



Action Agenda

Board of Commissioners
January 9, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on January 9, 2014 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Steve Brown, Chairman
Charles Oddo, Vice-Chairman
David Barlow
Allen McCarty
Randy Ognio

Staff Present:

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

Call to Order

The January 9, 2014 meeting was called to order by Attorney Dennis Davenport at approximately 7:07 p.m.

Commissioner Steve Brown's Opening Comments: Commissioner Steve Brown stated that sometimes families fuss and feud. He stated that every family has an "Aunt Mable and Cousin Bobby" who fight over the Thanksgiving dinner table and the Board of Commissioners is no exception. He stated that he wanted to let people know that they have talked things out and that the issues are dead and gone. He stated that he appreciates his colleagues, that they will work together, and that they will continue to do what is in the best interest of the citizens of Fayette County. He stated that things are healed, that the Board is back up to full speed, and that he looks forward to a very, very productive 2014.

Commissioner Charles Oddo's Opening Comments: Commissioner Charles Oddo stated that he had been out of the country for five weeks and, as Chairman Brown stated, every family has its fights. He stated that every family has its spats, that he has two brothers and there were a few times where a few punches were thrown. He stated that very few connected, but they were thrown, but they always made up. He stated that there is one thing that every one needs to know about this Board of Commissioners; everyone of them has Fayette County in his heart. He stated that he has not seen anything from anyone that has anything other than the best interest of this County and citizens at heart. He stated that he includes himself in that group and that whatever he did during this time period was done for the County— not for himself. He stated that he does not operate that way and he that he cannot think that way. He stated that there was a spat and folks need to understand that. He stated there is pressure in elected

positions with people coming from all sides who seem to know everything about what they are doing, more than what they are doing, even though they have all the information. He asked everyone to bear with the Board as they go through trials. He stated that the Board of Commissioners had a year of really excellent cooperation. He stated that they will have these times and they may come again in the future; cut them some slack. He stated that what the Board is doing, they are doing for the County and not themselves. He stated that he wanted everyone to know he still has his thoughts and his beliefs like everyone else on the Board and everyone believes passionately about what they believe and at least there are five people on the Board that do have beliefs. He stated that he is glad to be back.

Commissioner David Barlow's Opening Comments: Commissioner David Barlow stated that the people who know him have heard him talk about how each morning he spends time in the Word. He stated that when he makes statements like, "God has spoken to me" it is because he has read a Scripture and it meant something to him. He stated that this morning as he was reading the first Scripture that came up in his daily reading was: "Every Word of God is pure. He is a shield unto them that put their trust in Him." He stated that the second Scripture that came up was, "For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places." and the last Scripture hit him between the eyes, "Repay no one evil for evil, but give thought to do what is honorable in the sight of all." He stated that he said he was going to apologize to this Board of Commissioners, and he is offering his sincere apology. He stated that he is apologizing to the citizens and the tax payers of Fayette County for any harm or any ill will that he has brought against this Commission.

Chairman Brown and Commissioner Barlow shook hands on this matter.

Commissioner McCarty stated that he knew these guys would make up, but just in case they didn't, he was going to appoint himself as Chairman.

ORGANIZATIONAL SESSION:

1. Election of Board Chairman for the year 2014.

Mr. Davenport stated that this is a unique meeting, being the first meeting of the year. He stated that this is the organizational meeting for the Board of Commissioners and pursuant to Section 2-40 of the Code; he has the distinct honor and privilege of chairing this meeting for the limited purpose of getting a Chairman elected. He stated with that being the case, he would like to open the floor for nominations for Chair.

Commissioner Ognio stated that with all due respect to the other Commissioners, he would like to nominate Steve Brown.

Commissioner Barlow moved that the nominations for Chairman be closed. Commissioner Oddo seconded. No discussion followed. The motion to close the nominations passed 4-1 with Commissioner Allen McCarty in opposition.

Commissioner Barlow moved that Steve Brown be elected as Chairman of the Fayette County Board of Commissioners. Commissioner Ognio seconded. No discussion followed. The motion that Steve Brown be elected as Chairman of the Fayette County Board of Commissioners passed unanimously.

Chairman Brown stated that they would go ahead with item number two on the Agenda and then go back to the Invocation, Pledge and Acceptance of the Agenda.

2. Election of the Board Vice-Chairman for the year 2014.

Chairman Brown asked for nominations.

Commissioner Barlow nominated Commissioner Charles Oddo as Vice Chairman.

Commissioner Ognio moved that the nominations for Vice-Chairman be closed. Commissioner Barlow seconded. No discussion followed. The motion that the nominations for Vice-Chairman be closed passed unanimously.

Commissioner Ognio moved that Commissioner Charles Oddo be elected as Vice-Chairman of the Fayette County Board of Commissioners. Commissioner Barlow seconded. No discussion followed. The motion that Commissioner Charles Oddo be elected as Vice-Chairman of the Fayette County Board of Commissioners passed unanimously.

Invocation

Commissioner Barlow introduced Bishop Doug Waldorf from the Church of Jesus Christ of Latter Day Saints. He thanked the Bishop for coming out and asked that he offer the invocation.

Bishop Waldorf offered the Invocation.

Pledge of Allegiance

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of the Agenda

Commissioner McCarty moved that Item Number 14 be removed from the agenda and that the rest of the agenda be accepted as written. Commissioner Ognio seconded. No discussion followed. The motion that Item Number 14 be removed from the agenda and the rest of the agenda be accepted as written was passed unanimously.

3. Appointment of the Fayette County Attorney.

Commissioner Oddo moved that the Board of Commissioners appoint Mr. Dennis Davenport as the permanent Fayette County attorney. Commissioner Barlow seconded. The motion to appoint Mr. Dennis Davenport as the permanent Fayette County attorney was passed unanimously.

Commissioner Oddo stated that Mr. Davenport has done a fabulous job on behalf of Fayette County and he needed the title of interim taken away a long time ago. He stated that he is very pleased to have this vote tonight.

Chairman Brown stated that the Board appreciates Mr. Davenport. He stated that Mr. Davenport had to pick up a lot of cases that were in progress and lot of things that were happening at the time that he started and he performed admirably picking up all of that.

Commissioner Ognio stated that Mr. Davenport has done a good job.

PRESENTATION / RECOGNITION:

4. Proclamation recognizing Fayette County couples celebrating their milestone Wedding Anniversaries.

Chairman Brown read into record a proclamation recognizing Jim and Jackie Rogers on their 50th wedding anniversary and Marvin and Barbara Prellberg on their 60th wedding anniversary. Neither couple was in attendance.

PUBLIC HEARING: None

CONSENT AGENDA:

- 5. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
- 6. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
- 7. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, and other documents approved by and on behalf of the Board of Commissioners.**
- 8. Approval of Resolution 2014-01 establishing qualifying fees for the 2014 Elections in Fayette County.**
- 9. Appointment of the 2014 Fayette County Legislative Coordinator.**
- 10. Approval of staff's request to assign funding sources in the amount of \$530,298.00 for projects approved in the Fiscal Year 2014 budget from the projects funds' interest income, completed projects' available funds, and the remaining project amount from project contingency.**
- 11. Approval of the Water Committee's recommendation to enter into a contract to proceed with the standard repair of a driveway at 341 Lee's Lake Road and for additional costs to be paid by the resident based upon his needs over and above what the normal repair cost would be.**
- 12. Approval of the Water Committee's recommendation to allocate \$50,000.00 from the Waterline Extension budget for waterline extensions that will upgrade the proposed waterline for Camp Southern Ground from a 10-inch to a 12-inch waterline, and approval to notify homeowners along a portion of Ebenezer Church Road of an opportunity to tap into the waterline and to waive the \$400.00 fee.**

Chairman Brown read into record the items on the Consent Agenda.

Commissioner Ognio requested that Item Number 11 be removed from the Consent Agenda.

Chairman Brown asked, in Item Number 9, if there is someone designated as the Fayette County Legislative Coordinator.

Mr. Rapson stated that it is himself.

Commissioner Oddo moved to approve the Consent Agenda as proposed with the exception of Item Number 11. Commissioner Barlow seconded. No discussion followed. The motion to approve the Consent Agenda as proposed with the exception of Item Number 11 was passed unanimously.

Commissioner Ognio stated that he needs the help of Dennis and others to explain Item Number 11.

Matt Bergen, Water System, stated that this is a situation where a contractor has installed a waterline and over the years, this was done in 2005, it is suspected that there are unsuitable materials that were left in the waterline and compaction was not proper and there is settling and damage to the driveway. He stated that in speaking with the home owner they want to do some improvements to the driveway and we are looking to enter into an agreement where we can compensate them for what we would have normally spent to do the replacement and have him do the additional work and pay his contractor to finish it.

Mr. Davenport stated that the reason we are entertaining this is because the waterline problem is in our right-of-way. He stated that it is the County's waterline even though it was put in by a contractor in 2005, it is on the County's property. He stated that settling has occurred in such a way that it has caused cracking in the driveway. He stated that the reason for some contribution from the homeowner is because he wants more than just the driveway put back, he wants to make it wider because there is a significant drop off on either side of the driveway and the wider driveway makes it easier to negotiate coming in and off the road. He stated that once it is made wider the culvert underneath is going to be six feet longer, so he would have to contribute that extra cost for the extra length of the culvert. He stated that the homeowner wants some other than normal finish work done to the concrete. He stated that the homeowner wants a little more complex work done, such as pavers, which the County does not do, so we are looking at costing out what we would normally do for our project and having the homeowner absorb the cost of any additional work and enter into an agreement so everybody is protected as far as, the County's rights, the homeowner's rights and the job getting done.

Commissioner Ognio asked if the homeowner would ultimately contract someone else to those finishes. He stated that we would just pay him what our normal finish would be.

Mr. Davenport stated that we do the heavy work, but we would not pave the portion of the apron of the driveway. He stated that the homeowner would finish that with his contractor.

Chairman Brown asked if the County is liable for any work after that on the driveway.

Mr. Davenport stated that the agreement would include language to that affect.

Mr. Bergen stated that he did an estimate and the County's portion would be around \$3,000.

Commissioner Oddo moved to accept Item Number 11, the approval of the Water Committee's recommendation to enter into a contract to proceed with the standard repair of a driveway at 341 Lee's Lake Road and for additional costs to be paid by the resident based upon his needs over and above what the normal repair cost would be and an

indemnity would be provided to the County for the additional work. Commissioner Barlow seconded. No discussion followed. The motion was passed unanimously.

OLD BUSINESS:

There were no Old Business Items for consideration.

NEW BUSINESS:

- 13. Consideration of a request from the Georgia Department of Transportation (GDOT) for a possible roundabout at the intersection of Antioch Road and State Route 92 and approval for the Chairman to sign a letter of support.**

Phil Mallon, Fayette County Director of Public Works, gave a PowerPoint presentation entitled, *Consideration of GDOT - Funded Roundabout at State Route 92, Antioch and Lockwood Roads*. He stated that he is asking from the Board on whether or not to respond to a request for a letter of support for this project.

Commissioner Oddo stated that he wants to be sure that if the Board votes to approve this will it be a vote to approve consideration of the roundabout or a vote to approve the roundabout should DOT (Department of Transportation) want to build it.

Commissioners Oddo, Barlow, McCarty, Ognio and Chairman Brown spoke regarding this issue.

Mr. Dennis Chase, Mr. Bob Ross, Mr. Alfred Dingler of Prime Financial spoke in favor of this item.

An unidentified speaker requested that the Board table this item for further study and bring it back at another Board of Commissioner meeting so more of the public can be informed of what is going on and what would be the impact.

After further discussion Chairman Brown made a motion.

Chairman Brown moved that the Board of Commissioners approve the request from the Department of Transportation for a possible roundabout at the intersection of Antioch Road and State Route 92 to include correspondence from the County stating its interest in seeing the results of the feasibility study and discussing it with DOT at the end of the study and allowing for public comment and stakeholder property owner comments before anything would be continued and that the Chairman is allowed to sign the letter of support for this project. Commissioner Barlow seconded. No discussion followed. The motion was approved 4-1 with Commissioner Ognio in opposition.

- 14. Consideration of Commissioner Allen McCarty's request to redefine the word "kennel" in the Fayette County Code of Ordinances to match the State of Georgia's definition of the word.**

This item was removed from the agenda during the acceptance of the Agenda.

- 15. Consideration of the December 12, 2013 Board of Commissioners Meeting Minutes. Commissioner Oddo was not present for this meeting.**

Commissioner Ognio moved to approve the December 12, 2013 Board of Commissioners Meeting Minutes. Commissioner McCarty seconded. No discussion followed. The motion was passed unanimously.

PUBLIC COMMENT:

Mrs. Alice Jones, 110 Lawson Lane, Fayetteville, GA spoke regarding stormwater issues in her subdivision and regarding the lighting at north corridor of Fayetteville, coming from the pavilion going Hwy 279 and Hwy 314 which is very bad.

Mr. Randy Huff, 289 Spear Road, Peachtree City, GA spoke in favor of reimbursing Marilyn Watts for legal fees in connection with her defense of a petition of removal filed by Scott Fabricius in his capacity as Chairman of the Fayette County Republican Party.

Mr. Ozzie Sanchez, 500 Avalon Drive, Fayetteville, GA spoke regarding his stormwater issues being corrected this year.

Mr. Dennis Chase, 290 Crabapple Road, Fayetteville, GA spoke regarding Hwy 92 roundabout and the East Fayetteville Bypass.

Mr. Roy Bishop, 487 Westbridge Road, Fayetteville, GA spoke regarding whether or not there was a sun down rule for sanitation workers.

Mr. Scott Bennett, 2002 Commerce Drive North, Peachtree City, GA spoke regarding information he discovered while going through the reinstatement process with Mr. Russell Prince.

Mr. Bob Ross, 202 Bridgepoint Road, Peachtree City, GA spoke regarding tax payers funds to pay Ms. Marilyn Watts' legal defense.

Ms. Marilyn Watts, 201 Patricia Lane, spoke regarding her name being brought up at the Board of Commissioners meetings.

ADMINISTRATOR'S REPORTS:

Mr. Steve Rapson stated that a resignation from Brian Cardoza of the Water Committee and a selection committee needs to be appointed. Commissioner Barlow and Chairman Brown were appointed.

He stated that some Association County Commission Government (ACCG) training dates coming up. He stated that the recommendation is to move Friday, March 13th to March 11th and to move Thursday, October 9th to Tuesday, October 7th. He stated that if the Board pleases we would modify the calendar and post notices accordantly.

Chairman Brown stated that the Board would get back with him.

Mr. Rapson spoke regarding the Municode update and gave a brief response regarding Mr. Bennett's comments.

ATTORNEY'S REPORTS:

Attorney Dennis Davenport stated that he has a follow up to an issue that was first brought to the Board of Commissioners at the November meeting. He stated that he brought a request from a member of the Board of Elections as an appointed official requesting legal representation.

Chairman Brown stated that he will recuse himself as he has done before and he will leave this to the Vice Chair.

Commissioners Ognio, Oddo, Barlow and McCarty made comments regarding this issue.

Commissioner Ognio moved to reimburse Ms. Marilyn Watts not to exceed the rate of the County Attorney and to include a Reservation of Rights document drawn by the County Attorney. Commissioner Barlow seconded. Mr. Davenport stated that his interpretation of reimbursement is reimbursement in the past, plus going forward from tonight. Commissioner Barlow stated yes. Commissioner Oddo stated that is his understanding. The motion was passed with a 4-0-1 vote. Chairman Brown recused himself from this item.

Mr. Davenport stated that he has two items of pending litigation and one item to review the Executive Session minutes for December 12, 2013 for Executive Session.

COMMISSIONERS' REPORTS:

Commissioners Barlow, Oddo, McCarty, Ognio and Chairman Brown made comments.

EXECUTIVE SESSION:

Two items of pending litigation and one item to review Executive Session minutes for December 12, 2013.

Commissioner Oddo moved to go into Executive Session. Commissioner Ognio seconded. The motion was passed unanimously.

Commissioner Ognio moved to exit Executive Session and for Chairman Brown to sign the affidavit. Commissioner Barlow seconded. The motion was passed unanimously.

Chairman Brown moved to approve the Executive Session minutes for December 12, 2013. Commissioner McCarty seconded. The motion was passed unanimously.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the January 9, 2014 meeting. Commissioner Barlow seconded. The motion was passed unanimously.

Tameca P. White, Deputy Clerk