

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

January 14, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order by County Attorney Dennis A. Davenport

County Attorney Dennis Davenport called the January 14, 2016 Board of Commissioners meeting to order at 7:03 p.m.

ORGANIZATIONAL SESSION:

1. Election of Board Chairman for the year 2016.

County Attorney Davenport opened the floor for nominations for the Board Chairman for the year 2016. Commissioner Brown nominated Commissioner Ognio for Chairman. Commissioner Barlow nominated Commissioner Oddo for Chairman.

Commissioner Barlow moved to close the nominations. Several Commissioners seconded the motion. The motion passed 5-0.

Commissioner Brown moved to appoint Commissioner Ognio as Chairman. Commissioner Ognio seconded the motion. The motion failed 2-3 with Commissioners Barlow, Oddo, and Rousseau voting in opposition.

Commissioner Barlow moved to appoint Commissioner Oddo as Chairman. Commissioner Rousseau seconded the motion. The motion passed 3-2 with Commissioners Brown and Ognio voting in opposition.

Mr. Davenport turned the meeting over to Chairman Oddo.

2. Election of Board Vice-Chairman for the year 2016.

Chairman Oddo nominated Commissioner Ognio as Vice-Chairman.

Commissioner Brown moved to close nominations. Commissioner Rousseau seconded the motion. The motion passed 5-0.

Chairman Oddo moved to elect Commissioner Ognio as Vice-Chairman. Commissioner Barlow seconded the motion. The motion passed 5-0.

3. Invocation by Vice Chairman Randy Ognio

Vice Chairman Ognio asked Senior Pastor Dr. Wallace McAbee of Sharpsburg Baptist Church to offer the Invocation. Pastor McAbee offered the Invocation.

4. Pledge of Allegiance

Commissioner Rousseau led the Board and audience in the Pledge of Allegiance.

5. Acceptance of Agenda

Commissioner Ognio asked to discuss New Business #28 prior to New Business #18, to add New Business #29 to the Agenda for the Purchasing Card Agreement, and to add New Business #30 as Homeland Security – Georgia Department of Transportation LMIG Emergency Funding.

Commissioner Barlow moved to accept the Agenda as published along with Commissioner Ognio's requests. Commissioner Rousseau seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

6. Ceremonial Dedication of the 2015 Board of Commissioners' Official Photograph in honor of the late Commissioner Pota Coston.

Commissioner Rousseau and the Board, along with the Coston family, ceremonial dedicated the 2015 Board of Commissioners' Official Photograph in honor of the late Commissioner Pota Coston.

7. Recognition of Rusty and Carol Brown and Kevin and Terri Arnold for their selfless actions during the flooding crisis in December 2015.

Sheriff Babb, EMA Director and Division Chief Pete Nelms, County Administrator Steve Rapson and the Board of Commissioners recognized all those involved in the response during the flooding crisis in December 2015. Those recognized included Rust and Carol Brown, Kevin and Terri Arnold, and Brent Scarbrough and Company, Inc.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Barlow seconded the motion. The motion passed 5-0.

8. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.

9. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.

10. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.

11. Approval of the County Clerk's recommendation to adopt the revised 2016 County Commissioner Meeting Schedule.

Commissioner Brown asked everyone to pay attention to the new meeting schedule since there will be some meetings beginning at 3:00 p.m. as opposed to 7:00 p.m. in order to attend training.

12. **Approval of staff's recommendation to declare the property (Fire Station No. 3) located at 935 Senoia Road, Tyrone, Georgia as no longer needed and will no longer be used by Fayette County, and authorization to lease the property to a private individual through a bid process.**
13. **Approval of the proposed 2016 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.**
14. **Approval of a request from the State Court Judge to accept a supplemental grant award from the Funding Committee of the Council of Accountability Court Judges in the amount of \$1,680.00, to authorize the expenditure of 10% local matching funds in the amount of \$187.00, and to authorize the Chairman to sign any grant-related documentation.**
15. **Approval of the disposition of tax refunds, in the amount of \$735.01, as recommended by the Tax Assessor's Office.**
16. **Approval of the Water Committee's updated 2016 Meeting Schedule.**
17. **Approval of the December 10, 2015 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There were no items of Old Business.

NEW BUSINESS:

18. **Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Becky Smith and Theodore Toles to the Fayette County Board of Health for a six-year term beginning January 1, 2016 and expiring December 31, 2021.**

Commissioner Barlow recommended Mrs. Smith and Mr. Toles for the Fayette County Board of Health and he spoke of the selection process. Commissioner Rousseau thanked those who offered themselves for service on the Board and that those who were selected would bring new energy and insight to the Board.

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Becky Smith and Theodore Toles to the Fayette County Board of Health for a six-year term beginning January 1, 2016 and expiring December 31, 2021. Commissioner Rousseau seconded the motion. The motion passed 5-0.

19. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner David Barlow, to re-appoint Therese Ocheltree to the Fayette County Board of Tax Assessors for a six-year term beginning January 1, 2016 and expiring December 31, 2021.**

Commissioner Ognio stated there were excellent applicants for the position but that Mrs. Ocheltree has been a long-term member on the Board. He appreciated her dedication to the Board.

Commissioner Ognio moved to approve the recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner David Barlow, to re-appoint Therese Ocheltree to the Fayette County Board of Tax Assessors for a six-year term beginning January 1, 2016 and expiring December 31, 2021. Commissioner Barlow seconded the motion. The motion passed 5-0.

20. **Consideration of a recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner David Barlow, to re-appoint William Beckwith to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2016 and expiring December 31, 2018.**

Chairman Oddo stated that Mr. Beckwith has served admirably on the Zoning Board of Appeals and he would continue to bring consistency to the Board. Commissioner Barlow stated that Mr. Beckwith is highly qualified for the position.

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner David Barlow, to re-appoint William Beckwith to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2016 and expiring December 31, 2018. Commissioner Ognio seconded the motion. The motion passed 5-0.

21. Consideration of Resolution 2016-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.

Chairman Oddo stated that this resolution had been passed first in 2013 and it is passed each time a new Commissioner comes to the Board. He added that the resolution is placed in the back of the room as a reminder of the Board's pledge.

Commissioner Ognio moved to adopt Resolution 2016-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs. Commissioner Rousseau seconded the motion. The motion passed 5-0.

22. Consideration of Ordinance 2016-01 amending the Fayette County Code of Ordinances, Article VI of Chapter 28 pertaining to stormwater services and to amend the amount charged by Fayette County as a late fee for delinquency in payment of the stormwater fee.

Environmental Management Director Vanessa Birrell briefed the Board on New Business Items #22 and 23. Discussion followed.

Walter Hopewell: Mr. Hopewell suggested that the stormwater bill should be included with the regular water bill. He asked why a separate bill was issued for stormwater fees.

Mr. Rapson replied that the bills were separate since it involved a different customer base. He explained that some people are on wells so they do not receive a water bill, however, they do still need to pay for stormwater services.

Commissioner Brown moved to adopt Ordinance 2016-01 amending the Fayette County Code of Ordinances, Article VI of Chapter 28 pertaining to stormwater services and to amend the amount charged by Fayette County as a late fee for delinquency in payment of the stormwater fee. Commissioner Rousseau seconded the motion. The motion passed 5-0.

23. Consideration of Resolution 2016-03 establishing a Stormwater Utility Late Fee for delinquent payments of the stormwater fee.

Commissioner Ognio moved to adopt Resolution 2016-03 establishing a Stormwater Utility Late Fee for delinquent payments of the stormwater fee. Commissioner Barlow seconded the motion. The motion passed 5-0.

24. Consideration of Resolution 2016-04 establishing Qualifying Fees for the 2016 elections in Fayette County.

Commissioner Ognio moved to adopt Resolution 2016-04 establishing Qualifying Fees for the 2016 elections in Fayette County. Commissioner Rousseau seconded the motion. The motion passed 5-0.

25. Consideration of staff's request to accept a GEFA grant / rebate to install an Electric Vehicle Charging Station at the Stonewall Complex or another designated Fayette County location as necessary and to fund a match of \$6,827.50 from project contingency for this purpose.

Commissioner Ognio pointed out that additional information was on the dais for this matter. County Administrator Steve Rapson stated that the dais documents included two maps that show a proposed location as well as a secondary location for the charging station as well as some emails outlining some of the costs for the utility and fee for the charging stations.

Fleet Maintenance Director Bill Lackey briefed the Board on this request and answered questions from the Board. Extensive discussion followed.

Greg Clifton, Frank Gardner, and Paul Oddo spoke on this matter.

Commissioner Ognio moved to approve staff's request to accept the GEFA grant / rebate to install an Electric Vehicle Charging Station at the Stonewall Complex or another designated Fayette County location as necessary and to fund a match of \$6,827.50 from project contingency for this purpose, to approve a \$1.50 per hour fee. Commissioner Barlow seconded the motion.

Commissioner Ognio amended his motion to only include Location Option #2. Commissioner Barlow seconded the amendment to the motion. Discussion followed in order to amend the motion.

Commissioner Ognio amended his motion to approve staff's request to accept the GEFA grant / rebate to install an Electric Vehicle Charging Station at the Stonewall Complex or another designated Fayette County location as necessary and to fund a match of \$6,827.50 from project contingency for this purpose, to approve a \$1.50 per hour charge fee, to utilize the Option #2 location, for the county to look at the liabilities with the purpose of returning to the Board if needed, and for staff to consult with Fayetteville Main Street for possible funding. Commissioner Barlow seconded the amended motion. The motion passed 5-0.

26. Update on damages and repairs to Fayette County's roads from the December 2015 Floods and requested approval of staff's recommendation to reallocate / loan \$997,529.00 to the Stormwater Utility in FY 2016.

Public Works Director Phil Mallon updated the Board on damages and repairs to Fayette County's roads from the December 2015 Floods. Extensive discussion followed.

Commissioner Barlow moved to approve staff's recommendation to allocate and loan \$997,529.00 to the Stormwater Utility in Fiscal Year 2016. Commissioners Ognio and Rousseau seconded the motion.

Commissioner Barlow amended his motion to utilize the Existing Stormwater Budget in the amount of \$179,306.00, the General Fund (Fund 100-Road Department) in the amount of \$47,246.00, the Capital Improvement Program (375- Road Department) in the amount of \$77,923.00, and the Capital Project General Contingency Fund (Fund 375) in the amount of \$693,054.00 for a total source of funds being \$997,529.00. Commissioner Ognio seconded the amended motion.

The motion to approve staff's recommendation to allocate and loan \$997,529.00 to the Stormwater Utility in Fiscal Year 2016 and to utilize the Existing Stormwater Budget in the amount of \$179,306.00, the General Fund (Fund 100-Road Department) in the amount of \$47,246.00, the Capital Improvement Program (375- Road Department) in the amount of \$77,923.00, and the Capital Project General Contingency Fund (Fund 375) in the amount of \$693,054.00 for a total source of funds being \$997,529.00 passed 5-0.

27. Consideration of staff's request for Board ratification of County Agreements with Brent Scarbrough & Company, Inc. for emergency road repairs made on Canterbury Lane (Project No. 6509A) and Westbridge Circle (Project No. 6509B).

Public Works Director Phil Mallon stated that for Canterbury Lane and Westbridge Circle a decision was made to those required emergency action and in each case staff requested and received a not-to-exceed cost from Brent Scarbrough & Company and then authorized the work to be performed. He said the approval was being brought to the Board after the fact for approval and ratification of the awards with the funding to come from the funds approved in New Business #26. Discussion followed.

Commissioner Rousseau moved to accept staff's request for Board ratification of County Agreements with Brent Scarbrough & Company, Inc. for emergency road repairs made on Canterbury Lane (Project No. 6509A) and Westbridge Circle (Project No. 6509B). Commissioner Barlow seconded the motion. Discussion followed. The motion passed 5-0.

28. Consideration of staff's recommendation to approve a scope of services change order reduction of \$49,800.00 in which the City of Peachtree City will receive \$25,000.00 towards its Drake Field Enhancement Project.

County Administrator Rapson briefed the Board on this request.

Commissioner Brown moved to approve a scope of services change order reduction of \$49,800.00 in which the Peachtree City government will receive \$25,000.00 towards its Drake Field Enhancement Project. Commissioner Ognio seconded the motion. The motion passed 5-0.

29. Purchasing Card Agreement

County Administrator Steve Rapson recalled that the State passed a Purchasing Card Policy for elected officials which also cover Constitutional Officers. He said some of the Constitutional Officers had some problems with the ability or the appearance of waiving some of their authority in that regard. He said staff had a recommendation for language that the Association of County Commissioners Georgia has reviewed as well as other organizations and counties. He said staff is comfortable that it meets the state requirements and the Constitutional Officers have agreed to sign it. Mr. Rapson stated that until the User Agreement is approved the Purchasing Cards for the Constitutional Officers would remain deactivated.

Commissioner Brown moved to pass the Purchasing Card Agreement as presented on the dais. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 5-0.

30. Homeland Security – Georgia Department of Transportation LMIG Emergency Funding

County Administrator Steve Rapson stated this request is very similar to what the Board approved with Consent Agenda Item #13 but the only difference is instead of asking for the County's for LMIG this request is for additional funds that may be available from LMIG for emergencies as deemed by the State of Georgia. He explained that when the Georgia Department of Transportation (GDOT) came to the county and saw the particular issues they suggested that the County complete the application. He said the application requires the Chairman's signature and staff was seeking that authority.

Commissioner Brown moved to approve the application from the Georgia Department of Transportation LMIG Emergency money as presented on the dais. Commissioner Barlow seconded the motion. The motion passed 5-0.

PUBLIC COMMENT:

Roy Bishop: Mr. Bishop spoke about mediation concerning his property.

Bob Ross: Mr. Ross spoke for sixteen minutes on the need to maintain at-large voting in Fayette County.

ADMINISTRATOR'S REPORTS:

Selection Committee for the Library Board: County Administrator Steve Rapson stated there is a vacancy due to a resignation on the Library Board and that a Selection Committee needs to be appointed to fill the vacancy. The Board appointed Commissioners Barlow and Rousseau to serve on the Selection Committee.

Appointment of the 2016 Legislative Coordinator: County Administrator Steve Rapson stated that the Board needed to appoint a Legislative Coordinator and it is up to the Board's pleasure who it appoints to the position. He added that in recent years the Board had appointed him to be the Legislative Coordinator. The Board re-appointed Mr. Rapson to serve as the Legislative Coordinator for 2016.

January 28, 2016 Board of Commissioners Meeting to be held at 3:00 p.m.: County Administrator Steve Rapson reminded the Board that it modified the 2016 Board of Commissioners meeting calendar earlier in the meeting. He stated that the January 28, 2016 Board of Commissioners meeting would be held at 3:00 p.m.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport notified the Board that he had three items of Pending Litigation, one item of Real Estate Acquisition, and review of the December 10, 2015 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow thanked everyone for coming to the meeting and that the New Year was starting off well for 2016. He thanked staff for their work over the holidays and for their tremendous effort. He wanted to thank Mr. Brent Scarbrough for his quick response in during the emergency. He suggested a formal letter of thanks needed to be sent to Mr. Scarbrough. He added that the citizens who allowed the county to tread across their property were precious citizens and he added that the county would restore their property.

Commissioner Brown: Commissioner Brown wished everyone a Happy New Year and a successful 2016. He asked that the Board concentrate and make a goal in 2016 to work on its communication with all Board members and to act with the consent of the Board on matters of legal and contractual nature.

Commissioner Ognio: Commissioner Ognio thanked the Board for supporting him in the position of Vice-Chairman. He wished a Happy New Year to all and mentioned his wife recently celebrated her birthday and that they would celebrate their anniversary on January 26, 2016. Commissioner Ognio expressed to gratitude to Mr. Rapson for his efforts on December 24, 2015 since his efforts may have been overshadowed by others who rightly needed to be recognized. He said Mr. Rapson took time from his Christmas Eve to go out and coordinate efforts necessitated by the flooding. He apologized for the last minutes additions to the Agenda since they were necessary, and he hoped adding items to the Agenda at the last minute would not become a practice. He wished all a Happy and successful New Year.

Commissioner Rousseau: Commissioner Rousseau thanked the Board members for their service, candor, and openness to alternative viewpoints. He thanked the citizens who continue to encourage the Board and staff with their work. He said he was still getting his feet wet and he thanked everyone for helping him to get up to speed. He said he has been meeting with several schools and Homeowners Associations and he would be bringing items to the Board throughout the course of the year for consideration.

Chairman Oddo: Chairman Oddo said it was a pleasure to serve as Chairman for the year 2015. He said it was a wonderful opportunity to work with staff and fellow Commissioners and he appreciated the opportunity to do so again. He congratulated Commissioner Ognio for being the Vice Chairman. He pointed out that each person on the Board has a relationship that ties them together and sees them to the end although, at times, the road can be awfully rough. He wished everyone a Happy New Year and much success. He closed that everyone in the room are friends and neighbors and sometimes even when issues come up that make

EXECUTIVE SESSION:

Pending Litigation, Real Estate Acquisition, and Review of the December 10, 2015 Executive Session Minutes: Commissioner Brown moved to adjourn into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:47 p.m. and returned to Official Session at 11:07 p.m.

Return to Executive Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Rousseau seconded the motion. The motion passed 5-0.

December 10, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the December 10, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 5-0.

Roy Bishop Settlement: County Attorney Dennis Davenport stated that Mr. Bishop spoke about mediation involved with the county. He said he had some terms and conditions from the mediation heard on December 18, 2015, explained the terms of the mediation, and asked for the Board's consideration on the matter.

Commissioner Rousseau moved to approve the settlement agreement that was negotiated on December 18, 2015 for the amount as outlined by the County Attorney. Commissioner Barlow seconded the motion.

Commissioner Brown offered apologies to Mr. Bishop since he and many other property owners were not treated well when the West Fayetteville Bypass was being created. He said the road was built on people's property before the property was condemned without caring about what the people had to say. He stated that many people were abused along the West Fayetteville Bypass, apologized to Mr. Bishop, and hoped the settlement would help resolve his problems.

Commissioner Rousseau stated he visited Mr. Bishop's residence and saw the water and flow that goes through his property. He joined Commissioner Brown in offering apologies for the way this matter started and he hoped that Mr. Bishop would be able to reach a successful conclusion.

The motion to approve the settlement agreement that was negotiated on December 18, 2015 for the amount as outlined by the County Attorney passed 5-0.

Final Settlement Agreement between the NAACP and the Fayette County Board of Commissioners: County Attorney Dennis Davenport stated there is a proposed, final agreement in place for the Board to ratify if it meets with the Board's pleasure. He then read into the record pages 3-6 into the proposed Final Settlement Agreement.

Commissioner Ognio moved to reject the settlement. Commissioner Brown seconded the motion.

Commissioner Ognio read a statement into the record.

The motion to deny the settlement failed 2-3 with Chairman Oddo, Commissioner Barlow, and Commissioner Rousseau voting in opposition.

Commissioner Rousseau moved to accept the terms as outlined in the agreement by counsel's recommendation and tentative agreement pending the next steps that would be needed at the state level as also outlined by counsel. Commissioner Barlow seconded the motion.

Commissioners Barlow, Brown, Rousseau, and Oddo provided statements for the record.

The motion to accept the terms as outlined in the agreement by counsel's recommendation and tentative agreement pending the next steps that would be needed at the state level as also outlined by counsel passed 3-2 with Commissioners Brown and Ognio voting in opposition.

Resolution to Introduce Local Legislation at the Georgia General Assembly: County Attorney Dennis Davenport stated the settlement was the first step. He explained that for the map to be redrawn consistent with what was read in the settlement agreement, it has to be redrawn by the legislature. He said that in order for the legislature to do that the Board of Commissioners would have to request the legislature to do that through an official resolution to redraw the map. He stated that a resolution has been prepared consistent with the Final Settlement Agreement. He stated that the time is critical so if the resolution is adopted then it has to be advertised in the Fayette Daily News that the Board of Commissioners would drop local legislation at the Georgia General Assembly. He said the advertisement would run on Wednesday, January 20 and it would give the County up to January 25 to notify the General Assembly of the legislation. He added that qualifying for elections would begin on March 7, 2016. He emphasized that there is a very tight timeframe to work with and he asked the Board to consider the resolution to formally request the Georgia General Assembly to redraw the map.

Commissioner Rousseau moved to approve the resolution as outlined by Mr. Davenport. Chairman Oddo seconded the motion. The motion passed 3-2 with Commissioners Brown and Ognio voting in opposition.

ADJOURNMENT:

Commissioner Brown moved to adjourn the January 14, 2016 Board of Commissioners meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The January 14, 2016 Board of Commissioners meeting was adjourned at 11:48 p.m.

Floyd L. Jones, County Clerk