



## *Action Agenda*

Board of Commissioners  
December 12, 2013  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on December 12, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

<b>Commissioners Present:</b>	Steve Brown, Chairman David Barlow Allen McCarty Randy Ognio
<b>Commissioner Absent:</b>	Charles Oddo, Vice-Chairman
<b>Staff Present:</b>	Steve Rapson, County Manager Floyd L. Jones, County Clerk Tameca P. White, Deputy County Clerk Dennis Davenport, Interim County Attorney

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

The December 12, 2013 meeting was called to order by Chairman Steve Brown at approximately 7:00 p.m.

Commissioner Barlow spoke regarding principles four, five and six of the 28 Principles of Liberty. He stated that this Board of Commissioners has reached to the community of faith and has embraced all the religions represented in the community. He stated that if there is anyone that would like to participate and give an invocation or be involved in what the county offers, to please contact the staff.

Commissioner Barlow introduced Executive Director Will Garner of Midwest Food Bank and asked him to speak about Midwest Food Bank and to offer the Invocation. Mr. Garner gave a PowerPoint presentation on the Midwest Food Bank and then offered the Invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Chairman Brown moved to accept the Agenda, to move Presentation Recognition Item #9 to the front of the Agenda, and that Public Comments be moved to item #26 on the Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

### **PRESENTATION / RECOGNITION:**

**1. Proclamation of Appreciation of Coweta County Chairman Bob Blackburn's Leadership.**

Chairman Brown presented Coweta County Chairman Bob Blackburn with a Proclamation of Appreciation. Mr. Blackburn, his son, Matt and his wife came forth to receive the proclamation. Chairman Brown commented on the friendship that has been extended from Chairman Blackburn in a neighboring county. He then read the proclamation into the record. Chairman Blackburn made comments and thanked the Board for the forward motion in Fayette County.

**2. Recognition of Ms. Hannah Newton of McIntosh High School for County Pitcher of the Year.**

Mr. Christopher Dunn with Fayette County News came forth to assist with presentations. He stated that the County Pitcher of the Year is Ms. Hannah Newton from McIntosh High School. He stated that Hannah racked up ten wins, 143 strike-outs, six shutouts, two no-hitters and one perfect game and batted .382, with six doubles and 14 RBI's.

**3. Recognition of Ms. Kimberly Perkins of Whitewater High School for County Batter of the Year.**

Mr. Christopher Dunn with Fayette County News stated that Ms. Kimberly Perkins is County Batter of the Year and she is from Whitewater High School. He stated that she batted .506, with 11 doubles, six home runs, and 50 RBI's for the Wildcats.

**4. Recognition of the Fayette County 2013 All-County Volleyball Team.**

Mr. Christopher Dunn with Fayette County News recognized the members of the Fayette County 2013 All-County Volleyball Team. He individually recognized the players for the 1<sup>st</sup> Team and the 2<sup>nd</sup> Team, and he introduced the honorable mentioned players. Mr. Dunn and the Board then recognized the Player of the Year and the Coach of the Year.

**5. Recognition of Inman and Oak Grove Elementary Schools for being among the 78 highest performing Title I Schools in the State of Georgia.**

Commissioner McCarty read a proclamation recognizing both Inman and Oak Grove Elementary Schools for being among the 78 highest performing Title I Schools in the State of Georgia.

**6. Recognition of Division Chief and Emergency Management Director Pete Nelms of Fayette County's Public Safety Division for his work in meeting the incentive standards outlined in the Georgia Emergency Management Agency-Homeland Security Federal-State-Local Disaster Match Policy.**

Fayette County Fire Chief David Scarbrough publically recognized Division Chief and Emergency Management Director Pete Nelms for his work in meeting the incentive standards outlined in the Georgia Emergency Management Agency- Homeland Security Federal-State-Local Disaster Match Policy, and the Board presented Chief Nelms with a Certificate of Appreciation.

**7. Shop Fayette County for the Holidays.**

Commissioner Barlow read a proclamation calling on all citizens to "Shop Fayette County for the Holidays."

**8. Recognition and rewarding of the County Department who won Fayette County's Annual Door Decorating Contest.**

County Administrator Steve Rapson informed the Board that the E-911 Communications Department won first place in Fayette County's Annual Door Decorating Contest. He also informed the Board that the Environmental Management Department took second place in the contest.

**9. Proclamation honoring Fayette County couples who are celebrating their milestone Wedding Anniversaries.**

Chairman Brown and the Board recognized and read into the record a proclamation recognizing Mr. and Mrs. Jim and Linda Robinson who were celebrating their 50<sup>th</sup> year anniversary. Chairman Brown also read into the record a proclamation recognizing Mr. and Mrs. Bogus and Jewelean Miller for their 50<sup>th</sup> year anniversary. Mr. and Mrs. Miller were not present for the meeting.

**PUBLIC HEARING:**

**10. Consideration of Petition No. 1231-13, 92 Oaks, LLC., Benjamin L. Autrey, Owner, and Joseph L. Robinson, Agent, request to rezone property from EST Estate Residential District and A-R Agriculture-Residential to A-R Agriculture-Residential to develop six (6) residential lots and of RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05.**

Mr. Joseph Robinson, representing 92 Oaks, LLC., spoke in favor of Petition No. 1231-13. No one else spoke in favor of or in opposition to this request.

Chairman Brown moved to approve Petition No. 1231-13, 92 Oaks, LLC. request to rezone property from EST Estate Residential District and A-R Agricultural-Residential to A-R Agriculture-Residential to develop six residential lots. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

Chairman Brown moved to approve RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05, essentially voiding the Residential Development Plan on that portion of the property. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

**Gene Adams:** Mr. Gene Adams said he lived fairly close to Mr. Bob Craft's property. He stated that Mr. Craft has spent a lot of time trying to get the zoning for the property to be changed to A-R, and that tonight that he saw it happen.

**PUBLIC COMMENT:**

**Attorney Scott Bennett:** Attorney Scott Bennett, who works in Peachtree City, stated that he came to the meeting to shed some light on a matter that he thought the public should know about, namely, the recent events surrounding the termination of Mr. Russell Prince who is both his client and his friend. Mr. Bennett then spoke on the matter of Mr. Prince's termination. He stated that Mr. Prince should be reinstated to his employment with Fayette County, that he would be filing an appeal and a request for review. He stated that if Mr. Prince was not reinstated, then he had a right for a review panel from three department heads. He stated that if the review panel did not work, then the issue may end up in Superior Court. He told the Board that it had a good employee who has worked hard, accepted a

demotion since he did not want to make waves, and who put his head down and did his job by doing exactly what he was asked to do, and that he was fired for doing his job. He asked the Board to do the right thing by not making this issue go to litigation, and to do what is right by its employees. He asked the Board to let its employees know that if they do their job then the Board has their back. He asked the Board to think about this situation, to pray about it, and to do what is right by Russell Prince and its employees.

**Vasana Smith:** Ms. Vasana Smith publically announced that on December 18, 2013 from 11:00 a.m. until 12:30 p.m., there will be a Grand Opening for the Southeast Regional Veterans Vocational Training Center. Ms. Smith spoke about the Training Center and how it came about and its purpose.

**Bob Ross:** Mr. Ross thanked Community Development Director Pete Frisina who has worked with him in regards to the Fayette Visioning Project. Mr. Ross then said he was coming to speak about two items, the first being the protection of public officials, and he spoke about how protection of public officials should apply. He said the second item he wanted to talk about the protection to vote on how to lead the country, that a means of protecting the vote is through an Elections Board, and that a responsibility of an Elections Board is to ensure that all citizens are represented fairly so that their vote counts. He spoke about how the Fayette County Elections Board is composed, and he spoke about how the Republican Party's appointee to the Elections Board is Ms. Marilyn Watts. Mr. Ross then spoke about Ms. Watt's recent activity on the Elections Board. He said the Republican Party had to reassess whether or not Ms. Watts was serving the best interest of the party on the Elections Board, and that the Republican Party concluded that it was not being served. He stated that he understood that Ms. Watts was asking the Fayette County Board of Commissioners to approve funds to defend her from actions taken by the Republican Party. He said that nothing in the petition by the Republican Party has anything to do with her work or service for the public in the administration of her duties, and that it address matters that were done outside of her official capacity and so it was not worthy of having any public support of her defense. He agreed that she was certainly entitled to a defense, that she may cite precedence for a public defense, but that he would cite how a former Commissioner who committed a personal action that was not in the administration of his office was taken to court and that individual had to pay out of his pocket specifically since the action was not in the administration of his office. Mr. Ross spoke about how there was a current Commissioner who was taken before an Ethics Board, and is appealing that decision. He said the current Commissioner had sought public funds, but the difference was that the decision and actions that lead to bringing him before the Ethics Board were made during the administration of his duties. Mr. Ross then spoke of another action in which Ms. Barlow serves as a member of the Board of Education in Cherokee County, and that the Board of Education denied funds for her defense against an ethics charge. He said Ms. Watt's clearly did something that was completely outside of the realm of her official duties as a member of the Board of Elections, and that there was no rational for Fayette County taxpayers to defray any expenses in this matter.

#### **CONSENT AGENDA:**

Commissioner Barlow moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

- 11. Approval of the County Clerk's request to adopt the 2014 County Commission Meeting Schedule.**
- 12. Approval to register with the Commodities Futures Trading Commission (CFTC) and receive an Interim Compliance Identifier (CICI); execute the proposed Credit Support Annex; execute the proposed Bilateral Dodd-Frank (DF) Agreement and adopt the model resolution to conform to the provisions of the Dodd-Frank Act.**

13. **Approval of staff's recommendation to declare one Fire Apparatus as unserviceable and to sell the asset utilizing the GovDeals internet website, and for all proceeds to be returned to the Fire "Vehicle Replacement" fund.**
14. **Approval of the proposed 2014 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.**
15. **Approval of staff's request to adopt the Georgia Department of Transportation's Local State Route Acceptance Resolution and Contract for Maintenance of Highways Numbered 3609M for the proposed widening of State Route 54 (GDOT PI No. 721440).**
16. **Approval of staff's recommendation to increase the NTE (not-to-exceed) award an additional \$50,000 for an aggregate amount not to exceed \$200,000.00.**
17. **Approval of staff's recommendation to extend annual bid #861 for course aggregate with Hanson's Aggregates of Tyrone as the source for virgin aggregate and with Stephens Rock & Dirt, Inc., in an aggregate amount not to exceed \$270,672.00, for the purchase of recycled material for calendar year 2014.**
18. **Approval of staff's recommendation to extend annual Bid # 872 to E.R. Snell Contracting of Tyrone, in an amount not to exceed \$1,598,736.00, for the purchase of asphalt for the 2014 calendar year.**
19. **Approval of staff's recommendation to award annual bid #895 to Con South, Inc. as the primary vendor and to Faultless Business Center as the secondary vendor, in an amount not to exceed \$280,916.00, for dump truck services for calendar year 2014.**
20. **Approval of the disposition of tax refunds as recommended by the Tax Assessor's Office.**
21. **Approval of the Water Committee's recommendation to donate a \$900.00 water meter to the Veteran's Memorial at Patriots Park on behalf of all Veterans, conditioned upon the City of Fayetteville or the responsible party signing a service agreement to pay the ongoing monthly bills.**
22. **Approval of the November 14, 2013 Board of Commissioners Meeting Minutes.**

Chairman Brown noted that a new copy of the November 14, 2013 Board of Commissioners Meeting Minutes was on the dais for consideration. He noted that there were minor changes to the minutes, but he pointed out that on Page 4, Item 4 that the names of the couple celebrating their 50<sup>th</sup> Wedding anniversary was added. He also pointed out that on Page 17, Item 21 that language was added in the last paragraph, changing the sentence to read: *He said he did not have a real problem with Ms. Sandwich's request and he thought the rural boundary at State Route 74 and State Route 85 would make a great line of demarcation.* Chairman Brown added that there were some other changes by adding modifiers.

#### **OLD BUSINESS:**

There were no Old Business Agenda Items.

**NEW BUSINESS:**

- 23. Approval of District Attorney request to have certain employees reclassified from state employees to employees of Fayette County; and County Attorney with the District Attorney to draft an IGA (Intergovernmental Agreement) outlining the terms; and authorization for the County Manager to sign final IGA related to this reclassification of employees.**

County Administrator Steve Rapson explained this request to the Board and answered questions from the Board.

Commissioner Barlow moved to approve the District Attorney's request to have certain employees reclassified from state employees to employees of Fayette County; and for the County Attorney with the District Attorney to draft an IGA (Intergovernmental Agreement) outlining the terms, and for authorization for the County Manager to sign final IGA related to this reclassification of employees. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

- 24. Consideration of staff's recommendation to appoint Pota Coston, who is currently serving as an alternate member of the Fayette County Board of Ethics, to the vacancy on the Fayette County Board of Ethics for a term beginning immediately and to expire on November 7, 2016.**

Commissioner Barlow moved to approve staff's recommendation to appoint Pota Coston, who is currently serving as an alternate member of the Fayette County Board of Ethics, to the vacancy on the Fayette County Board of Ethics for a term beginning immediately and to expire on November 7, 2016 or when the Board of Ethics is reconstituted. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

- 25. Consideration of the Selection Committee's recommendation to reappoint Mr. Thomas Mahon and Mr. George "Larry" Blanks to the Fayette County Zoning Board of Appeals, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016.**

Commissioner Ognio moved to approve the Selection Committee's recommendation to reappoint Mr. Thomas Mahon and Mr. George "Larry" Blanks to the Fayette County Zoning Board of Appeals, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

- 26. Consideration of the Selection Committee's recommendation to appoint Mr. Brian Haren and Mr. Bob Simmons to the Fayette County Planning Commission, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016.**

Commissioner Ognio moved to approve the Selection Committee's recommendation to appoint Mr. Brian Haren and Mr. Bob Simmons to the Fayette County Planning Commission, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

**Bob Simmons:** Mr. Simmons thanked the Board for the opportunity that had been presented to him to serve on the Planning Commission. He gave Chairman Brown and Commissioner Ognio accolades for their vetting process, and he said he found out more about himself than he actually knew prior to his interview. He said he appreciated the opportunity to serve the citizens and elected officials of Fayette County.

#### **ADMINISTRATOR'S REPORTS:**

**County Closed on December 23, 2013:** County Administrator Steve Rapson said that Fayette County would be closed on Monday, December 23, 2013. He said notices had been posted throughout the County, as well as on Channel 23 and the County website.

**Selection Committee for the Ethics Board:** County Administrator Steve Rapson asked the Chairman to form a Selection Committee for the interview and selection of alternates for the Fayette County Ethics Board. Chairman Brown appointed himself and Commissioner Barlow to the Selection Committee.

**Selection Committee for the Zoning Board of Appeals:** County Administrator Steve Rapson asked the Chairman to form a Selection Committee for the interview and selection of a candidate to the Zoning Board of Appeals. Chairman Brown appointed himself and Commissioner McCarty to the Selection Committee.

**Comments Concerning Mr. Russell Prince:** County Administrator Steve Rapson stated that many troubling statements had been made concerning Mr. Russell Prince, but that while he would love to go point by point in addressing each statement that Mr. Prince was terminated for cause for work on Monday, December 9, 2013. He said Mr. Prince still has rights under the appeal process, and that he may choose to exercise those rights. Mr. Rapson said that in order to protect the integrity of the appeal process, the County would not be making any comments regarding the specifics of the termination.

#### **ATTORNEY'S REPORTS:**

**Insurance Company's Reply to a Representation Request from Ms. Marilyn Watts:** Interim County Attorney Dennis Davenport reminded the Board that at the November 14, 2013 Board of Commissioners meeting briefed the Board on the insurance company's reply to a representation request from Ms. Marilyn Watts.

Chairman Brown stated that as a petitioner in an instance related to Ms. Watts to the Republican Party that he would abstain from the conversation.

Commissioner Ognio asked for this item to be placed on the January 23, 2014 Agenda since there were not a full Board of the County Commissioners present, and since there was already one abstention. He suggested that in order to get the proper vote that all the Commissioners should be present.

Mr. Davenport replied that he could bring the report back to the January 9, 2014 meeting so that Commissioner Oddo could be brought up to speed on this matter. Discussion followed.

**Three Items for Executive Session:** Interim County Attorney Dennis Davenport stated that he had two items of Threatened Litigation and the review of the November 14, 2013 Executive Session Minutes to be considered in Executive Session.

## **COMMISSIONERS' REPORTS:**

**Commissioner McCarty:** Commissioner McCarty wished everyone a Merry Christmas. He asked for continued prayers for the Board of Commissioners, asked for prayers from the people, and thanked them for attending the meeting.

**Commissioner Ognio:** Commissioner Ognio said it was the end of the first year and that it has been an honor to serve the citizens. He said he looked forward to the rest of the years. He closed by saying "Merry Christmas" and "Happy New Year," and that he would see everybody next year.

**Commissioner Barlow:** Commissioner Barlow said this was the end of the first year, that it had been extremely exhilarating, and it has been something that he never thought he would be doing three years ago. He said he remembered when he first met Mr. Jim Richter about three years ago, and that he was the last person anyone thought would be sitting at the dais. He said it was his pleasure and his honor to serve the Fayette Community, and that he looked forward to doing it more often. He said he took pride in some of the accomplishments that the Commissioners have done, and as a Board they were allowed to hire the County Administrator Steve Rapson. Commissioner Barlow said Mr. Rapson gets tangled into matters, but he does typically get cleaned up. Commissioner Barlow said he had decided to start what he calls the "Team Player Award." He said he had the privilege of meeting tremendous employees throughout the past year and to spend time with them. He said he has ridden around the county with Public Works Director Phil Mallon and that he spent five hours with Environmental Management Director Vanessa Birrell touring the sanitation dump. He said it struck him that the County has true team players and so he was going to launch the Team Player Award. He said the first pin that he awarded goes to County Administrator Steve Rapson since he epitomizes what team playing is all about. He said Mr. Rapson was the most brilliant County Manager in the State of Georgia, that he is fascinated with the depth of his knowledge, and that he was truly blessed to have Mr. Rapson as a mentor. That said, Commissioner Barlow said he felt that the first Team Player pin should be awarded to Deputy County Clerk Tameca White. He said Ms. White came on board with Fayette County and, if anyone has ever come to the office they will find that she works with people from all walks of life and every department without fussing or complaining. He said she does whatever she is asked to do, and she does it with a precious smile on her face. He said she is a lovely person, and that he got to know her better when he rode with her to Savannah, Georgia. He said it has been his joy, pleasure, and honor, and that he continued to look forward to serving the citizens of Fayette County, and that he would continue to represent Fayette County with the best he has to offer. He closed his statement wishing by saying: "God Bless You, Merry Christmas, and have a wonderful New Year."

**Chairman Brown:** Chairman Brown read a letter from Commissioner Oddo who wished Merry Christmas to Fayette County. Chairman Brown then said that he had been an honor to work with the Board this year, that Commissioner McCarty and he had spent the first half of their tenure with really rugged times with not much that they wanted to accomplish getting accomplished. He stated that this year the Board has been on greased tracks, and that the new Commission has been very cooperative. He said the County has accomplished a lot of things, created a lot of openness in the program, and even had Commissioners pitching in when the County could not afford to put the meetings on television and on the internet. He said it was gracefully efforts all year long that made a big difference in the County. He stated that there would be a press release coming out shortly on the accomplishments by staff in 2013, and that it was amazing what everybody in each department was able to pull off on a very tight budget. He stated that there was public comment made about a personnel matter, but that there were two sides to the issue and that both sides would be heard and that the process would filter through the way it should be.



**Commissioner McCarty:** Commissioner McCarty stated he still wanted half-a-dozen chickens in his backyard and more than three dogs per address.

**EXECUTIVE SESSION:**

**Three Items of Executive Session:** Chairman Brown moved to recess into Executive Session to discuss the November 14, 2013 Executive Session Minutes and to discuss two items of threatened litigation. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo not present at the meeting.

The Board recessed into Executive Session at 9:01 p.m. and returned to Official Session at 9:18 p.m.

**Return to Official Session and Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo not being present at the meeting.

**Approval of the November 14, 2013 Executive Session Minutes:** Chairman Brown moved to approve the November 14, 2013 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-01 with Commissioner Oddo not being present for the vote.

**ADJOURNMENT:**

Chairman Brown moved to adjourn the December 12, 2013 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo not being present for the meeting.

The Board of Commissioners adjourned the December 12, 2013 Board of Commissioners meeting at 9:18 p.m.

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Floyd L. Jones, County Clerk