



## *Action Agenda*

Board of Commissioners  
August 29, 2013  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on August 29, 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  
Tameca P. White, Deputy Clerk  
Dennis Davenport, Interim County Attorney

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### **Call to Order, Invocation, Pledge of Allegiance**

Chairman Brown called the August 29, 2013 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner Barlow introduced Mr. Randy Weaver and asked him to offer the Invocation. Mr. Weaver offered the invocation.

Commissioner McCarty led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

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

### **PRESENTATION / RECOGNITION:**

**1. Resolution recognizing the Cancer Wellness Walk Committee and to proclaim the month of September 2013 as Cancer Wellness Month.**

Commissioner Barlow read the Cancer Wellness Walk Committee Resolution. Mrs. Vicki Turner commented on the work of the Cancer Wellness Walk Committee.

**2. Proclamation of September 1, 2013 as “Judge Charles Floyd Day.”**

Commissioner McCarty read the proclamation of September 1, 2013 as “Judge Charles Floyd Day.”

**3. Proclamation of September 14, 2013 as Fayette’s Biggest Food Drive.**

Commissioner Barlow read the proclamation declaring September 14, 2013 as Fayette’s Biggest Food Drive.

**4. Presentation of Citizen Life Savings Awards and Fire Department Unit Citations.**

Fire Chief David Scarbrough explained the reason for the presentation of the Citizen Life Savings Awards and the Fire Department Unit Citations.

**5. Recognition and presentation of Fire Department Rescue Award by Board of Commissioners.**

Deputy Fire Chief Tom Bartlett gave the presentation of the Fire Department Rescue Award.

**6. Recognition of Fayette County Medal Winning Boxers.**

Chairman Brown recognized Fayette County’s Medal Winning Boxers: Diego Casillas, Rayshawn Boone, and Jessica Kurtz.

**PUBLIC HEARING:**

**7. Public Hearing and submission of Resolution 2013-15 for adoption of the proposed 2013 Property Tax Millage Rates.**

Chief Financial Officer Mary Parrott gave a presentation on the proposed 2013 Property Tax Millage Rates. County Administrator Steve Rapson commented on the proposed Property Tax Millage Rates.

No one spoke in favor of or in opposition to the proposed 2013 Property Tax Millage Rates.

Commissioner Barlow moved to accept the presentation of the digest and millage rates as presented by Chief Financial Officer Mary Parrott, and to adopt Resolution 2013-15. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

**8. Public Hearing on the proposed Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) project list.**

County Administrator Steve Rapson briefly commented on the Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) project list, and how information for the SPLOST project list could be obtained. He pointed out that the SPLOST project list would be up for a vote on September 5, 2013.

Mr. Dennis Chase, Mr. Osvaldo Sanchez, Mr. William Grant; Mr. Leonard Terrell, Mr. Tom Waller, Mr. Bob Ross, and Peachtree City Councilman Eric Imker commented on the proposed Core Infrastructure SPLOST project list and its ramifications.

Public Works Director Phil Mallon, Environmental Compliance Director Vanessa Birrell, and County Administrator Steve Rapson replied to the comments made by those who spoke about the proposed Core Infrastructure SPLOST projects.

Commissioner McCarty, Commissioner Oddo, and Chairman Brown also commented on the proposed Core Infrastructure SPLOST projects.

The Board took no action on this item.

**PUBLIC COMMENT:**

The following individuals gave public comments: Ms. Eileen Zeigler, Mr. Osvaldo Sanchez, Mr. John Munford, and Peachtree City Councilman Eric Imker.

**CONSENT AGENDA:**

Chairman Brown asked for Items 9 and 10 to be removed from the Consent Agenda.

Chairman Brown moved to approve the Consent Agenda as read with the exception of Items 9 and 10. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

**9. Approval of staff's request for the Board to approve an agreement with Coast2CoastRx to allow Fayette County employees and citizens to benefit from a discount program for prescriptions and other medical services.**

Chairman Brown said he would not support the request and he spoke about his concerns with entering into an agreement with Coast2CoastRx.

Commissioner Barlow moved for the Board to not approve Consent Agenda Item 9— staff's request for the Board to approve an agreement with Coast2CoastRx to allow Fayette County employees and citizens to benefit from a discount program for prescriptions and other medical services. Commissioner Ognio seconded the motion. Discussion followed. The motion to not approve the agreement passed 5-0.

**10. Approval of staff's recommendation to enter into an Alliance Memorandum of Understanding with the University of Phoenix that will provide a five percent (5%) tuition reduction to Fayette County's employees who meet the University's admission standards.**

Chairman Brown spoke about his concerns with entering into an Alliance Memorandum of Understanding with the University of Phoenix.

Commissioner Ognio moved to not approve staff's recommendation to enter into an Alliance Memorandum of Understanding with the University of Phoenix that will provide a five percent (5%) tuition reduction to Fayette County's employees who meet the University's admission standards. Commissioner Barlow seconded the motion. Discussion followed. The motion not to approve passed unanimously.

11. **Approval of staff's recommendation to enter into an Intergovernmental Agreement between Spalding County and Fayette County for the replacement of the McIntosh Road Bridge over the Flint River, and to ratify the Chairman's signature on the agreement.**
12. **Approval of staff's recommendation to authorize the Chairman to sign an Executive Session Affidavit stating the Board entered into Executive Session on August 15, 2013 for the purpose of reviewing the June 27, 2013 Executive Session Minutes.**
13. **Approval of the August 15, 2013 Board of Commissioners meeting Minutes.**

**OLD BUSINESS:**

There were no Old Business items on the Agenda.

**NEW BUSINESS:**

14. **Consideration of staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, and adoption of the Proposed Alcohol Fee Schedule.**

Community Development Director Pete Frisina and Code Enforcement Officer Kathy Hobbs discussed this request with the Board.

Interim County Attorney Dennis Davenport informed the Board that it needed to concern itself with the area of excise taxes, located in Article V of the Fayette County Code of Ordinances. He explained that the way the proposed Ordinance 2013-11 reads, and if it was to be approved by the Board, then Article 5 would be deleted in its entirety, and would enact the new ordinance. He suggested that the Board consider a caveat that would not delete the current chapter in its entirety, but would preserve Article V as excise tax. He said the County did not want to lose the excise tax portion.

Commissioner Barlow moved to approve staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, and to adopt the proposed Alcohol Fee Schedule. Mr. Davenport suggested that Commissioner Barlow augment his motion to include an addition to reserve current Article V in the code relating to excise taxes so it is not lost with the adoption of Ordinance 2013-11. Commissioner Barlow agreed to add Mr. Davenport's recommendation to the motion. Commissioner McCarty seconded the motion. No discussion followed.

The motion to approve staff's recommendation to adopt Ordinance 2013-11 amending the Fayette County Code of Ordinances, Chapter 3. Alcoholic Beverages, to provide severability; to repeal conflicting laws, ordinances, and resolutions; to provide an effective date; and for other purposes allowed by law, to adopt the proposed Alcohol Fee Schedule, and to reserve current Article V in the code relating to excise taxes so it is not lost with the adoption of Ordinance 2013-11 passed unanimously.

## **ADMINISTRATOR'S REPORTS**

**Voting Delegate at the ACCG Legislative Leadership Conference:** County Administrator Steve Rapson informed the Board that every year each county has to delegate a Voting Delegate to ACCG for the upcoming Legislative Leadership Conference. He told the Board that in previous years County Administrator Jack Krakeel had been the Voting Delegate, and that Commissioner Allen McCarty served in the position last year. Discussion followed.

Commissioner Barlow moved to allow Commissioner McCarty to serve as Fayette County's Voting Delegate at the upcoming Legislative Leadership Conference. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

**Direction on Board Appointments:** County Administrator Steve Rapson informed the Board that there were some upcoming appointments were to become vacant in the upcoming months. He explained that some of the expiring positions were on the Planning Commission, that the Planning Commission appointments were assigned by the Commissioners' posts, and he asked the Board if it wanted to continue advertising or if it wanted to follow the traditional practice of allowing each Commissioner to choose a nominee. The Board agreed to continue to advertise for these positions, irrespective of posts. Mr. Rapson then asked if someone wants to reapply for a position, would that applicant go through the interview process as well. The Board agreed that a person reapplying for a position should go through the interview process as well.

**Response to John Munford's Questions:** County Administrator Steve Rapson responded to each of the questions Mr. John Munford posed during the Public Comments section of the meeting.

**Statement on the Sanitary Survey Reports:** County Administrator Steve Rapson issued a statement on the recent Sanitary Survey Reports.

**Open Records provided to the Media:** County Administrator Steve Rapson reported that all Open Records Requests that have been in the paper, including the McKinley letter, the individual disciplines, all of the actions that have occurred, all of those items were explicitly detailed in about a 1"-package and provided to *Fayette Daily News* reporter Pat Cooper and to *The Citizen* reporter John Munford at the beginning of the meeting. He explained that under Georgia law, when a complaint is being investigated that will result in personnel action, associated documents do not have to be released until after the action is taken. He told everyone that once action is taken, the records can be released, under Georgia law, ten days later. Mr. Rapson pointed out that "ten days later" would mean Friday, September 6, 2013. He said the reason he chose to wait four days to release information tonight was because, under the County's personnel policy, employees have a right to appeal his decision for five days; with the five-day appeal deadline expiring on August 30, 2013. He acknowledged that he was taking a risk in releasing the information early, but he believed a sense of accountability has been put into place, that the records will document who was disciplined and what the disciplinary actions are. He concluded that there are no open records that have not been released. He mentioned that part of the problem is that the Board and administration are transparent and that requests for information are often responded to within the same day, so when an answer is not received quickly it is not always received favorably. He thought there was a good relationship with the press, he hoped those relationships would be maintained, and that there would be disagreements from time to time.

## **ATTORNEY'S REPORTS**

**Threatened Litigation:** Interim County Attorney Dennis Davenport informed the Board that he had one item for Executive Session involving threatened litigation.

## **COMMISSIONERS' REPORTS**

**Commissioner Oddo:** Commissioner Oddo that the water situation has been an ongoing soap opera. He acknowledged that he had not made his thought public on the matter, but that he wanted to make his thoughts public on the matter. He then read a prepared statement concerning the issues surrounding the Water System in Fayette County.

**Commissioner Ognio:** Commissioner Ognio made a statement concerning the Water System.

**Commissioner McCarty:** Commissioner McCarty asked Mr. Munford if he still wanted an email from each Commissioner. Mr. Munford replied that his boss wanted emailed responses from each Commissioner. Commissioner McCarty added that if the County had fired all the Water System employees, as some suggested, that it would have a Water System with no employees. He pointed out that through his long experiences in broadcasting that he could count only three people that he had to terminate. He said his job was to correct the problems he was having with people, and in doing that he had people working for him who respected him, who worked with him, and who ended up doing a good job. He added that the Board's job and County Administrator Steve Rapson's job, was to find the problems and resolve them. He closed his statement saying Mr. Rapson was doing a fine job in resolving the problems.

**Commissioner Barlow:** Commissioner Barlow directed his comments to County Administrator Rapson while informing everyone that during the two weeks Mr. Rapson was gone the County was absent any quality leadership. He said the County had an individual who placed himself in a position of authority while not having the right to do so, and by doing so has created problems that did not necessarily have to be created and that everyone has to deal with it. He said that at no time did Mr. Rapson lose any of his personal integrity nor the integrity or quality of leadership that he has been providing the county. He applauded Mr. Rapson for the way he conducted himself while on vacation, and he apologized for the issues that people on the Commission caused him to deal with while he was on his personal vacation. He congratulated and thanked Mr. Rapson for returning to work.

**Chairman Brown:** Chairman Brown apologized to County Administrator Steve Rapson since he had to be called several times while he was on vacation, and that his employment contract should be modified to ensure that he is never outside of cell phone range again when he is on vacation. He acknowledged that the issues were a lot to deal with while on vacation. He pointed out that he has a relationship with Mr. Rapson that goes back over a decade, and there are many times where they have butted heads. He said the beautiful part about it is that when the issues are over, they "go eat a pizza and then we go on to the next issue." He stated that the greatest thing a person can have in life is good relationships, and when a person has good relationships it makes all the difference in the world. He said he appreciates the relationship he has had with Mr. Rapson, that there are times when they agree to disagree on issues, and that they have agreed to disagree on the current issues facing the Water System. He closed saying they would go on to other issues and start "plowing some ground." Chairman Brown next addressed the issue surrounding former County Attorney Scott Bennett, and he told everyone that the special solicitor's investigator dismissed the case. He told everyone that he spoke to the investigator and that it was a disappointing experience. Speaking on behalf of the Board, he stated that if someone makes an Open Records Request for information on a Commissioner, that they would not take their computers home, have the hard drives wiped, and offer an excuse that there are several papers in a filing cabinet and if you would like to look through a few of those perhaps you can find what you are looking for or perhaps you cannot. He thought the dismissal lowered the standard for Open Records in the State of Georgia, and he thought the citizens of the State of Georgia lost out on the decision.

### **EXECUTIVE SESSION**

**Threatened Litigation:** Chairman McCarty moved to recess into Executive Session discussed one item of Threatened Litigation. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:06 p.m. and returned to Open Session at 11:45 p.m.

**Executive Session Affidavit:** Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

### **ADJOURNMENT**

Commissioner McCarty moved to adjourn the August 29, 2013 Board of Commissioners meeting. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the August 29, 2013 meeting at 11:46 p.m.

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Floyd L. Jones, County Clerk