



Minutes

Special Called Meeting
Board of Commissioners
September 5, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in a Special Called Meeting on September 5, 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
Allen McCarty
Randy Ognio

Staff Present:

Steve Rapson, County Administrator
Floyd L. Jones, County Clerk
Tameca P. White, Deputy Clerk
Dennis Davenport, Interim County Attorney

Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the September 5, 2013 Board of Commissioners Special Called Meeting to order at 7:02 p.m.

Commissioner Barlow offered the Invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PUBLIC HEARING:

- 1. Public Hearing on staff's recommendation to enter into an Intergovernmental Agreement for the Use and Distribution of Proceeds from the 2013 Special Purpose Local Option Sales Tax for Capital Outlay Projects.**

County Administrator Steve Rapson told the Board that the proposed Intergovernmental Agreement determines the process of how funds are allocated between Fayette County and its municipalities. He said the majority of the municipalities have approved the Intergovernmental Agreement, with Peachtree City being the only remaining municipality to approve the agreement. He told the Board that once the agreement is signed, then Peachtree City will need to sign it before the SPLOST process could move forward.

No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to accept the item as listed, to enter into an Intergovernmental Agreement for the Use and Distribution of Proceeds from the 2013 Special Purpose Local Option Sales Tax for Capital Outlay Projects. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Intergovernmental Agreement, identified as "Attachment 1", follow these minutes and are made an official part hereof.

2. Public Hearing of Resolution 2013-18 calling for the imposition of a Special Purpose Local Option Sales Tax within the Special District Encompassing Fayette County, to promote public health, safety and welfare, and for other purposes.

Chairman Brown mentioned that for both Agenda items that there was documentation that was put on the dais, and he mentioned that the information was late being put onto the website. He told everyone that anyone who wanted copies of the material could obtain it from the County Clerk. He said for the first agenda item that the Board had a copy of the Intergovernmental Agreement and its accompanying Agenda Request Form. He added that for the second Agenda item, the Board was provided with an Agenda Request Form as well as several lists from the municipalities listing each and all their projects.

Chairman Brown pointed out that Peachtree City communicated that they may have to come back and add a project or they may have to remove a project and replace it with another project. He said the city is working on issues related to Highway 54 West, and they think those issues may be of more importance than some of the projects they currently have on the list. He acknowledged that there may be a chance that the County would have to revisit this information in the event Peachtree City brings something back. He said the timeframe for this initiative is limited since information needs to be provided to the State of Georgia by a set time. He further mentioned that the cities have verified the lists that the Board would vote on.

Chairman Brown gave a brief synopsis of how the county arrived at the position of considering a SPLOST by providing a PowerPoint presentation before he opened the floor for public comments. A copy of the PowerPoint presentation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

Dennis Chase: Mr. Chase read the following statement into the record:

I've been coming to this podium since 1994, commenting on a variety of project proposals. Each time, I evaluated both the plan, visited the site, provided Commissioner comments or recommendations to protect or reduce environmental impacts. Sometimes the results are positive, other times not so much. For the last three and a half years, I've been trying to obtain such a plan from Fayette County that supports these 181 projects; no such plan exists. Since I cannot evaluate the impacts, I cannot support voting for a SPLOST to pay for this list. I do not pay for anything with a blank check, and I believe that is what you will be asking the taxpayers to do come November. Also, I object to raising more taxes than you need to pay for the proposed list. The extra

five million dollars given to the cities should be considered an insult. This looks very much like purchasing support from the cities, and might even look like buying votes. Managers of the cities, and especially their voters, know well how to manage their affairs without our help. Beware of free money; it isn't always free. If there was ever a time for a city to turn down a gift, this is it. I would vote no just on fact, aspect, this proposal alone. Thank you.

No one else spoke in favor of or in opposition to this request.

Commissioner Oddo moved to accept Agenda Item 2, adoption of Resolution 2013-18 calling for the imposition of a Special Purpose Local Option Sales Tax within the Special District Encompassing Fayette County, to promote public health, safety and welfare, and for other purposes. Commissioner Ognio seconded the motion.

Commissioner Oddo said he appreciated the comments Mr. Chase made, and he wanted everyone to know that taxes are the last thing he wants to impose on people. He explained that he had been involved with this issue since February 2013, and that this issue really was a gauntlet. He told the Board that any direction the Board takes with the issue, it is being beaten with "sticks and stones and arrows." He suggested that this option seemed to be the best way with the least resistance for the Board to "come through on the other side and get the County where it has to be, so we can go forward and maintain it." He liked the idea that the SPLOST would last only two years, and that there is specificity on what could be fixed. He mentioned that SPLOST proceeds would not fund any unlisted project on the proposed Core Infrastructure SPLOST project list, and that was the only way he could come to accept the SPLOST option. He emphasized that he was thrilled that SPLOST would end quickly, and he closed his comments saying it is not what he likes but it is the best of the bad options that the Board has to work with.

Commissioner McCarty thought everyone was against tax, and he said that he has been against previous SPLOST initiatives based on his experience with SPLOSTs. He explained that a past SPLOST went for a vote, was approved, but was a very deceptive SPLOST since that people really did not know what was included in its projects. He told everyone that this SPLOST was intended to replace and fix something that did not get done previously. He reminded everyone that money is needed to work on projects, that the County has an infrastructure that is broken or in the process of breaking, and that it has maintenance needs that have not been addressed in years. Commissioner McCarty suggested that previous Boards did not spend money on these issues so that they could make budgets look better, but that the result was that work did not get done. He suggested that there are some ways to get money: 1) The Board could increase property tax, but that he was totally against raising property taxes; 2) Sell bonds but pay interest on the bonds. Commissioner McCarty stated that this short-term SPLOST would fix projects while leaving a little extra money for the projects that the County does not necessarily see occurring at the moment. He suggested that this SPLOST initiative would also allow for anyone who comes into Fayette County and spends money to help pay costs. Commissioner McCarty stated that without the elements that he discussed, he would be against every SPLOST, but he acknowledged that the County has needs that must be fixed and that the County needs to be efficient in the way it addresses those needs. He pointed out that the idea of having a SPLOST came from the public meetings that were held and from a "goodly percentage of those who came to the meetings who suggested that we do as a way of taking care of the problem that we have." Commissioner McCarty briefly spoke about other areas in the metropolitan Atlanta area and the nation that are facing similar situations that Fayette County is facing, and he emphasized his belief that this SPLOST was the most efficient and cost-effective way of doing things that fix the problems without going up on taxes.

Commissioner Ognio suggested that if the County continued to work off of the stormwater fees that are already implemented, then it would have to greatly increase the stormwater fees to fund all the projects, and that the Board did not want to see that happen. He stated that the SPLOST was "the best of all worlds" for the citizens since the people from other counties who shop in Fayette County will help pay for the projects. He thought this was the best option available for addressing these issues.

Commissioner Barlow said he spent a good bit of time in the Environmental Compliance Department, that he spent time with Environmental Programs Engineer Bryan Keller, and that he thought people have lost sight of the fact that the County had a department that was woefully understaffed and that was given a task that was not going to get accomplished with the staff that it had. He told everyone that he was in the meetings when Environmental Compliance Director Vanessa Birrell approached the Board of Commissioners about getting \$30,000 to do an advertising campaign, that Mrs. Birrell came to the Board a second time to the Board asking for \$6,000 to do an advertising campaign so that the public would not be left "high and dry when they got the stormwater utility bill," but she was denied the funding both times. He said he has observed a lot of things over the past two and a half years, and he personally thanked County Administrator Steve Rapson. He also thanked Mr. Keller, said he knew what Mr. Keller had done for the County and how many "boot marks you left in the dirt out there as you've walked the County, and you've looked at these things, and you did your dead-level best to accomplish what we need to have accomplished. And it may not rise to the level that satisfies a Mr. Dennis Chase, but it rises to a rather high level in my opinion. And I hold you in high esteem for your capability and for the task that you've achieved." Commissioner Barlow stated that the Board would do the best it could, and that was all anyone could ever ask.

Chairman Brown said he thought everyone agreed with Mr. Chase that there needs to be a Master Drainage Plan, and that the County was working toward getting that plan. He rhetorically asked if the County could wait for a couple of years for a plan to be created when there are parts of the system that are failing right now. Concerning Mr. Chase's comments about a "blank check," Chairman Brown suggested that anyone could go to the County Clerk and obtain a list of all the projects and they could determine where the funds were going. Chairman Brown replied to Mr. Chase's comments on "buying the cities' votes," by saying the Board made a commitment to fund only stormwater projects since there are known needs such as dams that are below standard and collapsing culverts. He said the County had an estimate on how much it would cost to address the stormwater projects, and the Board thought that a two-year SPLOST would come very close to paying for those projects based on the projections of what could be collected. Chairman Brown explained that as the County starting doing its analysis by going to Jacobson Engineering and other firm, that it realized it would have more money than it would have projects. He told everyone that the immediate thought was to fund other needs such as road projects or repairing a roof at a fire station, but that the Board returned to its promise that it would fund only stormwater projects. He said the Board did not want it to look like it was going to "throw you a promise and then right at the last minute we're going to pull the rug out from under you and we're going to put something other than stormwater projects on here." He told everyone that the County went to the cities that had projects that they could not put on their project list because there would not be enough money in the SPLOST, and the County gave them the ability to add some more projects. Chairman Brown reported that the cities were extremely happy about the County's initiative, and the County was happy since everyone seems happy. Chairman Brown suggested that there needed to be some additional perspective, and he reported that the total annual stormwater fee collections for the entire year might pay for only one of the County's major projects; for instance, breaching a dam. He understood that there may disagreements on fifteen or twenty of the projects out of the 181 projects on the list, but he pointed out that there are forty projects on the list that a lot of people are saying need to be fixed. He emphasized that currently the County might only be able to pay for one of the projects using the current total annual collection of stormwater fees. He continued to emphasize that the County has to start somewhere, that it needs to start on an even playing field, and that the fees need to accumulate so that the County can begin doing maintenance and planning for future years. He stated that

he was surprised to see so many people during the Stormwater Town Hall Meetings saying "I like the idea, that's a good idea." He added that some of the people who were the biggest critics, who came to the Stormwater Town Hall Meeting, were asked by various Commissioners if they would support a SPLOST, and that all of them replied that they would support the SPLOST. Chairman Brown agreed that there are no perfect solutions, but that this solution was quite good. He mentioned that the SPLOST would last for only two years, and he added that the Board has committed to not charge the stormwater fees for the next four consecutive years if SPLOST passes; so that the burden would not be doubled on the citizens.

The motion to accept Agenda Item 2, adoption of Resolution 2013-18 calling for the imposition of a Special Purpose Local Option Sales Tax within the Special District Encompassing Fayette County, to promote public health, safety and welfare, and for other purposes passed unanimously. Copies of the request and Resolution 2013-18, identified as "Attachment 3", follow these minutes and are made an official part hereof.

ADMINISTRATOR'S REPORTS:

No Administrator's Report was given.

ATTORNEY'S REPORTS:

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

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio said that today was his father's birthday. He wished his father a Happy Birthday.

Commissioner McCarty: Commissioner McCarty thanked everyone for coming to the meeting, and he asked them to understand that they do not like having to collect money, but there are things that have to be done and no way to do them.

EXECUTIVE SESSION:

Threatened Litigation: Chairman Brown moved to recess into Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 7:28 p.m. and returned to Official Session at 8:29 p.m.

Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner McCarty and others seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the September 5, 2013 Special Called Meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board adjourned the September 5, 2013 Special Called Meeting at 8:29 p.m.

Floyd L. Jones, County Clerk

Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of September 2013.

Floyd L. Jones, County Clerk