

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

April 26, 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 April 26, 2016 Board of Commissioners meeting to order at 7:04 p.m.

Invocation by Commissioner Charles D. Rousseau

Commissioner Brown offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to approve the Agenda as published. Commissioner Rousseau seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Presentation to the parents of Elizabeth Houlihan in memory of her volunteer work at the Fayette County Library.

Chairman Oddo asked Christeen Snell, Library Director and the family of Elizabeth Houlihan to come forward. Mrs. Snell introduced Charlotte Stargell, Library Assistant in the Children's Department. Ms. Stargell spoke of her relationship with Elizabeth and the contributions she made as a volunteer to the public library. Mrs. Snell informed the family and the audience that the library will place a memorial bench near the "Storyteller" statue in the lawn of the library. A small quote will be placed on the bench that reads: "Here together, friends forever. Some things were just meant to be, and that's you and me." By Winnie the Pooh.

2. Presentation of Government Finance Officers Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2015.

County Administrator Steve Rapson, Chief Financial Officer Mary Parrot and Assistant Chief Financial Officer Sheryl Weinmann presented the twenty-third consecutive year of receiving the Government Finance Officers Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2015 and thanked those involved in this accomplishment. Mrs. Parrott thanked Ms. Weinmann for an awesome job.

3. Presentation from the Atlanta Regional Commission (ARC) concerning the benefits Fayette County receives from the ARC.

Chairman Oddo introduced Mr. Doug Hooker, Executive Director of the Atlanta Regional Commission (ARC). Mr. Hooker spoke regarding the roles and responsibilities of ARC and how it relates to Fayette County. Commissioner Brown raised questions and concerns regarding transportation during the presentation. Mr. Hooker responded to the questions and concerns raised by Commissioner Brown. Commissioner Rousseau and Commissioner Barlow also made comments during this item. Mr. Hooker thanked the Board for the work that they do.

Chairman Oddo stated that the subject came up regarding campaigning from the podium at the previous meeting. He stated that the Board discussed this subject during the retreat. He stated that under the current policy in place, any candidate that would like to speak during public comment can briefly announce who they are and for what position they are running. He stated that the audience, including the candidate will be invited to speak on any item on the agenda as usual.

PUBLIC HEARING:

There was no Public Hearing item on the Agenda.

CONSENT AGENDA:

Commissioner Barlow asked to remove Consent Agenda Item #6 and Commissioner Brown asked to remove Consent Agenda Item #7 for discussion.

Commissioner Brown moved to approve the Consent Agenda excluding Consent Agenda Item #6 and #7. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

- 4. Approval of Staff's recommendation to create a capital project to repair/re-stripe the Senior Center parking lot utilizing funding of \$12,645 from the General Fund project contingency.**
- 5. Approval of the request from Fayette County Juvenile Court for authorization to file a grant application on behalf of the Fayette County Board of Commissioners and authorization for the Chairman to execute said application.**
- 6. Approval of staff's request to enter into a Memorandum of Understanding (MOU) between the Environmental Protection Division of the Georgia Department of Natural Resources (EPD); and the Permits & Inspections Department of Fayette County, Georgia (Fayette County) for a pilot program of a two year period.**

Commissioner Barlow asked Joe Scarborough, Permits and Inspections Director to discuss this agenda item. He stated that in the background information for this item it states that "this [agreement] will be the first in the state's [state of

Georgia] history.” Mr. Scarborough introduced Steve Tafoya, Assistant Direct to speak regarding this item. Mr. Tafoya introduced Ms. Jennifer Bogle who is the program manager for the Lead Based Paint and Asbestos program. Ms. Bogle also shared a prepared statement regarding this item.

Further discussion followed.

Commissioner Barlow moved to enter into a Memorandum of Understanding (MOU) between the Environmental Protection Division of the Georgia Department of Natural Resources (EPD); and the Permits & Inspections Department of Fayette County, Georgia (Fayette County) for a pilot program of a two year period. Vice Chairman Ognio seconded the motion. No discussion followed. The motion passed 5-0.

7. Approval of staff's request to issue payment to Georgia Department of Transportation (GDOT) for \$639,831.67 to cover the local match for construction of the McIntosh Road Bridge Replacement Project (SPLOST Project B-6; GDOT PI# 331650).

Commissioner Brown stated that he has worked on this project for a while. He stated that it came to a point that he met with all the Spalding County Commissioners individually and informed them that this bridge rates a nine out of one hundred. He stated that it was in serious need of repair and Spalding was reluctant to do anything with the bridge. He stated that finally the Spalding County Commissioners agreed to repair the bridge. He stated that House Bill 170 (HB170) was created for the purpose of the collection of taxes to pay for transportation projects, specifically roads and bridges that are in dire need of repair. He stated that the money is there and that Georgia Department of Transportation (GDOT) is getting almost an extra billion dollars a year from HB170. He stated that he would like for the Board to entertain his request to hold this agenda item request and send an official correspondence to DOT asking them to take care of the payment through HB170 funding. He stated that if Spalding County is willing, the request could be made as a joint request.

County Administrator Steve Rapson stated that this project impacts the General Fund by \$1,000 and that it is all being funded 100% from the Special Purpose Local Options Sales Tax (SPLOST) program and is one of the SPLOST projects. He agreed that a letter could be sent to see if they would be willing to pay and free up more money in the SPLOST fund for the county.

Commissioner Brown stated that the county could use more money in the SPLOST fund.

Chairman Oddo asked what the timing on this item was.

Public Works Director Phil Mallon stated that there are three things he would like to bring up for discussion. He stated that because this is a federally funded project, he is not certain in terms of the local, state and FHWA, if the state would ever pay for this. He stated that the second point is that the construction cost for this project came in higher than original projections. He stated that under the current agreement the county signed a project framework agreement that states that any construction cost above the original budget was supposed to be 100% the responsibility of the local government. He stated that in this case GDOT has voluntarily increased their contribution to maintain the 80/20 match for the overage. He stated that the third item is that the federal funding is complex like the county's budget and is on a cycle. He stated that there is money programmed in this fiscal year and with this request might push this project into the next fiscal year. He cautioned that with projects like this if the money is not used there is the potential to lose the money.

Commissioner Brown stated that the county needs to contact the regional commissioner and let him know the situation and let him say, “yes” or “no”. He stated that the call should not come from the staff, but from the chairman.

There was further discussion on this item.

Commissioner Brown moved to issue payment to Georgia Department of Transportation (GDOT) for \$639,831.67 to cover the local match for construction of the McIntosh Road Bridge Replacement Project (SPLOST Project B-6; GDOT PI# 331650) on May 5, 2016; contingent that the county does not receive a response from Georgia Department of Transportation by May 4, 2016 to agree to pay the local match for construction from House Bill 170. Vice Chairman Ognio seconded. Further discussion followed. The motion passed 5-0.

- 8. Approval of staff's recommendation to award Contract #949-A, Amendment 1: Road Stabilization / Dust Control to South Eastern Road Treatment in an amount not-to-exceed \$76,000; to apply a road stabilizing and dust control agent to select county unpaved roads.**
- 9. Approval staff's recommendation to award purchase of Cisco Server & Storage System to CDW Government, Inc. for the discounted price of \$167,287.53.**
- 10. Approval of the April 14, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

- 11. Consideration of staff's recommendation to adopt the Series 2016 Bond Resolution authorizing the issuance of approximately \$16,650,000 Fayette County, Georgia Water Revenue Refunding Bonds, Series 2016, bearing interest at not more than 2.18% per annum, for the purpose of refunding a portion of the Fayette County, Georgia Water Revenue Bonds, Series 2009 in order to achieve gross debt service savings of not less than \$788,000 over the remaining life of the bonds.**

Chief Financial Officer Mary Parrott stated that a recap of the refund savings was provided on the dais. She stated that in February 2016, the Board approved to move forward with refunding a portion of the 2009 Water System bonds. She stated that of the five proposals the recommendation is to move forward with JP Morgan, who is offering the best interest rate of 2.08% with an overall savings of \$979,629. She stated that the request is for the Board to pass the bond resolution so staff can move forward with the closing.

Mr. Rapson stated that there is some risk associated with no closing the bonds because it has to be validated through the judicial system so if it is not adjudicated there is a risk that the county would have to pay around \$13,000 to \$14,000. He stated that it could be as much as \$136,000 if the rates change, but staff does not think that will happen.

Mrs. Parrott stated that if that happens, the second bidder's savings were not enough to cover that amount.

Commissioner Rousseau asked what was the window before that could happen and Mrs. Parrott replied that the county has a month to close.

County Attorney Dennis Davenport added that there is a proposed closing date of May 24, 2016 and the deadline that Mrs. Parrott is referring to is June 15, 2016.

Commissioner Brown moved to approve to adopt the Series 2016 Bond Resolution authorizing the issuance of approximately \$16,650,000 Fayette County, Georgia Water Revenue Refunding Bonds, Series 2016, bearing interest at not more than 2.18% per annum, for the purpose of refunding a portion of the Fayette County, Georgia Water Revenue Bonds, Series 2009 in order to achieve gross debt service savings of not less than \$788,000 over the remaining life of the bonds. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown amended his motion to approve to adopt the Series 2016 Bond Resolution authorizing the issuance of approximately \$16,650,000 Fayette County, Georgia Water Revenue Refunding Bonds, Series 2016, bearing interest at not more than 2.08% per annum, for the purpose of refunding a portion of the Fayette County, Georgia Water Revenue Bonds, Series 2009 in order to achieve gross debt service savings of not less than \$861,641 over the remaining life of the bonds. Vice Chairman Ognio seconded the amendment. No discussion followed. The motion passed 5-0.

NEW BUSINESS:

12. Consideration of staff's recommendation to adopt Ordinance 2016-09 Discharging Firearms by deleting Section 16-4 pertaining to "Discharging firearms," of Article I of Chapter 16, in its entirety, and by replacing it with a new Section 16-4 of Article I of Chapter 16.

Vice Chairman Ognio stated that this issue was brought to him by a citizen who has a lot that is not 25 acres but it is over 10 acres and he would like to target practice on his property. He stated that he believes this is just as safe as the 25 acres shooting. He stated that this would not change the zoning, so the property owner could not set up a shooting range.

Commissioner Brown stated that he would add that on the creation of the backstops that the county require that those are permitted and inspected by the building code enforcement so that there will be a log of everyone who has a backstop and that those who are participating in this program are using safe methods. He stated that he would remove "plan unit developments" also known as "PUDS" out of Section 16-14, subsection (b), #1, where it states, "within any residential zone, A-R (agricultural-residential) zone or any planned unit development..." He stated that planned unit development could be a number of things and is vague.

Mr. Davenport stated that the planned unit development is not the entire set of planned unit development; it is only the planned unit developments specifically approved as a "planned retreat or lodge" with this type of activity.

There was further discussion.

Chairman Oddo asked if there was anyone from the public who would like to speak on this item.

Delvannie Burgess spoke in opposition of this item. She stated that safety is most important and she would not feel safe with decreasing or increasing the acreage in reference to discharging firearms. She asked the Board not to support this item.

Noreen Taylor spoke in opposition of this item. She stated that she has property that backs up to the property that started the inquiry for changing the ordinance. Some of the issues addressed included the time of day that the firearms are being fired, the value of her property decreasing and the safety of those in the neighborhood. She requested that there be more citizens allowed to come forth and speak regarding this item.

Commissioner Rousseau asked if there is a limit to the number of people that can be on the property at any time.

Mr. Davenport stated not according to the language in the ordinance.

Commissioner Rousseau stated that it is those type variables that make him uneasy. He stated that he is not in favor of this item at all.

Commissioner Brown moved to adopt Ordinance 2016-09 Discharging Firearms by deleting Section 16-4 pertaining to "Discharging firearms," of Article I of Chapter 16, in its entirety, and by replacing it with a new Section 16-4 of Article I of

Chapter 16 and to use the national standard for backstops required for permitting and to require that the design be stamped by an engineer with inspections every two years at a fee designed by the county. Vice Chairman Ognio seconded. Further discussion followed. The motion failed 3-2, with Chairman Oddo, Commissioner Barlow and Commissioner Rousseau voting in opposition.

PUBLIC COMMENT:

Mr. Dennis Chase spoke regarding the Oak Street stormwater drain and how it relates to SPLOST projects.

ADMINISTRATOR'S REPORTS:

A. Notice to Proceed for Contract #1062-A (Oak Street Storm Drain Improvements)

Mr. Rapson asked Mr. Chase to call him if a staff member is not returning his calls or meeting with him. He stated that there will be a 36 inch diameter pipe as well as a 19 inch pipe. He asked Mr. Chase not to leave so that he can speak with him after the meeting.

Mr. Rapson mentioned the paving of the Senior Center which was part of the Consent Agenda that was approved tonight. He stated that work began on the patching and the paving and striping will take place next.

He reported that the Fire Department will have a graduation Thursday at 10 a.m. for six recruits.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport reported that he had one item of Pending Litigation and review of the April 14, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Brown:

Water Guardians Event: Commissioner Brown stated that as part of the Earth Day celebration, the county initiated a new program called Water Guardians. He stated that Saturday was the first event at Lake Kedron in Peachtree City. He showed a slide with pictures of the event. He stated that there was enough trash to fill up a 16 foot jon boat that was about two feet high. He stated that they are considering Lake Horton for the next project and they are working on potential dates. He thanked all the kayakers, canoers and those who donated the big jon boats.

Vice Chairman Ognio:

Earth Day: Vice Chairman Ognio stated that he went to Earth Day and the attendance was good. He stated that he spoke with the School Board while he was at Earth Day and they are having problems securing bus drivers. He stated that he told them that he would mention it during the meeting. He stated that the School Board is also in need of substitute drivers. He stated that if anyone is willing to become a driver to visit www.fcboe.org and sign up. He stated that training is included.

Early Voting: Vice Chairman Ognio stated that early voting begins on May 2. He stated that there is a laundry list of candidates and citizens can go on the Fayette County website to the Elections page and view the sample ballots. He encouraged citizens to take a look at the ballots and "look into" the candidates to determine who to vote for.

Commissioner Rousseau:

Earth Day: Commissioner Rousseau stated that he also attended Earth Day. He stated that he hopes the students that did their science projects in Houston, Texas did a good job while there and he hopes they did not have to deal with the flooding. He also thanked the staff for an excellent job sharing with the public how the county conducts business during the Face-to-Face event.

Commissioner Barlow:

Wounded Warriors: Commissioner Barlow thanked everyone for attending the meeting. He stated that he had the pleasure of participating with the Wounded Warriors Ride through Tyrone, Georgia. He stated that it was a wonderful thing. He stated that he met the ride director, who was bragging on Fayette County. He shared that he spoke with Town Manager Kyle Hood who was going to Marietta to participate in a food judging contest with over 300 samples. He spoke about the event and what a wonderful organization Wounded Warriors was for hosting this event.

Chairman Oddo:

Face-to-Face: Chairman Oddo stated that the Face-to-Face was excellent. He stated that staff did a great job. He stated it was nice to see the staff mixed in with Earth Day.

Early voting: Chairman Oddo reminded everyone of early voting.

Water Guardians: Chairman Oddo commended the Water Guardians project and stated that it is a good way for people to get involved in the community. He thanked his neighbors, John and Patricia for always picking up trash in their neighborhood.

EXECUTIVE SESSION:

Pending Litigation and Review of the April 14, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:10 p.m. and returned to Official Session at 9:31 p.m.

Return to Official Session and Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0.

Approval of April 14, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the April 14, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the April 26, 2016 Board of Commissioners meeting. Commissioners Barlow seconded the motion. The motion passed 5-0.

The April 26, 2016 Board of Commissioners meeting was adjourned at 9:31 p.m.