



Action Agenda

Board of Commissioners
April 11, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on April 11, 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 Attorney

Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the April 11, 2013 Board of Commissioners meeting to order at 7:03 p.m.

Associate Pastor of Finance and Business Administration Joe Pritchett, of New Hope Baptist Church, offered the invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PRESENTATION / RECOGNITION:

1. Recognition of Mr. Chuck Faison in honor of his rescue efforts during the Weatherly Walk Apartment fire.

Chairman Steve Brown read a proclamation recognizing Mr. Chuck Faison in honor of his rescue efforts during the Weather Walk Apartment fire. Chairman Brown also handed Mr. Faison a catcher's mitt that was signed by each first responder and by each Commissioner in recognition of his heroic efforts.

2. Proclamation recognizing April 2013 as “Confederate History and Heritage Month” and April 26 as “Confederate Memorial Day”.

Commissioner David Barlow read a proclamation recognizing April 2013 as “Confederate History and Heritage Month” and April 26 as “Confederate Memorial Day”.

PUBLIC HEARING:

There was no Public Hearing.

PUBLIC COMMENT:

Ray Watt: Mr. Watt said that as someone who helped get each Commissioner elected, it was disturbing to see a recent article in the newspaper. He understood that the Board recently held a retreat where many ideas are discussed, but he stated that the paper made a report that on the East Fayetteville Bypass and the S-SPLOST like “these are the facts of life”. Mr. Watt reminded the Board that two administrations lost people because they were stuck on “this bypass thing”. He said he expected each Commissioner this year to have an austerity-type mind-set when they review “money and what they are doing, and to correct past administration abuse, waste, and stupid things.” He said he did not understand and asked if the paper misunderstood what the Board’s intention was at the retreat. Mr. Watt stated, concerning the S-SPLOST, that there would be a better chance of having a foot of snow next week in Fayette County [than to see S-SPLOST pass]. He said people do not like SPLOST. He suggested that the County consolidate what Peachtree City needs, what Fayetteville needs and what the County needs, put the needs into a bundle, and figure out how much it would cost for the whole county. He suggested another approach would be for the County to obtain a bond, and by doing so get the issue off of the table.

Frank Gardner: Mr. Gardner said he had talked to County Administrator Steve Rapson during the previous week about charging a fee for parking at Lake Horton. He explained that the Mr. Rapson questioned how to administer charging a fee outside of looking at a tag on the back of a car. He said this issue gets to him that anybody who pays taxes in Fayette County will have to pay parking tax unless he has a Fayette County tag on his automobile. Mr. Gardner said he was at the Stormwater meeting a couple of weeks ago, and that a young man from Coweta County who owns land and pays taxes in Fayette County was at the meeting. He said that man, if he travels to Lake Horton, is going to get a ticket. Mr. Gardner suggested that people could put a copy of their tax bill on the dash of the car, it would stand as paying the \$10 fee. Secondly, Mr. Gardner questioned Consent Agenda Item 7 and suggested ways that the printing and mailing costs would be significantly less than \$21,448.00.

CONSENT AGENDA:

Commissioner Ognio asked to remove Consent Agenda Item 7.

Commissioner Barlow moved to approve the Consent Agenda minus Item 7. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

3 Approval of a request from Promise Place for authorization to file a grant application in Fayette County’s name with the Department of Community Affairs, and authorization for the Chairman to execute said application.

4. **Approval of mid-year budget adjustments for Fiscal Year 2013 (FY2013) including closing completed capital and CIP projects.**
5. **Approval of staff's recommendation to appoint Interim Deputy Fire Chief Thomas F. Bartlett as the representative from Fayette County Fire and Emergency Services to the Region 4 EMS Council.**
6. **Approval of staff's recommendation to authorize Mill Creek Environmental Services to complete the scope of work required to abandon seven (7) monitoring wells and to prepare a Completion Report and Certification for submittal to the Georgia Environmental Protection Division in an amount not to exceed \$2,226.15, and authorization for the Chairman to execute related contracts and documents.**
7. **Approval of staff's request to award Bid #880 to low bidder, The Master's Touch, LLC., in the amount of \$21,448.00, for preparing and mailing Personal Property Return Forms and Assessment Notices, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review.**

Commissioner Ognio said he brought up the same question raised by Mr. Gardner during Public Comment. He said he was informed the work was done cheaper than can be done currently done in-house. He stated that he wanted to see that this request is investigated before it comes up again next year in order to see if there is equipment or another way to help cut the cost.

Commissioner Ognio moved to approve staff's request to award Bid #880 to low bidder, The Master's Touch, LLC., in the amount of \$21,448.00, for preparing and mailing Personal Property Return Forms and Assessment Notices, and authorization for the Chairman to sign the contract and related documents contingent upon the County Attorney's review. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

8. **Approval of staff's request for the Board to declare approximately 12,000 transponder, excess brass, copper, and cast iron as unserviceable, to authorize staff to sell said items to the highest bidder or through the GovDeals website, and to return proceeds to the Water System's Sale of General Fixed Assets account.**
9. **Approval of the Water Committee's recommendation to allow The Frederick Brown, Jr. Amphitheater in Peachtree City to insert a flyer in the customers' water bills during the month of June 2013.**
10. **Approval of the March 25, 2013 Board of Commissioners' Stormwater Town Hall Meeting Minutes and the March 28, 2013 Board of Commissioners Meeting minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 11 **Consideration of the Georgia Department of Transportation's "Option for Right of Way" for the widening and reconstruction of State Route 54 (GDOT PI Number 721440).**

County Administrator Steve Rapson explained that this request represented the fair market value of the easements as determined by the Georgia Department of Transportation (GDOT), and he said this request

was really just a pass through that requires the Board's approval since it is an agreement with GDOT. Chairman Brown asked if this was the land next to the ballpark, and Mr. Rapson replied that the land was next to McCurry Park.

Commissioner Ognio moved to approve the Georgia Department of Transportation's "Option for Right of Way" for widening and reconstruction of State Route 54 (GDOT PI Number 721440). Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

12 Consideration of staff's request to combine the current four (4) technology service agreements with Siemens Buildings Automation Systems into one agreement, and authorization for the Chairman to sign said agreement.

County Administrator Steve Rapson explained that this request was taking four contracts and basically just consolidating them into agreement. He stated that by taking this step, the County would save more than \$10,000. He stated that the Board's vote would be to ratify those actions.

Chairman Brown asked which four facilities were being combined. Buildings and Grounds Director Greg Ownby replied the four facilities included the Justice Center, the Jail, the Annex Building, and the Library. Chairman Brown clarified that the County would get a better price by putting the four locations into one contract. Mr. Ownby agreed that the County would get a better price.

Commissioner Barlow moved to combine the current four (4) technology service agreements with Siemens Buildings Automation Systems into one agreement, and authorization the Chairman to sign said agreement pending counsel's approval. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

13 Consideration of Commissioners Oddo's and Ognio's request for the Planning Commission to review potential changes for variances for improved illegal lots and for the Planning Commission to work with the County Attorney to finalize and present recommendations to the Board of Commissioners at a later date.

Commissioner Oddo reminded the Board that recently a zoning issue came before the Board concerning an illegal lot. He said the fix was to make it legal, but it was a change to the zoning ordinance. He said the Board was not able to make the lot legal since there was concern about the Land Use Plan and what might happen. That said, Commissioner Oddo stated that the problem and difficulty still exists, and that there are citizens with illegal, non-conforming properties, with no fault of their own. He said the County does not want to find itself as the owner of the properties since it is better to have the citizens take of the properties. He said the Board was trying to resolve the issue, and the Board is asking the Planning Commission to discuss the issue with the County Attorney in an effort to come up with some language that will create a variance that will allow the Board to take the lots and make them nonconforming legal. He said it would give the people a way to have the property without having a burden hanging over their heads. He said the Board would ask the Planning Commission to do away with Legal Non-Conforming Status Zoning District.

Commissioner Oddo moved to direct the Planning Commission to come up with some language that would allow some variance for nonconforming properties, and to do away with Illegal Nonconforming Status Zoning District. Commissioner McCarty seconded the motion. Discussion followed. The motion passed unanimously.

14. Commissioner Randy Ognio would like to discuss issues concerning former County Attorney Scott Bennett.

Commissioner Ognio stated that he reviewed the Marshal's investigation concerning former County Attorney Scott Bennett. He said the investigation was started due to missing hard drives from the county computer, and the investigation report concluded that Mr. Bennett may have violated the Georgia Open Records Act.

Commissioner Ognio moved that the Board forward the information to the State Solicitor. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADMINISTRATOR'S REPORTS:

Clarifying Several Points: County Administrator Steve Rapson stated that there was one point of clarification was a factual misstatement that was in the paper in regards to the Stormwater Utility. He affirmed that the SPLOST was proposed, but that there was also the fact that the Board was going to eliminate the Utility Fee from four years to two years while the SPLOST is collected, and the two years after the SPLOST, as opposed to lowering the fee to 90 percent. He said there was also a comment made in regards to issuing a bond. He explained that either a bond or a SPLOST would still require a referendum and would be a voter-required request. Concerning the East Fayetteville Bypass, Mr. Rapson said the discussion was to evaluate the option but he affirmed that no decision was made by the Board in regard to that particular item. He said staff is still in the evaluation mode. Mr. Rapson closed his comments speaking about the Water System and the issue of citations at Lake Horton. He said the citations at Lake Horton are not a General Fund issue but is really a Water Department issue since the Water Department actually maintains the sites. He said the tag on file is the easiest way to check for residency, and he suggested for the business owner, and if he has a business in Fayette County, to register his vehicle at that location and it would resolve that particular issue.

ATTORNEY'S REPORTS:

Notification of Executive Session: Interim County Attorney Dennis Davenport reported that he had two items of Pending Litigation, one item of Real Estate, one Personnel matter, and reviewing of Executive Session Minutes for consideration in Executive Session.

Ethics Ordinance: Interim County Administrator Dennis Davenport reminded the Board that in January there was discussion about Municode and codification, and how there would be some time to go through the process before there could be any substantial changes to it. He said he had information from Municode that gave him some comfort that they are at the point where, if the County wanted to start making changes, they could handle the changes. He said the reason he brought that up was because the Ethics Ordinance seemed to be the thing that was at the forefront of everyone's mind with respect to looking at it and seeing where the County stood. He said he wanted to distribute a copy of the ethics ordinance as it exists today and as it existed prior to being substantially changed, to look at the difference, to start a conversation, and to find out what direction the Board wants to go and how to accomplish making revisions to the ethics ordinance. He reported that he would bring the issue to the Board at the next meeting.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow pointed out that reporter John Munford was in the audience and that he attended the Workshop meeting that is referred to as a retreat. He said that after he read the article, like Ginger Smithfield and others, that he too was under the impression that the Commissioners had agreed to continue with the East Fayetteville Bypass. He said that could not be further from the truth. He said the part that was sad for him was that perception becomes a lot of people's reality. He said that sadly a number of complaints have come to the county's office via email and voice messages, and the citizens have interpreted the article. He asked Mr. Munford to write an article from this evenings meeting that clearly indicates that the Board was not moving forward with the East Fayetteville Bypass. He said it was a topic of discussion, that he asked the question how much money had been spent on the research and engineering, but that he recalled that this issue was just one of many discussions that the Board had in trying to move forward.

Commissioner Oddo: Commissioner Oddo said he enjoyed the retreat since it gave him the opportunity to meet more folks and to reacquaint with others. He said the idea for the new commissioners and at least for him was to see a snapshot of where the County is at this moment in time, and from that to help set priorities. He said it was in no way intended to be a meeting where decisions were made. He said the Board talked about a lot of times. He said he asked a question about how many paved roads were in Fayette County, and there was no vote taken on that question either. He wanted the people to understand that the retreat was an excellent way for the Commissioners, especially the new Commissioners, to get together, understand where they are and the situation, to talk through ideas, and prepare for upcoming budget talks. He encouraged the people to attend the meetings, to come to the retreats, and to become a part of the work. He repeated that no decision was made at the retreat, but that it was a place for learning.

Commissioner McCarty: Commissioner McCarty began his comments saying: "I was, always have been, am, and always will be against the SPLOST bypass situation that we have in this county. That has not changed. Some things we're stuck with because we are to the point it, work and things were done before we had control over it, that we still don't have control financially. We are looking out for the financial interest of this county." He said that there were aspects of the bypass that cannot be undone, and that if they are left undone it would leave the County with a big, several-miles long "mudstrip". He said so much work has been done that the County is at a point where it has to be finished or else the County will lose all the money that has been put on it. He said "No bypass is on my agenda. Period." He said the only way a bypass would be on his agenda would be if the citizens of Fayette County stood up and told him that is what they wanted. He said he represents every citizen of Fayette County, and he has to listen to what they say. He said the citizens elected him because of his stand against the bypass, and that has not changed. Commissioner McCarty spoke about the impact of the bypass to his property including more snakes and a bobcat. He said a flock of guineas came through his yard and they left a good experience by eating all of the ticks and fleas.

Commissioner Ognio:

Stormwater SPLOST / Infrastructure Repair SPLOST: Commissioner Ognio spoke about the Stormwater SPLOST. He said that during the Townhall Meetings, the Board listened to the citizens. He said the citizens let it be known loudly "It's unfair. We're paying for it and everybody uses the roads. He said it appeared that the SPLOST was the most equal way to fund the repairs. He thought the SPLOST should be classified as Infrastructure Repair, and that it should not be called Stormwater anymore. He thought it should be funded by everybody, and that the SPLOST would even have people who travel to Fayette County from out of county help pay for it since they use County roads too. He said it seemed to be the logical way to raise the funds. He said he knew there would be a lot of opposition, and that it was hard to get the citizens informed enough to be willing to vote for it. He said the

SPLOST would include the cities since they would get part of the SPLOST funds. He thought the County would have to go through an education, and that the citizens would have to vote on the issue. He said these were ideas that were taken from the citizens, and the County is trying to make the best of a situation that was dumped on the Board. He said there was talk about moving the Stormwater staff back to the General Fund, and that the Board is trying to fix things that are broken. He anticipated the Board would catch a lot of slack for doing its best in fixing what someone else messed up.

Issue Concerning Opening County Ball Parks on Sunday Morning: Commissioner Ognio said he was at a meeting a while back and someone came to him asking him to look into the situation with the ballparks. He confessed that he has not followed through as he should, but he wanted to mention the issue. He said the person would like to see the County not allow games on Sunday mornings. He said he understood there were different ways to look at the issue, and that while he attends church he also has had kids who play ball during that time. He said he sees both sides of the issue, and he thought that someone in there he wanted to encourage some of the churchgoers to go after church to the ball games and be a part of it. He said it was free entertainment. He thought it would be nice to see more people at the ball fields. He said he would look into the issue for the pros and cons, and see how it goes from there.

Commissioner McCarty: Commissioner McCarty reminded the audience that the meeting was being shown live on Channel 23, and if everything continues to work okay the plan would be to have all Commission meetings live on Comcast Channel 23. He said as the County continues to move along, the meetings would be streamed so that anybody with a computer could watch the meetings and other live events.

Ray Watts: Mr. Ray Watts said his comments concerned Old Business Item 12. He thought it would be helpful that, once a quarter, the Board should put out something that says "I saved \$10,000 here, I saved \$12,000 there". He said the information is contained on the Agenda, that ten other people know it, but the people out there have no idea how much money the County saved in the first quarter. He said it would be a good time to make a report on the matter, and then to have quarterly reports.

Chairman Brown: Chairman Brown replied to Mr. Watts says staff was currently working on his suggestions. Concerning the East Fayetteville Bypass, Chairman Brown said it was the only project everybody agreed on and was the one project that did not get built in the whole SPLOST. He said it was the epitome of what could go wrong in some of the SPLOST situations. He thought something would have to eventually be done in that area. He said there were some opportunities to pick up some right-of-way at some very low prices, and he thought the Board may want to consider that later on before the land becomes much more expensive. Concerning the SPLOST for core infrastructure, was because Peachtree City already has a large bond that they just approved. He said Peachtree City is talking about using their proceeds of a two-year SPLOST to maintain cart paths and repaving roads. He said the County has not yet heard back from Peachtree City and therefore does not know if the city will participate. He said if the City of Peachtree City does not participate then the SPLOST would go away since the County has to have the participation of the cities. He said if SPLOST does not occur, the County would have other options to utilize. Chairman Brown added that he was mourning the death of former Prime Minister Margaret Thatcher, the greatest woman-leader-politician in the modern era. He said she was a woman he loved to read about, and that next to Winston Churchill she was one of his all-time favorites. He said she would be missed.

EXECUTIVE SESSION:

Interim County Attorney Dennis Davenport reported that the Personnel item he suggested to be considered in Executive Session was actually a Pending Litigation item. He clarified that there were three Pending Litigation Items, one Real Estate, and One Executive Session Minutes.

Chairman Brown moved to adjourn into Executive Session regarding three Pending Litigation items, one Real Estate item, and one approval of Executive Session Minutes from the last meeting. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 7:55 p.m. and returned to Official Session at 9:05 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and allow the Chairman to sign the Executive Session Affidavit. Commissioners Barlow and Oddo seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the March 28, 2013 Executive Session Minutes: Chairman Brown moved to approve the March 28, 2013 Executive Session Meeting Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the April 11, 2013 Board of Commissioners meeting. Commissioners Oddo and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned from the April 11, 2013 meeting at 9:06 p.m.

Floyd L. Jones, County Clerk