



Action Agenda

Board of Commissioners
October 23, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on October 23, 2014 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
Dennis Davenport, County Attorney

Call to Order

Chairman Brown called the October 23, 2014 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Vice Chairman Oddo

Vice Chairman Oddo introduced Deacon Francis from St. Gabriel Catholic Church, and he asked Deacon Francis to offer the Invocation. Deacon Francis offered the Invocation.

Pledge of Allegiance

Chairman Brown led the audience in the Pledge of Allegiance.
Mr. Jared Daigre, a student at Fayette County High School, trumpeted the National Anthem.

Acceptance of Agenda

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

PROCLAMATION /RECOGNITION:

There were no Proclamations or Recognitions on the Agenda.

PUBLIC HEARING:

1. **Public Hearing on a request to approve a 2015 Alcohol License for on-premises consumption of malt beverages, wine, and distilled spirits for Metro Sports Grill located at 1950 Georgia Highway 85 North, Suite J., Jonesboro, Georgia, 30238 with the licensee being Amy McKnight.**

Code Enforcement Officer Kathy Hobbs briefed the Board on this request. No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to approve a 2015 Alcohol License for on-premises consumption of malt beverages, wine, and distilled spirits for Metro Sports Grill located at 1950 Georgia Highway 85 North, Suite J., Jonesboro, Georgia, 30238 with the licensee being Amy McKnight. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

2. **Public Hearing on a request to approve a 2015 Alcohol License for retail sales of malt beverages and wine for Park Avenue C Store II, LLC., doing business as BP Kenwood, located at 1866 Georgia Highway 85 North, Fayetteville, Georgia, and to transfer the existing license to Mr. Nouman Chaudhary.**

Code Enforcement Officer Kathy Hobbs briefed the Board on this request. No one spoke in favor of or in opposition to this request.

Commissioner Oddo moved to approve a 2015 Alcohol License for retail sales of malt beverages and wine for Park Avenue C Store II, LLC., doing business as BP Kenwood, located at 1866 Georgia Highway 85 North, Fayetteville, Georgia, and to transfer the existing license to Mr. Nouman Chaudhary. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Chairman Brown asked for Agenda Items 8 and 11 to be pulled from the Consent Agenda.

Commissioner Barlow moved to approve the Consent Agenda excluding Agenda Items 8 and 11. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

3. **Approval of staff's request to award Proposal #P906- Debris Removal to Ceres Environmental Services, Inc. and in so doing entering into a "pre-event" contract with a not-to-exceed amount to be determined based on the nature and extent of damages, and with said contract beginning upon execution and expiring on June 30, 2016, with two options to extend for one year each.**
4. **Approval of staff's request to award Proposal #P907-Debris Monitor to Witt O'Brien, LLC., and in so doing entering into a "pre-event contract" with a not-to-exceed amount to be determined based on the nature and extent of damages, and with said contract beginning upon execution and expiring on June 30, 2016, with two options to extend for one year each.**

5. **Approval of staff's recommendation to award Bid #918- Pre-Cast Concrete Products to low-bidders Foley Products Company and Hanson Pipe & Precast, Inc, with an aggregate not-to-exceed amount of \$270,000.00, and with options to renew for two twelve-month periods.**
6. **Approval of the disposition of tax refunds in the aggregate amount of \$1,429.00.**
7. **Approval of the proposed 2015 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.**
8. **Approval of staff's recommendation to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend \$214,600.00 towards this project with \$22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and \$25,000 being spent on right-of-way.**

Public Works Director Phil Mallon briefed the Board on staff's recommendation to enter into the Memorandum of Understanding, and he answered questions from the Board.

Chairman Brown moved to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend \$214,600.00 toward this project with \$22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and \$25,000.00 being spent on right-of-way. Commissioners Ognio and McCarty seconded the motion.

Mr. Scott Fabricius spoke in favor of staff's recommendation.

The motion to enter into a Memorandum of Understanding with the Department of Transportation for the construction of a design-build multi-use path along Redwine Road (PI No. 0012624), approval to spend \$214,600.00 toward this project with \$22,800.00 being spent on a pre-construction engineering local match in Fiscal Year 2015 and \$25,000.00 being spent on right-of-way passed unanimously.

9. **Approval of staff's request to amend the 2015 Stormwater CIP Budget by using \$203,100.00 allocated for Morning Dove Drive Pipe Replacement, Acct # 5509G, in a not -to-exceed amount of \$80,000.00 for engineering design of multiple projects; \$74,800.00 for Merrydale Pipe Replacement; and to add \$48,300.00 to in-house replacements of Category II Tier I Stormwater Infrastructure Project, Acct# 5509I.**
10. **Approval of staff's recommendation to enter into a Joint Funding Agreement between Fayette County and the United States Geological Survey, beginning October 1, 2014 and expiring on September 30, 2015, in the amount of \$281,960.00, to provide water flow, stream data, and CFS flow monitoring, and approval to utilize an additional \$82,270.00 from the Water System's Renewal and Extension Fund.**
11. **Approval of the Public Art Committee's recommendation to enter into an agreement with Mr. Pash Lima for art design for the Crosstown Water Treatment Plant's mural in the amount of \$3,000.00 plus costs for materials and supplies.**

Public Arts Intern Shanequa Gay briefed the Board on the Public Art Committee's recommendation, explained the meaning of the proposed art work, and answered questions from the Board.

Commissioner Ognio moved to approve the Public Art Committee's recommendation to enter into an agreement with Mr. Past Lima for art design for the Crosstown Water Treatment Plant's mural in the amount of \$3,000 plus costs for materials and supplies. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

12. **Approval of the Hospital Authority's request for approval of Tax Exempt Bonds as required by the Internal Revenue Code of 1986, as amended, and the use of the proceeds as specified by applicable tax code requirements.**

It was noted that Chief Executive Officer Michael Burnett of Fayette Piedmont Hospital was in the audience.

13. **Approval of the October 7, 2014 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 2014-16 and in so doing deleting Article IV pertaining to "Personal Care Homes and Community Living Arrangements," of Chapter 8, in its entirety, and replacing it with a new Article IV in Chapter 8 entitled "Article IV. Personal Care Homes and Community Living Arrangements."**

Code Enforcement Officer Kathy Hobbs briefed the Board on staff's recommendations.

Commissioner Odd moved to accept staff's recommendation to adopt Ordinance 2014-16 and in so doing deleting Article IV pertaining to "Personal Care Homes and Community Living Arrangements," of Chapter 8, in its entirety, and replacing it with a new Article IV in Chapter 8 entitled "Article IV. Personal Care Homes and Community Living Arrangements." Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

15. **Presentation by the Fayette County Humane Society about Fayette County's approved Trap/Neuter/Return (TAR) program, based on an analysis and results of identified feral cat test sites, and approval of the Humane Society's request to submit proposed county ordinances pertaining to the TAR program.**

Ms. Kim Davis, representing the Fayette County Humane Society, and Animal Control Officer Rani Rathburn gave a PowerPoint presentation to the Board about Fayette County's approved Trap/Neuter/Return program, and they answered questions from the Board.

The Board directed staff to work with the Humane Society and Animal Control to draft an ordinance that would allow the Trap/Neuter/Release Program to permanently continue in Fayette County.

16. Consideration of staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals.

Animal Control Officer Rani Rathburn and County Attorney Dennis Davenport briefed the Board on staff's recommendation to adopt Ordinance 2014-17, and they answered questions from the Board.

Commissioner Ognio moved to accept staff's recommendation to adopt Ordinance 2014-17 and in so doing deleting Chapter 6- Animals in its entirety from the Fayette County Code of Ordinances and replacing it with a new Chapter 6- Animals. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Michael Arnold: Mr. Arnold spoke about his desire for the County to remove fluoride from the Fayette County Water System.

Frank Gardner: Mr. Gardner asked the Board to send a resolution to the regional representatives to implement background checks on all assault weapons and "mega magazines." Mr. Gardner asked for the public art mural not to be caught up in bureaucracy like the floating docks have done. He also asked for the parking situation at the County's lakes to be examined so that people could have the ability to go to the lake without always having to pay a parking fee. Mr. Gardner cautioned the Board to not overstep its bounds while trying to address the timber harvesting and land clearing issues that have been raised recently. He concluded his remarks by speaking saying he could not believe that the County would pass an ordinance in July that would reduce two-acre lots to one-acre lots.

Leslie Rathburn: Ms. Rathburn replied to Mr. Arnold's comments, explaining that fluoride is a naturally occurring mineral. She also informed Mr. Arnold that his issue really needed to be handled at the state level, not at the county level. She said she did not want to speak for or against the fluoride argument, but that she just wanted to provide that background.

ADMINISTRATOR'S REPORTS:

Fluoride: County Administrator Steve Rapson stated that fluoride is regulated through the State of Georgia and therefore, its removal would have to come from the State of Georgia. He said there was a way to petition for the item to be put on the ballot.

Floating Docks and Parking at County Lakes: County Administrator Steve Rapson replied to Mr. Gardner's concerns about the floating docks and parking at county lakes. He said Lakes McIntosh and Horton are drinking water reservoirs, so there has to be approval from the Environmental Protection Division before the docks can be installed. He further added that Mr. Gardner would be glad to know that the County had recently amended its policy so that parking fees would be lowered to \$5.00 a visit, and it implements a \$50.00 annual pass.

Correction on the Concern about Reducing Two-Acre Lots to One-Acre Lots: County Administrator Steve Rapson stated that Mr. Gardner had concerns about a County vote that reduced two-acre lots to one-acre lots, however, he stated that the effort was denied by the Board of Commissioners.

Trap/Neuter/Release: County Administrator Steve Rapson said if one makes the assumption that half of the cats treated under the Trap/Neuter/Release (TNR) program are females, and that female cats produce two to four litters of kittens a year, and that there are between three and six cats per litter, then the TNR basically prevented 1,600 to 6,700 unwanted kittens per female cat.

Regulations on Timber Harvesting: County Administrator Steve Rapson asked County Attorney Dennis Davenport to update the Board on staff's direction to put a local ordinance in place addressing timbering in Fayette County. Mr. Davenport asked for feedback from the Board of Commissioners in order to move forward with putting a draft ordinance in place. He asked for the Board to weigh in on several threshold criteria in order to move forward in this work. He asked the Board to consider what size trees should be under consideration, what number of trees should be considered, what is the temporal component such as thirty-day increments or six month increments. Mr. Davenport also asked the Board to give direction on what kind of notification is required from the county, and to make a requirement for an occupational certificate. It was agreed that Mr. Davenport would provide a list to the Commissioners asking for their input on these suggested thresholds.

Fayette County's Face-to-Face Event: County Administrator Steve Rapson reminded everyone that the County's Face-to-Face event would be held on Friday, October 24, 2014 from 10:00 a.m. until 2:00 p.m. He said the County, the City of Fayetteville, the Fayette Chamber of Commerce, and others would be at the event.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow reminded everyone that early voting has begun, and he encouraged everyone to vote.

Commissioner Oddo: Commissioner Oddo mentioned that his brother-in-law, who is visiting the United States from Columbia, mentioned that it was a privilege to live in Fayette County. He agreed that it is a privilege to live in Fayette County and he asked people to remember their privilege while not taking it for granted.

Commissioner McCarty: Commissioner McCarty thanked everyone for coming to the meeting. He said Fayette County is the finest county in the United States. He stated one of his few problems is that the county water contains fluoride, so he cannot drink the water.

Commissioner Ognio: Commissioner Ognio stated that the Board would take fluoride out of the water if it could, but that the fluoride is state mandated. He asked for the citizens to get the petition going so that the matter could be put on the ballot so that fluoride could be removed. He encouraged the citizens to look into getting the petition started. Commissioner Ognio also pointed out that each Commissioner received a card and a personalized cup from the 4-H Department. He thanked the young person for giving the cup.

Chairman Brown: Chairman Brown complemented the Fayette County Humane Society for their work, and he spoke about how the Fayette County Humane Society's Trap/Neuter/Release initiative came into being. He said the Fayette County Society should be proud for all its accomplishments. Chairman Brown then spoke about the Atlanta Regional Commission and how difficult it is for people to speak about their issues at the Atlanta Regional Commission. He stated that if the difficulties continue then Fayette County may have to consider whether it wants to

remain with the Atlanta Regional Commission. He said Fayette County would continue to stand up for what is right, and that it has the reputation for doing right.

EXECUTIVE SESSION:

There was no Executive Session Meeting.

ADJOURNMENT:

Chairman Brown moved to adjourn the October 23, 2014 Board of Commissioners Meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The October 23, 2014 Board of Commissioners meeting was adjourned at 8:43 p.m.

Floyd L. Jones, County Clerk