



Action Agenda

Board of Commissioners
June 27, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on June 27, 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 L. Jones, County Clerk
Dennis Davenport, Interim County Attorney

Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the June 27, 2013 Board of Commissioners meeting to order at 7:01 p.m.
County Clerk Floyd Jones offered the Invocation
Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda with the exception of New Business Item Number 11, and for New Business Item Number 11 to be left off of the Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION / RECOGNITION:

1. Proclamation of "Days of Remembrance" in accordance of the 150th Anniversary of the Battle of Gettysburg.

Chairman Brown introduced Mr. Matt Blackburn and his family to the audience. Mr. Blackburn interned with Fayette County throughout the month of June, and prepared the Proclamation of "Days of Remembrance" in accordance of the 150th Anniversary of the Battle of Gettysburg. Mr. Blackburn read the proclamation.

2. Recognition of the promotion of Fire Chief David Scarbrough and Deputy Fire Chief Tom Bartlett.

Chairman Brown announced that the County had a couple of gentlemen who were serving in interim positions, and those positions are now becoming final. He first introduced Fire Chief David Scarbrough and spoke of Chief Scarbrough's qualifications. Chief Scarbrough was then presented and pinned with his Fire Chief badge. Chairman Brown next introduced Deputy Fire Chief Tom Bartlett and spoke of Deputy Fire Chief Bartlett's qualifications. Deputy Chief Bartlett was then presented and pinned with his Deputy Fire Chief badge.

PUBLIC HEARING:

3. Public Hearing on the County's proposed annual budget for Fiscal Year 2014 which begins July 1, 2013 and ends June 30, 2014, and consideration of Resolution 2013-14 adopting the Fiscal Year 2014 budget.

County Administrator Steve Rapson explained that this was the final public hearing with regard to the adoption of the Fiscal Year 2014 budget. He told the Board that there were no changes from the June 13, 2013 public hearing, and so there was no presentation to be given.

Lee Hearn: Mr. Hearn spoke for twenty minutes expressing his concerns about the "fiscal cliff that looms ahead for Fayette County." He spoke in opposition to the proposed Fiscal Year 2014 budget.

Emory McHugh: Mr. McHugh spoke for about 28 minutes about his concerns with the proposed Fiscal Year 2014 budget. He spoke in opposition to the proposed Fiscal Year 2014 budget.

Bob Ross: Mr. Ross commented on the length of time the previous speakers took with their comments, about how no member of the current Board is a member of the Fayette County Issues Tea Party, and of his support for the proposed Fiscal Year 2014 budget.

Frank Gardner: Mr. Gardner spoke about the comments given by Mr. Hearn and Mr. McHugh, commented that it was the previous Board that implemented the Stormwater Utility Fee that charged everyone in rural Fayette County, and that even though Mr. Hearn and Mr. McHugh did not attend the three Stormwater Town Hall meetings, they "bash" the Commissioners who are listening to the people. He thanked the Board for working on behalf of the citizens of Fayette County.

County Administrator Steve Rapson: County Administrator Rapson replied to the concerns expressed by Mr. Hearn and Mr. McHugh.

Chief Financial Officer Mary Parrott: Chief Financial Officer Mary Parrott replied to a concern that Mr. McHugh addressed during his comments.

County Administrator Steve Rapson: County Administrator Rapson added that the county would issue a press release after the meeting, since Moody's in New York City had indicated that they wanted to review the County's bond rating in order to reaffirm the bond rating. He reported that Moody's actually had reaffirmed the County at an AA Bond Rating with a positive outlook. He read a portion of the letter to the Board, and explained Moody's rationale for why Fayette County was rated the way it is rated. He concluded that the County had missed an AAA Bond Rating solely based on the deficit budgeting that has occurred in the last few years. He stated the letter from Moody's would be shared with the press at the end of the meeting as well.

Commissioner Oddo: Commissioner Oddo commented that there were some concerns expressed about the lack of transparency from this Board. He pointed out that there had been almost two hours of talking about what was going on in Fayette County, and that it signified that the County was pretty transparent.

Commissioner Ognio moved to approve the Fiscal Year 2014 budget as it stands. Commissioner Barlow and Commissioner McCarty seconded the budget.

Commissioner Ognio: Commissioner Ognio pointed out that Mr. McHugh made a great point to do away with the Defined Benefit Program toward the end of his speech, and that he basically made the case that a Defined Benefit Pension Program was unsustainable no matter how much money was thrown at it. He said he did not know how Mr. McHugh could be complaining about what the Board did to the plan, and that it was his opinion that the Defined Benefit Plan “needed to go”. He explained that Mr. Rapson made changes that may save the Defined Benefit Plan; although that is yet to be seen. He said he wanted everyone to know that Defined Benefit Plans across the municipalities have gone bankrupt, and that would leave no retirement plan for retirees.

Commissioner McCarty: Commissioner McCarty said that if a person retired on the Defined Benefits Plan, then the County would lose that person while paying a goodly portion of what he was making. And then that retired employee has to be replaced with someone else, and the County would have to pay that person as well. So there are two salaries going out while there is only one working person left. He said he was against the Defined Benefit Pension Plan from the beginning, and that the County Administrator had done an excellent job of resolving the issue the Board had with it.

Chairman Brown: Chairman Brown replied to several of the issues raised by Mr. Hearn and Mr. McHugh.

Commissioner McCarty: Commissioner McCarty said he was still “against the Stormwater”, but it is a situation that was inherited and that has to be fixed. He stated that he was stuck with it, but the Board would devise the best way it could, with the public’s help, on how to fix the problem.

County Administrator Rapson asked for the dollar amount of the budget to be read into the record before the Board made their vote.

Commissioner Barlow: Commissioner Barlow commented on the issues raised by Mr. Hearn and Mr. McHugh.

Commissioner Ognio amended his motion to approve Resolution 2013-14 adopting the Fiscal Year 2014 budget of \$76,392,796. Commissioner Barlow seconded the amended motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Roy Bishop: Mr. Bishop said he lived on Westbridge Road and that he was glad that Public Works Director Phil Mallon was in attendance. He asked why the citizens were not given a progress report or perhaps a completion date on the work occurring on Westbridge Road. He asked if Mr. Mallon could put an end date on the project. He also asked why a 44-foot wide bridge was being built on a 24-foot road. Mr. Bishop continued that while he understood

the current Board's hands were tied with respect to some on-going construction projects, he did not think that someone who has already been voted out of office should be able to sign a long-term contract that is going to tie the next Board's hands.

County Administrator Rapson replied that he would provide Mr. Bishop the information he requested via email.

Donald Fowler: Mr. Fowler, a resident on Hood Road, asked for the Board's help concerning zoning issues. He briefly spoke about when the Board rezoned property for Pinewood Studios in March 2013, and how the Board said it did not want Pinewood Studios to develop into a small city. He then told of how the City of Fayetteville was trying to annex the property and surrounding areas, and how the City of Fayetteville wanted to rezone the annexed properties. Mr. Fowler explained that signs that were posted along the roads advertising the potential annexation and that the signs indicated that the properties would be rezoned from an R-70 classification to a C-70 classification. He continued saying that he attended two public hearings, and learned that the property was really going to be rezoned to a PCD classification. He said the City of Fayetteville has acknowledged the mistake, and that the city would have to re-advertise the rezoning issue and would have to correct its signs. Mr. Fowler then asked the Board to convey to the city that it opposes rezoning property near Hood Road to the PCD classification, and he asked the Board to try to provide relief for the homeowners along Hood Road. On a second concern, Mr. Fowler asked the County to look into the issue of heavy trucks using Sandy Creek Road as a "through-road" even though there were posted signs disallowing that use.

Bob Ross: Mr. Ross corrected his comments made during the Public Hearing portion of the meeting. He said he may have referred to a roster for the Fayette County Issues Tea Party, but that there is no roster. He said there is simply an email list that goes out, and that there are Democrats on the list, there are members of the Fayette County NAACP on the list, and that the roster is open to anybody and that he is happy to have everybody on the list. He repeated that there is no formal membership to the Fayette County Issues Tea Party. He also asked the Board if the County Administrator could give an analysis of the comments made about the "flight of all of our people because of all of the evils of the DP plan."

County Administrator Steve Rapson replied that the County has had maybe less than ten people who have left in the last five months that he has been at the County. He explained half of those who left wanted to go and work in the South Dakota oilfields, and about half of those people have come back to the County. He said the County has not seen a huge exodus in regards to positions, nor does the County have a problem filling vacancies. He repeated that he has not seen an exodus, and that he has approved every position that has been hired since he has been at the County, and that he thought there had been less than eight.

Gene Key: Mr. Key said he was a neighbor of Donald Fowler. He said there were fifteen families on Hood Road, and, if they knew what Mr. Fowler found out today, they would have been at the meeting to beg the Board to try to get some relief from the city. He said Mr. Fowler represented all fifteen families on Hood Road, and he wanted the Board to know that it was not just one man making a case. He said he appreciated the Board very much as it relates to the budget and that the Board had done a fine job. He said he had lived in Fayette County for forty years, and this was the first time in forty years that he really felt good about the group of Commissioners that Fayette County has. He said it was good that they were working together and working with the cities, and that is what was needed all this time. He said the Board had done what no other commission had done since he came to Fayette County forty years ago.

CONSENT AGENDA:

Commissioner Ognio asked to table Consent Agenda Item 6 until the July 9, 2013 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown asked to remove Consent Agenda Item 7.

Commissioner Oddo moved to approve the remaining items on the Consent Agenda, specifically Item Numbers 4 and 5. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

4. **Approval of the County Administrator's recommendation to enter into a Memorandum of Understanding between Fayette County and the City of Fayetteville for the Co-Location of Fayette County Ambulance at Fayetteville Fire Station 91.**
5. **Approval of staff's request to authorize Enviroprobe, LLC. to perform asbestos cleanup at 395 Oak Hill Drive, Fayetteville, in the amount of \$6,787.00, to recover said funds by attaching a lien on the property, and to approve a Right of Entry Agreement which allows the County to access the property, assume responsibility for the cleanup, and to attach the lien for all associated costs.**
6. **Approval of staff's recommendation to award Bid #859 and Alternative Bid #2 to Tractor and Equipment Company, in the amount of \$342,712.85, for the purchase of a Gradall XL4100 Wheeled Excavator with a 60" ditching bucket, 48" excavating bucket, and a tree limb shear, and authorization for the Chairman to sign any contract or related documents pertaining to this request.**

This item was tabled until the July 9, 2013 Board of Commissioners meeting.

7. **Approval of the May 23, 2013 Board of Commissioners Special Called Meeting Minutes, and the June 13, 2013 Board of Commissioners Meeting Minutes.**

Chairman Brown noted that some suggested changes were made by the Board for the June 13, 2013 Minutes, and that the suggested changes were not made prior to the minutes being distributed to the public. Chairman Brown then read the suggested changes into the record. Chairman Brown then made a motion to approve the May 23, 2013 Board of Commissioners Special Called Meeting Minutes and the June 13, 2013 Board of Commissioners Meeting Minutes as amended. Multiple seconds, including Commissioners Oddo and Ognio, were received. No discussion followed. The motion passed unanimously.

OLD BUSINESS:

NEW BUSINESS:

8. **Consideration of staff's recommendation to adopt Ordinance 2013-14 amending the Code of Ordinances for Fayette County, Georgia by establishing provisions pertaining to enforcement of County Ordinances, providing an effective date, repealing conflicting ordinances, providing for severability, and by promoting the public health, safety and welfare.**

Interim County Attorney Dennis Davenport pointed out that the Ordinance Number should read 2013-04 instead of 2013-14 as indicated on the Agenda.

Mr. Davenport explained that an oath had been written that was not in the draft ordinance presented to the Board, and he asked the Board's permission to amend the draft ordinance in order to include the oath. Mr. Davenport said the oath would be placed in the ordinance after Section 2-23; meaning there will be a Section 2-24 on the ordinance that contains the oath. Mr. Davenport then read the oath into the record.

Chairman Brown moved to approve staff's recommendation to adopt Ordinance 2013-04 and to include Section 2-24 as read by the Interim County Attorney. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

9. Consideration of Commissioner David Barlow's recommendation of Ms. Cathy Berggren to fill an unexpired term on the Fayette County Board of Family and Children Services, with said term beginning June 27, 2013 and ending January 23, 2017.

Commissioner Barlow introduced and commented on Ms. Cathy Berggren and her work at Real Life Center.

Captain Pete Nelms, who serves as Chairman of the Family and Children Service's (DFACS) Board, spoke how Ms. Berggren was a natural fit for the Board and how she brought a wealth of community resources with her that could be utilized by DFACS.

Ms. Berggren spoke about how honored she was to be able to serve on the DFACS Board.

Commissioner Barlow moved to accept his recommendation to have Cathy Berggren fill an unexpired term on the Fayette County Board of Family and Children Services with said term beginning June 27, 2013 and ending January 23, 2017. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

10. Consideration of Commissioner Allen McCarty's recommendation to reinstate County Employee Appreciation Picnics, on a bi-annual basis, beginning in 2013.

Commissioner McCarty said one of the first things that he remembered well when he became a Commissioner was going to a picnic that was held for the County employees, and getting to talk with them and meeting with them, and to get their reactions. He said that he also remembered down through the years in places where he has worked, that those employers would do things for their employees; and that everybody appreciated it. Commissioner McCarty said Fayette County has a fantastic staff, and the fact that the County discontinued showing appreciation to them is unacceptable to him. He proposed that the County reinstate this process, and to do it on a bi-annual basis. Discussion followed.

Commissioner McCarty moved to approve his recommendation to reinstate County Employee Appreciation Picnics, on a bi-annual basis, beginning in 2013. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

11. Consideration of a request from the Fayette County Republican Party to authorize the County Clerk to recognize and certify the removal of Ms. Marilyn Watts as the Republican Representative on the Fayette County Board of Elections, and to recognize and certify the appointment of Ms. Claudia Eisenburg as the Republican Party's replacement on the Fayette County Board of Elections.

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

12. Approval of the June 19, 2013 Board of Commissioners Special Called Meeting Minutes. Chairman Brown was not present for this meeting.

Commissioner Oddo moved to approve the June 19, 2013 Board of Commissioners Special Called Meeting Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Brown abstaining from the vote.

ADMINISTRATOR'S REPORTS:

Grand Opening of Lake McIntosh: County Administrator Steve Rapson reminded the Board that June 28, 2013 was the grand opening for Lake McIntosh at 10:00 a.m. He invited those who could make it to go to the opening.

Rescheduling of the July 11, 2013 Board of Commissioners Meeting: County Administrator Steve Rapson reported that the July 11, 2013 Board of Commissioners Meeting had to be cancelled, and has instead been rescheduled to July 9, 2013. He explained that on July 9, 2013 there would be a meeting held at 5:30 p.m., which is a Joint Meeting between the City of Fayetteville and Fayette County, to discuss the Pinewood Annexation. He said following the 5:30 p.m. meeting, the Board of Commissioners would hold a second Official Meeting at 7:30 p.m.

ATTORNEY'S REPORTS:

Three Items for Executive Session: Interim County Attorney Dennis Davenport reported that he had three items for Executive Session: two items involving Pending Litigation and two items to approve Executive Session Minutes from June 13 and June 19, 2013.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow apologized to Mrs. Mary Parrott for referring to her as Mary Holland during his previous comments. He said when he was videotaping those budget meetings, she was Mary Holland. He said it was an innocent error because he does know who Mrs. Parrott is. He said the Board was tickled pink to have her with the County.

Commissioner McCarty: Commissioner McCarty introduced his granddaughter who, despite her grandfather and mother and father being involved in television, was not encouraged to be in television--even though she was born in front of a television camera. He said she chose on her own to go to the Atlanta Art Institute where she is taking film production, editing and related courses. He pointed out that she brought her video camera and filmed tonight's meeting, and that her name is Jennifer.

Commissioner Ognio: Commissioner Ognio wished everyone a safe and happy 4th of July. He asked everyone to be careful since there may be drinking going on, and asked for everyone to be aware of what was around them.

Commissioner Oddo: Commissioner Oddo pointed out that he was married on July 4, 2012, and he wished his wife, Pili, a happy anniversary.

EXECUTIVE SESSION:

Three Items for Executive Session: Chairman Brown moved to leave the regularly scheduled meeting and go into Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 9:36 p.m. and returned to Official Session at 9:57 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Affidavit. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the June 13, 2013 Executive Session Minutes: Chairman Brown moved to approve the June 13, 2013 Executive Session Minutes. Commissioners Oddo and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the June 19, 2013 Executive Session Minutes: Chairman Brown moved to approve the Executive Session Minutes from June 19, 2013. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Brown abstaining from the vote since he was absent from the June 19, 2013 Executive Session meeting.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the June 27, 2013 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the June 27, 2013 Meeting at 9:58 p.m.

Floyd L. Jones, County Clerk