Consent Agenda #7

# Minutes

Board of Commissioners
February 12, 2015
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on February 12, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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| **Commissioners Present:** | Charles Oddo, Chairman<br>Pota Coston, Vice Chair<br>David Barlow<br>Steve Brown<br>Randy Ognio |
| **Staff Present:** | Steve Rapson, County Administrator<br>Floyd L. Jones, County Clerk<br>Tameca P. White, Chief Deputy Clerk<br>Dennis Davenport, County Attorney |

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**Call to Order**

Chairman Oddo called the February 12, 2015 Board of Commissioners meeting to order at 7:02 p.m.

**Invocation by Chairman Oddo**

Chairman Oddo introduced Elder-Candidate David Patton of Gospel Community Church and asked him to offer the Invocation. Mr. Patton offered the Invocation.

**Pledge of Allegiance**

Commissioner Coston led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

## PROCLAMATION /RECOGNITION:

**1. Proclamation honoring the 100th anniversary of Kiwanis International.**

Chairman Oddo asked for the members in the audience who are members of Kiwanis International to come to the front of the room to be recognized. Chairman Oddo then read a proclamation honoring the 100th anniversary of Kiwanis International. Ms. Carolyn Cary accepted the proclamation on behalf of the Kiwanis members in attendance, and she spoke about the work of Kiwanis International throughout the years. Copies of the request and proclamation, identified as "Attachment 1," follow these minutes and are made an official part hereof.

## PUBLIC HEARING:

There were no Public Hearing items on the Agenda for consideration.

## CONSENT AGENDA:

Commissioner Brown asked for items 3, 4 and 5 to be removed from the Consent Agenda.

Commissioner Ognio moved to approve Consent Agenda Items 2, 6, and 7. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

**2. Approval of the appointment of Dennis Davenport as Attorney to the Fayette County Board of Commissioners for the 2015 calendar year.**

**3. Approval of staff's request to award Bid #928B- Historic Courthouse Roofing Project to Skyline Construction Services Inc., including a Base Bid in the amount of $189,715.00 and an Alternate in the amount of $4,800.00, in an aggregate amount not to exceed $194,515.00, and authorization for the County Administrator to sign the contract and any associated documents.**

Commissioner Brown asked why this item was on the Consent Agenda. County Administrator Steve Rapson replied that it was a signature project. He explained that this request was for significant repair to the Historic County Courthouse and that he has the authority to approve the repairs, but he wanted this item on the Agenda to highlight its significance. Discussion followed.

Commissioner Brown moved to approve Consent Agenda Item 3. Commissioners Coston and Ognio 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.

**4. Approval of staff's request to adopt Ordinance 2015-02, enacting provisions pertaining to the Multifamily Residential Sprinkler Code by designating Sections 12-139 through 12-149 of Article V of Chapter 12 as "Reserved," and by creating a new Article VI, pertaining to "Multifamily Residential Sprinkler Code," in Chapter 12.**

Commissioner Brown pointed out that this request was pertaining to Ordinance 2015-02 and that there had been discussion between some of the Commissioners and the County Administrator about how this type of item should not be on a Consent Agenda but rather listed as either Old Business or New Business. County

Administrator Steve Rapson confirmed there had been conversations with Commissioner Ognio and that ordinances would no longer be placed on the Consent Agenda. Commissioner Brown replied that he removed this item from Consent Agenda since he did not believe it needed to be on the Consent Agenda.

Commissioner Brown moved to approve Ordinance 2015-02 as written. Commissioner Barlow seconded the motion. The motion passed unanimously. Copies of the request and Ordinance 2015-02, identified as "Attachment 3," follow these minutes and is made an official part hereof.

**5. Approval of the Water Committee's recommendation to approve funding, in the amount of $1,300,000.00, for the State Route 54 East waterline relocation due to the Department of Transportation's road widening project.**

Commissioner Brown pointed out that he had provided the following documents to the Commissioners at the dais: (a) *ASTRoMaP- Atlanta Strategic Truck Route Master Plan- ARC Appendices A-F*; (b) *Atlanta Region Plan 2040- Technical Assistance Implementation Strategy Report- January 2010*; ( c) *The Politics of Mobility and Business Elites in Atlanta, Georgia* by Jason Henderson; (d) *Northern Arc by another name: Public process begins for widening of Ga. 20 from Canton to Cumming* by David Pendered; and (e) the September 26, 2013 Board of Commissioners Meeting Minutes with emphasis on a related topic beginning on page eight.

Commissioner Brown expressed several concerns about the Water Committee's recommendation to approve funding in the amount of $1,300,000.00. He explained that this request was tied into a larger initiative from the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC) that would essentially revisit in order to create an outer loop around metro-Atlanta. Commissioner Brown explained where the southern loop, or arc, would come through Fayette County, and he mentioned that the work had already begun for the creation of the northern loop, or arc, in the northern metropolitan Atlanta counties. He stated that the outer loop would be incredibly detrimental to Fayette County, its rural atmosphere, and its residents since it would directly impact the center of Fayette County. Commissioner Brown stressed that this effort by GDOT would not reduce traffic congestion but would only provide the means to increase additional traffic through Fayette County since "volume always meets capacity." He explained that if the capacity of State Route 54 was increased then the volume of traffic would also increase. Commissioner Brown expressed concerns about the impact the widening project would have on McCurry Park, the Public Works and Road Departments, and Fayette County's Water Systems building. He pointed out that the current plan would force large trucks pulling heavy equipment to make a right-hand turn out of the Public Works facility only to find a place to turn around, causing even more traffic. He reminded the Board that his concerns were addressed with GDOT officials during the Fayette County Board of Commissioners' meeting on September 26, 2013, but that GDOT had not responded or replied to the Board of Commissioners' concerns. Commissioner Brown explained that he would not support this request based on the concerns he expressed. He concluded that the County did not need to be interested in this project, that the project does not work toward the benefit of Fayette County or its citizens, and that it has no current impact on congestion in Fayette County.

Chairman Oddo and County Administrator Steve Rapson pointed out that the current request was not to approve the widening project since the project was a state project along State Route 54. They explained that this request was to hold the $1,300,000.00 in reserve, in order to move the waterlines when the state highway is widened.

Commissioner Ognio thought it would be wise to not approve the request since, by not giving the approval; Fayette County would retain leverage with GDOT until the concerns were adequately addressed.

Mr. Rapson stated that the request was not to approve a contract in order to move the project forward, but it was only to set funding aside for the GDOT project in order to participate in better economy of scale and pricing. Mr. Rapson explained that if the Board did not set aside the funds then the County would not be included in GDOT's efforts with vendors in order to get better pricing.

County Attorney Dennis Davenport stated that the issue was that the County's utilities are in the state's right-of-way, and that the likely condition was that if the road was ever to be widened then the County would have to move its utilities. He explained that the requested $1,300,000.00 was not to fund the road widening project, but was requested to be set aside in order to move the County's utilities out of the right-of-way. Discussion followed.

Commissioner Barlow moved to approve the Water Committee's recommendation to approve funding, in the amount of $1,300,000.00, for the State Route 54 East waterline relocation due to the Department of Transportation's road widening project. Commissioner Coston seconded the motion. No discussion followed. The motion passed 3-2 with Commissioners Brown and Ognio voting in opposition to the motion. Copies of the request specified dais documents, identified as "Attachment 4," follow these minutes and are made an official part hereof.

**6. Approval of the County Clerk's request to adopt the revised 2015 County Commissioners Meeting Schedule. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**

**7. Approval of the January 22, 2015 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

There were no Old Business items on the Agenda for consideration.

**NEW BUSINESS:**

There were no New Business items on the Agenda for consideration.

**PUBLIC COMMENT:**

**Darwin Edwards:** Mr. Edwards asked if the County had $1,300,000.00 to set aside for the widening of State Route 54 and who would benefit from its approval. Mr. Edwards was informed that his question would be answered later during the meeting.

**Alice Jones:** Mrs. Alice Jones reminded the Board of several appeals that she has made to former Commissioner groups over the years, and that one major appeal was to continue improving Kenwood Park. She said she was concerned that the efforts and vision to move Fayette County forward does not appear to be evident. She asked the Board to provide a multipurpose recreation park in Kenwood Park. She asked the Board to meet with Mr. Rapson to consider providing a multipurpose park in either Kenwood Park or some other park in Fayette County. She stated

that she would rather see money spent to provide a multipurpose recreational park than to see the money spent on fighting against district voting. Mrs. Jones said she read several articles about moving Fayette County forward in regards to district voting, and she asked the Board to revisit the issue and to drop the appeal on district voting.

**Dennis Benson:** Mr. Benson spoke in favor of the continuation of the district voting lawsuit with the National Association for the Advancement of Colored People (NAACP). He thought the easy road would be to drop the appeal, but in doing so it would agree with the insulting message the lawsuit states about the Board of Commissioners and the citizens of Fayette County. He reported that if voter turnout is low then candidates will not win. Mr. Benson then asked a series of rhetorical questions about if their campaigns for elections incorporated either subtle or overt racial appeals. He then spoke about the relatively low cost to defend the County in the district voting lawsuit. He repeated that the Board should continue with the district voting lawsuit in order to defend the character of the Board of Commissioners and the character of Fayette County's citizens. He also asked the NAACP to withdraw the spurious attacks that it has made against the citizens of Fayette County.

**Michael Arnold:** Mr. Arnold thanked the Board for unanimously passing Resolution 2014-19 requesting the Georgia General Assembly to drop the petition requirement in regards to asking citizens if they want fluoride added to their drinking water. He said he was impressed with how Resolution 2014-19 was written. He said his mission to remove fluoride from public drinking water shifted gears after a bill was introduced into the Georgia General Assembly based, in large part, by the resolution. Mr. Arnold then spoke about the detrimental effects caused by ingesting fluoride, and he spoke of the support that he is receiving for his cause throughout the Fayette community.

**Joshua Nelson:** Mr. Nelson stated that he is Mr. Arnold's friend, and he felt it was a right of the American people to be able to vote on the issue of whether or not to continue fluoridation of the drinking water.

**John E. Jones:** Mr. Jones, President of the Fayette County NAACP, reflected on the Invocation saying it was appropriate since the "Spirit is needed and the Spirit is among us." He spoke how there was no diversity on the Fayette County Board of Commissioners and so, when he moved to Fayette County, he worked to change the Board in an effort to get more diversity. He said he was proud of what has been accomplished in Fayette County. He stated that if the Board of Commissioners wanted to keep litigating and spending money then they could do so, but he stated that justice would prevail in the end. He said he tried to do the best and right thing, and that was all he was asking of the Board as well. He stated that district voting levels the playing field. He said he has proven himself, and others who come after him need to prove themselves. He concluded his remarks by reminding the Board that district voting has prevailed in all the surrounding counties and in many counties in Georgia.

**ADMINISTRATOR'S REPORTS:**

**Planning Commission and the Zoning Board of Appeals:** County Administrator Steve Rapson reported that there was one vacancy on both the Planning Commission and the Zoning Board of Appeals and that a Selection Committee needed to be appointed in order to fill the vacancy. Chairman Oddo asked Commissioners Ognio and Barlow to handle the Planning Commission and the Zoning Board of Appeals vacancy interviews. He also asked for Community Development Director Pete Frisina to participate in the interviews with Commissioners Barlow and Ognio. Commissioners Barlow and Ognio agreed to serve on the Selection Committee and Mr. Rapson replied he would ask Mr. Frisina to also serve in the interview process.

**Recreation Commission- Post 3:** Chairman Oddo asked Commissioner Brown and Commissioner Coston to participate on the Selection Commission for the Recreation Commission-Post 3 vacancy. Discussion followed on this matter and how a selection would be made for the vacancy.

Commissioner Brown moved to table the discussion of appointments to be resumed no later than April 3, 2015. Commissioner Barlow seconded the motion. No discussion followed. The motion to table passed unanimously.

Mr. Rapson advised the Board he would have Recreation Director Anita Godbee begin the process of reviewing and recommending changes to the Recreation Commission's bylaws and that the matter would be discussed at the Board of Commissioner's Retreat to be held on April 3, 2015.

**Ethics Board:** Chairman Oddo asked Commissioners Coston and Commissioner Barlow to do the interviews for the Ethics Board. Commissioners Barlow and Coston agreed to serve on the Ethics Board.

**Regional Six Mental Health Board:** County Administrator Steve Rapson stated that there was a vacancy on the Regional Six Mental Health Board. Chairman Oddo asked Commissioners Coston and Barlow to serve on the Selection Committee to fill the vacancy. Commissioners Barlow and Coston agreed to serve on the Selection Committee.

**Georgia Military College Waterline Extension Contract:** County Administrator advised the Board that the County has received a fully-executed contract from the Georgia Military College for waterline extension.

**February 26, 2015 Board of Commissioner's Meeting Time Changed:** County Administrator Steve Rapson notified the Board that the February 26, 2015 Board of Commissioners meeting time had changed from 7:00 p.m. to 4:00 p.m. in order to accommodate the AVPride event that would be held on the same day at 6:30 p.m.

**Response to Public Comment:** County Administrator Steve Rapson replied to Mr. Edward's question by saying no one really benefits since what was done was only a reservation of funds for the future widening project. He stated that the work of relocating waterlines would come to the Board of Commissioners at a future date probably within the next 90 to 120 days. Mr. Rapson replied to Mrs. Jones' comments stating there is a meeting scheduled with Commissioner Coston and that this item would be considered during that meeting. Mr. Rapson stated that House Bill 129 was entered into the Georgia General Assembly with regard to the fluoride issue spoken of by Mr. Arnold. He said HB129, if passed, would allow the Board of Commissioners to adopt a resolution allowing the question to be placed as a referendum at the next available election.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport notified the Board that he had three items of Pending Litigation and review of the January 22, 2015 Executive Session Minutes for consideration in Executive Session.

**COMMISSIONERS' REPORTS:**

**Commissioner Barlow:** Commissioner Barlow recommended that people should read an article in *Fayette Woman* that was written about "history maker" Commissioner Pota Coston. Commissioner Barlow also read Ephesians 5:25 before he spoke about his love for his wife and how it is bolstered through his love of God.

**Commissioner Brown:** Commissioner Brown thanked Representative David Stover for putting the fluoride legislation into the Georgia General Assembly. He responded to Mr. Edward's comments saying the widening of State Route 54 has nothing to do with citizens of Fayette County. Commissioner Brown stated that Mrs. Jones needed to remember that Fayette County and the nation entered into an economic recession that had a negative

impact to do anything. He added that on top of the recession the Board was engaged in deficit spending. He agreed that the County does need to address maintenance issues. Commissioner Brown stated that there was no multipurpose facility being constructed in Fayette County, and he pointed out that there is no money to maintain such a park. Chairman Brown also spoke about the district voting lawsuit in response to Mr. Benson and Mr. Jones.

**Commissioner Ognio:** Commissioner Ognio reminded everyone that the Georgia General Assembly is in session and he encouraged the people to write their representatives on the various issues such as House Bill 129 and House Bill 170 concerning transportation. He closed his remarks by wishing everyone a Happy Valentine's Day.

**Commissioner Coston:** Commissioner Coston reported that she has had several conversations about Kenwood Park, and that she visited Kenwood Park with Recreation Director Anita Godbee. She stated that several low-cost improvements were identified that can be fixed quickly, and she said she would work hard to make sure it was a park people could be proud of. Commissioner Coston agreed with Commissioner Ognio and also encouraged everyone to keep up with the bills in the Georgia General Assembly while getting engaged. She closed her remarks by wishing everyone a Happy Valentine's Day.

**Chairman Oddo:** Chairman Oddo wished everyone a Happy Valentine's Day.

## EXECUTIVE SESSION:

**Three Items of Pending Litigation and Review of the January 22, 2015 Executive Session Minutes:** Commissioner Ognio moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 8:25 p.m. and returned to Official Session at 8:51 p.m.

**Return to Official Session and Executive Session Affidavit:** Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 6," follows these minutes and is made an official part hereof.

**January 22, 2015 Executive Session Minutes:** Commissioner Brown moved to approve the January 22, 2015 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

## ADJOURNMENT:

Commissioner Brown moved to adjourn the February 12, 2015 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The February 12, 2015 Board of Commissioners meeting was adjourned at 8:51 p.m.

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| Floyd L. Jones, County Clerk | Charles W. Oddo, Chairman |

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of February 2015. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk