



## *Action Agenda*

Board of Commissioners  
February 26, 2015  
4:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on February 26, 2015 at 4:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Charles Oddo, Chairman  
Pota Coston, Vice Chair  
David Barlow  
Steve Brown  
Randy Ognio

**Staff Present:**

Steve Rapson, County Administrator  
Floyd L. Jones, County Clerk  
Tameca P. White, Chief Deputy County Clerk  
Dennis Davenport, County Attorney

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### **Call to Order**

Chairman Oddo called the February 26, 2015 Board of Commissioners meeting to order at 4:00 p.m.

### **Invocation by Commissioner Ognio**

Commissioner Ognio introduced Pastor Randy Woods of Liberty Baptist Church, and he asked Pastor Woods to offer the Invocation. Pastor Woods offered the Invocation.

### **Pledge of Allegiance**

Commissioner Barlow led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Commissioner Barlow moved to accept the Agenda as published. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

### **PROCLAMATION /RECOGNITION:**

- 1. Recognition of artist Pash Lima, who painted the mural at the Crosstown Water Treatment Plant, and a special thanks to the Dolce Hotel and Resort in Peachtree City for providing accommodations to Mr. Lima in support of this project.**

Commissioner Brown recognized artist Pash Lima for his work in painting the mural at the Crosstown Water Treatment Plant. Mr. Lima was unable to be at the meeting. Commissioner Brown also recognized representatives from the Dolce Hotel and Resort in Peachtree City for providing free lodging to Mr. Lima while he painted the mural, and he stated that the Dolce's donation equated to approximately three thousand dollars.

**PUBLIC HEARING:**

2. **Public Hearing of Petition No. 1241-15, Joe Wayton, Owner, request to rezone 6.49 acres from R-20 to A-R to develop a Farm to establish agricultural uses, with said property being located in Land Lot 197 of the 5th District and fronting on Neely Road. (The Applicant has requested to withdraw the petition.)**

Zoning Administrator Dennis Dutton read the *Introduction to Public Hearings for the Rezoning of Property* into the record and he introduced Petition No. 1241-15 to the Board. Mr. Dutton also read Mr. Wayton's letter requesting withdrawal of this item into the record.

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

Commissioner Barlow moved that the petitioner be allowed to withdraw Petition No. 1241-15. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

3. **Public Hearing of Petition No. RP-054-15, Joe Wayton, Owner, request to develop a Farm to establish agricultural uses on 6.49 acres consisting of lots 2 and 3 of Alvin Acres Subdivision, with said property being located in Land Lot 197 of the 5th District and fronting on Neely Road. (The Applicant has requested to withdraw the petition.)**

Zoning Administrator Dennis Dutton introduced Petition No. RP-054-15 to the Board.

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

Commissioner Barlow moved to allow the applicant to withdraw Petition No. RP-054-15. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

**CONSENT AGENDA:**

Commissioner Barlow asked to remove Consent Agenda #5 for discussion.

Commissioner Ognio moved to approve Consent Agenda Items 4, 6 and 7. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

4. **Approval of a request from the Olivia Estates Subdivision's Home Owners' Association seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Article III Motorized Carts of the Fayette County Code.**

5. **Approval of staff's request to award Bid #917- Fayette Senior Center Expansion and Renovations Project to Gene Barber Contracting, Inc., for a not-to-exceed amount of \$164,852.00, and to authorize the County Administrator to sign the contract and any associated documents.**

Commissioner Barlow stated that about a year ago he met with the manager of the Fayetteville Home Depot, and he stated that the store would like to help and contribute to the renovation of the Fayette Senior Center.

Commissioner Barlow moved to accept staff's request to award Bid #917- Fayette Center Expansion and Renovation Project to Gene Barber Contracting, Inc., for a not-to-exceed amount of \$164,852.00, and to authorize the County Administrator to sign the contract and any associated documents. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

6. **Approval of the disposition of tax refunds, in an aggregate amount of \$4,151.43, as recommended by the Tax Assessor's Office.**
7. **Approval of the February 12, 2015 Board of Commissioners Meeting Minutes**

**OLD BUSINESS:**

There were no items of Old Business for consideration on the Agenda.

**NEW BUSINESS:**

8. **Consideration of the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial).**

Zoning Administrator Dennis Dutton briefed the Board on this request and he answered questions from the Board.

Commissioner Ognio moved to approve the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial.)

Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

9. **Consideration of staff's request to award RFP #P915 - Old Jail Renovation Project to New South Construction (General Contractor) at the Guaranteed Maximum Price of \$1,545,347.00, to award a separate contract to South Western Communications for \$99,925.00 for the installation of specialized Security Electronic Systems, and to authorize the Administrator to sign the contract and associated documents.**

Buildings and Grounds Director Carlos Christian introduced Mr. Tim Symons, representing Gleeds, to the Board. Mr. Symons briefed the Board on this request. County Administrator Steve Rapson briefed the Board on this request.

**Dan Lathan:** Mr. Lathan asked if the contract under consideration was a no-bid contract, and he asked how the contracted was recommended. Mr. Symons replied to Mr. Lathan's question by saying the contract was vetted through the procurement process with the point of view of getting the best contractor available for the project.

Commissioner Barlow moved to approve staff's request to award RFP #P951- Old Jail Renovation Project to New South Construction (General Contractor) at the Guaranteed Maximum Price of \$1,545,347.00, to award a separate contract to South Western Communications for \$99,925.00 for the installation of specialized Security Electronic Systems, and to authorize the Administrator to sign the contract and associated documents. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

**10. Consideration of Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh.**

County Attorney Dennis Davenport briefed the Board concerning Ordinance 2015-03. County Administrator Steve Rapson answered questions from the Board. Discussion followed.

Commissioner Barlow moved to adopt Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh. Commissioner Coston seconded the motion. Discussion followed. The motion passed unanimously.

**11. Consideration of Commissioner Brown's request to adopt Resolution 2015-03- A Resolution on Transportation Funding Plans from the Georgia General Assembly.**

Commissioner Brown moved to adopt Resolution 2015-03- A Resolution on Transportation Funding Plans from the Georgia General Assembly. Commissioner Ognio seconded the motion.

Commissioner Coston moved to table consideration of the resolution until the March 10, 2015 Board of Commissioners meeting.

County Attorney Dennis Davenport informed the Board that while there is a motion on the floor there is also a motion to table and the motion to table takes priority. He added that a motion to table does not require a second but it does require discussion. Extensive discussion followed on the matter of tabling the item.

The motion to table consideration of the resolution until the March 10, 2015 Board of Commissioners meeting passed 3-2 with Commissioners Brown and Ognio voting in opposition.

**PUBLIC COMMENT:**

**Rosa Anderson:** Ms. Anderson spoke about her long history of living in Fayette County. She asked the Board to stop its opposition to District Voting and to not spend money in opposition.

**Derryl Anderson:** Ms. Anderson, Ms. Rosa Anderson's daughter, stated that she supports district voting. She said she loves Fayette County, but she pointed out that every county surrounding Fayette County has district voting. She thought that at this point in time, people need to step back from divisiveness, and to be inclusive. She asked why all the money was being spent for this matter when the money could be used for other needs. She stated that she was

disappointed by some of the comments that she heard from previous Board meetings and she asked the Board to realize that Fayette County is on the threshold of great things. She pointed out that everything changes and nothing stays the same, and she asked for the Board to work toward inclusiveness.

**Darwin Edwards:** Mr. Edwards asked why Resolution 2015-03 was on the Agenda if it was too late to submit items to the Agenda. He suggested that the Board could call an emergency meeting to address Resolution 2015-03. He stated that transparency is important since sunlight kills germs. He stated that the Board appeared to be a "kangaroo court" and he expressed concern with holding the meeting at 4:00 p.m. when most of the citizens are working. He said he loved Fayette County, wanted the best for it, and that he never saw a tax that he liked.

**Angela Bean:** Ms. Bean said two years ago the Board of Commissioners made Fayette County very proud and the envy of citizen activists all over the state by making the policy that, before the Board voted, citizens would be afforded public comment. She stated that it appeared the policy had changed and in doing so the change was a disservice to the people in the room. She stated that citizens were in an uproar all over the state over House Bill 170, and that Commissioner Brown was doing what the citizens all over Fayette County wanted— providing leadership. She said the people were going to ask to allow for the presentation, and she said that the Board's vote to not allow the presentation when people came to hear the issues at the meeting seemed to be against the wishes of the people. She hoped not allowing public comment was not a policy change but only an oversight and she hoped the practice would be reestablished. She asked the Board to hold an emergency meeting on this matter.

**Carlotta Ungaro:** Ms. Ungaro, President of the Fayette Chamber of Commerce, said she had met several of the Commissioners over the past couple of weeks and that she was getting around to meeting each of the Commissioners. She asked for the Commissioners to meet with her at their convenience.

**Pat Earnest:** Ms. Earnest said she was embarrassed and disappointed since she thought the County had graduated from the disagreement that was displayed earlier in the meeting when the people voted the current Board into office. She said she felt very disenfranchised by the apparent lack of transparency. She also stated that she liked the 4:00 p.m. meeting time.

**Bob Ross:** Ms. Ross said he had the privilege of working with the Sheriff and participating with the Sheriff's Academy. He said the County has an outstanding Sheriff and that he and his office is another feather in Fayette County's cap. Mr. Ross said he saw the spirited dialog among the Commissioners and with the public, he saw that as a sign of interest by Fayette County citizens in their government. He thought the public was best served by spirited engagement as compared to the Board looking across the room and finding only two people in the audience. Mr. Ross then spoke about transportation and funding and he acknowledged that highway construction and maintenance costs a lot of taxpayers' money. He said he was willing to pay his share for such government needs since they are vital, but that the questions were how the moneys were collected and what they are spent on needed to be considered. He said he had a couple of principals for consideration; namely: (1) a user pay system be it for roads, public transit, or other means of transportation; (2) implementing home rule; (3) review how the money is collected and being used; and (4) utilize objective based criteria to determine what projects among all of the possibilities can and should be done. He asked the Board to send a reasonable and firm message to the "Gold Dome" that will look out for the interests of Fayette County's citizens.

**Sandy Edwards:** Ms. Edwards said she took off of work without pay to be at the meeting to learn more about Resolution 2015-03, and it saddened her to walk out the door not knowing more than what she did when she walked into the door. She also asked what the crossover date was for state legislation and she suggested that the date would be on a calendar. She said she did not want to wake up one day and find out that the crossover date has passed without Fayette County's input. She asked for something to be done before Fayette County would be "left in the dark."

**Terry Williamson:** Mr. Williamson said he liked to listen to Mr. Bob Ross since he is so eloquent. Mr. Williamson acknowledged that the Chairman has a hard job since he is trying to satisfy everyone. He said when a person is trying to follow the rules then there is a reason to follow the rules. He stated that he had served all across the world, in embassies, and had been under fire, and he understood that there are reasons why rules and policies are in place. He said the rules and policies exist to make sure things are done the right way, to maintain transparency, and so that everyone knows what is going on. He stated that if the policies need to be changed then the necessary steps need to take place to change the policies, but he thought it was not proper to "just challenge the Chairman to change the rules willy-nilly this time" since the next time the change may be undesirable. He closed by reiterating that there are reasons there are rules, policies, and procedures in place.

**Bob Mudrinich:** Mr. Mudrinich spoke about an old issue that is languishing at the state level, and he said about six months ago the Board passed a speed-limit change at the Starr's Mill school complex. He questioned why the speed-limit sign had not been changed since the Board made the change to the speed limit, and he asked if County Administrator had an update on the matter from the state. Secondly, he mentioned that the Board of Commissioners was going to build a golf cart path from Forrester Place to Panther Path, and he asked for an update on the progress. Mr. Mudrinich spoke about House Bill 170 by saying he could appreciate everyone's position on the Board. He understood that there needed to be professional courtesy and he saw the need for procedures, but he added that flexibility would be needed for fluid situations. He stated that there are alternatives to House Bill 170, and he encouraged everyone to write their state representatives. He thought that if the Board made a statement then the statement would impact the state legislature. He closed by encouraging everyone to write their state representatives. Mr. Mudrinich agreed with Mr. Benson's public comments, given during the February 12, 2015 Board of Commissioners meetings, as they relate to district voting. He asked the Commissioners to respect each other, to move forward with each other, and to keep each other informed.

**Derryl Anderson:** Ms. Anderson returned to the podium to remind the Board that public comment needed to be uninterrupted. She stated that Commissioner Brown needed to respect his fellow Commissioners and to keep them informed. She stated that she was also not a fan of House Bill 170 since the funding would go to Atlanta, Gwinnett County, and the Braves Stadium in Cobb County.

**Steve Smithfield:** Mr. Smithfield spoke in opposition to House Bill 170 by equating the implications of the bill to the Regional T-SPLOST that was defeated in 2012 and to the development of the West Fayetteville Bypass.

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

**Response to Comments Given during Public Comments:** County Administrator Steve Rapson responded to Mr. Edward's question about why this Resolution 2015-03 was on the Agenda if the information was submitted late by explaining that there is a hard deadline for his staff to submit items on an Agenda, but that professional discretion has to be used with regard to elected officials. He said after speaking with Commissioner Brown and Chairman Oddo, it was decided to put the resolution on the Agenda. He said what got everybody "crossways" was with the supporting documentation that was provided after the Agenda was published including a PowerPoint presentation

that was actually provided earlier in the day. He stated that if the material had been made available earlier then the concerns that had been raised for the past couple of hours could have been avoided. Mr. Rapson answered the question about should the Board meet next week instead of March 10, 2015, and he stated that the decision to meet rested with the Board of Commissioners. Mr. Rapson answered a question about why the meeting was held at 4:00 p.m. by explaining that there is an AVPride event scheduled that the Board was going to attend, and that the event would begin at 6:30 p.m. Mr. Rapson answered that the crossover date for the Georgia General Assembly is approximately March 12 or March 13, 2015, but that the date could come prior to March 10, 2015. He explained that there is no way to know the actual crossover date. Mr. Rapson answered Ms. Bean's question by saying the practice of allowing citizens to speak prior to a vote being taken was still in effect, and he clarified that the ability to speak truly is a practice since there is no policy on the matter. Mr. Rapson, in answering Mr. Mudrinich's question concerning the replacement of speed limit signs, stated that if he could figure out how to move things at the state level faster then he would do it. He stated that the Sheriff was working on the matter to expedite the state so that the signs could be updated. Mr. Rapson also answered Mr. Mudrinich's question about the golf cart path stating that the project was always on an eighteen-month cycle. He said the county had reached out to the Georgia Department of Transportation for residual funding, but that GDOT responded that it has no additional funding. Mr. Rapson explained that the golf cart path would likely be built around spring or summer of 2016.

**Attorney Review of Resolution 2015-03:** County Administrator Steve Rapson stated that, based on feedback he has received from the public and from other Commissioners, that it would be a good idea for the Board to consider having County Attorney Dennis Davenport review the resolution that was submitted by Commissioner Brown. He said the attorney could draft something that everyone could agree with. He suggested that if the attorney could complete the work in time, then perhaps a Special Called Meeting could be held to review Resolution 2013-03. Discussion followed. The Board consented to allow the County Attorney to review Resolution 2015-03 as recommended.

**Tuesday, March 10, 2015 Board of Commissioners Meeting:** County Administrator Steve Rapson reminded the Board that the next meeting would be held on Tuesday, March 10, 2015 at 7:00 p.m. He stated that the meeting date had been changed due to upcoming Association of County Commissioners Georgia (ACCG) training that would conflict with a regularly scheduled Thursday night meeting.

**Moody's Upgrades Fayette County's General Obligation Bond Rating to Aaa:** County Administrator Steve Rapson stated that Moody's reviewed Fayette County's finances and affirmed that the county is now upgraded Aaa.

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

**Notice of Executive Session:** County Attorney Dennis Davenport reported that there were two items of Pending Litigation and the review of the February 12, 2015 Executive Session Minutes to be considered in Executive Session.

#### **COMMISSIONERS' REPORTS:**

**Commissioner Barlow:** Commissioner Barlow reported that for the past four Fridays he has met with the Association of County Commissioners Georgia (ACCG). He said the county and all of the other counties in Georgia pay the ACCG to go before the counties to the legislature to ask for the benefits the counties ask for. He stated that some of the meetings are confidential and that those who attend are asked to keep the information confidential. He told the Board and audience that he kept the discussions confidential. He said he was saddened that an email was sent out to people about his, but that no one has called him. He said if was a man of integrity and was always

accessible, and that he would answer those who ask him where he stands on the issues. He asked the people to ask him about his stance instead of relying on an email from someone else. Commissioner Barlow also encouraged the people to directly contact their state representatives and senators in order to ensure that their voices are heard at the state capitol.

**Commissioner Brown:** Commissioner Brown thanked the public for coming and speaking at the meeting. He stated that Mr. Ross spoke about leadership, that there were recent examples of good and bad leadership at the state level, and he told of the good and bad leadership being displayed at the state. Commissioner Brown then spoke about the potential problems with the current Transportation bill under consideration by the Georgia General Assembly. He suggested that the state would require the funding for the transportation initiative to come from the pockets of Fayette County's citizens. He stated that the current transportation bill is not revenue neutral, but that the ACCG was supporting the transportation bill. He asked, if the bill will kill the cities and the school boards, how the counties could break even financially. Commissioner Brown stated that he was disappointed with ACCG and he would not keep it a secret. Commissioner Brown stated there was selective enforcement of the policy about when to place something on the Agenda. He stated that he has had information provided to him five minutes prior to the start of a meeting and no one objected. He suggested that if the Commissioners did not like the item or did not feel they had enough information, then they could vote the issue down. Commissioner Brown asked the Board to give the people a voice, and that the votes it casts should be based on the merits of the argument and the values it espouses. He said it was not right when the presentation and speech are control then "God be with you." He said each citizen and Commissioner could speak "totally uninhibited" in the years 2013 and 2014, but that has changed in 2015.

**Commissioner Ognio:** Commissioner Ognio stated that the matter of how items are put on the Agenda needs to be addressed; allowing for the ability to put last minute items on the Agenda. He stated that it was unknown when the crossover date would occur for the Georgia General Assembly. Commissioner Ognio stated that Resolution 2015-03 was on the Agenda and he did not know why the material could not be presented. He stated that the resolution had no bearing to House Bill 170, and that there are many issues in the transportation bill that he found problematic with no accountability. He asked how much money would those who ride transit would pay into transportation, and he stated that all who drive vehicles will pay for public transit. Commissioner Ognio closed his remarks telling a story that reinforced his dislike of roundabouts.

**Commissioner Coston:** Commissioner Coston thanked everyone for coming and for the good, healthy discussion. She stated that all her decision and vote will be for what is best for Fayette County. She stated that it was critical to contact the state legislatures and she said the transportation bill is changing daily. She asked for a resolution that the Board can agree upon. She also informed Commissioner Brown that she is available anytime, particularly the next day, to discuss the issues.

**Chairman Oddo:** Chairman Oddo appreciated the comments that were given. He said the issue was not about the comments. He said the presentation would be heard in about ten days. He said as far as the transportation bill is concerned, he took the time to speak with Representative Mabra and to give his views. Chairman Oddo said he would not wait on the Board to move on a resolution, but rather encouraged the citizens to reach out to the legislators and to inform them of how they think on the matter. Chairman Oddo pointed out that while there has been a change of Chairman there is no change of policy- allowing everyone to speak. He said the Commissioners need to follow the protocols that have been set up. He said the Commissioners should communicate with each other, and he apologized to the public for the recent conduct of the Board. He stated that he is available to discuss matters with anyone who calls him. He said this is not a free speech item, but rather is a way for the Chairman to conduct the meeting in a way best for everyone.

**EXECUTIVE SESSION:**

**Two Items of Pending Litigation and Review of the February 12, 2015 Executive Session Minutes:**

Commissioner Brown moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 6:22 p.m. and returned to Official Session at 6:44 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

**Workers Compensation Settlement:** County Attorney Dennis Davenport reported that there was a worker's compensation claim WC2014-083249 filed against Fayette County by former employee Rose Gulley. He stated that the County has been in talks with Ms. Gulley's attorney and has come to agreement on a settlement of terms for an injury that she suffered last year. Mr. Davenport stated that the terms and conditions are a fully and complete resolution of all issues including the closing of all medical claims for the sum of \$10,000.00. Mr. Davenport asked the Board to approve the settlement if it met the Board's approval.

Commissioner Brown moved to approve the settlement as stated by the County Attorney. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

**Worker's Compensation Representation by Attorney Robert Goldsmith:** County Attorney Dennis Davenport stated he was involved in a second Worker's Compensation case involving current employee Craig Woods. He stated that this case would involve expert witnesses and probably much litigation. He suggested that it would be better to bring on another attorney who does specialty work in this practice. Mr. Davenport said he had been in contact with Attorney Robert Goldsmith with the firm of Drew, Eckl & Farnham in Atlanta, and that Mr. Goldsmith has agreed to take over the case at the same rate that the County pays the County Attorney for representation. He added that Mr. Goldsmith is able to begin immediately upon approval by the Board of Commissioners.

Commissioner Brown moved to go with Mr. Goldsmith as recommended by the County Attorney. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

**February 12, 2015 Executive Session Minutes:** Commissioner Ognio moved to approve the February 12, 2015 Executive Session Minutes. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

**ADJOURNMENT:**

Commissioner Coston moved to adjourn the February 26, 2015 Board of Commissioners meeting. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

The February 26, 2015 Board of Commissioners meeting was adjourned at 6:46 p.m.

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Floyd L. Jones, County Clerk