



## *Action Agenda*

Board of Commissioners  
October 7, 2014  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on October 7, 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 Administrator  
Floyd L. Jones, County Clerk  
Tameca P. White, Deputy Clerk  
Dennis Davenport, County Attorney

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**Call to Order**

Chairman Brown called the October 7, 2014 Board of Commissioners meeting to order at 7:00 p.m.

**Invocation by Commissioner David Barlow**

Commissioner Barlow introduced Rabbi Yossi Lew, the spiritual leader and director of the Chabad of Peachtree City, and asked him to offer the invocation. Rabbi Lew offered the invocation.

**Pledge of Allegiance**

Commissioner Oddo led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

**PROCLAMATION /RECOGNITION:**

**1. Proclamation of October 2014 as "Domestic Violence Awareness Month in Fayette County."**

Commissioner Barlow read the proclamation of October 2014 as "Domestic Violence Awareness Month in Fayette County." Ms. Vanessa Wilkins of Promise Place received the proclamation. Fayette County Communications Officer Rebekah Acosta spoke about her personal experience with domestic violence and how she found the help and support to escape the abuse. Mr. Albert Taylor, District Manager for Verizon Wireless of seven stores located in counties in and around Fayette County, spoke about Verizon Wireless' help to those impacted by domestic violence, and he donated \$10,000.00 to Promise Place on behalf of Verizon Wireless.

**PUBLIC HEARING:**

There were no Public Hearing items on the Agenda.

**CONSENT AGENDA:**

Commissioner Ognio moved to approve Consent Agenda Items 2-5. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

- 2. Approval of staff's recommendation to reduce the county's participation in the Georgia Municipal Association Lease Pool Program, including the outstanding amount of Certificates of Participation and the associated interest-rate swap agreement, by the estimated amount of \$271,000.00 which has been determined to be "excess funds."**
- 3. Approval of the Water Committee's recommendation to award Bid #908- Annual Contract for Waterline Extensions for Fiscal Year 2015 to the low bidder, Shockley Plumbing, in an amount not to exceed \$489,556.25, and approval to transfer funds from the Renewal & Extension Fund to the Water System's Capital Improvement Project Fund.**
- 4. Approval of the Water Committee's recommendation to allow informational material pertaining to Citizen Self Serve and a flyer from The Frederick Brown Jr. Amphitheater to be inserted in customers' water bills, and approval of staff's request for general authorization for similar material to be inserted into water bills if approved by the Water Committee including the Administrator, Chairman, and Attorney.**
- 5. Approval of the September 25, 2014 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

6. **Consideration of the disposition of tax refunds in the amount of \$543.55. This item was tabled at the September 11, 2014 Board of Commissioners meeting.**

County Administrator Steve Rapson and County Attorney Dennis Davenport briefed the Board on this request.

Commissioner Oddo moved to approve the recommendation at the O-I valuation in the amount of \$497.82. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

**NEW BUSINESS:**

7. **Consideration of Chairman Steve Brown's recommendation to adopt Ordinance 2014-13, amending the Fayette County Code of Ordinances by revising Subsection (d) in Section 10-42 of Article III of Chapter 10; removing the City of Peachtree City from a Reciprocal Agreement with Fayette County.**

Chairman Brown moved to amend the ordinance as presented. Commissioner McCarty seconded the motion. Discussion followed.

**Frank Gardner:** Mr. Gardner asked the Board to delay the vote for at least one month in order in order to signal its willingness to work with the City of Peachtree City.

The motion to amend the ordinance as presented passed unanimously.

8. **Consideration of staff's recommendation to adopt Resolution 2014-19 to reduce the school-zone speed limit along Redwine Road to 25 miles-per-hour, and to authorize the Fayette County Sheriff's Office to seek certification from the State of Georgia to officially lower the speed limit.**

Chairman Brown pointed out that the agenda item referred to Resolution 2014-19 but that there would not be a resolution considered since it had been converted to Ordinance 2014-15. Chairman Brown also informed the audience of additional documents on the dais that had been presented to the Board, and he mentioned that those documents could be obtained from the Fayette County Clerk.

Chairman Brown and County Attorney Dennis Davenport briefed the Board on staff's request. Public Works Director Phil Mallon was also asked questions pertaining to this recommendation.

Chairman Brown moved to adopt Ordinance 2014-15. Commissioner Oddo seconded the motion. Discussion followed. The motion to adopt Ordinance 2014-15 passed unanimously.

9. **Consideration of the Water Committee's recommendation of the Georgia Military College waterline agreement, and authorization for the County to pay a \$438,530.00 variance cost, utilizing the Water System's Renewal & Extension Fund, should the County determine that a larger diameter water line be installed for future county purposes.**

County Administrator Steve Rapson and Commissioner Randy Ognio spoke about the Water Committee's recommendation.

Commissioner Ognio moved to approve the Water Committee's recommendation of the Georgia Military College waterline agreement, and authorization for the County to pay a variance cost in an amount not to exceed \$438,530.00, utilizing the Water System's Renewal & Extension Fund, should the County determine that a larger diameter water line be installed for future county purposes. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

**10. Consideration of staff's recommendation to approve the Addendum to Agreement between Fayette County and Mallett Consulting, Inc., dated August 1, 2005, for the East Fayetteville Bypass (SPLOST Project R-8).**

Public Works Director Phil Mallon briefed the Board on staff's recommendation to approve the Addendum to Agreement as presented, and he answered questions from the Board. The Board provided input on the proposed layout of the East Fayetteville Bypass.

Commissioner Oddo moved to accept staff's recommendation to approve the Addendum to Agreement between Fayette County and Mallett Consulting, Inc., dated August 1, 2005, for the East Fayetteville Bypass (SPLOST Project R-8). Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

**11. Discussion with staff pertaining to timber harvesting in unincorporated Fayette County.**

Chairman Brown informed the audience that the Board had additional documents on the dais that the County Clerk would provide the documents upon request, and he read the document titles into the record. Those additional documents included Ordinance 2014-14.

County Administrator Steve Rapson and County Attorney Dennis Davenport briefed the Board, via PowerPoint, and he said all the additional documents provided to the Board would be available on the County's website, before answering questions from the Board. Discussion followed.

Commissioner Oddo moved to accept Ordinance 2014-14 as presented. Commissioner Barlow seconded the motion.

**Barbara Anderson:** Mrs. Anderson thanked Code Enforcement Officer Kathy Hobbs for her work pertaining to the issues of timber harvesting and logging matters in and around her neighborhood. She stated that she read Ordinance 2014-14, but she could not tell if it helped her in any way. She asked how many of the Commissioners and staff had driven to the area and looked at her neighborhood. Some Commissioners and County Administrator Steve Rapson replied they had gone to the area and looked at it. Mrs. Anderson asked the Board to help her save her neighborhood. She asked the Board to draft some kind of tree ordinance so that her neighbors could not bring in a tree cutting crews, irrespective of how they are labeled, in order to cut down hundreds of trees. She said she could not fix this problem and she could not get into a lawsuit with every neighbor who starts cutting down trees. She asked for an ordinance to be put into place that would prevent these types of issues. Commissioner Barlow asked Mrs. Anderson if cutting was still going on today, and he spoke about the existing limitations on the government pertaining to private property rights. Mrs. Anderson stated that an ordinance would cause the homeowners to be less

inclined to cut down hundreds of trees. Commissioner Barlow said he was an unhappy camper when he saw what was happening at the properties. He pointed out that this matter was occurring in his district and he was very concerned on this matter.

**Hugh Tolbert:** Mr. Tolbert said it did not matter who lived next to him, if they were causing damage he would be complaining. He stated that the county ordinance was only a reinterpretation of the Georgia Forestry Laws, which was a start, but that the county had not dealt with the "R-Rated residential property with this ordinance." He stated that Gingercake Road is like a state highway and that it is the actual West Fayetteville Bypass. Mr. Tolbert reminded Commissioner Barlow of the damage that he saw when he visited the property. He stated that it was not up for him to go to court and get caught up in years of litigation. He spoke about the stress that this matter is causing him. He added that he also did not want a dog kennel next to him. Mr. Tolbert spoke about how he would take efforts to alleviate the problem, but he explained his approach could affect Whitewater Creek. He thanked staff for working on this matter, but he said he already knew what the Georgia Forestry laws required. He asked if the county was going to require those who clear-cut property to replant the trees that they have cut down. He asked the Board to protect him and to protect everybody else in the County.

**Keenan Anderson:** Mr. Anderson said he thought that the tree harvesting ordinance was redefined. He thought the assumption was that staff was not complete with the work and that work would continue on this matter. He asked where this matter would go in the future. County Administrator Steve Rapson pointed out that staff had pooled other ordinances from various jurisdictions that have tighter ordinances than Fayette County has. He stated these decisions were a policy decision that needed to be reached by the Board, and that staff was following the policies and procedures that have already been adopted by the Board of Commissioners. Mr. Anderson asked for the Board to continue looking into those areas that are not considered tree harvesting. He said he wanted to walk out of the meeting knowing that there would be a greater examination of those areas not defined as tree harvesting that would make sense for everyone.

**Britney Thomas:** Mrs. Thomas said she wanted to talk to the Board and her neighbors. She acknowledged that cutting trees was a drastic move but that she in no way intended for this problem to occur. She said she wanted to reach out to the Tolbert family since she did not know they felt they way the did. She wished they had come to her sooner since they have had interaction in the past with her husband. Mrs. Thomas said there was no intention to making everyone upset. She said they are new homeowners, and she grew up on land with a farm and a garden, and she is not able to have that on the property at her house. Ms. Thomas stated that she had intended to cut the trees down. She said she had many encounters with the neighbors, and she stated that tree cutting had begun in January 2014. Mrs. Thomas said if she had any clue about the problems, she would have gone to her neighbors. She told about some of the encounters they have had, and the help they have given to each other. She said she did not understand why she was just hearing of this problem after watching the video of the September 25, 2014 Board of Commissioners meeting. She said she was upset since this was her first home and she is dealing with this. She closed saying she had no intention to cause any of the problems.

**Elizabeth Gearhart:** Mrs. Gearhart stated that she drove around the neighborhood earlier in the day and obtained the license plates of those who are continuing to cut down trees. It was noted that Code Enforcement Officer Kathy Hobbs already had the license plates. Mrs. Gearhart stated that if a person wanted to move to a house without trees that there were plenty of other places to move. She said she moved to the neighborhood ten years ago and she does not want a garden. She said she was disgusted about what was going on in the neighborhood. She said the original neighbors are phenomenal. She said

it seemed that all the new people who move into the neighborhood just want to chop down trees, and that their decisions make her property look weird. Mrs. Gearhart told the Board that she is thinking of moving away from the neighborhood since she does not want to be the only property in the neighborhood with trees. Mrs. Gearhart thought the ordinance was a really good start, but she thought that it needed to go further. She thought it needed to provide "a little more teeth." She asked if the County could clean up property and then charge homeowners for the clean-up.

**Scott Deacon:** Mr. Scott Deacon said the neighbor next to him is the type of person who went over to a pine tree, kicked it, acknowledged that the tree was leaning toward the Deacon's property, and stated that he still would not take the tree down. He said the neighbor is a very unfriendly person, and that he would bet that the pile of trees that he burned was much larger than what is permitted in Fayette County. He agreed with everything that had been said so far, stated that the homeowners needed to feel the impact of their decisions, and that the best way to do that was to hit their wallets.

**Arleen Deacon:** Mrs. Deacon said she read the ordinance and she applauded the Board for taking a step forward. She said the only protections in the ordinance are for the county and not for the homeowners. She saw devastation going on upon a beautiful neighborhood. She thought this was an issue stimulated by outsiders coming in and persuading people to cut down the trees, and she said she did not believe this was a problem with new people moving into the neighborhood. She asked the Board to make ordinances that would protect the homeowners and not just the county.

**Tom Waller:** Mr. Waller said he has timber on his property and how he sells the timber. He spoke about how the contractors are coming in and causing devastation. He asked where the real estate people were who made the money by selling the property to those who were going to cut the trees down. He said if the real estate agents sold a property to a lady who wanted to knock down property then they are a part of the problem. He then spoke about the length of time that it would take for trees to grow back and he pointed out that the neighbors would have to wait years for the trees to mature, and in the meanwhile they would have experienced property loss.

Code Enforcement Officer Kathy Hobbs spoke about how citations are issued and how the process works from the time a person gets a citation until its resolution. Mr. Rapson and the Commissioners then responded to the comments and concerns expressed by the people on tree ordinances.

The motion to accept Ordinance 2014-14 as presented passed unanimously.

#### **PUBLIC COMMENTS:**

No one spoke under Public Comment.

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

**"Charge Georgia" Grant Application:** County Administrator Steve Rapson informed the Board that there is a deadline to submit the grant for the electric charging stations. He stated that there is a 50% match required for the grant, and he asked for approval to utilize \$20,000.00 out of the Contingency Fund since the most that can be obtained is \$40,000.00. The Board consented to the request to utilize \$20,000.00.

**ATTORNEY'S REPORTS:**

There was no Attorney's Report given.

**COMMISSIONERS' REPORTS:**

**Commissioner Barlow:** Commissioner Barlow thanked God for his bride.

**Commissioner McCarty:** Commissioner McCarty thanked God for Fayette County. He said it was a fantastic place, and he encouraged the citizens to continue to get involved and to tell the Board of its problems.

**Commissioner Ognio:** Commissioner Ognio stated that there would be an Air Show in Peachtree City, and he hoped everyone would go to it, have a good time, and be safe. He stated that the issue with tree harvesting was not concluded with the passage of Ordinance 2014-14.

**Commissioner Oddo:** Commissioner Oddo thanked everyone for coming to the meeting. He also thanked the people for voicing their concerns, but asked everyone to bear with the Board as it works through the process. He pointed out that his wife, who has had to stay out of country to resolve family business, was back in country and was at the meeting. He also welcomed his brother-in-law to the meeting and to the United States. Chairman Brown stated that everyone was happy to have her back and he informed the audience that comes to each meeting as possible. It was also pointed out that she watches the meeting via LiveStream out of country.

**Chairman Brown:** Chairman Brown asked for Board consensus so that if a Commissioner wants to put something on a Commissioner's Report, and if they want to show slides, they need to have that right to do so. He said if Commissioners want to put the slides up then the slides need to go up. Commissioner McCarty replied that in the past a decision was made that a Commissioner could talk about anything they want to talk about. There was no consensus given or further discussion on this matter. Chairman Brown added that while he did not feel he had consensus, he thought there should be a public hearing on the timber harvesting matter.

**EXECUTIVE SESSION:**

There were no items for Executive Session.

**ADJOURNMENT:**

Chairman Brown moved to adjourn the October 7, 2014 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The October 7, 2014 Board of Commissioners meeting was adjourned at 9:15 p.m.

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Floyd L. Jones, County Clerk