

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

March 10, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the March 10, 2016 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Chairman Oddo

Chairman Oddo offered the Invocation

Pledge of Allegiance

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Oddo asked to remove Proclamation/Recognition #3 from the Agenda and to change the wording on Proclamation/Recognition #5 from "sixteen" to "seventeen." Commissioner Barlow moved to accept the Agenda as presented with the requested changes. Commissioner Rousseau seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation of March 19, 2016 as "Master Gardener Extension Volunteer Appreciation Day."

Commissioner Rousseau read the proclamation on behalf of the Board declaring March 19, 2016 as "Master Gardener Extension Volunteer Appreciation Day." Extension Services Director Kim Toal spoke on behalf of the Master Gardeners. Debra Shoaf of the Atlanta Community Food Bank commented on the work of the Master Gardeners and their contributions to the food bank.

2. Proclamation in honor of the Georgia City-County Management Association's 60th Anniversary.

Commissioner Brown read the proclamation in honor of the Georgia City-County Management Association's 60th Anniversary. County Administrator Steve Rapson accepted the proclamation on behalf of the association.

3. Presentation of award to Firefighter/EMT Wendell Madison for "Firefighter of the Year."

This item was removed from the Agenda during the acceptance of the Agenda.

4. Recognition of three promotions in Fire and Emergency Services.

Fire Chief David Scarbrough and Deputy Fire Chief Tom Bartlett recognized the promotion of Douglas Morris to the rank of Battalion Chief, Bryan Blair to the rank of Captain, and Willard Harrison to the rank of Lieutenant.

5. Recognition of Marilyn Watts for seventeen years of service on the Fayette County Board of Elections.

Commissioner Barlow and the Board recognized Marilyn Watts for her seventeen years of service on the Fayette County Board of Elections. Ms. Watts spoke of her service on the Board and spoke of the good work of the Board of Elections and Elections staff.

PUBLIC HEARING:

There was no Public Hearing on the Agenda.

CONSENT AGENDA:

Commissioner Ognio moved to approve the Consent Agenda. Commissioner Brown seconded the motion. The motion passed 5-0.

- 6. Approval of the State Court Judge's request for authorization to apply for the Fiscal Year 2017 Grant Application for the Fayette County DUI Court up to the federal funds award amount of \$133,600, to authorize 10% local match funds up to the amount of \$13,360.00 utilizing the DUI Court DATE fund, and authorization for the Chairman to sign grant-related documentation once approved.**
- 7. Approval of the disposition of tax refunds, in the aggregate amount of \$4,861.19, as recommended by the Tax Assessor's Office.**
- 8. Approval of the February 25, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There was no Old Business on the Agenda.

NEW BUSINESS:

- 9. Consideration of staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club to provide Rowing Activities at Lake McIntosh.**

Parks and Recreation Director Anita Godbee stated there was another unique opportunity for Fayette County's citizens; namely, a rowing program. She stated that the county was approached by the Peachtree City Rowing Club about starting a rowing program at Lake McIntosh. She explained that if the proposal was approved by the Board then Parks and Recreation would enter into an agreement like it has with other youth sports associations where the county provides the facility for the sport and the club would provide the program for the sport. Mrs. Godbee then introduced Megan Gradek of the Peachtree City Rowing Club.

Ms. Gradek provided a PowerPoint presentation to the Board describing the various benefits of rowing for the county. Ms. Gradek also gave a brief history of her involvement and accomplishments with rowing.

Mrs. Godbee stated that the Recreation Commission had met recently and recommended this opportunity for Fayette County. Discussion followed.

Commissioner Brown moved to approve staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club to provide Rowing Activities at Lake McIntosh. Commissioner Ognio seconded the motion.

Commissioner Rousseau asked that the initial funding for the request to be included in the motion. Mr. Rapson suggested that the motion could be amended to include \$30,000.00 utilizing Recreation contingency funds.

Commissioner Brown amended his motion to approve staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club, utilizing \$30,000.00 of Recreation contingency funds, to provide Rowing Activities at Lake McIntosh. Commissioner Ognio seconded the amended motion. The motion passed 5-0.

10. Consideration of the adoption of Ordinance 2016-02 for the purpose of establishing an advisory committee known as the Fayette County Public Arts Committee.

Commissioner Brown stated there was a proposal on the dais that is an amendment from what was in the Agenda. He requested that the membership be increased from five members to ten members since the art effort is made up of volunteers. He stated that he removed a section of the proposed ordinance pertaining to membership and not being an elected official. He stated that other changes, including the quorum number, were made in order to reflect the change of numbers of the membership. He stated that a disqualification was deleted since it related to elected officials serving on the Board. He stated that a phrase was added that "any project concerning a call for artists or a permanent art feature, the Board of Commissioners shall give final approval on the winning artist's proposal prior to awarding the project and funding." Commissioner Brown concluded that the proposed changes included a vice-chairman position since, if there is a meeting that is missing the chairman, someone needs to be able to run the meeting.

Commissioner Brown moved to approve Ordinance 2016-02 as amended. Commissioner Barlow seconded the motion. Discussion followed.

Commissioner Brown amended his motion to approve Ordinance 2016-02 as amended and for elected officials to not serve in the capacity as either Chairman or Vice-Chairman of the committee. Commissioner Barlow seconded the amended motion. Discussion followed.

Commissioner Brown amended his motion to include eleven members and for all the prerequisite numbers to be changed to reflect the change in numbers of members. Commissioner Barlow seconded the amended motion. Discussion followed.

Carol Lunsford and Donna Thompson addressed the Board about this request.

Commissioner Brown moved to amend his motion to include the specific section as referenced by the County Attorney. Commissioner Barlow seconded the amended motion. Discussion followed.

County Attorney Dennis Davenport clarified that the motion was to approve the Public Arts Committee Ordinance as amended by Commissioner Brown from the dais subject to there being no elected officials serving as Chairman or Vice-Chairman of the committee, that the committee number is amended to eleven, and that a sentence is added to Section 2-501 addressing the long-range visioning goal of the committee. He said he would provide language consistent to what he said earlier. Commissioner Brown added that all the numerical values would change based on the number of members being increased. Discussion followed.

The motion to adopt Ordinance 2016-02 as amended at the dais subject to there being no elected officials serving as either Chairman or Vice-Chairman of the committee, that the number of members be increased to eleven, that all numerical values be adjusted to reflect an eleven-member committee, and that a sentence be added to Section 2-501 addressing the long-range visioning goal of the committee passed 5-0.

11. Consideration of Commissioner Ognio's request to repeal Policy No. 100.07- Film Permit and to adopt Ordinance 2016-06- Film Permit.

Commissioner Ognio stated that this matter came to him as he was reviewing the policies and he suggested the policy would be more enforceable as an ordinance.

Commissioner Ognio moved to approve Ordinance 2016-06- Film Permit. Commissioner Brown seconded the motion. Discussion followed.

County Attorney Dennis Davenport stated that he had a problem with the last sentence on Section 2-3(b) that read: *A Film Permit is not required for persons or groups of persons filming on County-owned property for individual use so long as such filming is not on behalf of commercial or not-for-profit organizations.* He explained that if the county was truly looking at not disrupting county business and public safety purposes then the language should be in the section instead of distinguishing who can actually film.

Commissioner Ognio amended his motion to include the County Attorney's wording. Commissioner Brown seconded the amended motion.

Mr. Davenport said he liked the fact that the county had locked onto its purpose for the ordinance. He suggested that the word "excessive" be removed both from Sections 2-3(c) (3) (A-B) since the word "excessive" is ambiguous.

Commissioner Ognio moved to remove the word "excessive" in Sections A and B. Commissioner Brown seconded the motion.

Frank Gardner commented on this request.

The motion to adopt Ordinance 2016-06, to include language providing the purpose as recommended by the County Attorney, and to remove the word "excessive" from Sections 2-3(c) (3) (A-B) passed unanimously.

PUBLIC COMMENT:

John Thompson and Emory McHugh spoke during Public Comment.

ADMINISTRATOR'S REPORTS:

Resignation of the County Coroner: County Administrator Steve Rapson reported that the County Coroner, C.J. Mowell, had resigned his position. He said the County is in the position of obtaining an interim County Coroner and that would require establishing a rate of pay with the interim Coroner. He explained that the process is complicated and the County finds itself in the middle of an April 1, 2016 appointment of an interim Coroner and an election being held in November for a new coroner coming

into office on January 1, 2017. He asked the Board to understand that staff would bring a recommendation to bring a rate of pay in place that is consistent with the outgoing coroner to carry the county from April 1 until the end of the year. He mentioned that the deadline for putting items on the March 24, 2016 Agenda had already expired and he asked if the Board would allow for the late item to be added to the Agenda. The Board agreed to add the item to the March 24, 2016 Agenda.

Selection Committee Established for the Public Arts Committee: County Administrator Steve Rapson stated that a Selection Committee would need to be established to fill the newly created Public Arts Committee with eleven members. The Board selected Chairman Oddo and Commissioner Rousseau to serve on the Selection Committee as requested. Mr. Rapson added that letters would be sent to the existing members of the Public Arts Committee notifying them of the Board's restructuring of the committee.

Ribbon Cutting Event at Fayette Senior Services: County Administrator Steve Rapson asked the Board to mark their calendars for March 28, 2016 at 1:00 p.m. for Fayette Senior Service's ribbon-cutting event. He said this event was celebrating the renovation at Fayette Senior Services and he said the event would include a facility tour. He suggested the event would last for about two hours.

Response to Mr. McHugh's Comments: County Administrator Steve Rapson responded to Emory McHugh's comments that were given during Public Comment. Discussion followed.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had one item of Threatened Litigation and review of the February 25, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow:

Response to Mr. McHugh: Commissioner Barlow responded to Emory McHugh's comments given during Public Comment.

Commissioner Brown:

Kudos to the County Clerk's Office: Commissioner Brown stated that he missed giving credit at the last meeting. He congratulated the County Clerk's office for sending out a survey to all the county departments to rate their performance and interaction with the departments. He said it was an outstanding idea and he thanked the County Clerk's office for looking out for customer service and the performance levels. He gave kudos to the County Clerk's office.

Commissioner Ognio:

Review the County's Current Gun Ordinance: Commissioner Ognio stated that he had talked to each Commissioner about the County's gun ordinance and about the ability to allow for a properly established gun range on ten-acre lots. He stated that the current ordinance allows for shotguns to be fired on ten-acre lots. He thought the current ordinance was "kind of ridiculous" since a person can take a rifle on a twenty-five acre lot, stand on a property line, and fire the rifle. He was unsure why the ordinance was acreage bound, but he mentioned there is a citizen in south Fayette County who has a proper backstop and who has ten acres of land. He said the citizen wants to fire a pistol or a rifle and he said he had no problem with that. He said the County Attorney has a lot of work to complete already, but he asked the Board to provide direction to address his concern. The Board directed the County Attorney to look into the matter.

Thank the 4-H Club: Commissioner Ognio stated he had a couple of notes that were sent by the 4-H Club and he thanked the club members for thanking the Board for the funding.

Commissioner Rousseau:

Response to Mr. McHugh: Commissioner Rousseau apologized for being out of character and he said he was only trying to be respectful of time even if there is no time limit. He stated he was wrong and he wanted his apology publically stated.

Thank the 4-H Club: Commissioner Rousseau thanked the 4-H Club for communicating with the Board and stating they had a good experience.

Additional Responses to Mr. McHugh: Commissioner Rousseau responded to comments made by Emory McHugh during Public Comment.

Chairman Oddo:

Request to Review Ordinance to include Chickens: Chairman Oddo thanked everyone for coming to the meeting. He stated that he had recently been contacted by someone who wants to have chickens. He reported that he spoke to Mr. Pete Frisina in the Planning and Zoning Department and that there is really no foreseeable problems with having chickens. He asked the Board to direct staff to review the ordinance to add chickens. The Board agreed to the request. Commissioner Brown spoke about the recent need to kill millions of chickens and turkeys due to infected backyard chickens. He said the Board would need to look into that aspect as well.

EXECUTIVE SESSION:

Threatened Litigation and Review of the March 25, 2016 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 10:18 p.m. and returned to Official Session at 10:36 p.m.

Return to Official Session and Approval of the 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. The motion passed 5-0.

Approval of the February 25, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the February 25, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 10, 2016 Board of Commissioners meeting. Commissioners Ognio seconded the motion. The motion passed 5-0.

The March 10, 2016 Board of Commissioners meeting was adjourned at 10:37 p.m.

Floyd L. Jones, County Clerk