



Action Agenda

Board of Commissioners
February 27, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on February 27, 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, County Attorney

Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the February 27, 2014 Board of Commissioners Meeting to order at 7:00 p.m.

Commissioner Barlow resumed his presentation on the 28 Principles of Liberty that were used to craft the United States Constitution. His presentation focused specifically on the 8th, 9th, 10th and 11th Principles of Liberty. Commissioner Barlow then asked Pastor Chuck Chambers of Woolsey First Baptist Church to offer the invocation, and Pastor Chambers did so.

Commissioner Oddo led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as written. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. **Presentation and acknowledgment of the first responders, state and local employees, medical personnel, local utility companies, and Fayette County's Faith Based volunteers who protected and provided for Fayette County's citizens during the recent snow and ice storms.**

Chairman Brown, County Administrator Steve Rapson, Fire Chief David Barlow, and Division Chief- EMA Director Pete Nelms recognized the first responders, state and local employees, medical personnel, the local utility companies, and Fayette County's Faith Based volunteers who protected and provided for Fayette County's citizens during the recent snow and ice storms.

2. Recognition of the 2013 Master Gardener Extension Volunteer Service Program.

Agricultural and Natural Resources Agent Kim Toal spoke about the purpose, work and services provided by the Master Gardener Extension Volunteer Service Program during 2013. She then introduced Ms. Carol Ledbetter, Program Administrator of the Plant a Row for the Hungry Initiative, and she asked Ms. Ledbetter to talk about Fayette County's contributions and statistics. The Extension Services then provided a "faux" check to the Board of Commissioners demonstrating the amount of services provided by and to the citizens of Fayette County.

3. Recognition in appreciation of Mr. Samuel Patton's volunteer work in taking pictures of various iconic locations throughout Fayette County.

Chairman Brown recognized Mr. Samuel Patton and his volunteer work and contribution to Fayette County. Chairman Brown spoke about Mr. Patton's talent as a photographer and how his work would go to preserve Fayette County's history.

4. Recognition of Fayette County Plans Examiner Steve Tafoya who has recently been accepted appointment by the Board of International Professional Standards to the Mechanical Exam Development Committee as a full member, with said appointment beginning January 1, 2014 and expiring December 31, 2016.

Permits and Inspections Director Joe Scarborough introduced Fayette County Plans Examiner Steve Tafoya to the Board and spoke about his recent appointment by the Board of International Professional Standards to the Mechanical Exam Development Committee. Chairman Brown spoke about how instrumental Mr. Tafoya was in the Pinewood-Atlanta initiative.

5. Recognition of Mrs. Ada Demlow, Children's Librarian and the 2013 Employee of the Year for the Fayette County Public Library.

Commissioner Barlow spoke about Ms. Ada Demlow and her qualifications in being named 2013 Employee of the Year for the Fayette County Public Library.

6. Recognition and congratulations of Buildings and Grounds Director Greg Ownby on his upcoming retirement from Fayette County.

County Administrator Steve Rapson spoke about the Building and Grounds Director Greg Ownby's upcoming retirement. Mr. Ownby then spoke about his employment at Fayette County. Mr. Rapson gave Mr. Ownby a plaque recognizing his employment with Fayette County.

Chairman Brown informed the audience that Fayette County working in conjunction with the City of Fayetteville had won the Atlanta Regional Commission's annual award for Economic Development for the Year.

7. Proclamations honoring Fayette County couples who are celebrating milestone wedding anniversaries.

Chairman Brown recognized eight couples who are celebrating their milestone wedding anniversaries.

PUBLIC HEARING:

8. Approval of staff's recommendation to approve a retail sales alcohol license, beer and wine, for Welcome Pantry 9 located at 2400 Highway 138, Fayetteville, Georgia with licensee being Dishad Hooda.

Mr. Dishad Hooda spoke in favor of this request. No one else spoke either in favor of or in opposition to this request. Code Enforcement Officer Kathy Hobbs informed the Board that the applicants had satisfied all the appropriate requirements and that references had been checked.

Commissioner Oddo moved to approve staff's recommendation to approve a retail sales alcohol license, beer and wine, for Welcome Pantry 9 located at 2400 Highway 138, Fayetteville, Georgia with licensee being Dishad Hooda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Barlow moved to accept the Consent Agenda. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

9. Approval of staff's recommendation to dispose of turnout gear that is no longer serviceable and to donate the unserviceable items to the Real Life Center.

10. Approval of the February 17, 2014 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

11. Discussion of the trend of transient / vacation lodging through short-term rentals in residential neighborhoods. This item was tabled at the February 17, 2014 Board of Commissioners meeting.

County Attorney Dennis Davenport and Code Enforcement Officer Kathy Hobbs spoke to the Board about the trend of transient / vacation lodging through short-term rentals in residential neighborhoods. Several residents spoke about ongoing problems in their neighborhood due to transient and vacation lodgings and short-term rentals.

County Administrator Steve Rapson suggested that the Board consider this matter at its April 4, 2014 Retreat. He added that an ordinance could be drafted for an excise tax which could be considered by the Board at the Retreat. Discussion followed. The Board did not take formal action on this item.

NEW BUSINESS:

- 12. Consideration of staff's recommendation to amend the contract with Jacob's Engineering Group, Inc. by approving Addendum #1 in an amount not to exceed \$192,500.00, in order to complete required work for the Methane Remediation Plans for both the closed Northside and Southside landfills on First Manassas Mile Road.**

Director of Environmental Management Vanessa Birrell gave a PowerPoint presentation on her request and answered questions from the Board.

Commissioner Barlow moved to accept staff's recommendation to amend the contract with Jacob's Engineering Group, Inc. by approving Addendum #1 in an amount not to exceed \$192,500.00 in order to complete required work for the Methane Remediation Plans for both the closed Northside and Southside landfills on First Manassas Mile Road. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

- 13. Consideration of staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed \$104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management.**

Director of Environmental Management Vanessa Birrell gave a PowerPoint presentation on her request and answered questions from the Board.

Commissioner Barlow moved to approve staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed \$104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management. Commissioner McCarty seconded the motion. Discussion followed.

The motion to approve staff's recommendation to amend the contract with Jacobs Engineering Group, Inc. by approving Addendum #2 in an amount not to exceed \$104,000.00, in order to permit a new landfill required by recent changes to the Georgia Rules for Solid Waste Management passed unanimously.

- 14. Consideration of Chairman Steve Brown's recommendation to adopt term limitations for the Board of Commissioners of no more than two consecutive four-year terms, and with said recommendation being retroactive to those holding office since January 1, 2011.**

County Attorney Dennis Davenport reported that this item would require approval by the Georgia Legislature, and that this year's legislative session was shorter than most years due to the election cycle. He explained that if the Board approved this item, there would be no time to complete the legally required procedures before this year's legislative session was concluded. He suggested that the Board could submit this item for the 2015 Legislative Session. The Board consented to bring this item back around December 2014 for further consideration. The Board did not take formal action on this item.

- 15. Consideration of Commissioner Allen McCarty's recommendation to adopt Resolution 2014-11 acknowledging American English as the Official Language of Fayette County.**

Commissioner McCarty explained his recommendation to the Board and read Resolution 2014-11 into the record.

Commissioner McCarty moved to make American English the official language of Fayette County.
Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

No one spoke under Public Comment.

ADMINISTRATOR'S REPORTS:

Fayette County Water Committee: County Administrator Steve Rapson reported that staff had readvertised to fill the vacancy on the Fayette County Water Committee since the County had not received any applicants with its first advertisement. He also reminded the Board that Chairman Brown and Commissioner Barlow had already been appointed as the Selection Committee to review applicants for the Board.

Fayette County Development Authority: County Administrator Steve Rapson reported that four appointments to the Fayette County Development Authority would be expiring in April, and that those positions were being advertised. Chairman Brown and Commissioner Ognio were appointed as the Selection Committee to review the applications for the Development Authority. Chairman Brown thanked the media for running the advertisements in the newspapers. He thanked the media for repeating the advertisements as they repeated notices were prompting great applicants for coming to the county.

Limited Power of Attorney: County Administrator Steve Rapson said he was requested to provide a limited Power of Attorney. He explained that there were some people reviewing the sales tax that the County's subcontractors had paid on behalf of the County and that this was an effort to obtain a refund of those sales taxes. He said the request was to provide a limited Power of Attorney, which had been reviewed by County Attorney Dennis Davenport for one vendor and the Georgia Department of Revenue.

At County Attorney Dennis Davenport's prompting, Chairman Brown moved to provide a limited Power of Attorney as requested. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

March 11, 2014 Board of Commissioners Meeting: County Administrator Steve Rapson reminded the Board that the next County Commission meeting would be held on Tuesday, March 11, 2014 at 7:00 p.m. It was pointed out that the meeting was rescheduled from its original Thursday, March 13, 2014 due to ACCG training in Tifton, Georgia.

ATTORNEY'S REPORTS:

Pending Litigation, Threatened Litigation, Land Acquisition and Review of Executive Session Minutes: County Attorney Dennis Davenport informed the Board that he had one item of pending litigation, one item of threatened litigation, one item of land acquisition, and the review of the January 23, 2014 and February 4, 2014 Executive Session minutes for consideration by the Board in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said that during the past Saturday he had the privilege, for the second year in a row, to judge the American Legion Oratorical Contest. He thought it was wonder to see high school seniors who submit applications to participate. He told the audience that as students progress from the local level to the national level that they are eligible to win an \$18,000.00 scholarship. He said the students had to speak for eight to ten minutes on the United States Constitution followed by another speech on either the 1st, 2nd, 3rd or 4th Amendment to the Constitution for three to five minutes. He said the lady who won resides in Fayette County, and that he has invited the winner to provide a two-minutes presentation on the Constitution at a later date. He thought it was encouraging to see people in high schools that have more knowledge of the Constitution than 90% of the elected people in Washington, D.C.

Commissioner McCarty: Commissioner McCarty pointed out that recently the Board had voted to declare Fayette County as a Constitutional County, and given that the County has passed agreed to work use American English, he quipped that Fayette County was officially American.

Commissioner Oddo: Commissioner Oddo pointed out that for the past year, Pat Cooper, John Munford, and Deputy County Clerk Tameca White take pictures of Commissioners meetings, and he asked whatever happens to the pictures. Chairman Brown replied that many pictures do get published to the County's website, and he encouraged everyone to sign up for the County's e-newsletter. County Administrator Steve Rapson informed the Board that the County would soon be reaching out to citizens through a Facebook site, and that the pictures would be included on the Facebook site.

Chairman Brown: Chairman Brown gave a PowerPoint presentation answering inaccurate information that generally had been written by Mr. Paul Lentz and provided to the media. He told everyone that he had informed Mr. Lentz that he would be making these comments, that he had invited Mr. Lentz to come to the meeting, that he did not feel Mr. Lentz was being malicious, but that the county was getting comments with inaccurate statements from those who were reading Mr. Lentz's letters. He told the Board that he was responding since, when there is no response, people assume the allegations are true.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation, Land Acquisition, and Review of Executive Session Minutes:

Chairman Brown moved to recess into Executive Session. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:10 p.m. and returned to Official Session at 9:27 p.m.

Return to Official Session and Authorization to Sign an Executive Session Affidavit: Commissioner Ognio moved to return to official session and to authorize the Chairman to sign an Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Settlement of Threatened Litigation: Chairman Brown acknowledged that Fayette County had a claim due to threatened litigation with Main Elizabeth Dkeieke on June 2012. He told everyone that Mr. Dkeieke received multiple dog bites from a canine unit of the Fayette County's Sheriff's Office after escaping from a Sheriff's vehicle. He said that Mr. Dkeieke sought damages from Fayette County, the Sheriff's Office, and other Fayette County personnel. He stated that through negotiations, the County resolved the claims for \$37,500.00

Chairman Brown moved to approve the settlement for \$37,500.00. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the January 23, 2014 and February 4, 2014 Executive Session Minutes: Chairman Brown moved to approve the January 23, 2014 Executive Session Minutes and the February 4, 2014 Executive Session Minutes. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the February 27, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown adjourned the February 27, 2014 Board of Commissioners meeting at 9:29 p.m.

Floyd L. Jones, County Clerk

