Minutes

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on October 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 Dennis Davenport, County Attorney

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Call to Order

Chairman Brown called the October 23, 2014 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Vice Chairman Oddo

Vice Chairman Oddo introduced Deacon Francis from St. Gabriel Catholic Church, and he asked Deacon Francis to offer the Invocation. Deacon Francis offered the Invocation.

Pledge of Allegiance

Chairman Brown led the audience in the Pledge of Allegiance.
Mr. Jared Daigre, a student at Fayette County High School, trumpeted the National Anthem.

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:

There were no Proclamations or Recognitions on the Agenda.

PUBLIC HEARING:

1. Public Hearing on a request to approve a 2015 Alcohol License for on-premises consumption of malt beverages, wine, and distilled spirts for Metro Sports Grill located at 1950 Georgia Highway 85 North, Suite J., Jonesboro, Georgia, 30238 with the licensee being Amy McKnight.

Code Enforcement Officer Kathy Hobbs briefed the Board on this request. No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to approve a 2015 Alcohol License for on-premises consumption of malt beverages, wine, and distilled spirits for Metro Sports Grill located at 1950 Georgia Highway 85 North, Suite J., Jonesboro, Georgia, 30238 with the licensee being Amy McKnight. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Public Hearing on a request to approve a 2015 Alcohol License for retail sales of malt beverages and wine for Park Avenue C Store II, LLC, doing business as BP Kenwood, located at 1866 Georgia Highway 85 North, Fayetteville, Georgia, and to transfer the existing license to Mr. Nouman Chaudhary.

Code Enforcement Officer Kathy Hobbs briefed the Board on this request. No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to approve a 2015 Alcohol License for retail sales of malt beverages and wine for Park Avenue C Store II, LLC, doing business as BP Kenwood, located at 1866 Georgia Highway 85 North, Fayetteville, Georgia, and to transfer the existing license to Mr. Nouman Chaudhary. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Chairman Brown asked for Agenda Items 8 and 11 to be pulled from the Consent Agenda.

Commissioner Barlow moved to approve the Consent Agenda excluding Agenda Items 8 and 11. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

3. Approval of staff's request to award Proposal #P906- Debris Removal to Ceres Environmental Services, Inc. and in so doing entering into a "pre-event" contract with a not-to-exceed amount to be determined based on the nature and extent of damages, and with said contract beginning upon execution and expiring on June 30, 2016, with two options to extend for one year each. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Approval of staff's request to award Proposal #P907-Debris Monitor to Witt O'Brien, LLC., and in so doing entering into a "pre-event contract" with a not-to-exceed amount to be determined based on the nature and extent of damages, and with said contract beginning upon execution and expiring on June 30, 2016, with two options to extend for one year each. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. Approval of staff's recommendation to award Bid #918- Pre-Cast Concrete Products to low-bidders Foley Products Company and Hanson Pipe & Precast, Inc., with an aggregate not-to-exceed amount of $270,000.00, and with options to renew for two twelve-month periods. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

6. Approval of the disposition of tax refunds in the aggregate amount of $1,429.00. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

7. Approval of the proposed 2015 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Copies of the request and the Local Maintenance & Improvement Grant (LMIG) Application, identified as "Attachment 7," follow these minutes and are made an official part hereof.

8. Approval of staff's recommendation to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend $214,600.00 towards this project with $22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and $25,000 being spent on right-of-way.

Chairman Brown stated that updated maps were provided to the Board at its dais and was printed for the public at the back of the room.

Public Works Director Phil Mallon, utilizing a PowerPoint presentation of maps picturing the area of Fayette County under consideration, briefed the Board on staff's recommendation to enter into the Memorandum of Understanding. He reminded the Board that it and previous Boards had directed staff to fill in the gaps in the multi-use path along Redwine Road, and he utilized the map to describe his proposal on how the gaps could be filled in. He stated that this effort was the fifth individual project that he was aware of that would provide a multi-use path along Redwine Road. He stated that although this project compliments the recent Starr's Mill project, the projects are independent of each other with different funding streams, design standards, and implementation goals.

Mr. Mallon stated that this request was to execute a Memorandum of Understanding with the Georgia Department of Transportation, and that this was a standard step in documenting a federal aid program. He said the understanding was a little unique, based on conversations with the Georgia Department of Transportation, it was thought this project would be a good one to deliver through their Office of Innovative Program Delivery since the project would be done as a design build. He thought this methodology would have advantages both for Fayette County and the Georgia Department of Transportation. Mr. Mallon explained that if the Memorandum of Understand was approved, then the county would go through the procurement process to get a consultant team that can address the environmental issues and come up with a concept. He said the concept would be submitted to the Georgia Department of Transportation who would then use it for building the multi-use project. He estimated that the construction work for the project would begin after about nine months. He concluded that since there is a lot of interest in this project that he intended to set up a small stakeholders group for those who have interest in the project in the concept design. He stated that once the concept design goes to the Georgia Department of Transportation within the next six to nine months, then the county's influence on the project will be fairly limited.

Chairman Brown spoke about the geometry of Redwine Road and Bernhard Road, and he said it was hard to make a 90-degree maneuver with a golf cart with the crossings current configuration. He asked Mr. Mallon to add that intersection into the design for the multi-use path project. Mr. Mallon agreed and said that was a great example of the issues that can be brought forward with the concept design. Chairman Brown stated that this project is a continuation of a package of projects that was started years ago. He said this current request was the next phase of the Redwine Road multi-use project, and he hoped that it would start in the spring of 2015. He stated that the Foreston Place crossing is not part of the school zone and will likely not be part of the school zone. He said it was preferable that those residents come down and cross with the Sheriff's Deputy who is monitoring the traffic into the Starr's Mill school complex.

County Administrator Steve Rapson stated that if the Memorandum of Understanding was approved by the Board, then he did not want people to think dirt would be turned where the school is located. He added that this request was funded in Fiscal Years 2015 and 2016 so he did not want people thinking that construction would begin in the spring of 2015. He suggested that it would take the Georgia Department of Transportation until spring of next year just to get the project, and that this issue would be under discussion again next year. Mr. Rapson stated that he wanted everyone to be clear that the real discussion about a $214,000.00 commitment, which is the county's twenty percent match that will be funded for the next three years.

Commissioner Barlow gave some suggestions on how the multi-use path could be designed, and he made a suggestion on how the multi-use path could be used by the residents of Highgrove subdivision. He also asked Mr. Mallon if he had reached out to his counterpart from the City of Peachtree City to see what input they could provide for the project design in order to foster cooperation between the city and the county. Mr. Mallon replied that he would continue to reach out to the City of Peachtree City, and that he would make a more formal invite to the city if the Memorandum of Understanding was approved. Commissioner Barlow stated that he had received approximately seventy emails from residents in the area asking for this request to be approved. He said it was wonderful to receive this type of input from the citizens since it gives a good feel for what the people want.

Chairman Brown stated that he has received more responses from the people on this issue than he has on any other issue in the past four years working as a Commissioner for Fayette County. He said he had only three people object to the request out of one hundred emails supporting the request. Commissioner McCarty stated that he had only two objections out of 102 emails sent to him in favor of this request.

Commissioner Oddo stated that he tried to reply to the numbers of emails coming to him on this subject. He stated that there were a few emails that he did not get to answer only because of the sheer numbers of emails that had come to him on this matter. He told the Board that he received two emails in opposition to this request and that the opposition was concerning safety matters and about young people not having the ability to drive on the multi-use path. Commissioner Oddo asked the parents to teach their children how to be safe on the multi-use path. He said he was going to support this effort since there was overwhelming support on this request. He pointed out that once the multi-use path is built it would start to deteriorate. He asked for a fund to be established that would provide maintenance for the multi-use path. He suggested that the maintenance fund should be broadened to include all county roads in order to provide for perpetual maintenance of the roads.

Commissioner Ognio agreed that he received many emails on this matter as well, and that he replied to those emails that were sent solely to him. He said he could not reply to all of the emails despite his best intentions, and that it was impressive the numbers of emails that came through. He said there were some emails that expressed concerns about the safety of the multi-use path, but he hoped that by creating dedicated crossing points that it would help increase safety.

Chairman Brown moved to the recommendation as written, to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend $214,600.00 toward this project with $22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and $25,000.00 being spent on right-of-way. Commissioners Ognio and McCarty seconded the motion.

Scott Fabricius: Mr. Fabricius spoke in favor of staff's recommendation.

The motion to approve the recommendation as written, to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend $214,600.00 toward this project with $22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and $25,000.00 being spent on right-of-way passed unanimously. Copies of the request and the Memorandum of Understanding, identified as "Attachment 8," follow these minutes and are made an official part hereof.

9. Approval of staff's request to amend the 2015 Stormwater CIP Budget by using $203,100.00 allocated for Morning Dove Drive Pipe Replacement, Acct # 5509G, in a not -to-exceed amount of $80,000.00 for engineering design of multiple projects; $74,800.00 for Merrydale Pipe Replacement; and to add $48,300.00 to in-house replacements of Category II Tier I Stormwater Infrastructure Project, Acct# 5509I. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

10. Approval of staff's recommendation to enter into a Joint Funding Agreement between Fayette County and the United States Geological Survey, beginning October 1, 2014 and expiring on September 30, 2015, in the amount of $281,960.00, to provide water flow, stream data, and CFS flow monitoring, and approval to utilize an additional $82,270.00 from the Water System's Renewal and Extension Fund. Copies of the request and Joint Funding Agreement, identified as "Attachment 10," follow these minutes and are made an official part hereof.

11. Approval of the Public Art Committee's recommendation to enter into an agreement with Mr. Pash Lima for art design for the Crosstown Water Treatment Plant's mural in the amount of $3,000.00 plus costs for materials and supplies.

Public Arts Intern Shanequa Gay briefed the Board on the Public Art Committee's recommendation, and she explained the meaning of the proposed art work via a PowerPoint presentation.

Ms. Gay stated that on September 5, 2014, the Fayette County Art Committee issued a call for artists to paint a mural at the Crosstown Water Treatment Plant in Peachtree City. She said the requirement for the artists was to have three images of past work related to the project, an artist resume and CD, three professional references, to provide a letter of interest, and one to three preliminary sketches for their ideas for the mural. She stated that there were several entries from over twenty highly qualified artists, and that

eight semi-finalists were selected. Ms. Gay stated that Selection Committee that was comprised of members of the Public Art Committee, county staff, and professional artists unanimously voted in favor of Mr. Pash Lima. Ms. Gay then spoke of Mr. Lima's background and education before she explained and interpreted the proposed artwork to the Board.

Chairman Brown thanked the *Fayette Daily News* whose artist superimposed the proposed artwork onto a picture of the tank at the Crosstown Water Treatment Plant for the Board's consideration. Chairman Brown also gave instructions on how to get to the Crosstown Water Treatment Plant where the mural can be viewed. It was mentioned that work on the mural would begin in November, should the agreement be approved by the Board, and that the work would be completed around December 2014.

Commissioner Oddo stated that good artwork tells a story without words, and that the proposal was good artwork.

Commissioner Ognio moved to approve the Public Art Committee's recommendation to enter into an agreement with Mr. Past Lima for art design for the Crosstown Water Treatment Plant's mural in the amount of $3,000 plus costs for materials and supplies. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and agreement, identified as "Attachment 11," follow these minutes and are made an official part hereof.

12. Approval of the Hospital Authority's request for approval of Tax Exempt Bonds as required by the Internal Revenue Code of 1986, as amended, and the use of the proceeds as specified by applicable tax code requirements.

It was noted that Chief Executive Officer Michael Burnett of Fayette Piedmont Hospital was in the audience. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

13. Approval of the October 7, 2014 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

There were no Old Business Items on the Agenda.

NEW BUSINESS:

14. Consideration of staff's recommendation to adopt Ordinance 2014-16 and in so doing deleting Article IV pertaining to "Personal Care Homes and Community Living Arrangements," of Chapter 8, in its entirety, and replacing it with a new Article IV in Chapter 8 entitled "Article IV. Personal Care Homes and Community Living Arrangements."

Code Enforcement Officer Kathy Hobbs briefed the Board on staff's recommendations. She stated that this request for changes is based on the state's change of definitions on personal care homes and community living arrangements.

Commissioner Odd moved to accept staff's recommendation to adopt Ordinance 2014-16 and in so doing deleting Article IV pertaining to "Personal Care Homes and Community Living Arrangements," of Chapter 8, in its entirety, and replacing it with a new Article IV in Chapter 8 entitled "Article IV. Personal Care Homes and Community Living Arrangements." Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2014-16, identified as "Attachment 13," follow these minutes and are made an official part hereof.

15. Presentation by the Fayette County Humane Society about Fayette County's approved Trap/Neuter/Return (TNR) program, based on an analysis and results of identified feral cat test sites, and approval of the Humane Society's request to submit proposed county ordinances pertaining to the TNR program.

Chairman Brown gave a brief explanation of how this issue came to be before the Board, and he reminded the audience that earlier in the year the Board of Commissioners had agreed to allow for test sites for the Trap/Neuter/Release (TNR) project. He added that the approval of the test sites included a requirement for periodic updates on the TNR project.

Ms. Kim Davis, representing the Fayette County Humane Society, and Animal Control Officer Rani Rathburn gave a PowerPoint presentation to the Board about Fayette County's approved Trap/Neuter/Return program. Officer Rathburn stated she was impressed with the level of professionalism the Fayette County Humane Society's volunteers have shown, and she thanked the volunteers on behalf of the Fayette County Animal Control and Director Fred Sisson. Officer Rathburn asked for the TNR program to be authorized to continue while TNR ordinances are prepared for future approval.

Chairman Brown stated that he was at first unsure about the program, but that he has appreciated learning more about the program and seeing how it works. He stated that the results of the TNR program were phenomenal when compared to the necessary work the county does through its animal control program, and he said he had become a real believer in the program. Commissioner Barlow encouraged people to volunteer to work with Officer Rathburn at the Fayette County Animal Control in the same manner that they are volunteering for the Fayette County Humane Society. Chairman Brown praised Officer Rathburn and spoke about all of the positive feedback that he had received about her.

The Board directed staff to work with the Humane Society and Animal Control to draft an ordinance that would allow the Trap/Neuter/Release Program to permanently continue in Fayette County. A copy of the request and PowerPoint, identified as "Attachment 14," follows these minutes and is made an official part hereof.

16. Consideration of staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals.

Animal Control Officer Rani Rathburn and County Attorney Dennis Davenport briefed the Board on staff's recommendation to adopt Ordinance 2014-17. Officer Rathburn stated that the changes would clarify who animal's owners are and would they provide for more responsibility for the care of the animals.

Commissioner Barlow pointed out that the current Animal ordinance was not being taken to the court since the cruelty aspect of the ordinance was not strong enough. He asked if the County Solicitor could have input with the proposed ordinance so that it could be effectively enforced. County Administrator Steve Rapson replied that the proposed ordinance had been crafted with input from the County Solicitor and from Judge Thompson who ensured that the citations would not be thrown out in the future.

Commissioner Ognio moved to accept staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2014-17, identified as "Attachment 15," follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Michael Arnold: Mr. Arnold spoke about his desire for the County to remove fluoride from the Fayette County Water System. Mr. Arnold's key points were that fluoride lowers individuals' IQ, is considered a neurotoxin that causes autism, and provides no benefit for taxpayers' money. He stated that fluoride is considered a drug and has been removed from the water supply of most western European countries. He stated that there is no real reason why fluoride should be added to the water supply since it should be applied topically and not ingested. He asked the Board to act with urgency on this matter since dumping fluoride into the drinking water is harmful to the people.

Frank Gardner: Mr. Gardner asked the Board to send a resolution to the regional representatives to implement background checks on all assault weapons and "mega-magazines." Mr. Gardner asked for the public art mural not to be caught up in the same bureaucracy that has caught up the floating docks. He also asked for the parking situation at the County's lakes to be examined so that people could have the ability to go to the lake without always having to pay a parking fee. Mr. Gardner cautioned the Board to not overstep its bounds while trying to address the timber harvesting and land clearing issues that have been raised recently. He concluded his remarks by saying he could not believe that the County would pass an ordinance in July that would reduce two-acre lots to one-acre lots.

Leslie Rathburn: Ms. Rathburn replied to Mr. Arnold's comments, explaining that fluoride is a naturally occurring mineral. She also informed Mr. Arnold that his issue really needed to be handled at the state level, not at the county level. She said she did not want to speak for or against the fluoride argument, but that she just wanted to provide that background.

ADMINISTRATOR'S REPORTS:

Response to Mr. Arnold's Public Comments about Fluoride: County Administrator Steve Rapson stated that fluoride is regulated through the State of Georgia and therefore, its removal would have to come from the State of Georgia. He said there was a way to petition for the item to be put on the ballot. He said Mr. Arnold could come to the county for further information, and he reminded the audience that this matter had been addressed earlier in the year.

Floating Docks and Parking at County Lakes: County Administrator Steve Rapson replied to Mr. Gardner's concerns about the floating docks and parking at county lakes. He said Lakes McIntosh and Horton are drinking water reservoirs, so there has to be approval from the Environmental Protection Division before the docks can be installed. He further added that Mr. Gardner would be glad to know that the County had recently amended its policy so that parking fees would be lowered to $5.00 a visit, and it implements a $50.00 annual pass.

Correction on the Concern about Reducing Two-Acre Lots to One-Acre Lots: County Administrator Steve Rapson stated that Mr. Gardner had concerns about a County vote that reduced two-acre lots to one-acre lots, however, he stated that the effort was denied by the Board of Commissioners.

Trap/Neuter/Release Program: County Administrator Steve Rapson said if one makes the assumption that half of the cats treated under the Trap/Neuter/Release (TNR) program are females, and that female cats produce two to four litters of kittens a year, and that there are between three and six cats per litter, then the TNR basically prevented 1,600 to 6,700 unwanted kittens per female cat.

Regulations on Timber Harvesting: County Administrator Steve Rapson reminded the Board that it needed to balance the rights of property owners with the issue of clear-cutting trees off properties before he asked County Attorney Dennis Davenport to update the Board on staff's direction to put a local ordinance in place addressing timbering in Fayette County. Mr. Davenport asked for feedback from the Board of Commissioners in order to move forward with putting a draft ordinance in place. He asked for the Board to weigh in on several threshold criteria in order to move forward in this work. He asked the Board to consider what size trees should be under consideration, what number of trees should be considered, and what temporal component should be considered. Mr. Davenport also asked the Board to give direction on what kind of notification is required from the county, and to make a requirement for an occupational certificate. It was agreed that Mr. Davenport would provide a list to the Commissioners asking for their input on these suggested thresholds.

Fayette County's Face-to-Face Event: County Administrator Steve Rapson reminded everyone that the County's Face-to-Face event would be held on Friday, October 24, 2014 from 10:00 a.m. until 2:00 p.m. He said the County, the City of Fayetteville, the Fayette Chamber of Commerce, and others would be at the event.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow reminded everyone that early voting has begun, and he encouraged everyone to vote. He said it broke his heart to hear people say they do not vote because there is no purpose in voting. He said he understood that there are sometimes less than desirable candidates, but he pointed out that apathy is another national problem. He thought that the nation and Fayette County was better than that.

Commissioner Oddo: Commissioner Oddo mentioned that his brother-in-law, who is visiting the United States from Columbia, mentioned that it was a privilege to live in Fayette County. He agreed that it is a privilege to live in Fayette County and he asked people to remember their privilege while not taking it for granted.

Commissioner McCarty: Commissioner McCarty thanked everyone for coming to the meeting. He said Fayette County is the finest county in the United States. He stated one of his few problems is that the county water contains fluoride, so he cannot drink the water.

Commissioner Ognio: Commissioner Ognio stated that the Board would take fluoride out of the water if it could, but that the fluoride is state mandated. He asked for the citizens to get the petition going so that the matter could be put on the ballot so that fluoride could be removed. He encouraged the citizens to look into getting the petition started. Commissioner Ognio also pointed out that each Commissioner received a card and a personalized cup from the 4-H Department. He thanked the young person who gave him his cup. The Board realized that the cups given to each Commissioner were personalized, and the Commissioners thanked the young people for the gifts.

Chairman Brown: Chairman Brown complemented the Fayette County Humane Society for their work, and he spoke about how the Fayette County Humane Society's Trap/Neuter/Release initiative came into being. He said the Fayette County Humane Society should be proud for all its accomplishments and of the legacy they are leaving. Chairman Brown then spoke about the Atlanta Regional Commission and how difficult it is for people to speak about their issues at the Atlanta Regional Commission. He stated that if the difficulties continue then Fayette County may have to consider whether it wants to remain with the Atlanta Regional Commission. He said Fayette County would continue to stand up for what is right, and that it has the reputation for doing right.

EXECUTIVE SESSION:

There was no Executive Session Meeting.

ADJOURNMENT:

Chairman Brown moved to adjourn the October 23, 2014 Board of Commissioners Meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The October 23, 2014 Board of Commissioners meeting was adjourned at 8:43 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 November 2014.

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Floyd L. Jones, County Clerk