Consent Agenda #10

Minutes

Board of Commissioners
February 17, 2014
4:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in a Special Called Meeting on February 17, 2014 at 4:00 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 February 17, 2014 Board of Commissioners meeting to order at 4:00 p.m.

Commissioner Barlow asked County Clerk Floyd Jones to offer the Invocation, and he did so.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as published with the following amendments: 1) to table Item New Business Item #12 to be considered at the February 27, 2014 Board of Commissioners meeting, and 2) to add New Business Item #17 which is a resolution for the local state of emergency. Commissioners Barlow and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

There were no Presentations or Recognitions given.

PUBLIC HEARING:

There was no Public Hearing.

CONSENT AGENDA:

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

1. **Approval of the County Clerk's recommendation to approve the revised 2014 Board of Commissioners Meeting Schedule. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.**

2. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2015 which begins July 1, 2014 and ends June 30, 2015. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommendation to issue a noise permit, for the date of September 27, 2014, to Mr. John Douville at 205 New Oak Ridge Trial. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.**

4. **Approval of staff's recommendation to enter into a Memorandum of Understanding from the Georgia Department of Public Health District 4 in order to dispense medications to employees, family members of employees, and any contract staff in the event of a large-scale public health emergency. Copies of the request and the Memorandum of Understanding, identified as "Attachment 4", follow these minutes and is made an official part hereof.**

5. **Approval of staff's recommendation to appoint Assistant Fire Chief Kevin Baggett as the representative from Peachtree City's Fire and Emergency Services to the West Georgia Region IV Emergency Medical Services Council. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part hereof.**

6. **Approval of staff's request to enter into a Project Framework Agreement between the Georgia Department of Transportation and Fayette County for a road resurfacing project (PI No. 0012623) and to approve a $10,000 pre-construction engineering match for Fiscal Year 2014. Copies of the request and Project Framework Agreement, identified as "Attachment 6", follow these minutes and are made an official part hereof.**

7. **Approval of speed limit postings and the subsequent enforcement thereof along Veterans Parkway between Sandy Creek Road and the new roundabout at the intersection of Lee's Mill Road and Veteran's Parkway. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**

8. **Approval of staff's recommendation to accept reimbursement from the Hazardous Waste Trust Fund for groundwater monitoring expenses associated with the Monitored Natural Attenuation at the Southside Landfill and to adopt Resolution 2014-05 granting authorization to execute agreement governing expenditures for state and local government costs. Copies of the request and Resolution 2014-05, identified as "Attachment 8", follow these minutes and is made an official part hereof.**

9. Approval of the disposition of tax refunds, as recommended by the Tax Assessor's Office, in the aggregate amount of $290.59. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

10. Approval of the January 23, 2014 Board of Commissioners Meeting Minutes and the February 4, 2014 Special Called Meeting Minutes.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

11. Consideration of the Selection Committee's nomination of Mr. Tom Waller to the Fayette County Zoning Board of Appeals with a term beginning immediately and expiring December 31, 2016.

Commissioner Ognio moved to accept the Selection Committee's nomination of Mr. Tom Waller to the Fayette County Zoning Board of Appeals with a term beginning immediately and expiring December 31, 2016. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

12. Discussion of the trend of transient / vacation lodging through short-term rentals in residential neighborhoods.

New Business Item #12 was tabled during the acceptance of the Agenda. It will be on the February 27, 2014 Board of Commissioners Agenda.

13. Consideration of Chairman Brown's recommendation to adopt Resolution 2014-08 in support of House Bill 852, providing for Transparency in Vote Counting for elections in Georgia.

Chairman Brown mentioned that this and the following two resolutions were added to the Agenda after the Agenda had been initially published. He mentioned that since the Georgia Legislature was in session that there may be times when resolutions are added at the last moment possible. Chairman Brown then read Resolution 2014-08 into the record. Resolution 2014-08 reads as follows:

RESOLUTION 2014 – 08

A RESOLUTION IN SUPPORT OF HOUSE BILL 852, PROVIDING FOR TRANSPARENCY IN VOTE COUNTING FOR ELECTIONS IN GEORGIA

WHEREAS, *there is no more essential component for the preservation and protection of our governance system than fair and honest elections; and*

WHEREAS, *we are living in an era where even Presidential elections are determined by a mere handful of votes; and*

WHEREAS, *all candidates participating in the electoral process should have thorough access to voting records following an election; and*

WHEREAS, *a Superior Court Ruling in metropolitan Atlanta denied a losing candidate access to review absentee ballots following an election to insure a proper accounting of the votes; and*

WHEREAS, *State Representative Charles Gregory has introduced House Bill 852, affording that: "any candidate in an election or primary shall be entitled to inspect and reproduce absentee ballots for a certain period of time after the election or primary" to verify a fair and honest accounting of the votes;*

BE IT THEREFORE RESOLVED *THAT the Fayette County Board of Commissioners does hereby formally support HB 852, requesting that the bill be released out of the Government Affairs Committee to the floor of the House of Representatives, inviting our full Fayette County Legislative Delegation to offer their support to insure fair and honest elections.*

Chairman Brown said he personally knew a candidate who lost a narrow race in Cobb County, and that candidate wanted the absentee ballots since they are the only votes that can be identified these days. He explained that the electronic Diebold machines produce the same receipts, meaning there is no real accountability with some of the voting machines. He stated that reviewing the absentee ballots were the only way the candidate had to see if he could narrow the margin, but that the Cobb County Board of Elections refused to let him see the absentee ballots. Chairman Brown reported that the candidate filed suit, and the ruling was that he was not allowed to see the ballots. Chairman Brown concluded his remarks by saying this resolution would work toward allowing candidates see the ballots.

Commissioner Barlow asked why there was a two-year period of time to question the outcome of the election. County Attorney Dennis Davenport suggested that election cycle happens every two years, and so that may be the reason why that time period was given.

Commissioner Ognio moved to approve Chairman Brown's recommendation to adopt Resolution 2014-08 in support of House Bill 852, providing for Transparency in Vote Counting for elections in Georgia. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-08, identified as "Attachment 11", follow these minutes and are made an official part hereof.

14. Consideration of Chairman Brown's recommendation to adopt Resolution 2014-09 in support of Legislative Transparency in the Georgia General Assembly.

Chairman Brown said he went to a program during the previous Saturday with various conservative elected officials and others, and there was discussion over a host of issues. He stated that Georgia State Senator Josh McKoon was at the event, and he pointed out that if it were not for Senator McKoon there would be nothing to cheer about." He said Senator McKoon has really stood for what he believes and that he deserves to be given his due. Chairman Brown then read Resolution 2014-09 into the record. Resolution 2014-09 reads as follows:

RESOLUTION 2014 - 09

A RESOLUTION IN SUPPORT OF LEGISLATIVE TRANSPARENCY IN THE GEORGIA GENERAL ASSEMBLY

WHEREAS, *given the opportunity, the Legislature has been prone to amend bills on the last day of the General Assembly; and*

WHEREAS, *the Citizens of the State of Georgia and the news media are not allowed to review the last-minute amendments which affect the governance of their state; and*

WHEREAS, *the Citizens of the State of Georgia are growing tired of the justification given by legislators voting for harmful bills as they did not know the bill was amended or they did not have time to read the bill; and*

WHEREAS, *transparency promotes honest government and protects Citizens from harmful special interests; and*

WHEREAS, *State Senator Josh McKoon has asked the Senate to change its rules so that lawmakers get the final version of bills at least 24 hours before they vote, and to post the final legislative drafts online for Citizen and news media access; and*

WHEREAS, *State Senator Josh McKoon has also asked the Senate to begin officially recording all votes on proposed amendments to bills rather than using a show of hands which does not record individual votes;*

BE IT THEREFORE RESOLVED THAT *the Fayette County Board of Commissioners does hereby formally support Senator McKoon's rule change proposals for the Senate and we request that the State House of Representatives also pass the same measures, assuring the Citizens of governmental transparency, and inviting our full Fayette County Legislative Delegation to offer their support.*

Chairman Brown added that this measure would prevent the Representative Nancy Pelosi mentality of "once we pass it we'll know what's in it." He thought Senator McKoon had done a great job with transparency and that he supported Senator since he takes a real beating from the leadership for doing the right thing.

Commissioner Barlow added that he wanted to see 72 hours of notification rather than 24 hours of notification. He thought to have 24 hours was a short period of time to go through a bill that will affect the state, but he understood that Senator McKoon had probably settled for the 24-hour notification since he could at least get that passed. He agreed with the Chairman's remarks about Senator McKoon and he pointed out that Senator McKoon had presented ethics reform several years ago. He said he had the privilege of watching Senator McKoon along the way, and that the Senator was fighting the good fight for the citizens of Georgia.

Commissioner Barlow moved to approve Chairman Brown's recommendation to adopt Resolution 2014-09 in support of Legislative Transparency in the Georgia General Assembly. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-09, identified as "Attachment 12", follow these minutes and are made an official part hereof.

15. Consideration of Chairman Brown's recommendation to adopt Resolution 2014-10 in support of Permanent, Independent Funding of the Georgia Ethics Commission.

Chairman Brown read Resolution 2014-10 into the record. Resolution 2014-10 reads as follows:

RESOLUTION 2014 - 10

A RESOLUTION IN SUPPORT OF PERMANENT, INDEPENDENT FUNDING OF THE GEORGIA ETHICS COMMISSION

WHEREAS, there is no public trust without insuring governmental ethics; and

WHEREAS, the Citizens of the State of Georgia, in bipartisan fashion, overwhelming support ethics reform; and

WHEREAS, State ethics enforcement is severely hampered by the threat of legislative defunding; and

WHEREAS, the Georgia Ethics Commission Board Members and staff must be allowed to perform their duties without fear of reprisal; and

WHEREAS, interference from the Legislature and the Governor's Office does not promote honest government and does not protect Citizens from harmful special interests; and

WHEREAS, State Senator Josh McKoon's Senate Resolution 7, allowing the Citizens to vote via referendum on independent funding for the State Ethics Commission, has languished in the Senate Ethics Committee for over a year; and

WHEREAS, other states across the nation already "constitutionally fund" their ethics commissions;

BE IT THEREFORE RESOLVED THAT the Fayette County Board of Commissioners, along with the Atlanta Tea Party Patriots, the League of Women Voters of Georgia, Common Cause Georgia and numerous Republican and Democrat officials, does hereby formally support permanent, independent funding of the State Ethics Commission, inviting our full Fayette County Legislative Delegation to offer their support for getting Senate Resolution 7 to the ballot for all Georgia Citizens.

Chairman Brown explained that there have been severe funding cuts for the State Ethics Commission, and every time a high-profile candidate or elected official is indicted for something, there seems to be a funding cut that follows that indictment. He stated that the measure would create a separate revenue source that would be locked into the State Ethics Commission and would fund their annual budget. He said the revenue source has already been set aside, and that if anyone wanted to see the resolution they could contact the County Clerk.

Commissioner Barlow stated that President Thomas Jefferson summed it up in one sentence: "Honesty is the first chapter in the book of Wisdom." He thought ethics went along with wisdom, and if a person is ethical, honest, totally transparent, and a person of integrity then there would be a "certain amount of a smart factor that goes along with that." He thought it was a shame that the Board had to discuss these types of issues, and he hoped Senator McKoon would be successful with his effort.

Commissioner Oddo moved to approve Chairman Brown's recommendation to adopt Resolution 2014-10 in support of Permanent, Independent Funding of the Georgia Ethics Commission. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-10, identified as "Attachment 13", follow these minutes and are made an official part hereof.

16. Consideration of Commissioner Allen McCarty's recommendation to adopt Resolution 2014-06 affirming Fayette County's commitment to the United States Constitution and to be declared a Constitutional County.

Commissioner McCarty moved to officially recognize the Constitution of the United States since it gives citizens rights and protections, and for Fayette County to officially proclaim that it honors the United States Constitution as the nation's guide and leading document for the citizens and residents of Fayette County.

Commissioner Barlow seconded the motion. The motion passed unanimously. Copies of the request and Resolution 2014-06, identified as "Attachment 14", follow these minutes and are made an official part hereof.

17. Approval by the Board of Commissioners declaring a State of Emergency in Fayette County due to the damage sustained by the snow and ice storm that began on February 11, 2014.

Chairman Brown moved to approve the resolution, in conjunction with the State of Georgia's declaration of a State of Emergency, related to the ice storm that began on February 11, 2014. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and the Declaration of the State of Emergency, identified as "Attachment 15", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

No one spoke under Public Comment.

ADMINISTRATOR'S REPORTS:

Clarification concerning New Business Item Numbers 13-15: County Administrator Steve Rapson asked the Board if staff was to send the resolutions to the Local Delegation or was that something the Chairman wanted to handle. Chairman Brown replied that Deputy Clerk Tameca White could mail the resolutions to the members of Fayette delegation, and he asked that the resolutions also be mailed to the Chairs of Fayette County's Republican and Democrat parties.

Update on the Submitted Legislative Package: County Administrator Steve Rapson informed the Board that the Legislative Package was submitted and would be made available later this week.

Recognition of First Responders: County Administrator Steve Rapson commented that the recent snow and ice event highlighted Fayette County's response ability from a public safety perspective. He gave a shout out to all the agencies and shelters that were stood up and to responses that occurred. He pointed out that there would be a formal recognition at the February 27th meeting in honor of all those involved.

ATTORNEY'S REPORTS:

No Attorney's Reports were given.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow echoed County Administrator Steve Rapson's comments about first responders. He said the Emergency Medical, Fire Department, and other first responders were tested this past week, and it is amazing how the system works. He said he was tickled with the number of people who worked as members of the community of faith. He stated that the first responders were trained in their work, and that while he wanted to be out there working as well, he thought he would be more in the way. He commended those first responders who dug in for the betterment of Fayette County.

Commissioner McCarty: Commissioner McCarty stated that the Fayette County staff did a fantastic job and that County Administrator Steve Rapson, the involved Commissioners, and all first responders worked together to accomplish what many others have not accomplished. He added that there was the ability to provide live broadcasts from the County Commissioners meeting room in order to provide even more timely responses to the people.

Commissioner Oddo: Commissioner Oddo said he did not want to repeat everybody else, but that it was interesting to see plans come together. He said he saw the County personnel working hard. He pointed out that this past week included a snow storm, an ice storm, and two earthquakes, so he quipped he was looking for locusts soon. He told the Board and audience that fifty years ago today, his parents started "Oddo Publishing," where children's books were published. He said the business was moved to Fayette County six years after it started, and that Fayette County started being on people's radars in many areas including the nation of Japan. He stated that the business has been promoting Fayette County for a long time, and he joked that finally word made it to Pinewood Studios. He closed saying he wanted to give credit to his two parents.

Commissioner Ognio: Commissioner Ognio thanked the employees who worked throughout the storms. He said the communication was really great, and it was obvious things were going really well. He said he could not give enough thanks and support for what they did. He said the County did as well as expected given the situation it was in. He also wished everyone a belated Happy Valentine's Day.

Commissioner McCarty: Commissioner McCarty informed the Board that on February 24 that he and his wife would be celebrating their 52nd wedding anniversary. He further told the Board that he may be at the February 27th meeting, but that he may also decide to take his wife out of town**.**

Chairman Brown: Chairman Brown said he did not think it was a coincidence that the County held its Faith Based Disaster Conference the Saturday before the ice storm, and that all the people were lined up and ready to go. He said many of the people staffed shelters, removed debris, and are still helping the elderly and those in need. He also gave kudos to Fayette County School Superintendent Dr. Jody Barrow since he has the kids in heart and a schedule to maintain. Chairman Brown also thanked the citizens for staying off the roads during and after the ice storm so that roads could be cleaned up much faster.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the February 17, 2014 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned the February 17, 2014 Board of Commissioners meeting at 4:29 p.m.

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 27th day of February 2014.

Floyd L. Jones, County Clerk