Minutes

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on September 12, 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 Randy Ognio
Commissioner Absent:	Allen McCarty
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, and Pledge of Allegiance

Chairman Brown called the September 12, 2013 Board of Commissioners Meeting to order at 7:04 p.m.

Commissioner Barlow introduced Pastor George Dillard, Senior Pastor of Peachtree City Christian Church, and asked him to offer the Invocation. Pastor Dillard then offered the invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda as published. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent.

PRESENTATION / RECOGNITION:

1. Recognition of Fayette County couples celebrating their honored anniversaries.

Chairman Brown and the Board recognized the following couples and their honored anniversaries:

- Mr. and Mrs. Joseph S. Denise– 50th Wedding Anniversary. A copy of Mr. and Mrs. Joseph S. Denise's recognition, identified as "Attachment 1", follows these minutes and is made an official part hereof.

- Mr. and Mrs. Klaus and Mary Ellen Schoeffer– 51st Wedding Anniversary. A copy of Mr. and Mrs. Schoeffer's recognition, identified as "Attachment 2", follows these minutes and is made an official part hereof.

- Mr. and Mrs. John and Anne Milani– 60th Wedding Anniversary. A copy of Mr. and Mrs. Milani's recognition, identified as "Attachment 3", follows these minutes and is made an official part hereof.

- Mr. and Mrs. Gladwin and Jacqueline Kreimann– 60th Wedding Anniversary. A copy of Mr. and Mrs. Kreimann's recognition, identified as "Attachment 4", follows these minutes and is made an official part hereof.

- Mr. and Mrs. Chuck and Shirley Norviel– 65th Wedding Anniversary. A copy of Mr. and Mrs. Norviel's recognition, identified as "Attachment 5", follows these minutes and is made an official part hereof.

- Mr. and Mrs. Willard and Nina Divins– 66th Wedding Anniversary. A copy of Mr. and Mrs. Divins recognition, identified as "Attachment 6", follows these minutes and is made an official part hereof.

Copies of the request and master recognition which was read into the record by Chairman Brown, identified as "Attachment 7", follow these minutes and are made an official part hereof.

2. Recognition honoring Wellspring Living and its "Run for One" 5K run.

Commissioner Barlow read the recognition honoring Wellspring Living and its "Run for One" 5k run. Copies of the request and the recognition, identified as "Attachment 8", follow these minutes and are made an official part hereof.

3. Proclamation recognizing September 17-23 as "Constitution Week in Fayette County."

Commissioner Oddo read the proclamation recognizing September 17-23 as "Constitution Week in Fayette County." Ms. Phyllis King, representing the Daughters of the American Revolution, spoke about the importance of the Constitution and of its upcoming recognition ceremony at the Historic County Courthouse. Copies of the request and proclamation, identified as "Attachment 9", follow these minutes and are made an official part hereof.

4. Proclamation of the 17th Annual Inman Farm Heritage Days event at Minter's Farm.

Commissioner Oddo read the proclamation for the 17th Annual Inman Farm Heritage Days event at Minter's Farm. Mr. Rick Minter briefly commented on the history and events at Inman Farm Heritage Days. Copies of the request and proclamation, identified as "Attachment 10", follow these minutes and are made an official part hereof.

5. Proclamation concerning the Fayette County Board of Education.

Chairman Steve Brown read the proclamation concerning the Fayette County Board of Education. Copies of the request and proclamation, identified as "Attachment 11", follow these minutes and are made an official part hereof.

Chairman Brown's Comments on Channel 23: Chairman Brown pointed out that graphics were playing on the meeting room's big screen and televisions, and he explained that they were the introduction to a "new thing that we've decided to do." He told the audience that everybody likes to gather around high school football and, since the County has made upgrades to its cable channel and is displaying Board meetings on the website, the County had decided to record football games that could be replayed on the County's television station. He said the program is called the "Fayette County Game of the Week," that Ms. Jan Horne has volunteered to record the games, and that Chick-Fil-A Dwarf House in Fayetteville has covered all the costs; meaning no cost to the taxpayers. He added that the programing would include commentary from the coaches as well as a pre-game show. He anticipated that the programs would begin playing by next Wednesday, and that Whitewater High School, McIntosh High School and Sandy Creek High School had already agreed to participate in this endeavor. He encouraged everyone to tune in and watch the games.

PUBLIC HEARING:

There was no Public Hearing.

PUBLIC COMMENT:

Lori Klonoski: Mrs. Klonoski displayed three pictures to the Board and the audience utilizing the meeting room's big screen and televisions, and she said she wanted to speak about the Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) referendum that will be voted on in November. The pictures displayed erosion problems in her yard due to stormwater runoff. She explained that the stormwater runoff had created a ravine in her yard that is 26 feet deep, 80 feet across at its widest point, and is 210 feet long– traversing most of her property line. She encouraged everyone to vote in favor of the SPLOST referendum this November. She told everyone that she has lived in Huntington South subdivision, in unincorporated Fayette County, since 1995, and that she knew they were in trouble after the first big rainstorm. She explained that stormwater drainage from higher ground channels through a culvert beneath the road and is eroding away the land on both her lot and her next door neighbor's property. She told the Board that, for many years, her husband contacted local county officials and researched everything he could find to determine what recourse could be had for this issue; however, there were no solutions to be found. She also told the Board that her neighbor had also researched the problem and discussed it with the County, but that he also got nowhere with his efforts. Additionally, Mrs. Klonoski told the Board that her neighbors have faced other issues with stormwater drainage such as an uprooted tree that fell and smashed a back deck. She stated that her neighbor has built a fence so that his grandchildren would not fall into the ravine, but that another uprooted tree fell onto the fence. She explained that her neighbor had paid $2,600.00 for a company to drop boulders on the ravine wall along his yard. Mrs. Klonoski told the Board that when her part of the subdivision was built in 1983, there were no homes on the higher terrain even though there were plans to build on the higher ground. She said that it was known that there was going to be a problem with the two lowest lots because there was inadequate planning for runoff from those homes to be built on higher ground, and that now the runoff from the homes are channeled into her property, She pointed out that the County engineer had approved the plat, and that the County added a stamp that reads: *Fayette County does not accept the ownership maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat*. Mrs. Klonoski

interpreted the stamp as the County's way to absolve itself from responsibility. She acknowledged that when the Stormwater Utility Fee was passed in 2012 that she hoped that the damage to her property would end because one of the functions of the fee is to repair infrastructures that pose a threat to landowners and their property. She told the audience that the SPLOST referendum would save her home from destruction, and that she could recapture the value of her home. She reiterated that the ravine is huge and each rain is eroding more and more of her land as most of her lot is sinking toward the ravine. She understood that fixing the problems is expensive, and she understood that the Board of Commissioners admitted that money has not been set aside over the years to cover the costs. She thought that the only way the County could make the improvements was with the SPLOST revenue, and that the one-penny tax would bring enough money to improve the County's most serious infrastructure problems. She told the audience that if the SPLOST referendum does not pass, then the Stormwater Utility Fees would not come close to providing enough money to adequately deal with the most serious problems. She closed saying that at some point every community has to address the issue of an aging infrastructure, and that Fayette County's time has come. Copies of the pictures provided by Mrs. Klonoski, identified as "Attachment 12", follow these minutes and are made an official part hereof.

Denise Ognio: Mrs. Ognio informed the audience that on Saturday, September 14, 2013, a seminar would be held on "The Making of America." She said the seminar would be about the first settlers from England through the signing of the United States Constitution, and that this seminar was in conjunction with Constitution Week. She told everyone that the Greater Fayette Republican Women's Club was sponsoring the seminar, and that she had two free tickets to attend. She said they did not want any empty seats, and she asked for those who were interested in attending to see her after the meeting. She informed everyone that lunch would be provided, and that while the seminar would last from 8:30 a.m. until 4:30 p.m., that the seminar, which is a historical study, was worth it. Chairman Brown announced that both he and Commissioner Barlow would attend the seminar.

Frank Gardner: Mr. Gardner replied to Mrs. Klonoski's comments, and he said there are many places throughout Fayette County that have been approved for building permits. He said the county stamp stated: *"The County is not responsible for water damage or drainage and stuff*." He said it seems logical to him that before plats are approved they should be taken to the Planning Commission and addressed at that level. He pointed out that in the future there would be many acres that would be developed, and that the engineer and Fayette County should take responsibility so that the builders would take care of the problem.

CONSENT AGENDA:

Commissioner Barlow moved to approve Consent Agenda Items 6-10 as presented. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent.

6. Approval of staff's request to sign the 2013 Performance Partnership Agreement between Fayette County Emergency Management and Georgia Emergency Management Agency (GEMA), allowing for an Emergency Preparedness Grant in the total amount of $65,394.00, with a 50% match from Fayette County, and authorization for the Chairman and appropriate personnel to sign said agreement. Copies of the request and Partnership Agreement, identified as "Attachment 13", follow these minutes and are made an official part hereof.

7. Approval of staff's request to apply for a Georgia Emergency Management Agency (GEMA) / Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant, in the amount of $24,000, for the purpose of revising and updating Fayette County's Hazard Mitigation Plan, and authorization for the Chairman and appropriate personnel to sign the grant application and related documents. Copies of the request and Hazard Mitigation Grant, identified as "Attachment 14", follow these minutes and are made an official part hereof.

8. Approval of the Water Committee's recommendation to award an annual contract for waterline extensions for Fiscal Year 2014 to the low bidder, Shockley Plumbing, in an amount not to exceed of $500,000, and authorization for the Chairman to execute said contract and related documents. A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part hereof.

9. Approval of staff's recommendation to purchase a Fargo HD5000 Dual Sided ID Card System with Dual Sided Lamination in an amount not to exceed $6,000, funded from contingency within the capital projects fund. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

10. Approval of the August 29, 2013 Board of Commissioners Meeting Minutes and the September 5, 2013 Board of Commissioners Special Called Meeting Minutes.

OLD BUSINESS:

There were no Old Business items.

NEW BUSINESS:

There were no New Business items.

ADMINISTRATOR'S REPORTS:

Noise Disturbance Permit: County Administrator Steve Rapson informed the Board that he had a request for an exemption to the Fayette County Noise Ordinance, and he explained that currently the County's Ordinance requires Board approval for such exemptions. He explained to the Board that the County had received a late request from the Joseph Sams School that is hosting its 7th annual Southern Flair fund-raiser, and he reiterated that this request would require the Board's approval and the Chairman's signature. He also requested for the Board to direct the County Attorney to amend the existing ordinance so that the Board or Commissioners or their designee, such as the County Administrator or the Community Development Director, to make approvals or to come before the Board. Discussion followed.

Commissioner Ognio moved to authorize the Chairman to sign the Noise Disturbance Permit and to direct the Interim County Attorney to modify the ordinance. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent. A copy of the Noise Disturbance Permit, identified as "Attachment 17", follows these minutes and is made an official part hereof.

Environmental Protection Division Report: County Administrator Steve Rapson reminded the Board that he met with the Environmental Protection Division (EPD) on Thursday, September 5, 2013. He said the EPD had emailed him, notifying him that they wanted to extend the response deadline from September 12, 2013 until September 27, 2013. Mr. Rapson reported that he agreed to the EPD's request. Additionally, he reported that staff completed its first round of interviews for the Engineer of Record for the Water System, that the next round of interviews would be held on Friday, September 13, 2013, and that the plan was to bring a recommendation to the Board at the September 26, 2013 Board of Commissioners meeting.

Update on the Deficiency Report: Mr. Rapson reminded the Board that at the last meeting he informed the Board that the County had corrected about 25% of the listed deficiencies. He then reported that the percentage had been updated earlier in the day, and that the County has now corrected 38% of the deficiencies. He informed the Board that the report will be issued on September 27, 2013 when the County meets with the Environmental Protection Division. He stated that staff is actively going through the list and getting the deficiencies corrected as quickly as possible.

ATTORNEY'S REPORTS:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Interim County Attorney Dennis Davenport informed the Board that he had two items for Executive Session. He said one item involved pending litigation and the other item involved threatened litigation. He also added that the Board would need to review the Executive Session Minutes from August 29, 2013 and September 5, 2013.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow thanked the couples who came to the meeting. He thought it was precious that Fayette County was recognizing people who have been married for a long time. He mentioned that Mr. Jim Richter and his wife should qualify. Mr. Richter replied that he would have his recognition at another time. He also thanked everyone who comes to the meetings, and he especially thanked reporters Pat Cooper and John Munford. He quipped that it is always wonderful to read about how these meetings turn out.

Commissioner Oddo: Commissioner Oddo stated that when Chairman Brown mentioned that Commissioner McCarty is "suffering on a cruise," that he thought, considering the events of the past few months, that he may well be suffering on a cruise. He said it was his wish for Commissioner McCarty to be okay, that he hoped everything was going great, and that he looked forward to seeing him back next time.

Commissioner Ognio: Commissioner Ognio said he looked forward to seeing the SPLOST question on the ballot, and he hoped the citizens would dig into the issues and to determine what SPLOST is all about. He mentioned that many people do not know that the issue will be on the ballot, and he hoped that people would learn about it so they could make a proper decision.

Chairman Brown: Chairman Brown pointed out that since the meetings have been able to be recorded, that people could go to the County's website and review all of the past meetings. He explained that the September 5, 2013 meeting gives an explanation and history of the whole SPLOST issue, and that any documentation that anyone may want with regard to the issues is able to be obtained from the Fayette County website. He added that information is also available at the public libraries and from the various County and municipal administration buildings throughout Fayette County.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Chairman Brown moved to go into Executive Session for one pending litigation, one threatened litigation, and the approval of the August 29, 2013 Executive Session Minutes and the other being the September 5, 2013 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent.

The Board recessed into Executive Session at 7:54 p.m. and returned to Official Session at 8:06 p.m.

Return to Official Session and Approval of Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent.

Approval of the August 29, 2013 Executive Session Minutes and the September 5, 2013 Executive Session Minutes: Chairman Brown moved to approve the Executive Session Minutes for August 29, 2013 and September 5, 2013. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent. A copy of the Executive Session Affidavit, identified as "Attachment 18", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Chairman Brown moved to adjourn the September 12, 2013 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner McCarty being absent.

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 26th day of September 2013.

Floyd L. Jones, County Clerk