

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

February 25, 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

Chairman Oddo called the February 25, 2016 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Commissioner Brown

Commissioner Barlow offered the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda as printed. Commissioner Brown seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Ms. Heather Hager with a Fire and Emergency Services "Citizen Life Saving Award" and recognition of members of Fire and Emergency Services with a Fire and Emergency Services "Unit Citation" for their actions during a call at the McCurry Park Soccer Complex.**

Chief David Scarbrough stated that Ms. Hager was not present at the time due to caring for a sick child and that her certificate would be awarded to her at a later time. The Board and Chief David Scarbrough recognized several paramedics and EMT workers with a "Unit Citation" award for their actions during a call at McCurry Park Soccer Complex in saving the life of Mr. Rodney Ball.

- 2. Recognition of County Clerk Floyd Jones for earning the Master Clerk Certification from the Carl Vinson of Institute of Government.**

The Board and County Administrator Steve Rapson recognized Floyd Jones, County Clerk for earning the Master Clerk Certification from the Carl Vinson Institute of Government. Commissioner Barlow and Floyd Jones also shared comments regarding this recognition.

PUBLIC HEARING:

3. Consideration of staff's recommendation to approve an on-premise alcohol license of malt beverages and wine to Anna Karina Alvarez, doing business as Los Comales, Inc., at 1988 Highway 54 West, Fayetteville, GA 30214.

Dennis Dutton, Zoning Administrator briefed the Board on this request. Discussion followed.

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

Commissioner Rousseau moved to approve an on-premise alcohol license of malt beverages and wine to Anna Karina Alvarez, doing business as Los Comales, Inc., at 1988 Highway 54 West, Fayetteville, GA 30214. Commissioner Ognio seconded the motion. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Rousseau asked to remove agenda item number five to have changes made to some of the language. Commissioner Ognio moved to approve Consent Agenda with the removal of agenda item number five. Commissioner Barlow seconded the motion. The motion passed 5-0.

4. Approval of staff's recommended Mid-Year Budget Amendment for Fiscal Year 2016.

5. Approval of the February 11, 2016 Board of Commissioners Meeting Minutes.

Commissioner Rousseau stated that the proposed changes are to: (1) change the language on page five in the fourth paragraph, to read "chain of custody" and not "chain of evidence", (2) on page eleven, under the heading "Commissioner Rousseau", the name should be Joycelyn instead of Joselyn and (3) to delete the word "there" in the second sentence in the topic heading, "Attorney's Fees" under his comments.

Commissioner Rousseau moved to approve the February 11, 2016 Board of Commissioners Meeting Minutes with the stated changes. Commissioner Ognio seconded the motion. The motion passed 5-0.

OLD BUSINESS:

6. Consideration of adoption of the Fayette County Ethics Ordinance 2016-04.

County Attorney, Dennis Davenport briefed the Board regarding the proposed options for the Ethics Ordinance. He stated that he was directed to bring two options on how the hearings would be conducted for violations of the Ethics Ordinance. He stated that one option was to have the hearings conducted by a panel of three county attorneys for all violations and another option was to have the violations heard by the Board of Commissioners with the exception of a violation against a Board of Commissioner, which would then be heard by a panel of three county attorneys. He stated that an issue that was discussed was to have the \$500 fee reduced to \$250 and to include the language that states "in the current election cycle" which was included as directed. He corrected a typo. He stated that Option A would include a probable cause determination to be heard by the Board of Commissioners to determine if it goes before the Ethics Board, unless it was a complaint against a member of the Board of Commissioner. He stated that the probable cause determination would then be heard by the county attorney panel as specified in the ordinance. He stated that Option A would be for the county attorneys to handle all complaints and Option B mirrors Option A with respect to the language

regarding the fee and the remainder of the document states that the Board of Commissioners would conduct the hearings with the exception of those made against a member of the Board of Commissioners. He stated that one other issues is that there is no language specifically stating how a punishment would be meted out.

Commissioner Brown pointed out two changes. The first change was to the number of attorneys stated on the background material for this item. He stated that it should read "three" attorneys and not "two" attorneys. The other correction was to the word "proximally" which was misspelled.

Commissioner Rousseau moved to approve Option A of the Ethics Ordinance 2016-04. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that the document does not discuss compensation to the attorneys for conducting the hearings and he asked that the Board consider changing the length of days for a written decision of a concluded hearing to be changed to fifteen days instead of thirty days.

The Board agreed that the county attorney panel would execute the punishment for any hearings that they preside over.

The Board directed Mr. Davenport to investigate to determine what is the best approach regarding compensation and bring it back to the Board for consideration at the next meeting.

Commissioner Rousseau amended his motion to include the number of days that a written decision shall be issued to be changed from 30 days to 15 days upon the conclusion of the public hearing and that the full process would be carried out by the county attorney panel to mete out the punishment. Commissioner Brown amended his second. The motion passed 5-0.

7. Consideration of the adoption of the Generic Liability Agreement to be used for the Public Arts Committee's Human Resource Photo Wall project.

Mr. Davenport briefed the Board that he was instructed to have a generic liability agreement that could be applicable to most county projects. He stated that a generic agreement was drafted. He stated that a memo was included as part of the package that addresses specific questions for the photo wall project as an example. He stated that he needs direction from the Board on how to handle the issues presented.

Chairman Oddo asked if this project has ever been approved by the Board of Commissioners.

Commissioner Brown stated that it had been approved on a previous agenda.

Mr. Rapson stated that it was on an agenda and that there was a lot of discussion regarding it. He stated that he recalls that the breakroom project was approved and has since been completed, but that the Human Resource Photo Wall project had a lot of discussion, but no vote was made.

Chairman Oddo referenced the minutes and stated that the motion was withdrawn and that the motion was that Mr. Davenport would come back to the Board with language for the agreement.

Mr. Davenport interjected and stated that there was a second motion that said, to the effect, that "once all the language is agreed upon" then the Board would vote. He stated that he is back before the Board to determine what language is agreed upon to include in Exhibit A.

Commissioner Brown stated that there is a generic agreement on the dais as part of this agenda item. He stated that the Board could vote on the generic agreement and Exhibit A could be brought back at another meeting. He stated that he created an Exhibit A that addresses most of the concerns in the memo.

Chairman Oddo stated that he agreed with voting on the generic agreement, but that he would like to get the project approved before making a vote on an Exhibit A.

Commissioner Brown stated that if the Board would allow him, he would create a draft Exhibit A for the photo mural project, consult with each Board member, collect the comments and modify it to bring back to a Board meeting. He stated that the project could be approved with the Exhibit A as a package deal.

There was further discussion.

The Board agreed to this approach. Commissioner Brown will have the information ready and given to Mr. Davenport to be brought back to the Board of Commissioners on the March 24, 2016 meeting.

Commissioner Brown moved to approve the Generic Liability Agreement to be used for the Public Arts Committee's projects in general and that the Public Arts Committee would come back to the Board with each project individually with an Exhibit A. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 5-0.

NEW BUSINESS:

- 8. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Charles Rousseau, to appoint Lisa Mahaffey to the Fayette County Recreation Commission to fulfill an unexpired term beginning immediately and expiring May 31, 2018.**

Commissioner Rousseau moved to approve the appointment of Lisa Mahaffey to the Fayette County Recreation Commission to fulfill an unexpired term beginning immediately and expiring May 31, 2018. Commissioner Barlow seconded the motion. The motion passed 5-0.

- 9. Consideration of the adoption of Ordinance 2016-05 to enact the State Board of Health regulations promulgated by the State Department of Health for tourist accommodations, food service and portable sanitation contractors.**

Mr. Robert Kurbes, County Manager for the Health Department's Environmental Health, informed the Board that this item is a housekeeping issue. He stated that prior year regulations used a different coding. He stated that in prior years his department was a section of the Department of Human Resources. He stated that Governor Deal elevated his department to a State cabin level as a part of the Department of Health. He stated that as for the food service and tourist accommodations they are programs being enforced and the code numbers need to be modified. He stated that the portable sanitation is a new code put forth by the State Department of Public Health for this issue.

Commissioner Rousseau moved to approve Ordinance 2016-05 to enact the State Board of Health regulations promulgated by the State Department of Health for tourist accommodations, food service and portable sanitation contractors. Commissioner Brown seconded the motion. The motion passed 5-0.

- 10. Approval of staff's request to host the "Balloons Over Fayette" Hot Air Balloon Festival and authorization to utilize \$64,500 from General Fund balance to offset expenses.**

Anita Godbee, Parks and Recreation Director thanked the Board for the appointment of Lisa Mahaffey and she thanked Lisa for volunteering to be a part of the Parks and Recreation Commission and she looks forward to working with her.

Ms. Godbee stated that if funded this event will be a great event for the community. She stated that it is an event for all ages and abilities to attend and enjoy. She stated that the goal was to find something that everyone can participate in and bring the community together. She stated that a group of volunteers gathered to determine what would be needed to

put on this type event. The group brainstormed some ideas and created a preliminary budget for this event. Ms. Godbee briefed the Board on the estimated expenses and projected revenues for this event. She stated that a date of June 11 was set so that the Board would see the commitment to hosting this event. She stated that it would be held at McCurry Park.

Commissioner Barlow expressed his support for this event.

Mr. Rapson stated that if the Board will approve this event that he would like to request that instead of taking the funds from the General Fund that it come from the Recreation Project Contingency. He stated that it currently has a balance of \$466,000.

Commissioner Barlow moved to approve to host the "Balloons Over Fayette" Hot Air Balloon Festival and authorization to utilize \$64,500 from the Recreation Project Contingency to offset expenses. Commissioner Rousseau seconded the motion. Discussion followed. The motion passed 5-0.

PUBLIC COMMENT:

Marilyn Watts: Ms. Watts thanked the Board of Commissioners for supporting her on a recent court case and allowing her to speak. She specifically thanked Chairman Oddo. Ms. Watts asked if her replacement to the Board of Elections had been required to write a letter stating that he would not have any political involvement during his term as she had been required to do by Commissioner Brown upon her appointment by the Republican Party to the Board of Elections. She stated that in the last Board of Commissioners meeting Commissioner Brown stated that he sued the city attorney. She stated that she requested the minutes and the fact was that in 2000 the city attorney sued Commissioner Brown for slander. She further stated that her son, Lane Watts, sued Commissioner Brown for defamation and Commissioner Brown had to pay Lane Watts on that case. She stated that in her memory the only county official that has been found guilty of ethics violations is Commissioner Brown.

Donna Thompson: Mrs. Thompson spoke regarding the Public Arts Committee's Human Resource Photo mural project. She questioned if this project has been approved by the Board of Commissioners. She stated that in a Board of Commissioners meeting on November 12, 2015, Chairman Oddo asked that the projects from the Public Arts Committee be brought before the Board for approval and she does not believe that is happening. She also discussed concerns about the liability agreement for photographers.

Carol Carver: Ms. Carver asked how many people are estimated to show up at the hot air balloon festival.

Neely Moody: Mr. Moody stated that he is a sitting member for the Ethics Board of Fayette County. He apologized that he has missed several past meetings. He stated that his question was if the ordinance that was passed tonight, if it would eliminate the current structure of the Ethics Board and if so, what the efficiency was associated with that and how was the current Board of Ethics to be notified.

Chairman Oddo closed public comments.

Mr. Rapson addressed the concerns that were brought up by Mrs. Thompson and that they will be brought back at the March 24th Board meeting. He stated in response to Ms. Carver's question that the estimate of attendees is 1,250 for the hot air balloon festival. He stated that on his Administrator's Report notes, the last item was that the County will need to officially notify the members of the Ethics Board to let them know that the Board has been dissolved upon the action of the Board of Commissioners.

ADMINISTRATOR'S REPORTS:

Fayette County Development Authority Selection Committee: A selection committee is needed for the appointment of one seat on the Fayette County Development Authority. Commissioners Rousseau and Barlow agreed to serve on this selection committee.

Recreation Commission Selection Committee: A selection committee is needed for the appointment of two seats on the Recreation Commission. After a discussion the Board agreed that Commissioner Rousseau and Barlow would use the applicants from the recent interviews for the Recreation Commission to make this appointment. They will also take into consideration the application of either of the members whose term is expiring if they wish to continue serving.

Commissioner Rousseau moved that barring any preclusion by ordinance or state law that the recent applications submitted by candidates to serve on the Recreation Commission. Commissioner Brown seconded the motion. The motion passed 5-0.

Commissioner Rousseau made a new motion regarding this item.

Commissioner Rousseau moved that barring any preclusion by ordinance or state law that the recent applications submitted by candidates and to also include those Recreation Commission members who are currently serving, in the deliberation process. Commissioner Barlow seconded the motion. The motion passed 5-0.

Grants Art Internship awarded from ACCG: A grant was award by the Association County Commissioners of Georgia (ACCG) to Fayette County for an art intern in the amount of \$2,173.

Hospital Authority Selection Committee: A selection committee is needed for nine recommendations to the Hospital Authority. There are three seats due to expire from the authority in May and there are three recommendations needed per seat. Commissioners Brown and Barlow will serve on the selection committee along with Mr. Michael Burnett, CEO of Piedmont Hospital.

Fayette Forward: Mr. Rapson stated that Fayette Forward is being held on March 7 and is an event that is being hosted in conjunction with the Fayette Visioning program and Fayette Chamber. He stated that they asked if the County would like to do a sponsorship for \$1,000 in regards to this event.

Commissioner Barlow moved that the Board approve the request for \$1,000 to be spent for the sponsorship of the Fayette Forward event. Commissioner Rousseau seconded the motion. The motion passed 5-0.

A. Notification of the awarding of professional services contract, 1077-N: Lake McIntosh-Wetland Mitigation Monitoring, to Eco-Tech Consultants, Inc., in an amount not-to-exceed \$62,500.00; with an available budgeted balance of \$70,100.59; to provide year four of a five-year project for mitigation performance monitoring surveys and associated reporting.

Mr. Rapson stated that this is one of the contracts that is in the budget, but when there is a contract that is in the \$50,000 to \$200,000 range he notifies the Board in a Board of Commissioners meeting.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board of one item of pending litigation, one item of real estate acquisition and review of the February 11, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Addressed Mr. Moody's concern: Commissioner Rousseau addressed Mr. Moody's concern regarding the Ethics Ordinance. He stated that this has been a two year long process and that he understands Mr. Moody's concern of citizen oversight and he thinks that needs to be addressed appropriately.

Acknowledgement of the public comments: Thanked the citizens for their comments and input on the county's procedures and how things are moving forward. He stated that it is good to have the citizen's input.

Recognition of Sarah Trowbridge: Sarah Trowbridge is an employee of the Fayette County library who has made it to the stage of being on camera for Jeopardy. He stated that is one of his favorite game shows. He congratulated Sarah on making it this far and encouraged others to wish her luck.

North Fayette PTO Father/Daughter Dance: Commissioner Rousseau stated that he attended the Father/Daughter dance and the participation was a sight to behold. He stated that it was a joy to be a part of that event.

Commissioner Barlow

Commissioner Barlow thanked those who stayed throughout the meeting.

Recreation Commission appointments: He addressed Ms. Godbee and stated that the two position on the Recreation Commission will be filled quickly because there were some great candidates.

Condolences to Lt. Francis Cavender and family: Commissioner Barlow extended his prayers to the family of Lt. Cavender. He stated that Lt. Cavender's wife and grandson was in a very bad accident and the grandson lost his life. He stated that the funeral is on Saturday and the viewing is on tomorrow. He stated that his heart is heavy for that family.

Commissioner Brown stated that Francis is one of the longest serving members of the Sheriff's office and our prayers are with him.

Commissioner Brown

Addressed comments from Marilyn Watts: Commissioner Brown stated that he would expect Aaron Wright not to do fundraising for a candidate's campaign while he is serving on the Board of Elections. He stated that he would request that from everyone that is on the Board of Elections. He stated that he feels it is important for a Board of Elections member who is supposed to be ensuring that there is a fair and equitable elections, not to do any fundraising for a candidate that appears on the same ballot.

He stated that the city attorney did sue him and he believes that is what he said. He stated that the attorney did drop the lawsuit and it cost him \$10,000 to defend his right to have free speech.

He stated that there was \$1,000 paid to Lane Watts which was paid by his insurance company. He stated that if he had to do it again he would have paid it out of his own pocket and pushed it all the way through the courts.

He stated that both of the ethics violations that were filed against him while in the county were thrown out. He stated that one was thrown out in the county and one was thrown out in Superior Court.

He stated that he did have one ethics violations that was filed against him that stuck. He stated that was a violation that he filed against himself. He stated that he had an employee that notified him that he may have violated the ethics ordinance, so he looked it up and realized that was true and filed the complaint against himself. He stated that he paid \$9.57 to reimburse the employee and that case has been reference in two ethics textbooks written by the University of Illinois and cited as an example of how to behave as an elected official when confronted with an ethical situations.

Liability agreement for art photo mural project: Commissioner Brown stated that the county has to own the photographs related to the photo wall project. He stated that there is not an employee that can curate the photographs and all the pieces of art that might be brought forward and that puts the county in a liable situation. He stated that from a liability stand point the county has to own the rights. The language had been introduced previously and he will reintroduce it in the Exhibit A to his colleagues. He stated the photographer will be able to use the photographs, but the County will have ownership.

Comment to Mr. Moody: Commissioner Brown addressed Mr. Moody and agreed that the county dropped the ball in notifying the current Ethics Board members of its intent. He apologized for not notifying them.

McIntosh and Sandy Creek basketball teams: Commissioner Brown announced that both McIntosh and Sandy Creek boys' basketball teams are in the Elite 8 state basketball championship. Sandy Creek will play at Fort Valley State on Friday night and McIntosh will play at Columbus State University. He encourage everyone to cheer them on.

Commissioner Ognio

Article regarding ARC's 25 year regional plan: Commissioner Ognio addressed an article that was published online with the Citizen newspaper in regards to the Atlanta Region Commission (ARC) adoption of the 25 year regional plan. He stated that the plan includes additional streetcars. He stated that he cannot believe that more streetcars would be included in a 25 year plan. He encouraged people to take a look at this plan think about where the county stands and that he is not sure he wants to be a part of that as a county.

Daughter's birthday: Commissioner Ognio stated that his daughter celebrates her 22nd birthday next week.

Last day to vote: Commissioner Ognio reminded everyone that next Tuesday is the last day to vote. He encouraged everyone to do their homework on the candidates and to go vote.

Chairman Oddo

Condolences to Lt. Francis Cavender and family: Chairman Oddo expressed his condolences to the Cavender family. He stated that he will keep them in his prayers.

Blended Heritage at the Public Library: He informed everyone that the event is held at the Fayette County Public Library on Friday at 7:00 p.m. and that there is free admission. He stated that he is knows a couple of the entertainers who are fantastic and he is looking forward to seeing them. He warned that it is limited seating.

He thanked everyone for attending.

Comments regarding ARC: Chairman Oddo stated that when at ARC he votes. He stated that Fayette County will be getting a handsome share over the next few years that should not be ignored.

Commissioner Brown moved to exit the Regular Session and enter into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board entered Executive Session at 8:52 p.m.

EXECUTIVE SESSION:

The Board returned from Executive Session at 9:14 p.m.

Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0.

Approval of the February 11, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the February 11, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 4-1 with Commissioner Rousseau abstaining because he was unable to complete the review of the Executive Session minutes.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the February 25, 2016 Board of Commissioners meeting. Commissioners Barlow seconded the motion. The motion passed 5-0.

The February 11, 2016 Board of Commissioners meeting was adjourned at 9:15 p.m.

Tameca P. White, Chief Deputy County Clerk