

## **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

# **MINUTES**

April 26, 2016  
7:00 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> 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 Library Director Christeen Snell 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 Elizabeth 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 from Winnie the Pooh 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." Mr. Houlihan thanked the library and the Commissioners for the honor. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

**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 Government Finance Officers Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Comprehensive Annual Financial Reports for the fiscal year ended June 30, 2015. It was noted that this is the twenty-third consecutive year that Fayette County has received the certificate. Mrs. Parrott thanked Ms. Weinmann and the Finance staff for doing an awesome job. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**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 the ARC relates to Fayette County.

Commissioner Brown stated that he had some concerns. He stated that Fayette County is different from the other nine counties. He stated that he talks to constituents regarding the transit initiatives. He stated that the 2012 T-SPLOST was an eye-opener for all of metropolitan Atlanta. He wondered why there is support for these types of initiatives as a region when there are issues with maintenance cost for MARTA that have been deferred. He stated that he is concerned about ARC's stance in terms of transportation planning. He stated that Fayette County does not have transit and that many Fayette citizens are concerned they will pay for transportation planning with no plan for how to sustain it. He believed the street car was a disaster given a 45% decline in ridership at \$35 million a mile. He stated that some of the people of Fayette County are wondering why their tax dollars are being used for projects like that one. He hoped that the ARC would seriously look at how to maintain and sustain the projects. He suggested that with the potential for autonomous vehicles in the future, transit may fade away. He mentioned that if the state will fund these projects then the state needs to say that even though he has a problem with the state funding it as well. He asked, given high unemployment, low-waged jobs, and poor educational opportunities, who is paying for the transit with the Georgia Regional Transportation Authority (GRTA) Xpress bus. He mentioned that the average GRTA Xpress bus rider makes \$75,000 to \$80,000 a year and state tax payers are subsidizing the rides. He asked if ARC would continue to support these things. He also asked if the maintenance and operations costs would be in the plan and factored out so that it can be explained to citizens so that, if they vote for the transportation projects, they would understand that the mechanism to fund the projects into perpetuity are in place.

Mr. Hooker stated that ARC does not tell communities to take MARTA or to take transit of any sort. He stated that communities have to decide if and when they want to have transit and, if they do want transit, then they have choose what type of transit they want. He stated that as elected leaders, if that time ever comes, it will be based upon what the citizens are asking of the leaders. He stated that if transit is not what Fayette wants right now that is fair and appropriate, however, there are communities that do want transit for whatever reasons they deem important, whether it be economic development or access to jobs. He stated that there are many regions that are low on the wage scale that reside south of the metro area, but the larger job pools are north of the region. He stated that is where transit and transit type of transportation options can afford citizens the opportunity to access jobs that they otherwise would not be able to afford. He agreed that MARTA's deferred maintenance has certainly been an issue for many years, but he added that the situation has improved dramatically under the leadership of General Manager Keith Parker who has put more attention to the finances and put MARTA back into the black for the last three years. He stated that the larger burden for MARTA is born by the tax payers of Atlanta, Fulton County, DeKalb County and, recently, Clayton County. He stated that the question about autonomous cars is actually a question that many transportation experts "don't know where it is going to go yet." He stated that even now UBER and Lyft, who are the premiere private sector ride sharing services are partnering with transit companies because they see the transit spine as a way to extend service to others who may not

be able to make use of it. He stated that ARC's duty of care is to continue to look, explore, and research the issues, to talk to experts in the field, to try to stay aware of the issues, and to be "more rapid in the way things are accessed."

Commissioner Brown stated that he understood that the county has to agree to be part of a physical transit system, but that it does not have to be part of the funding mechanism and that is where the major shift is going. He stated that citizens are saying that they do not want to pay for a system that is mismanaged and not well orchestrated. He stated that Fayette County will not be accepting transit any time soon and the county does not want to pay for it either. He stated that there is gradual letting go and the citizens feel they are getting pulled into it.

Mr. Hooker stated that the money that MARTA gets from the state is "meniscal" relative to MARTA's overall revenue, and he did not suspect that will change since state has given local governments the option to ask citizens to be taxed more to pay more for improvements or expanding services. He stated that in regards to taxes that go to the federal government that come back to pay for transit, which it pays for transit all over the country and not just in Georgia, to the extent that federal funds are available to support transit services throughout the whole country, He stated that the ARC wants to be sure that some portion of the federal taxes are returning to the communities that helped generate them in an effort to support those communities that want or need transit.

Commissioner Rousseau thanked Mr. Hooker for visiting. He stated that some of the things discussed will be data driven and the county has to look at the alternative measures to be good stewards. He stated that he relies on ARC to give some of that data driven information.

Mr. Hooker stated he would provide Commissioner Rousseau with whatever information he needs, and if he does not have it he will find out how to get it. He thanked the Board for its leadership in Fayette County. He reminded everyone that Fayette is a critical part of the region and he stated that the ARC does not look for harmonization as a region. He stated that the region is better and more beautiful and more attractive because of the diversity of its communities, places, people and that the ARC wants to support that diversity.

Commissioner Barlow stated that he and his wife deliver Meals-on-Wheels every Tuesday and when he is there he thinks about the ARC's participation. He stated that there is a group of senior citizens throughout Fayette County that dearly love having Meals-on-Wheels, and that it is a ministry that he and his wife look forward to doing each week. He thanked Mr. Hooker and the ARC for the work that is done for senior services. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

#### **Chairman's Statement on Campaigning during Public Comments:**

Chairman Oddo stated that the subject came up regarding campaigning from the podium at the previous meeting, and that the Board discussed this subject more during the retreat. He explained that the Board will use the current policy voted in by the previous Board meaning 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. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.**
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. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**
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 Permits and Inspections Director Joe Scarborough to discuss this agenda item, and he stated that in the background information for this request read: "this [agreement] will be the first in the state's [state of Georgia] history." Mr. Scarborough introduced Assistant Director of Permits and Inspections Steve Tafoya and he asked Mr. Tafoya to speak regarding this item.

Mr. Tafoya stated that this initiative started from some of the processes in the department to make sure that the correct procedures are being followed with the EPD. He stated that a representative from the EPD spoke to the department regarding lead-based paint and asbestos and invited them to a seminar that was being held at the airport. He stated he met Jennifer Bogle at that seminar where they discussed how more information could be provided to the community. He stated that the discussion was the basis on how the MOU eventually came about. He stated that most of the things in the MOU provide information to the citizens and the general public. He stated that Ms. Bogle and her team teach a course at the library for the general public and also has a course at a homeowner's association meeting. He stated that the MOU also includes certification classes for inspectors and staff. He stated that it is part of the safety focus and he is happy that Fayette County will be one of the first to have this in place with the Environmental Protection Division.

Commissioner Barlow stated that he noticed under "Responsibility of Fayette County", that it says, "...providing application to become a Georgia certified renovation firm". He asked for explanation regarding this statement.

Mr. Tafoya replied that certification training will take place next Thursday. He stated that there are six slots and different departments have people scheduled to attend.

Commissioner Barlow asked how many permits are issued to residence that might be effected by lead-based paint, and he asked when lead-based paint was abolished. Mr. Tafoya replied that lead-based paint was discontinued in 1978.

Commissioner Barlow asked how much of an issue is anticipated in Fayette County, if any. Mr. Tafoya stated that it might be small issue in Fayette County.

Mr. Tafoya introduced Ms. Jennifer Bogle, who is the program manager for the Lead- Based Paint and Asbestos program. Ms. Bogle read a prepared statement regarding this matter to the Board.

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. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

**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 had 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 but that Spalding County had been reluctant to do anything with the bridge. He stated that finally the Spalding County Commissioners agreed to repair the bridge, and he mentioned that the delays from Spalding County may have been "a blessing in disguise". 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 available and that the 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 to send official correspondence to the Department of Transportation asking it 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 since it is all being funded from the Special Purpose Local Options Sales Tax (SPLOST) program. He agreed that a letter could be sent to see if the GDOT would be willing to pay since that would free up more money in the SPLOST fund for the county.

Chairman Oddo asked about the timing of this project.

Public Works Director Phil Mallon stated that there are three things he wanted the Board to consider. 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 (PFA) that states that any construction costs above the original budget was supposed to be the responsibility of the local government. He stated that in this case the GDOT voluntarily increased its contribution to maintain the 80/20 match for the overage. He stated that the third item is that the federal funding is complex and is on a cycle. He stated that there is money programmed in this fiscal year, but this request might push the 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 replied that he knows GDOT is doing bridges on federal highways with HB170 funding.

Mr. Mallon agreed. He stated that the main point he wanted to make to the Board is that this does have the potential of delaying the project.

Commissioner Brown replied that the intent was not to have a prolonged disagreement with the GDOT, but to ask the department because the county is paying into the HB170 tax. He stated Fayette County should ask and if the department says "no" the county would move forward with approving the \$500,000.

Chairman Oddo asked how quickly the county could receive an answer. Commissioner Rousseau asked Mr. Mallon how to make sure that dollars and safety are not put into jeopardy if the project is delayed. Mr. Mallon stated that time is very critical right now to the extent that he has an agreement with the Finance Department, if this is approved, to have the check printed special order so that he could drive it to GDOT. He stated that he could make a phone call, but that it would probably take more than a phone call from him.

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.

Commissioner Rousseau asked Mr. Mallon if this request was realistic in his estimation, or if it was dangerous. Mr. Mallon replied that it would be unlikely that the GDOT would agree to the request. He explained that his response was based on how complex it is to fund the project. He stated to get the money, the GDOT would have to take it from somewhere else.

Commissioner Brown mentioned that not all of the HB170 funds are apportioned yet. Mr. Mallon stated that he would think that any funds for this fiscal year have been apportioned. Commissioner Brown agreed. Mr. Mallon stated that he does not know if the bids would stay valid or if they would have to be re-bided. Commissioner Brown asked if Mr. Mallon could reach out and ask the question about using HB170 for this project. Mr. Mallon stated that he could.

Mr. Mallon asked, should the GDOT said "no" to this request would the Board grant a contingency approval to avoid delaying the process. Commissioner Brown replied that the Board would grant contingency approval should the GDOT give a negative reply. Mr. Mallon stated that he would reach out to his counterparts at Spalding County and present this as a joint effort from the elected officials.

Mr. Rapson suggested doing a tentative approval with a date certain for the answer. He stated that the problem is even once Mr. Mallon reaches out to everyone, there are Boards that the GDOT will have to go through to get approvals. He requested that the Board give an approval on the check being released if the County does not have a reply from the GDOT by a certain date. He suggested that the contingency be to have a response from the GDOT by May 4 and if there is no answer by May 4 the county would release the check to the GDOT on May 5, 2016. Commissioner Brown stated that this will need to be expedited to the GDOT. Mr. Rapson confirmed that Mr. Mallon would contact the GDOT tomorrow.

Commissioner Rousseau asked for a timeline of this project. He stated that the GDOT is requesting the money and the bid has been let. Mr. Mallon stated that GDOT has advertised and is ready to award the contract. He stated the only thing left is to receive the money from the County.

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. Discussion followed.

Mr. Mallon asked for point of clarification. He stated that the change might require an amendment to the ARC's Transportation Improvement Program (TIP) which is typically done four times a year. He stated that if the GDOT agrees to the County's request, but it delays the project for construction until next spring, would that be an agreed upon compromise for the Board. The Board agreed that situation would be acceptable

Commissioner Rousseau pointed out that in the document it stated that the totals have changed. Mr. Mallon stated that this project has been on since 2009 and the amounts have changed. Mr. Rapson stated that if the project is delayed until next spring the County will be looking at a different amount. Commissioner Brown stated that if GDOT agrees to pay then it will not matter what the number is.

Chairman Oddo stated that safety is a concern. He asked, since the bridge is a nine out of one hundred, could it wait for repairs. Mr. Rapson stated that if staff gets a response that means waiting until next spring or getting a reimbursement from GDOT, then staff will bring it back to the Board.

Commissioner Rousseau stated that he is not opposed to making this request.

Commissioner Ognio stated that it may be outside the norm, but maybe if the GDOT said they would fund the project but that it will take a long time to get it approved, then maybe the County could pay the money and have the GDOT reimburse the County. Commissioner Brown stated that would work. Mr. Rapson responded that staff would structure whatever deal the Board would approve.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

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. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.**
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. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.**
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 gross 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 not 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 added that if that happens, the second bidder's savings were still 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.

Mrs. Parrott asked that the Board make the motion to include the updated figures of 2.08% per annum and the debt service savings of not less than \$861,641.

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. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

#### **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 less than 25 acres but is more than 10 acres. He said the citizen would like to target practice on his property. He believed this request was just as safe as the allowance to shoot on twenty-five acres. He added that this would not change the zoning so the property owner could not set up a shooting range.

Commissioner Brown stated his recommendation that the backstops would require permitting and inspection by 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 "planned unit developments" often referred to as "PUD" out of Section 16-4, 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 developments could be a number of things and is vague.

Mr. Davenport replied that the planned unit development did not refer to the entire set of planned unit development but only to the planned unit developments specifically approved as a "planned retreat or lodge" with this type of activity. Commissioner Brown agreed and withdrew that suggested change.

Commissioner Brown stated that he gets concerned with PUDs. Mr. Davenport stated that the 10 acre deduction, the way it is written in the proposed document, does not apply to the PUD language. He stated that the PUD as a planned retreat or lodge would still be a 25-acre minimum as oppose to a 10-acre minimum where an A-R would be changed if approved. Commissioner Brown asked Mr. Davenport if he was comfortable with the way it is written. Mr. Davenport stated that it is not a question of whether he is comfortable. He stated that is the original language that is not being changed and if the Board thinks the activity is not consistent with what should be under planned retreat or lodge then the Board can remove that particular section.

Commissioner Rousseau asked what was the benefit the Board hopes to achieve in an A-R setting. Commissioner Brown stated that in 2014 there were some builders that had a lot of professional athletes that want to build a nice house and want a gymnasium behind the house. He stated that the County codes did not allow for that. He stated that the



County would have lost those potential homeowners because they wanted that amenity with the house. He stated that the County changed the codes and modified it to allow something was not traditional in the ordinance. He felt this was the same thing.

Chairman Oddo that he had the same question as Commissioner Rousseau. He asked why what is already in place did not work. Vice Chairman Ognio stated that Code Enforcement was called on the gentleman when he fired his pistol. He stated that Code Enforcement informed him that he could only shoot a shotgun. He stated that this is way to allow the gentleman to do what he wants on his property if he sets it up correctly and safely.

Commissioner Rousseau asked for confirmation that this was not a request from a number of citizens but a single individual. Vice Chairman answered that only citizen had approached him about this matter, but he was sure there are others shooting their weapons even though the neighbors have not complained.

Commissioner Rousseau stated that the permit process that is being requesting would generate revenue. He stated that it concerns him that this would be in A-R residential. Vice Chairman Ognio replied that the current ordinance was more dangerous than the proposed ordinance since the current ordinance does not require a backstop even on 25-acres. Commissioner Rousseau asked if that has presented a problem in the past. Vice Chairman said it had not.

Commissioner Barlow stated that he was president of Gun Sight Security in the early nineties and there was a permitted gun range. He stated that he required his staff to stay permitted and the city of Brandon, Mississippi kept allowing buildings within sight of where the range was located. He stated that he could sit on the berms and see those houses. He stated that the range was owned by the former governor of Mississippi and he told him that he did not feel comfortable having a range because he knew he could shoot a pistol and hit the houses. He explained that for that reason he closed the range. He stated that he is opposed to anyone having a gun range that would be just a berm on the property. He stated that a berm would not do a lot for anyone that have a discharge go off accidentally. He stated that he would oppose it because he has extensive knowledge of dealing with a gun range.

Commissioner Brown asked Commissioner Barlow if he would approve if the property owner had to follow a national standard and it had to be permitted and inspected. Commissioner Barlow stated that he does not feel that 10 acres is sufficient. He stated that if it is approved for one 10 acre lot there are almost 1,000 10 acres lots that would be able to set up a range and he would be opposed to that.

Chairman Oddo asked Mr. Davenport would it be an issue for the County if the Board started to amend the ordinance and requiring permits. Mr. Davenport stated that with no change of the 25 acres there is some exposure because if someone is injured that person who is injured will look to the person who fired the weapon and to the County because the County allowed the weapon to be discharged. He stated that it not a great risk because the acreage is larger. He stated that as the acreage is decreased the risk goes up. Commissioner Brown stated that one caveat is that on the larger lot a person can move about on the lot and in the 10 acre lot there would be a specific range and a specific set of standards and the person is firing in a certain area instead of free ranging on a 25 acre lot.

Mr. Davenport stated that since a lot of additions have been made to the proposed document he would be reluctant to say how the outcome would be. He stated that if the County is going to say that the berms have to be a certain standard then the County now has a responsibility to inspect it and the liability exposure increases because the County is now a guarantor and insurer as opposed to just someone who says a person can shoot on a large piece of property just do not endanger someone's life or property.

Commissioner Brown stated that the County requires the same thing with houses and structures every day. Mr. Davenport stated that houses are not guns as far as shooting at other properties. He stated that this involves an instrument that has the capability of injuring someone severely to the point of being fatal.

Commissioner Rousseau stated that this would also add an additional load on staff to do the inspections. He stated that he will make this comment with caution, but he did not want to be in the business of the County being responsible for providing a target area for another Columbine situation.

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

**Delvannie Burgess:** Mrs. 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 stated that this will open up the doors for other entities in the county to apply for firearms all because one person wanted to expand their own agenda and infringe this on other citizens. She asked the Board not to support this item.

**Noreen Taylor:** Ms. Tayler spoke in opposition of this item. She stated that she has the property that backs up to the property that started the inquiry for changing the ordinance. She suggested other areas could be considered that would discourage the adoption of the ordinance including 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 and that he was 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. Discussion followed. The motion failed 3-2, with Chairman Oddo, Commissioner Barlow and Commissioner Rousseau voting in opposition. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

#### **PUBLIC COMMENT:**

**Dennis Chase:** Mr. Chase spoke regarding the Oak Street stormwater drain and how it relates to SPLOST projects. Mr. Chase stated that the Oak Street stormwater drain issue was one of the projects that was listed on the 100-plus project list and he addressed the Board of Commissioners because he had some concerns. He stated that after repeated attempts with staff he was not able to learn exactly what would be done. He stated that before the meeting it took Mr. Mallon less than five minutes to explain this project to him. He stated that he would have loved to have had that explanation when it was up for a SPLOST along with some of the other projects. He expressed that he had two concerns at the time. One of the concerns was that it was unclear where the water was going to be directed which was explained by Mr. Mallon. He stated that his primary concern was that at 330 Oak Street where the culvert is going to be replaced, the property will be the recipient of a runoff of about 16 to 18 acres. He stated that the issue would occur if Fayetteville or Fayette County were to have the area developed significantly. He mentioned that the people who live at 330 Oak Street would have problems because the stream runs close to the house. He continued that he cannot determine if there is adequate consideration taken for the runoff that could come onto that property. He stated that he will assume Mr. Mallon's staff has put together some ideas of how to something better than a 15" culvert. He stated that if there are 18 acres and an intense development is placed there then there may not be in place a project that can handle that runoff. He wished the Board would look at these issues for any proposed for new SPLOST issues. He stated that this was his argument all along. He stated that this could have been a perfect example of how it could have been done on the original SPLOST projects. He stated that he is not objecting to what is being proposed but he is saying that this is what is needed for any SPLOST projects similar to this one.

There were no further comments. Chairman Oddo closed public comments.

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

A. **Notice to Proceed for Contract #1062-A (Oak Street Storm Drain Improvements):** County Administrator Steve Rapson used this opportunity to address Mr. Chase's comments. He 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" diameter pipe as well as a 19" pipe installed. He asked Mr. Chase not to leave so that he can speak with him after the meeting. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

**Update on Paving the Fayette Senior Services Parking Lot:** County Administrator 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.

**Fire Department Graduation:** County Administrator Rapson 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 and substitute bus drivers. He explained that if anyone is willing to become a driver to visit [www.fcboe.org](http://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 hoped the students that did their science projects in Houston, Texas did a good job while there and he hoped 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 and that it was a wonderful event. He stated that he met the ride director who was bragging on Fayette County. He shared that he spoke with Tyrone 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. A copy of the Executive Session Affidavit, identified as "Attachment 13" follows these minutes and is made an official part hereof.

**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.

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Tameca P. White, Chief Deputy County Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26<sup>th</sup> day of April 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, Chief Deputy County Clerk