



Action Agenda

Board of Commissioners
February 28, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on February 28, 2013 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
Jesse McCarty
Randy Ognio

Staff Present:

Steve Rapson, County Administrator
Floyd Jones, County Clerk
Dennis Davenport, Interim County Administrator

Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the February 28, 2013 Board of Commissioners meeting to order at 7:00 p.m.

Commissioner Barlow introduced Ms. Slma Shelbayah, representing the Islamic Community Center of Atlanta sang the Invocation in the Arabic language.

Commissioner Oddo led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Oddo moved to accept the Agenda. Commissioner Barlow seconded the motion. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Proclamation of March 7 and March 12, 2013 as "Cancer Prevention Days".

Commissioner McCarty read the proclamation for "Cancer Prevention Days". Ms. Nikki Adams, representing the American Cancer Society, spoke about cancer prevention and a study designed to learn more about cancer and its treatment.

PUBLIC HEARING:

2. **Consideration of Petition 1225-12, Gregory H. Moody, Jr. and Brenda K. Moody, Owners, and Lynette M. Bowles, Agent, request to rezone 2.49 acres from A-R: Agricultural-Residential to A-R (LNS): Agricultural-Residential (Legal Nonconforming Status) to bring said property into zoning compliance. This property is located at 250 Rising Star Road and also fronts on Old Greenville Road.**

Community Development Director Pete Frisina read the procedures on how to conduct public hearings, and he introduced Petition 1225-12 to the Board.

Mr. Greg Moody, Ms. Lynette Bowles, and Mrs. Brenda Moody spoke in favor of Petition 1225-12. No one spoke in opposition to the petition.

Interim County Attorney Dennis Davenport provided a legal analysis of the request for the Board's consideration.

Chairman Brown moved to deny Petition 1225-12 based on not meeting the application of Item Number One (1) listed in the Ordinance, and that the County refund any application fees to the Moody's that they may have paid to the County in asking for this petition. Commissioner Oddo seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner McCarty abstaining from the vote.

3. **Consideration of Petition 1226-13, Pauline D. Boyd, Owner, and James Babb, Agent, request to rezone property from A-R: Agricultural-Residential to R-70: Single-Family Residential District to develop one (1) single-family dwelling lot. This property consists of 2.17 acres located in Land Lot 19 of the 9th District and fronts on Barsi Point.**

Mr. Brian Babb and Mr. James Babb spoke in favor of Petition 1226-13. No one spoke in opposition to the petition.

Chairman Brown moved to approve Petition 1226-13 with one condition as read by Mr. Frisina. Commissioner Barlow seconded the motion. Discussion followed. The motion passed unanimously.

4. **Consideration of Petition No. 1227-13, D. Michael Travis and Linda H. Travis, Owners, and Alvin Williams, Agent, request to rezone property from R-40: Single-Family Residential District to G-B: General Business to develop a Movie and TV Production Studio. This property consists of 24.03 acres located in Land Lot 198 of the 13th District and fronts on S.R. 138.**

Mr. Alvin Williams and Mr. David Brill spoke in favor of Petition 1227-13. No one spoke in opposition to the petition.

Chairman Brown moved to approve Petition 1227-13 with one condition. Commissioner Barlow seconded the motion. Discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Lee Hearn: Mr. Lee Hearn spoke about the LOST agreement that the Board approved, saying Fayette County would lose \$150,000 per year in LOST revenue. He asked which programs would have to be cut due to the agreed upon shortfall. He stated that the LOST agreement was a poor deal for Fayette County's taxpayers. He questioned how the County Attorney selection process was concerning to him. He asked how the process worked for the selection of Mr. Davenport as the Interim Attorney, and he questioned how Mr. Davenport could represent both Fayette County and the Town of Tyrone since he serves as the attorney for the Town of Tyrone. He asked if there was an advertisement for a permanent attorney. He commented on the Jail Committee and how members were selected to sit on the committee. He asked if the Board intended to finish the West Fayetteville Bypass, about what policies have been put into place to govern the upcoming budget process, how the County would handle declining revenue. He spoke about the Ethics Ordinance saying the goal was to prevent Commissioners from giving day to day instructions to staff since it is the job of the County Administrator to direct staff. He said the Board needed to be a policy making board and it needed to let the County Administrator direct the day-to-day operations of the County.

Andy Range: Mr. Andy Range said he noticed that between the addresses of 195 and 337 Adams Road that there are no fire hydrants. He explained that it meant there are about sixteen houses in that stretch and if there was a fire those houses could be in trouble. He continued that there are areas along Tyrone Road where there are no houses but with fire hydrants on both sides of the road. He asked the County to look at the issue. Chairman Brown stated staff would review and there would be an explanation at the next Board meeting.

CONSENT:

Chairman Brown asked to remove Consent Agenda Item 7 from the Consent Agenda for discussion. Commissioner Ognio asked to remove Consent Agenda Items 5-6 from the Consent Agenda for discussion.

Commissioner Oddo moved to approve Consent Agenda Items 8-10. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

5. **Approval of staff's recommendation to adopt Resolution 2013-02 imposing a Wireless Enhanced 911 Charge upon each wireless telecommunications connection subscribed to by subscribers whose billing address is within the jurisdiction of Fayette County, Georgia at a rate of \$1.50 per month per wireless connection.**

Commissioner Oddo moved to approve Consent Agenda Item 5. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 4-1 with Commissioner McCarty voting in opposition.

6. **Approval of staff's recommendation to adopt Resolution 2013-03 imposing a 911 charge for Voice over Internet Protocol (VOIP) Services subscribed to by subscribers whose billing addresses are within the jurisdiction of Fayette County, Georgia, at a rate of \$1.50 per month per VOIP subscriber.**

Commissioner Ognio moved to approve Consent Agenda Item 6. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 4-1 with Commissioner McCarty voting in opposition.

7. Approval of Chairman Brown's recommendation to adopt Resolution 2013-04 supporting State Ethics Reform.

Chairman Brown moved to adopt Resolution 2013-04. Commissioners Oddo and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

8. Approval of staff's recommendation to enter into an Intergovernmental Agreement with the Fayette County School District, the City of Peachtree City, the City of Fayetteville, the Town of Tyrone, and the Town of Brooks to establish the methodology for collecting and distributing ad valorem taxes and the new Title Ad Valorem Tax (TAVT); along with other procedures.

9. Approval of the County Administrator's request for authorization to sign an agreement between Fayette County, Georgia and Comcast Cable Communications Management for installation, operation, and maintenance by Comcast Cable, at Comcast's sole cost and expense, of cable and other equipment, to provide communications service to Fayette Senior Services.

10. Approval of the February 13, 2013 Board of Commissioners Stormwater Town Hall Meeting Minutes and the February 14, 2013 Board of Commissioners Meeting Minutes.

ADMINISTRATOR'S REPORTS:

Appointment of Commissioner to Review Applications filling an Open Position on the Ethics Board: County Administrator Rapson informed the Board that there is a vacancy associated with the Ethics Board in regard to the alternate position, that the opening has been advertised per the Board's policy. He asked the Chairman to appoint someone to look at the applications and go through the interview process. Chairman Brown appointed Vice Chairman Oddo to review the applications for the Ethics Board.

Reconciliation of the Early Retirement Initiative Program: County Administrator Rapson said he completed the reconciliation of the Early Retirement Initiative Program (ERIP) that occurred in 2012. He said thirty-two employees elected to participate with ERIP in June 2012, and that he provided an analysis to each Commissioner with regards to abolishing 21 positions. He said ten of the positions were associated with the ERIP and nine others were existing vacancies. He added there were two other positions that were never funded as part of the budget. He said the abolishment and reductions will be implemented as part of the 2014 Budget and it will offset the salaries and benefits by approximately two million dollars. He said the ERIP was advertised as saving the County millions of dollars, and that the abolishment would make the savings a reality.

Update on Medical Plan: County Administrator Rapson said he had fascinating information on the medical plan and staff would probably bring a recommendation to the Board by March 14, 2013 in regards to what the plan is. He said the current plan is costing Fayette County millions of dollars and this recommendation should offset the shortfalls that will be experienced this year similar to the \$1.8 million dollar shortfall experienced last year.

Response to Mr. Hearn's Comments: County Administrator Rapson commented on a couple of statements Mr. Hearn made during public comment. Concerning the LOST agreement, Mr. Rapson explained it was an equitable agreement that was made with all the cities; meaning every single city in Fayette County. He said the agreement did not cost Fayette County \$1.5 million, explaining it did cost Fayette County any money from year to year. He stated that Local Option Sales Tax grows annually by about 2 ½ -3% per year, and the County ratcheted back to get to the 48.5% over a five-year phase in. He said next year, instead of having a 2% or 3% increase in LOST, the County will

experience a 2% increase. Mr. Rapson pointed out that the Board approved Consent Agenda Item 8 and he said it is absolutely correct that Mr. Davenport is the attorney for the Town of Tyrone. He explained that was why the Board appointed a special attorney, Don Comer, to do the Intergovernmental Agreement. He closed saying his relationship with the Board of Commissioners is just great, but he appreciated Mr. Hearn for checking in.

ATTORNEY'S REPORTS:

Planning Commission to Reconsider Legal Non Conforming Lot Status in the Zoning Ordinance: Interim County Attorney Dennis Davenport said that, based on the work he performed on the Legal Non-Conforming Status (LNS) part of the Zoning Ordinance, the Board may want to consider providing direction to the Planning Commission to have them reconsider whether or not LNS should remain in the zoning ordinance at their next available meeting. Chairman Brown replied that this issue would be placed on the upcoming agenda for a formal vote.

Notification of Executive Session: Interim County Attorney Dennis Davenport notified the Board that Land Acquisition, Pending Litigation, and Personnel needed to be discussed in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow thanked the audience for coming to the meeting. He thanked Ms. Shelbayah for offering the Invocation.

Commissioner Oddo: Commissioner Oddo also thanked the audience for attending the meeting.

Chairman Brown: Chairman Brown replied to the issues Mr. Hearn spoke about. He said the LOST agreement was exactly how County Administrator Rapson said. He said as someone who negotiated the LOST agreement on behalf of the cities ten years ago, he could tell the citizens that the cities had an agreement rammed down their throats and the cities were in fact 50% of the population at that time. He continued that the populations of Fayetteville and Tyrone have grown during the ten years since the last LOST agreement was implemented, and LOST is based off population. He said the current Board of Commissioners has agreed that the County and the cities are "all in this together" and the County worked with the cities with an agreement that no one would be dead on the table after the deal was done. Concerning Authorities, Boards, and Commissions, Chairman Brown agreed that he has adamantly been saying that the County needs to have an interview process and an application process for those bodies, and that every position that the current Board has appointed has gone through the interview process with a public release. He said that during his previous two years on the Board and for the duration of Mr. Hearn's time on the Board, there was no citizens' committee appointed "because they didn't care enough about the citizens to appoint a citizen's committee." Chairman Brown said the current Board wants to hear from the citizens. He continued that he went to the Board, asked permission during a public meeting to create the committee, and it is a very diverse group of citizens with multiple talents who live across Fayette County. He said the Board was put together to address a problem with the jail and how to house inmates in the future. He said there would be maybe three or four meetings in total, and the difference between the Jail Committee and other committees and authorities is that the other committees and authorities are long-term bodies. Chairman Brown stated that Dennis Davenport is the Interim County Attorney, and the reason the Board had to appoint an interim County Attorney was because the previous Board would not allow him and Commissioner McCarty to appoint somebody else before the end of the year. He said when the Board had its first meeting of 2013 with no County Attorney it is not in the best interest of the Board or the citizens to conduct the business without legal consultation. He said the need was to get an immediate attorney on Board, so the Board appointed an Interim County Attorney. He thanked Mr. Davenport for being the Interim County Attorney and for filling in a gap when the Board needed legal counsel. Commissioner Brown

continued saying 'the man who deficit spent for four consecutive years, expenditures exceeding revenue for four consecutive years, who paved gravel roads with one house on them with your tax dollars at the same time we're laying off people through attrition who are doing services that are absolutely necessary to the people, I think is unconscionable.' He said he did not apologize for anything that he is doing related to spending because in the Fiscal Year 2014 budget there will not be expenditures exceeding revenue. He said the Board would make necessary adjustments and if it does not then the people need to "kick our butts out of here."

Commissioner Barlow: Commissioner Barlow said that was a wonderful explanation, but he thought Mr. Hearn was just bitter that he lost his last election.

EXECUTIVE SESSION:

Interim County Attorney informed the Board that it needed to also review the Executive Session Minutes of February 14, 2013, so there were a total of four items under consideration for Executive Session.

Land Acquisition, Pending Litigation, Personnel, and Executive Session Minutes: Chairman Brown moved to recess into Executive Session for one land acquisition item, one pending litigation item, one personnel item, and review of Executive Session Minutes. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 8:17 p.m. and returned to Official Session at 9:36 p.m.

Return to Official Session and Authorization to Sign an Executive Session Affidavit: Commissioner Ognio moved to reconvene into Regular Meeting and to authorize the Chairman to sign the Executive Session Affidavit. Commissioners Barlow and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Personnel Matters: Chairman Brown stated that since the Compensation and Classification Schedule was not followed previously for two positions that the Board wanted to make salary adjustments for those two positions. Chairman Brown moved to increase the County Clerk's compensation to \$55,090.28 with retroactive pay dating back to July 18, 2012, to increase the Human Resources' Analyst compensation to \$47,504.18 with retroactive pay dating back to July 18, 2012, and to move Mrs. Peggy Butler to the E-911 Department to a position that will be classified at a later date. Commissioner McCarty seconded the motion. County Administrator Rapson stated he would need a salary approval for the new position in the amount of \$57,879.00 for Mrs. Butler. Chairman Brown amended his motion to include the salary approval as requested, and Commissioner McCarty seconded the motion.

The motion to increase the County Clerk's compensation to \$55,090.28 with retroactive pay dating back to July 18, 2012, to increase the Human Resources' Analyst's compensation to \$47,504.18 with retroactive pay dating back to July 18, 2012, to move Mrs. Peggy Butler to the E-911 Department to a position that will be classified at a later date, and to approve a salary of \$57,879.00 for Mrs. Butler passed unanimously.

February 14, 2013 Executive Session Minutes: Chairman Brown moved to approve the February 14, 2013 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the February 28, 2013 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Floyd L. Jones, County Clerk