mr. Whiteley, Chairman of the Peachtree City Airport Authority, which was written to Chairman Brown, concerning the Peachtree City Airport Authority's opposition to the possibility of having representation removed from the Fayette County Development Authority. Copies of Mayor Fleisch's notes and materials as provided to the County Clerk's Office, identified as "Attachment 11," follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

Safe Digging Month: County Administrator Steve Rapson stated that April is "Safe Digging Month." He said there would be a proclamation on the April 24, 2014 Agenda, but he wanted to get the word out on behalf of the Water System.

Selection Committee for the Public Facilities Authority: County Administrator Steve Rapson stated that the positions for the Public Facilities Authority had been advertised and that a Selection Committee needed to be appointed. The Board appointed Chairman Brown and Commissioner Oddo to the Selection Committee.

Update on the Board of Commissioners Retreat: County Administrator Steve Rapson pointed out that the County was projecting that it would not have any funds with a deficit balance, but rather all the funds would have an increase to its fund balance. Mr. Rapson also reported that Fayette County is the only county in the State of Georgia with an overfunded pension plan.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Chairman Brown: Chairman Brown said it was good to hear from the mayor of Peachtree City, and he spoke about the Fayette County Development Authority and the Peachtree City Airport Authority. He also spoke about a letter from Peachtree City Council Member Kim Learnard that was sent to the newspaper, and he wished that she had spoken to individual Commissioners or the Board before writing the letter. He said the Board had worked hard to avoid divisiveness with the municipalities, that the Board appreciates and defends her ability to make comments, but that he wished she had come to the Board first. He added that the County had issued a press release on its position on the District Voting lawsuit, and that the press release could be obtained from the County Clerk's office.

EXECUTIVE SESSION:

There was no Executive Session meeting.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the April 10, 2014 Board of Commissioners meeting. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 3-0-2 with Commissioners McCarty and Ognio being absent.

The April 10, 2014 Board of Commissioners meeting was adjourned at 4:12 p.m.

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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 22nd day of May 2014.

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Floyd L. Jones, County Clerk