Consent Agenda Item #10a

Minutes

Board of Commissioners
January 23, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on January 23, 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, Invocation, and Pledge of Allegiance

Chairman Brown called the January 23, 2014 Board of Commissioners meeting to order at 7:05 p.m.

Commissioner Barlow gave a brief PowerPoint presentation on Article VI and VII of the 28 Principles that the Founding Fathers used to craft the United States Constitution. A copy of the PowerPoint presentation, identified as “Attachment 1", follows these minutes and is made an official part hereof.

Commissioner Barlow asked Pastor Frank Mercer, the volunteer chaplain for the Fayette County Public Safety Division, to offer the Invocation. Pastor Mercer then offered the Invocation.

Chairman Brown led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as written with the removal of Presentation / Recognition Item #7. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Recognition of Ms. Jennifer Deng as the District-wide Runner-up in the 2013 Water Essay Contest.

Commissioner Oddo led the Board in recognizing Ms. Jennifer Deng as the District-wide Runner-up in the 2013 Water Essay Contest. Ms. Deng then read her award-winning essay to the Board and audience. Copies of the request and recognition, identified as "Attachment 2", follow these minutes and are made an official part hereof.

2. Recognition of the All-County Football Teams.

Chairman Brown and Mr. Christopher Dunn, Sports Editor of the *Fayette Daily News*, recognized the members of Fayette County's All-County Football Teams, the Coach of the Year, and the Offensive and Defensive Players of the year. The following players and coach were recognized:

2013 First Team All-County Football Players:

Andrew Johnson	Charlie Goedtke
Trey Walters	Jason Akins
Jim O'Neill	John Smith
Jake Carney	Robert Easterwood
Josh Reynolds	Jameson Vest

2013 Second Team All-County Football Players:

Duke Kinamon	Victor Nguyen
Gerren Smith, Jr.	Mitchell Ray
Patrick Trianna	Luke Ossanna
Jack Steinwedel	Sam Joines

2013 Honorable Mentioned All-County Football Players:

Terrence Harper	James Yates
Clay McKinney	Will Nace
Seth White	Freddy Botet
Josh Espinosa	Will Harper

Andrew Johnson– 2013 County Football Player of the Year

Cole Garvin– 2013 County Football Offensive Player of the Year

Colton Clemons– 2013 County Football Defensive Player of the Year

Coach Lee Belknap– 2013 County Football Coach of the Year (McIntosh High School)

Copies of the request and certificates, identified as "Attachment 3", follow these minutes and are made an official part hereof.

3. Recognition of Eagle Scout Avery Paugh.

Chairman Brown and Parks and Recreation Director Anita Godbee recognized Eagle Scout Avery Paugh. Mr. Paugh spoke about his Eagle Scout project and was thanked and congratulated by the Board for his contribution to the County. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

4. Recognition of Eagle Scout Tyler Brown.

Chairman Brown and Parks and Recreation Director Anita Godbee recognized Eagle Scout Tyler Brown. Mr. Brown spoke about his Eagle Scout project and was thanked and congratulated by the Board for his contribution to the County. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Recognition of the Fayette County Faith Based Disaster Network Team Leaders.

Fire Chief David Scarbrough and Division Chief and Emergency Management Director Pete Nelms introduced Fayette County's Faith Based Disaster Network Team Leaders to the Board and spoke about their work for and contribution to Fayette County. The Board thanked the team leaders for their work on behalf of Fayette County. The following team leaders were recognized:

Mary Brunso– Volunteer Management
David Bowen– Debris Cleanup
Mitch Bjugson–Damage Assessment
Brad Clifton– Points of Dispensing
Judy Hames and Frank Mercer–Disaster Counseling
Peter Trebotte–Shelter Management
Lynn Bianco– Communications
Cathy Bergrenn– Donated Goods
Sharon Marchisello– Animals in Disasters
Alma McCallum– Special Skill Set

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

6. Recognition of Mallett Consulting.

Chairman Brown and the Board recognized Mr. David Jaeger of Mallet Consulting and thanked Mallet Consulting for all of its work throughout Fayette County. Mr. Jaeger spoke about his history with Mallet Consulting and of Mallet Consulting's work with Fayette County throughout the years. Mr. Jaeger then thanked the Board for honoring Mallet Consulting. The Board then presented Mr. Jaeger with a trophy for their work through the years. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

7. Proclamations recognizing Fayette County couples celebrating their milestone Wedding Anniversaries.

This item was removed during the acceptance of the Agenda. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings* into the record. A copy of the Introduction to Public Hearings, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Consideration of Petition No. 1232-13, Jerry M. Gable and Lowell T. Mullins, Owners, and Christine Flanigan, Agent, request to rezone 3.35 acres from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots, with said property being located in Land Lot 88 of the 5th District and fronting on South Jeff Davis Drive and Callaway Road, with three recommended conditions.

Mrs. Carol Mullins, the property's owner, spoke in favor of Petition 1232-13, and she showed a brief presentation on her plans for the property. Chairman Brown read three conditions, as recommended by the Planning Commission, into the record. The three recommended conditions, as read into the record are:

a) The owner / developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of South Jeff Davis Drive prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

b) That a variance for the existing single-family dwelling's encroachment into the front yard setback be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning and prior to any improvements to the existing structure to meet the required minimum floor area. If the variance is denied, the owner / developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals. If the owner / developer fails to take action to obtain a decision from the Zoning Board of Appeals within 180 days and that time period has expired , the owner / developer agrees to remove / demolish the existing single-family dwelling within 30 days from the date of the expiration. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

c) That the applicant brings the existing single-family dwelling into compliance with the R-40 zoning district. This can be achieved either through:

1) A variance, obtained from the Zoning Board of Appeals, to reduce the square footage requirement. If the owner / developer pursues a variance from the size of the existing single-family dwelling, said variance shall be obtained from the Zoning Board of Appeals within 180 days from the effective date of this rezoning. If the variance is denied, the owner / developer agrees to take all necessary action consistent with the direction of the Zoning Board of Appeals; or

2) By adding square footage to the existing single-family dwelling to bring it into compliance. If the owner / developer chooses to add the required square footage to the existing single-family structure a variance from the Subdivision Regulations to issue a building permit prior to the approval of the Minor Subdivision Plat shall be obtained from the Planning Commission within 180 days from the effective date of this rezoning and coordinated with the aforementioned variance needed for the encroachment into the front yard setback. *(This requirement is required for compliance with the Zoning Ordinance, Article VI.)*

Chairman Brown asked the petitioner if she would agree to the three conditions, and the petitioner agreed to them. Mr. Jerry Gable and Mr. James Whitlock also spoke in favor of Petition 1232-13.

Mr. Phillip Anderson spoke in opposition to Petition 1232-13. He agreed that the property should be rezoned, but he recommended that the property should be rezoned to R-45 instead of R-40. No one else spoke in opposition to this petition. The petitioner briefly rebutted Mr. Anderson's recommendation saying she was trying to downsize her house, but if the Board agreed to rezone the property to R-45 she could abide by the Board's decision.

Commissioner McCarty asked what the size of the current house was, and Mrs. Gable replied that it was 954 square feet.

Commissioner Barlow asked Mr. Frisina if he knew any other reason why Mr. Doug Powell of the Planning Commission voted to not approve this petition. Mr. Frisina replied that he did not know any other reason why Mr. Powell voted against the petition.

Commissioner Oddo asked Mr. Frisina if he thought R-40 was sufficient for the request instead of R-45. Mr. Frisina replied that he thought R-40 would be sufficient for the request, and that the R-45 Zoning classification was not considered since the petitioner's application asked to be rezoned to R-40 and so the analysis was based on that application. Mr. Frisina added that the only real difference between R-40 and R-45 is about 300 square feet in terms of house size, and that the setbacks would be the same. Discussion followed.

Chairman Brown moved to approve Petition 1232-13 with the three conditions from the Planning Commission as read into the record. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request, Resolution 1232-13, and Ordinance 1232-13, identified as "Attachment 10", follow these minutes and are made an official part hereof.

9. Consideration of Petition No. 1233-13, Tony Harris, Owner, request to rezone 4.05 acres from A-R Agriculture-Residential to R-40 Single-Family Residential to develop two (2) residential lots, with said property being located in Land Lots 227 and 254 of the 5th District and fronting on Kenwood Road and South Kite Lake Road, with two recommended conditions.

Mr. Tony Harris spoke in favor of Petition No. 1233-13. Chairman Brown read two conditions, as recommended by the Planning Commission, into the record. The two recommended conditions, as read by Chairman Brown, are:

a) The owner / developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of Kenwood Road and South Kite Lake Road prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

b) That the applicant brings the existing single-family dwelling into compliance with the R-40 zoning district prior to the submittal of the Minor Subdivision Plat. This can be achieved either by adding square footage to the existing single-family dwelling to bring it into compliance or through a variance, approved by the Zoning Board of Appeals, to reduce the square footage requirement. If the variance is denied, square footage shall be added to the residential structure prior to the submittal of the minor Subdivision Plat. *(This requirement is required for compliance with the Zoning Ordinance, Article XII.)*

Chairman Brown asked the petitioner if he agreed to the conditions as read into the record, and Mr. Harris agreed to the two conditions.

No one else spoke in favor of or in opposition to Petition 1233-13.

Community Development Director made a correction to the recommended conditions, saying the first recommended condition should only require for 40 feet of right-of-way on South Kite Lake Road and 50 feet of right-of-way on Kenwood Road.

Chairman Brown read the corrected condition into the record. The corrected condition is as follows:

a) The owner / developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet as measured from the centerline of Kenwood Road and 40 feet measured from the centerline of South Kite Lake Road prior to the approval of the Minor Subdivision Plat and said dedication area shall be shown on the Minor Subdivision Plat. *(This condition is to ensure the provision of adequate right-of-way for future road improvements.)*

Chairman Brown asked Mr. Harris if he agreed to the corrected condition, and Mr. Harris replied that he agreed to the recommended condition.

Commissioner Oddo moved to approve Petition 1233-13 with the two conditions. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request, Resolution 1233-13, and Ordinance 1233-13, identified as “Attachment 11", follow these minutes and are made an official part hereof.

CONSENT AGENDA:

Chairman Brown asked to remove Consent Agenda Item 12 for discussion. Commissioner Ognio asked to remove Consent Agenda Item 11 for discussion.

Commissioner Barlow moved to approve Consent Agenda Items 10, 13, 14, 15 and 16. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

10. Approval of Resolution 2014-02 establishing qualifying fees for the 2014 State Court Judge's election. Copies of the request and Resolution 2014-02, identified as "Attachment 12", follow these minutes and are made an official part hereof.

11. Approval of staff's request to add Ballard's Terrace as a district to Fayette County's Street Light Program.

Commissioner Ognio said he would like to see the County get away from the Street Light Program since he did not see the need for the County to be involved with street lights, and since homeowners' associations should deal directly with the power companies. He understood this program has been in place for some while, but he wanted to figure out a way for the County to no longer be involved with the Street Light Program.

County Administrator Steve Rapson replied that he understood Commissioner Ognio wanted staff to look into removing the County from the Street Light Program. He mentioned that there are a number of people involved in the program, and that staff would have a look into what it would take to "unbundle" the program. He said the effort would involve the Finance Department as well as the Tax Commissioner's Office, and he suggested that staff could report back to the Board on this matter at the upcoming Board of Commissioner's Retreat.

Commissioner Ognio moved to approve staff's request to add Ballard's Terrace as a district to Fayette County's Street Light Program. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

12. Approval of Resolution 2014-04 authorizing reimbursement of fees and expenses ("Reimbursement Resolution") in connection with the implementation of Category I and Category II: Tier I Stormwater Utility Projects for Fayette County.

Chairman Brown noted that the published Agenda referred to the Resolution as "2013-04", but that it really should be numbered "2014-04". He also explained that he had this item removed from the Consent Agenda since he thought it needed more explanation from the County Administrator.

County Administrator Steve Rapson gave a PowerPoint presentation concerning Fayette County's Category I Dam Projects with specific emphasis on the Kozisek Dam, the Lake Emerald Dam, and the Longview Dam.

Mr. Rapson informed the Board that the reimbursement resolution under consideration was asking for the General Fund to front the money until funding could be determined. He explained that it was it was not necessarily saying that the County would do a bond issue since there are some legislative issues that would come up later in the meeting in regards to amending the Public Facilities Authority that would allow the authority to issue a bond. He suggested that the County could issue a Revenue Bond, or the County would loan the money from the General Fund and pay itself back. He clarified that staff wanted the Board to know its intention so that as money is spent toward this purpose now, the Stormwater Utility Fund would pay back the General Fund. Mr. Rapson emphasized that since the dams are classified as Category I dams with life and safety concerns, that the County was trying to expedite the process. Mr. Rapson informed the Board that the County has about $1 million in its Capital Reserves for this purpose as well as

money collected from the Stormwater Utility Fee. He said that based on the money available, staff was confident they could address the entirety of the Category I projects, and, more than likely; the money would likely also penetrate those Category II–Tier One projects. He added that the Category II- Tier One projects would come back to the Board for approval as they are put on "the time line." Mr. Rapson reminded the Board that since the issue was about rebuilding dams so the projects would not be completed overnight since these projects could take a couple of years to complete, and he stated that was the reason staff was asking for Board approval to move forward on the Category I projects as they are currently budgeted utilizing funds from the General Fund.

Chairman Brown stated that although the proposed resolution gives some people hope that the County is going to resolve some of the problems, he wanted to remind the public that it does not solve a lot of the other problems that the County has. He reminded everyone that the County still has a very long list of things to do, and he did not want to give any kind of misconception that the County or this effort would resolve all the stormwater problems that have been discussed for over a year. He stressed that this effort would only address the most critical of the problems and, unfortunately, the County was still not in a position where it is putting money away for future maintenance on some of the projects since it was still dealing with previous and ongoing problems. He suggested that the County would be in the mode of addressing only ongoing projects until another revenue source becomes available.

Mr. Rapson added that Category I, all by itself, is projected to cost more than $2.9 million, and that the Category II–Tier One projects would cost about $3.6 million identified. He stated that the County would focus on the Category I Projects in an effort to expedite those projects, but at the same time the County would keep an eye on the Category II-Tier One projects since, given time, they will become Category I projects.

Commissioner McCarty stated that this issue was not just a matter of the local stormwater in regards to the dam, but that the State of Georgia was mandating that the County repair the dams. He said if the County did not repair the Longview Dam, then the County would have to drain the lake, then the property would become a wetland, and the land is totally unusable. He explained that if the County fixed the dam then it could get a park at no cost other than repairing the dam, which is already required.

Commissioner Oddo thought this was a reasonable approach given the circumstances. He added that the County would have to start, and this seemed like a good way to start.

Mr. Rapson stated that the County would approve the reimbursement resolution as well as the funding the County has. He assumed, that the budgets as they currently are as part of the SPLOST would, in essence, be the budget the County would work under in regards to moving forward in this process. He told the Board that as projects come, based on the purchasing policy, those projects would be brought to the Board.

Commissioner Barlow noted that there is a sense of urgency with Mr. Sanchez's property since the Board has become very familiar with Mr. Sanchez and the major dilemma he has, but he asked how soon could the County act on the five individual properties on them. He pointed out that the dams would require engineering and other preliminary work, but he asked if the processes had already been completed for the other properties listed as Category I projects. Mr. Rapson replied that the County had not been "flat-footed" on the properties and that staff would have a meeting within the week to provide the Board with time lines that would answer Commissioner Barlow's question.

Commissioner Barlow moved to approve Resolution 2014-04 authorizing reimbursement of fees and expenses in connection with the implementation of Category I and Category II: Tier I Stormwater Utility Projects for Fayette County. Commissioner Ognio seconded the motion.

Dennis Chase: Mr. Chase pointed out that the Category I list was the exact list that was voted down in November 2013. He said many people voted against the SPLOST based on positions that he took and that he urged them to take, and he said he had many people tell him that they could not understand why the County is taking on projects when it did not understand what the upstream and downstream impacts would be and whether the projects would be adequate. Mr. Chase stated that unless the Commissioners could tell him that they have read the reports, which he has not seen, then he did not know how the Board could possibly go forward on most of the projects. Mr. Chase told the Board that he had spoken during previous meetings about the first two dams, namely the Kozisek Dam and the Lake Emerald Dam. He suggested that Longview Dam, which the County projected would cost $1.4 million to repair, could actually only cost $600,000.00 without a passive park. He asked the Board if the Longview Dam Project was worth $800,000.00 to get a passive park as opposed to $600,000.00 to get the job done. Chairman Brown asked Mr. Chase by "getting the job done" that he meant breaching the dam and draining the lake. Mr. Chase replied that is what he meant. He said he discussed this matter with County Engineer Phil Mallon, and that Mr. Mallon had informed him that he had completed an alternative analysis that included breaching the dam. Mr. Chase said he asked Mr. Mallon if the cost to breaching the dam would cost about $600,000.00, and that Mr. Mallon had informed him the work was close to $600,000.00. Mr. Chase told the Board that if it put in a passive park at $810,000.00, then the County would also require additional expensive maintenance on the dam for county employees for the foreseeable future. He added that the County would require additional funds for infrastructure for the park. He reminded the Board that those additional costs were not included in the $800,000.00 price tag for the passive park, and he stressed that there would be a lot more money required throughout the coming years. Mr. Chase told the Board that he did not think the County had done enough analysis to whether the park could ultimately cost more than $1 million to do the project as opposed to breaking the dam. He did not think the Board should vote for the project until it knew what it was really doing. He reminded the Board that, similar to other situations, the unintended consequence was that the County would be dealing with much more expense. He did not know that the public would approve of a passive park for $800,000.00. Mr. Chase said when the vote was taken on the SPLOST in November 2013, and when the SPLOST was defeated, he had many people call him and email him congratulating him. He stated that he told those who contacted him that the real congratulations would be when the County Commissioners take a look at what is going on with each one of the projects to ensure that they know what is going to happen. He said if the Commissioners do not look at the projects, and he speculated that the Commissioners had not looked at the projects, then the Board was basically telling all the voters who voted against the SPLOST that the Commissioners are smarter than them and that the voters do not make any difference. Mr. Chase suggested that was not the message the Board wanted to send to the County. Mr. Chase pointed out that there were questions that came up before the SPLOST referendum in November 2013, and that he now had two more questions for the Board. The first question was: "Have you reviewed any kind of analysis of the watersheds for any or all of the projects?" The second question was: "Have you considered the cost of Longview Dam at $600,000.00 as opposed to $1.4 million?" Mr. Chase reminded the Board that the last time they "went around on these questions" the people did not receive answers to their questions until six weeks after the Board had made its decision. He pointed out that a motion and a second had already been made on this matter, that the approval of this matter was at hand, and he asked the Board to answer his two questions prior to making the approval. He suggested that the last time the Board answered questions that it was essentially doing political tap

dancing, that one answer was an outright lie, and that he did not appreciate that kind of a response back from a County that he lives in. Mr. Chase thought the County should be asking hard questions and he asked the Board to give him answers to his two questions before taking a vote.

Chairman Brown replied that anything the County does would require maintenance in perpetuity. He said if the County decided to do it then there would be maintenance involved. He added that if property was not maintained then the County would not be doing a service to the community. He said the County was still subject to negotiations on the Longview Dam, and if the woman who owns the real estate and who owns all the real estate around the lake does not agree to what the County is going to require of her with regards to right-of-way and other requirements, then the County would breach the dam. He said the County was seeing the parks as an amenity, that the County has a rural flavor with its lakes and green spaces, and that there were some areas that are worth preserving. He said many of the areas have already been put under asphalt, and the decision has to be made on whether these types of properties should be preserved as a future asset of the County as a place of scenic beauty and family enjoyment. He repeated that if the property owner does not agree to acceptable terms, then the dam would be breached and Mr. Chase would get his other option at that point. Chairman Brown then spoke about the referendum on the Core Infrastructure SPLOST, saying that everyone knows it was voted down, but the reason the County has the Stormwater Utility fee is to address these projects. He said the Board heard a lot of people asking, "Why are you doing this Core Infrastructure SPLOST and charging for stormwater fees?" He reminded Mr. Chase that the Board made a proposal that for four consecutive years the County would not impose a stormwater fee. Chairman Brown stated the real question was, "Do you want to pay with these from stormwater fees or do you want to pay for these with sales tax?" He said the citizens replied that they do not want to pay for them with an additional sales tax. Chairman Brown reminded Mr. Chase that he has agreed that two of the dam projects need to be done, that Mr. Chase came to a meeting and said the Sanchez project needed to be done, and that everybody who has seen the Klonoski property agrees it needs to be done since they are losing over two feet per year of sediment going into the creek bed. He reminded Mr. Chase that these are critical projects, that the Board has heard Mr. Chase come to the microphone and say on a number of projects that he agrees that they need to be done. He informed Mr. Chase that the County has been given orders from the State of Georgia, who has control over the matter, and that when the State says "Do it," then the County needs to do it or face the consequences. He said the County would address the dams, and that it does not matter what the upstream or downstream looks like since the State has given the County an ultimatum to do it. He said staff was working on the study, that staff was reaching completion on doing the whole watershed study, and that the Board would look at each one of the projects. Chairman Brown said that there was no one doubting that any of the projects as listed, with the exception of what needs to be done with Longview Dam by either breaching it or keeping it, need to be done. He said the Sanchez situation is more of the County's fault because the drainage pipe beneath the road is not large enough so it is backing up water and flooding the Sanchez home every time there is heavy rain. He said the County would have to rectify that problem.

Commissioner Barlow stated that Mr. Sanchez has suffered long enough at the woeful inability of this government and the County Board of Commissioners who, over the years, have not rectified his situation. He said he could not fathom the County making Mr. Sanchez suffer any longer. He admitted that while he does not know much about dams or watershed analysis, other than it is the process and that while he does not have the knowledge Mr. Chase has on the matter, he does know that Mr. Sanchez is suffering. He said he did know that he has a vote to get the gentleman corrected, and that he intended to use his vote for that matter.

Commissioner McCarty agreed that the County could breach Longview Dam and could drain the lake, but then the County would be left with a watershed area with unusable land that is worthless to the owner and the county, but it would be a great mosquito hole. He stated that the proposed project was the correct way to deal with the lake and repair the dam, that the park is something that can be built ten or fifteen years from now, but that this measure would allow the County to have the ability to a park should it chose to do so.

Commissioner Ognio encouraged everybody who has not seen Longview Dam to go see it. He said it was a very beautiful lake and a very large lake, and if it is breached it is going to be a large hole. He asked people to look at the lake and think about it. He thought making a park was an option, but that it may come down to breaching the lake.

Commissioner Oddo added that Mr. Chase's points were well taken and understood. He pointed out that Mr. Chase was at the meeting because he believes in what he is saying and that he believes in Fayette County, and since he wants to ensure that the Board proceeds properly. He said he appreciated Mr. Chase's conviction. Commissioner Oddo echoed Commissioner Barlow's comments that Mr. Chase was an expert on the matter and that they were not, so he hoped Mr. Chase's comments would be considered. He acknowledged that the Board was in between a rock and a hard space, but that fixes have to be made, that the process has to begin at some point, and that there were some things that have to be done. He said he appreciated Mr. Chase for faithfully coming to the meetings, that he was not ignoring Mr. Chase's comments, but that a decision had to be made on how to proceed.

Chairman Brown stated the Board was making the critical positions on the critical situations, and he prayed that the County would not have to make emergency repairs that expend the available money for the critical problems. He said the County has a lot of work to do in this matter.

Commissioner McCarty added that if the Longview Dam was breached that it would also involve losing a County road, and he asked if there was a willingness to lose a road.

The motion to approve Resolution 2014-04 authorizing reimbursement of fees and expenses in connection with the implementation of Category I and Category II: Tier I Stormwater Utility Projects for Fayette County passed unanimously. Copies of the request and Resolution 2014-04, identified as "Attachment 14", follow these minutes and are made an official part hereof.

13. Consideration of the Water Committee's recommendation to adopt Ordinance 2014-02 amending the Fayette County Code of Ordinances, Chapter 19 by adding White Lining. Copies of the request and Ordinance 2014-02, identified as "Attachment 15", follow these minutes and are made an official part hereof.

14. Approval of the 2014 Water Committee's meeting schedule. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

15. Approval of the Water Committee's recommendation to allow The Frederick Brown, Jr. Amphitheater in Peachtree City to insert a flyer in customer's water bills during the month of April 2014. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

16. Approval of January 9, 2014 Board of Commissioners Meeting Minutes and the January 15, 2014 Board of Commissioners Special Called Meeting Minutes.

OLD BUSINESS:

17. Consideration of staff's recommendation to adopt Ordinance 2013-17 amending Chapter 14 Recreation and Parks of the Code of Ordinances for Fayette County, Georgia. This item was tabled by Commissioner Ognio at the November 14, 2013 Board of Commissioners meeting.

Parks and Recreation Director Anita Godbee reminded the Board that she came before the Board on November 14, 2013 to discuss the proposed Park and Recreation Ordinance, and at that meeting there were some questions and concerns raised. She reported that since the November 14, 2013 meeting, she had met with several individuals to address the concerns and questions, and that the proposed ordinance was being presented back to the Board that addresses the questions and concerns that were raised. She said the Recreation Commission recommended that the Board of Commissioners adopt the ordinance, and that basically this ordinance would add park ordinances into the Fayette County Code of Ordinances.

Commissioner Barlow noted that there had been discussion about fees, and he asked where staff was with regard to establishing fees, and he asked if current fees would continue. Mrs. Godbee agreed that those fees would still be collected. Commissioner Barlow then asked if staff was considering any additional fee structure for out-of-county residents. Mrs. Godbee replied that the issue was still under investigation.

Commissioner Ognio thanked staff for their extra work in making a better ordinance than the one that was presented in November 2013. Mrs. Godbee thanked Commissioner Ognio for his remarks.

County Attorney Dennis Davenport said he did a final read-through of the ordinance since it has gone through so many different groups for comments, and that sometimes things are not caught until the last minute. He said he wanted to direct the Board's attention to four items for recommended changes. He then recommended the following changes be made to the ordinance presented to the Board:

a) **Page Two, Definition of Park and /or Recreation Facility, 4th Line Down:** Remove the reference to a "County Recreation Authority."

b) **Page Three, Definition of Vehicles:** Remove "Child's Toy Vehicle" from the definition.

c) **Page Three, Definition of Weapons, 5th and 7th Line:** Remove redundant language where "spear" is listed twice on the fifth line. Remove "bat" as a weapon since bats are allowed at ballparks.

d) **Page Nine, Section 14-10, Arrows:** Remove the word "arrows."

Mr. Davenport added that the final document would reflect the recommended changes to this ordinance.

County Administrator Steve Rapson said the Sheriff's Office and Marshal's Department would appreciate the changes as they would work to make the parks safer. He pointed out that Mrs. Godbee was celebrating her 26th anniversary at the meeting. Discussion followed.

Commissioner McCarty asked if a licensed firearms carrier could carry a firearm to the parks. Mr. Davenport referred to Section 14-19 and he said the language was an attempt to recognize that very issue. He agreed that while firearms are weapons, it refers back to state law and state law trumps the County's ordinance.

Commissioner Ognio moved to adopt Ordinance 2013-17 amending Chapter 14 Recreation and Parks of the Code of Ordinances for Fayette County, Georgia and to accept the changes from the County Attorney. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2013-17, identified as "Attachment 18", follow these minutes and are made an official part hereof.

NEW BUSINESS:

18. Consideration of the Selection Committee's recommendation of Mr. Neely Moody to serve as an alternate member on the Fayette County Ethics Board for a three-year term beginning immediately and expiring January 22, 2017.

Chairman Brown said there were two openings for alternate members to the Fayette County Ethics Board, and that fourteen very qualified people applied for the positions. He said they were excellent candidates, that both he and Commissioner Barlow went through the interview process, and he was sure Commissioner Barlow would agree that it was a very humbling process to have to tell twelve very qualified people that they did not get the position. He said there are so many qualified people who are willing to serve, but that they had to tell some people who are just really super and would be anybody's star on their Ethics Panel that there was not enough room. Chairman Brown pointed out that the nominees were the cream of the crop. He said the Board really appreciated Mr. Moody stepping out and volunteering to serve, and he mentioned that Mr. Moody's credentials are "through the roof."

Commissioner Oddo moved to accept the Selection Committee's recommendation of Mr. Neely Moody to serve as an alternate member on the Fayette County Ethics Board for a three-year term beginning immediately and expiring January 22, 2017. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 19", follows these minutes and is made an official part hereof.

19. Consideration of the Selection Committee's recommendation of Dr. John T. Hopkins to serve as an alternate member on the Fayette County Ethics Board for a two-year term beginning immediately and expiring on January 22, 2016.

Chairman Brown thanked Dr. Hopkins for coming to the meeting. He stated that Dr. Hopkins has credentials that just soar through the ceiling and way into the atmosphere. He said the Board was honored that both gentlemen would want to serve, and he thanked them both for their willingness to serve.

Commissioner Barlow moved to approve the Selection Committee's recommendation of Dr. John T. Hopkins to serve as an alternate member on the Fayette County Ethics Board for a two-year term beginning immediately and expiring on January 22, 2016. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 20", follows these minutes and is made an official part hereof.

20. Consideration of the Information System's recommendation to fund for a Network Administrator position at an entry-level rate, effective March 1, 2014, in order to facilitate execution of the Strategic Technology Plan and to implement emerging technologies.

County Administrator Steve Rapson informed the Board that in the Strategic Technology Plan there is actually a Project Manager position that is scheduled to be funded in Fiscal Year 2015, and that there was actually a position for the past year for the Information Security Officer position. He stated that Information Systems Director Phil Frieder, based on his expertise, has been able to handle the security function. He stated that the Project Manager function is not needed for quite the same level as projected, and that is why staff is requesting a Network Administrator. Mr. Rapson added that the only change that he has in the recommendation before the Board is that the position was actually advertised with minimum and maximum salary, and that the minimum salary has been included in the request before the Board. He stated that the position would actually be funded closer to around $50,000.00, so he needed the recommendation to be increased by an additional $10,000.00. He said this approval would expedite the Strategic Technology Plan for the Information Technology Department to rise to the next level.

Chairman Brown asked if Mr. Rapson wanted the Board to approve an actual dollar amount. Mr. Rapson clarified that he was asking the Board to approve the salary range, and that would give staff the discretion to implement the position. Mr. Rapson stated that staff was also asking for a budget transfer for $21,621.00, and that the number would actually be closer to $35,000.00 for half a year. Chairman Brown asked if Mr. Rapson wanted the budget amendment as part of the consideration. Mr. Rapson replied that he wanted the budget amendment as well. Chairman Brown asked where the money would come from. Mr. Rapson replied that it would be funded from the same source which is a decrease from the General Fund Expenditure Budget, so there would be no overall change to the budget, but that the money would be redirected. He explained that it would eventually trickle through the midyear budget amendment that will be put forward.

Commissioner Barlow said that Mr. Frieder has brought the same kind of competency and quality of excellence that County Administrator Steve Rapson has brought to his position. He said it has been such a joy to see someone who is so fully qualified at what he does, and that there is no question that he has asked where he received fumbling around for an answer. He said he looked forward to Mr. Frieder continuing working with the Information Systems Department since the department is already beginning to soar. Mr. Frieder thanked Commissioner Barlow for his remarks.

Chairman Brown moved to approve the Information System's recommendation to fund a Network Administrator position, using the salary range as described by the County Administrator, effective March 1, 2014, and to include a budget amendment up to $35,000.00. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 21", follows these minutes and is made an official part hereof.

21. Consideration of staff's request to adopt Resolution 2014-03 requesting the Georgia General Assembly to pass a local act amending the enabling legislation of the Public Facilities Authority in order to permit the Authority to issue revenue bonds for Stormwater Management projects.

County Administrator Steve Rapson stated this request was an effort to put another tool in the shed that can be used if needed. He explained that currently the Public Facilities Authority cannot address stormwater projects, so amendments would have to be made. He stated that County Attorney Dennis Davenport would spearhead this matter through the legislature as part of the County's legislative package.

Mr. Davenport added that part of the process is approving Resolution 2014-03 as presented to the Board and advertising the intent to introduce Local Legislation in the next newspaper, and to send the matter to the Legislative Delegation, and have it adopted during the shortened legislative session. He said this effort would allow the County to have another method by which stormwater projects could be funded if the Board chooses to do so.

Commissioner Barlow moved to approve staff's request to adopt Resolution 2014-03 requesting the Georgia General Assembly to pass a local act amending the enabling legislation of the Public Facilities Authority in order to permit the Authority to issue revenue bonds for Stormwater Management projects. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-03, identified as "Attachment 22", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Mr. Neely Moody: Mr. Moody commended the Board on the process of applying for the Ethics Board. He also thanked the Board for his appointment to the Board.

ADMINISTRATOR'S REPORTS:

Appointment of the Selection Committee for the Board of Elections: County Administrator Steve Rapson informed the Board that Mr. Addison Lester's appointment to the Elections Board is set to expire on January 31, 2014. He stated that staff has advertised for the position, and he asked the Board to appoint a Selection Committee to review applicants to the Board of Elections. Chairman Brown and Commissioner Ognio were appointed as the Selection Committee to review applicants to the Board of Elections.

Free CPR Classes: County Administrator Steve Rapson reported that free CPR classes would be made available in conjunction with the American Heart Month.

Commissioners' Retreat on Friday, April 4, 2014: County Administrator Steve Rapson reported that he had flagged Friday, April 4, 2014 as the date for the Commissioners' Retreat. He asked the Commissioners to provide him with any items to be discussed at the retreat. He stated that he would add streetlights and dams to the retreat topics to be discussed. It was noted that the location of the retreat had not yet been determined, but would be announced later.

ATTORNEY'S REPORTS:

Two Items for Executive Session: County Attorney Dennis Davenport reported that the January 9, 2014 Executive Session Minutes and one item of Threatened Litigation needed to be discussed in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty thought Chairman Brown and Commissioner Barlow had worked things out since he found a book in his library entitled *Approaching God* that was authored by Steve Brown. He acknowledged that the author was another Steve Brown, but he that he could not help the humor.

Commissioner Barlow: Commissioner Barlow pointed out that this had been a productive meeting and that it was wonderful to have young people come in to be acknowledged for their accomplishments. He reminded everyone that the appointments of Mr. Moody and Dr. Hopkins were good since, in the past, the public was not allowed to apply for positions and that appointments were based on "someone knowing someone." He said the County has had wonderful involvement from the community, and that the County had learned that if a need is published then a number of people will step up to meet the need. He thanked Mr. Moody and Dr. Hopkins for coming to the meeting. He also thanked the citizens who remained through the meeting, and he thanked the press for coming to the meeting.

Commissioner Ognio: Commissioner Ognio said his 29th anniversary would be on Sunday.

Commissioner Oddo: Commissioner Oddo stated he and his wife were sharing a cold, but that she was watching on LiveStream. He said the Board had the ability to participate in the Martin Luther King, Jr. parade. He said the turnout was fantastic. Commissioner Oddo added that he had the opportunity to tour the Pinewood Studios facilities, that the facilities were fantastic, and he was amazed at what was coming to Fayette County.

Chairman Brown: Chairman Brown thought the NAACP did a wonderful job of putting the Martin Luther King, Jr. Day parade together. He pointed out that last year's parade was the first Martin Luther King, Jr. Day parade where all five Commissioners attended the parade. Secondly, he said he had spent about eleven hours in Atlanta during the past two days with the Atlanta Regional Commission and the Association of County Commissioners Georgia, that there were a lot of things going on with the Georgia Legislature, and that he would keep the Board posted on things that it needs to be aware of.

Public Art Committee: Chairman Brown said he had been approached by citizens that want to look at public art and seeing if something could be done about soliciting public art in the community. He asked if the Board had an objection to putting a Public Art Committee to look at the issue. Discussion followed. The Board did not express an objection to Chairman Brown's request to form a Public Art Committee.

Justice Center Park Committee: Chairman Brown pointed out that there is a large parcel of land across the street from the Justice Center, and he said there were some people who were interested in possibly turning the land into a picnic park and trails at no cost to the County. Discussion followed. The Board did not express an objection to Chairman Brown's request to form a Justice Center Park Committee.

Commissioner McCarty: Commissioner McCarty reported that in previous years during his video and television life, his friend and he had the opportunity to film one of the anniversaries of the Selma to Montgomery, Alabama march. He said he had a chance to meet Mrs. King, and he said he would make the video available as soon as possible.

EXECUTIVE SESSION:

Two Items for Executive Session: Chairman Brown moved to recess into Executive Session to discuss one item of threatened litigation and the Executive Session Minutes from January 9, 2014. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:05 p.m. and returned to Official Session at 9:19 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 23", follows these minutes and is made an official part hereof.

Approval of the January 9, 2014 Executive Session Minutes: Chairman Brown moved to approve the January 9, 2014 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the January 23, 2014 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The January 23, 2014 Board of Commissioners meeting was adjourned at 9:19 p.m.

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Floyd L. Jones, County Clerk Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of February 2014.

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Floyd L. Jones, County Clerk