Minutes

Board of Commissioners
February 14, 2013
3:00 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at www.fayettecountyga.gov. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on February 14, 2013 at 3:00 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 Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the February 14, 2013 Board of Commissioners meeting to order at 3:00 p.m.
Commissioner Barlow offered the Invocation.
Commissioner Ognio led those in attendance in the Pledge of Allegiance

Acceptance of Agenda

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

PRESENTATION / RECOGNITION:

1. Proclamation of February 2013 as "Heart Health Month".

Executive Director of Community Public Relations for Piedmont Fayette Hospital Debbie Britt introduced Board Member Vicki Turner, Director of Cardio Services Mary McFarland, Outreach Coordinator Alice Mitzel, and Public Safety Director Chief Allen McCullough to the Board. Commissioner McCarty read the "Heart Health Month" proclamation into the record. Ms. McFarland thanked the Board for the proclamation and bragged on Fayette County and its "premier setup to rescue heart attack victims with Fayette County's EMS service." A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Presentation of the Government Finance Officers Association Distinguished Budget Award for Fayette County's annual budget document for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

Finance Director Mary Holland and Budget Officer Sergio Acevedo accepted the Government Finance Officers Association Distinguished Budget Award on behalf of the Fayette County Finance Department. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

3. Presentation of the Government Finance Officer's Association Certificate of Achievement for Excellence in Financial Reporting for both Fayette County's and Fayette County's Water System Comprehensive Annual Financial Reports (CAFR) for the fiscal year ended June 30, 2011.

Finance Director Mary Holland and Budget Officer Sergio Acevedo accepted the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting on behalf of the Fayette County Finance Department.

County Administrator Rapson noted that both awards are "big deals" and that he appreciated the work involved to make them possible since they are not just given away. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part hereof.

4. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC. of the results of the Fiscal Year 2012 annual audit.

Finance Director Mary Holland introduced Audit Partner William Sammons and Audit Manager Greg Chapman, both with Nichols, Cauley & Associates, LLC. Ms. Holland reminded the Board that the County just completed its annual audit for Fiscal Year ending June 30, 2012, and that both gentlemen were present to present their information. The information was presented to the Board by both Mr. Sammons and Mr. Chapman.

Commissioner Barlow asked Mr. Sammons and Mr. Chapman if the forecasted amongst themselves for what the future of Fayette County might be such as an increase in the economy. Mr. Sammons and Mr. Chapman said they have a sense that things are improving and that the FDIC indicated that property values were stabilizing and increasing in some areas. They added that predicting the future was like a horse race that was too close to call, but then concluded saying they had not engaged in specific forecasting. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Dot Ensley: Ms. Dot Ensley spoke about an initiative she was promoting to help families in Adairsville, Georgia who were recently impacted by tornadoes. She called on Fayette citizens to provide new supplies to First Baptist Church in Fayetteville and Peachtree City Christian Church, and to travel to Adairsville on Saturday, February 23, 2013 with others from Fayette County to distribute the new supplies.

Warren Oddo: Mr. Warren Oddo asked the Board to consider placing its meetings online. He also suggested that the Board could allow for informal public comments or online feedback. County Administrator Rapson replied that he was holding a draft of a Request for Proposals (RFP) for audio-video capabilities that do exactly what Mr. Oddo was requesting.

Mrs. Tachikawa: Mrs. Tachikawa informed the Board that she has seven dogs in her house, and has been notified that she will likely have to relocate several of them. She appealed to the Board to find a way to allow her to her dogs, perhaps by allowing her to have a kennel license, or have time to foster the dogs until they find good homes. Chairman Brown said Attorney Dennis Davenport would review Mrs. Tachikawa's information to determine what the possibilities, and he said someone would contact her the next day.

Bob Sitz: Mr. Sitz reminded the Board that he has asked each Commissioner to look at the County's animal control statutes in total. He repeated his request and asked the Board to form a citizens' advisory group to study the issue. He suggested that cases like Mrs. Tachikawa's and others could be "put on hiatus" until the citizens' advisory group reached a decision. He said he did not agree totally with the Board's earlier action on the issue since he thought it was discriminatory against those in the rest of the county who has animals.

CONSENT AGENDA:

Commissioner Oddo moved to approve Consent Agenda Items 5-8. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

5. Approval of staff's request to accept a proposed amendment to extend an existing Intergovernmental Agreement between the Town of Tyrone and Fayette County, Georgia for an additional eight (8) months, and to include a provision for use of a borrow pit at Handley Park. A copy of the request and Intergovernmental Agreement, identified as "Attachment 5", follow these minutes and are made an official part hereof.

6. Approval of the Water System Director's recommendation to award Bid #868-Water Distribution Parts, consisting of six contracts in an aggregate amount of $259,580.00, to six companies that were low bidders on items used by the Fayette County Water System for water distribution, and authorization for the Chairman to sign the contracts contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

7. Approval of the Water Committee's recommendation to award both the base bid and an additive alternate bid for the Landscaping at Lake McIntosh to the low bidder, Steadham Grading, Inc., in an aggregate amount of $78,268.78, and authorization for the Chairman to sign the contract contingent upon the County Attorney's review. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

8. Approval of the January 22, 2013 Special Called Meeting Minutes, the January 24, 2013 Board of Commissioners Meeting Minutes, and the January 29, 2013 Special Called Meeting Minutes.

NEW BUSINESS:

9. Consideration of the City of Fayetteville's request to annex a 0.51 acre lot located at 104 Ellis Road in Land District 5, and to rezone said lot from C-H (Commercial Highway) to C-3 (Highway Commercial).

Community Development Director Pete Frisina said the request involved a remnant parcel that sits behind a lot across the street from where Zaxby's restaurant is located. He said that Jan Trammel used to have an office next to the lot in consideration. He said the parcel in question was located at the corner of Walker Parkway and Ellis Road, that it has nothing on it, and was thought to be have been annexed back in a mass annexation in

the 1990s. He continued that this annexation was an effort to clean up an error. He said he understood that a restaurant was planned for the parcel of land that Jan Trammel's office use to be, and part of the parcel under consideration is needed for parking and stormwater. He said there was no major change in the land use or density, and it would not create any problem for the County. He recommended the Board let Fayetteville know that there is no problem with the annexation.

Commissioner Ognio moved to accept the annexation of the land lot at 104 Ellis Road, Land District 5, and to rezone said lot from C-H (Commercial Highway) to C-3 (Highway Commercial). Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

10. Consideration of the County Administrator's recommendation to restructure the current Pension Committee to include the Chairman of the Board of Commissioners or his/her Designee, Human Resources Director, Finance Director, County Administrator, and an Employee appointed by the County Administrator.

County Administrator Rapson briefly discussed his request with the Board saying it realigns the membership of the Pension Committee to agree with the actual plan documents for the retirement plans that are currently existing.

Commissioner Barlow moved to accept the County Administrator's recommendation to restructure the current Pension Committee to include the Chairman of the Board of Commissioners or his/her Designee, Human Resources Director, Finance Director, County Administrator, and an Employee appointed by the County Administrator. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of this request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

11. Consideration of the County Clerk's recommendation to fill one vacated position on the Fayette County Ethics Board.

Chairman Brown reminded the Board that the County has two alternates for the Ethics Boards who were appointed by the last Board of Commissioners. He stated that Mrs. Larris Marks filled in for a vacancy that was formerly held by Mayor Dan Langford, and that she was the alternate for the last Ethics Hearing. He recommended that the Board of Commissioners keep Mrs. Marks in that position since she did a wonderful job and is highly qualified.

Commissioner Oddo agreed with Chairman Brown saying he thought Mrs. Marks did an outstanding job. He commented on both Mrs. Marks' and Ms. Coston's qualifications, but concluded that since Mrs. Marks was appointed that it would be wise to keep her in the position.

Commissioner Oddo's statement was accepted as a motion to appoint Mrs. Marks to the Ethics Board. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

12. Consideration of the County Clerk's request to fill one new position, for a three-year term, on the McIntosh Trail Community Service Board.

Chairman Brown noted that the County has not issued a press release advertising the position. He thought that an upcoming agenda should have consideration to automatically advertise these types of posts as they become available. County Administrator Rapson replied that he was going to address this issue under Administrator's Reports that as a matter of Board policy that staff would automatically begin advertising through press releases all appointments to county boards and / or appointed positions from now on. He added that when a position comes up vacant, he would notify the Board during the Administrators' reports and the Board could choose to designate a Commissioner to sit on a selection board.

Chairman Brown moved to instruct the County Clerk to advertise the post via press release in order to have some applicants. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

13. Consideration of Commissioner David Barlow's recommendation to appoint Mrs. Gina Martin and Mr. Clarence Leathers to the Fayette County Library Board, with four-year terms, and with each appointment to begin on January 1, 2013 and to expire on December 31, 2016.

Commissioner Barlow introduced Library Director Chris Snell to the Board and commented on his recent work with Ms. Snell while interviewing applicants for the Library Board. Mr. Barlow commended Mrs. Gina Martin and Mr. Clarence Leathers and their qualifications for the nominations. Ms. Snell commented on the advertising process, introduced Library Board Chairwoman Jean White, spoke about the nominees, and spoke about the future direction of the Library Board. Mr. Leathers stated he was happy for the opportunity to serve the citizens of Fayette County.

Commissioner Barlow's comments were accepted as the motion to appoint Mrs. Gina Martin and Mr. Clarence Leathers to the Fayette County Library Board. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

ADMINISTRATOR'S REPORTS:

Provision of the January 23, 2013 Ethics Board Minutes and Order to the Board: County Clerk Floyd Jones reported to the Board that County Ordinance 2010-10 required him to give the minutes and the order from the January 23, 2013 Ethics Board Hearings to the Board of Commissioners. He then asked the County Marshal to provide each Board member with both documents in fulfillment of his duty.

Update on the Administration Complex's Security System: County Administrator Steve Rapson reported that staff was just about to finalize the security system with the doors for the access internally within the building; explaining that the work should be complete within the next week or so. Commissioner Brown added that the Administration Complex was probably the least secure government building in the United States and he commented on the numbers of ways to get into the building. He said staff was trying to create some levels of security within the building. Mr. Rapson replied that it was fine to be transparent, but there is also a need to be secure.

ATTORNEY'S REPORTS:

Executive Session: Attorney Dennis Davenport reported that he had six items of Executive Session: two involving threatened litigation, three involving pending litigation and one as to review the Executive Session Minutes from January 24, 2013.

COMMISSIONERS' REPORTS:

Commissioner Charles Oddo: Commissioner Oddo commented on the Stormwater Town Hall Meeting held on February 13, 2013. He said there was a huge turnout of citizens, and while it was a little passionate, he was thrilled to see everybody come. He hoped the people understood that the Board was trying to resolve the issue. He also commented on two of his long-term friends in the audience, Mr. and Mrs. White.

Commissioner Allen McCarty: Commissioner McCarty said one of his passions to fix in Fayette County pertains to the animal ordinances. He said he knew of two attorneys in Fayette County who have lost closings on homes because the County was limited to three dogs per address. He did not think that was a good thing for Fayette County, and he said the State of Georgia has a very reasonable set of animal control laws that Fayette County should adopt.

Commissioner Randy Ognio: Commissioner Ognio wished everyone a Happy Valentine's Day and said he appreciated them coming to the meeting.

Chairman Steve Brown: Commissioner Brown said he needed to appoint someone to review applications for the McIntosh Trail Community Service Board. Commissioner McCarty volunteered to review the applications. Chairman Brown assigned Commissioner Brown to review the applications. Chairman Brown congratulated Senator Ronnie Chance and his wife on the birth of the baby girl, Isabella. He also spoke of the recent death of Dr. Ferrol Sams, Jr. who passed away at 90 years of age. Chairman Brown then read a portion of Dr. Sam's book entitled *The Passing*: *Perspectives of Rural America* and commented on that passage.

EXECUTIVE SESSION:

Litigation: Commissioner Barlow moved to recess into Executive Session. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 4:00 p.m. and returned to Official Session at 4:42 p.m.

Return to Regular Scheduled Meeting: Commissioner Ognio moved to exit Executive Session and reconvene into Regular meeting. Commissioners McCarty and Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Strike a Sentence from Executive Session Minutes: Commissioner Barlow moved to instruct the County Clerk that he no longer has to provide the minutes that the Commissioners need to review. County Attorney Dennis Davenport advised the Board on how to revise the motion. Commissioner Barlow amended the motion for the Board to ask the County Clerk to strike the sentence where he has provided January 10th and January 22nd minutes into the Executive Sessions that the Board needs to review. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Approval of LOST Agreement: Chairman Brown moved to approve the LOST Agreement as presented in Executive Session. He commented for the record that the County greatly appreciated the cooperation and collaboration that it had with its municipal partners in Fayette County and that the County looked forward to working with them on other endeavors. He thanked them for helping resolve a contentious issue that has been going on for over a year. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Appointment of Don Comer to serve as Special Counsel: Commissioner Barlow moved to accept the recommendation from the County Attorney to appoint Attorney Don Comer to sign on the LOST negotiation between the cities. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Executive Session Affidavit: Commissioner Barlow moved to authorize the Chairman to sign an Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 13", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Commissioner McCarty moved to adjourn the February 14, 2013 Board of Commissioners Meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners adjourned the February 14, 2013 Official Meeting at 4:46 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 28th day of February 2013.

Floyd L. Jones, County Clerk