



Action Agenda

Board of Commissioners
January 22, 2015
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on January 22, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Charles Oddo, Chairman
Pota Coston, Vice Chair
David Barlow
Steve Brown
Randy Ognio

Staff Present:

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

Call to Order

Chairman Oddo called the January 22, 2015 Board of Commissioners meeting to order at 7:09 p.m.

Invocation by Commissioner David Barlow

Commissioner Barlow introduced Amara, Jessica, and Angela Onuzo and he asked them to sing The Lord's Prayer. The sisters then sang the song as the Invocation.

Pledge of Allegiance

Commissioner Coston 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.

PROCLAMATION /RECOGNITION:

1. Recognition of the 2014 All-County Volleyball Team.

Chairman Oddo introduced Mr. Christopher Dunn, Sports Editor for Fayette Daily News, and asked Mr. Dunn to help in recognizing the 2014 All-County Volleyball Team. The Board and Mr. Dunn then recognized the 2014 All-County Volleyball Team.

2. Recognition of the 2014 All-County Softball Team.

Chairman Oddo introduced Mr. Christopher Dunn, Sports Editor for Fayette Daily News, and asked Mr. Dunn to help in recognizing the 2014 All-County Softball Team. The Board and Mr. Dunn then recognized the 2014 All-County Softball Team.

3. Recognition of Library Assistant Sharon Campbell as winner of the Team Player Award.

Commissioner Barlow briefly spoke about why he initiated the Team Player Award and he reminded everyone of the previous award winners. Commissioner Barlow then recognized Library Assistant Sharon Campbell as the newest winner of the Team Player Award. Library Director Chris Snell and the Chair of the Library Board, Gina Martin, also spoke about the outstanding contributions Ms. Campbell makes to the library.

4. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2014 annual audit.

Certified Public Accountants William Sammons and Gregory Chapman, representing Nichols, Cauley & Associates, LLC, gave a PowerPoint presentation on the results of the Fiscal Year 2014 annual audit. Mr. Sammons and Mr. Chapman stated that both Fayette County and the Fayette County Water System financial statements received unmodified opinions. They said the unmodified opinions state there are no adjustments or anything of a material effect to the financial statements or disclosures. They reported there are no compliance issues to be reported and there are no significant deficiencies or material weaknesses in the system. Mr. Sammons and Mr. Chapman then answered questions from the Board. The Board did not take action or give direction in this matter.

PUBLIC HEARING:

5. Public Hearing of Petition No. 1242-14, Earl W. Johnson, Owner, Rick Sewell, Agent, request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 254 of the 5th District and fronting on South Kite Lake Road, with one (1) condition.

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record, and Mr. Frisina introduced Petition No. 1242-14 to the Board.

Agent Rick Sewell spoke in favor of Petition No. 1242-14. No one else spoke in favor of this petition.

Mr. Earl Johnson spoke in opposition to Petition No. 1242-14. No one else spoke in opposition to this petition. Mr. Sewell was permitted to answer in rebuttal to Mr. Johnson's opposition.

No one else spoke and Chairman Oddo closed the Public Hearing, and the Board asked questions of Mr. Frisina on this matter.

Commissioner Ognio moved to approve Petition No. 1242-12, Earl W. Johnson, Owner, Rick Sewell, Agent, request to rezone 8.18 acres from A-R to R-70 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 254 of the 5th District and fronting on South Kite Lake Road, with one condition. Commissioner Barlow seconded the motion.

Chairman Oddo asked Mr. Sewell if the applicant agreed to the condition, and Mr. Sewell replied that the applicant would abide by the condition. Discussion followed.

The motion to approve Petition No. 1242-12, Earl W. Johnson, Owner, Rick Sewell Agent, request to rezone 8.81 acres from A-R to R-70 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 254 of the 5th District and fronting on South Kite Lake Road, with one condition passed unanimously.

6. Public Hearing on staff's request to adopt Resolution 2015-02 pertaining to the "Fayette County 2014 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2015- FY2019)" and transmit the document to the Atlanta Regional Commission and the Department of Community Affairs.

Community Development Director Pete Frisina briefed the Board on the request to adopt Resolution 2015-02.

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

Commissioner Barlow moved to adopt Resolution 2015-02 pertaining to the "Fayette County 2014 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2015-FY2019)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Barlow moved to approve Consent Agenda Items 7 through 9. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

7. Approval of staff's recommendation to adopt Ordinance 2015-01, amending the Fayette County Code of Ordinances, Chapter 104- Development Regulations, as amended, specifically Article VIII. Off-Street Parking and Service Requirements.

8. Approval of the Juvenile Court's request to accept a grant in the amount of \$72,000.00 that has been awarded to Fayette County, and authorization for the Chairman to sign all required documents.

9. Approval of the January 8, 2015 Board of Commissioners Meeting Minutes.

Chairman Oddo mentioned that there were corrections to the January 8, 2015 Minutes that were made after the Agenda was published. He stated that the corrections were presented to the Board and that the vote would be to approve the corrected minutes.

OLD BUSINESS:

There were no items of Old Business on the Agenda for consideration.

NEW BUSINESS:

10. Consideration of staff's recommendation to award Bid #922- Lake Peachtree Dredging, to low-bidder Massana Construction, Inc., in the amount of \$1,449,140.00, and to authorize the County Administrator to sign any associated documents related to this request.

County Administrator Steve Rapson briefed the Board on the request to award Bid #922- Lake Peachtree Dredging to Massana Construction. Mr. Rapson requested that the Board approve Bid #922 and for the Board to approve an amendment to include the revised unit prices for alternate zones 1, 2, 4 and 4. He stated that the City of Peachtree City intends to piggy-back off the contract between Fayette County and Massana Construction in order to do some additional *a-la-carte* work with the dredging project, and he said the amended request would allow the city to do the additional work. Mr. Rapson stated that the dredging project would last from February until the end of May.

Dennis Chase: Mr. Dennis Chase said he was concerned since reservoirs that are similar to the Lake Peachtree reservoir normally have life expectancies of about sixty-five to seventy years before they are dredged for the first time. He pointed out that this recommendation would enact the third dredging of Lake Peachtree, and that it would cost millions of dollars for Fayette County's residents. Mr. Chase stated that the problems with Lake Peachtree were 100% the fault of Peachtree City. He said he could provide details on what contributed to the problems, but he stressed that Fayette County is taking on problems that it should not. Mr. Chase added that the City of Peachtree City had not lived up to its side of the agreement even though Fayette County had lived up to its part of the agreement, and that was a concern to him. Mr. Rapson replied to some of the concerns expressed by Mr. Chase.

Commissioner Ognio moved to award Bid #922- Lake Peachtree Dredging, to low-bidder Massanna Construction, Inc., in the amount of \$1,449,140.00, and to authorize the Chairman to sign any associated documents related to the request. Commissioner Barlow seconded the motion.

Commissioner Brown asked for an amendment to the motion to include the revised dredging for the City of Peachtree City for the city's amended projects.

Commissioner Ognio amended his motion to include the revised dredging alternates for the City of Peachtree City. Commissioner Barlow seconded the amendment to the motion. Discussion followed.

The motion to award Bid #922- Lake Peachtree Dredging, to low-bidder Massanna Construction, Inc., in the amount of \$1,449,140.00, to include the revised dredging alternatives for the City of Peachtree City, and to authorize the Chairman to sign any associated documents related to the request passed unanimously.

11. Approval of the January, 2, 2015 Board of Commissioners Meeting Minutes. Chairman Oddo was not present for this meeting.

Chairman Oddo pointed out that the January 2, 2015 Board of Commissioners Meeting Minutes had corrections made to them after the Agenda was published. He stated that the corrections could be obtained from the County Clerk's Office. He then clarified that the requested vote was to approve the corrected minutes.

Commissioner Brown moved to approve the January 2, 2015 Minutes as amended. Commissioner Coston seconded the motion. No discussion followed. The motion passed 4-0-1 with Chairman Oddo abstaining from the vote.

PUBLIC COMMENT:

Dennis Chase: Mr. Chase said he has much experience in dealing with the Lake Peachtree dam and its downstream water movement. He said there were several times when Flat Creek, below the dam, went dry. He said the first couple of times Flat Creek went dry the city took efforts to restore water but the third time the city took no effort; resulting in fish kills. Mr. Chase reported that the current agreement requires that the County maintains the water at a level that matches the property owners along the west side of Lake Peachtree. He added that the County has the option to not allow any water to flow out of Flat Creek, causing the creek to go dry. Mr. Chase stated that now that the dam is in need of repair, it meets a portion of the Clean Water Act— requiring a revisit of the permit for the dam. He stated that when the dam was built decades ago, its building preceded the Clean Water Act and therefore there was not a permit to require minimal releases. He added that all other lakes, be they Lake Horton or Lake McIntosh, require minimal releases since they were built in 1972 under the Clean Water Act. Mr. Chase added that all dams that take on new aspects, like the County was going to do with Lake Peachtree, also require a Clean Water Act permit. He stated that his point was that the County would need to have a Clean Water Act permit from the Environmental Protection Division. He added that if the County proceeded with the repairs without a permit then it risks running in violation of the Clean Water Act. Mr. Chase recommended that Fayette County stay clear of fixing the dam at all. He suggested that if the people in Peachtree City want a lake then they can fix it and they can get the Clean Water Act permit. He stated that downstream of the Lake Peachtree Dam all the way to State Route 74, Flat Creek is in violation of the State Standards for Water Uses and that it is on the State's 303D List for non-compliance pertaining to dissolved oxygen levels; largely because of the lack of minimal releases down the stream from Lake Peachtree. Mr. Chase stated that Lake Kedron comes into play because Lake Kedron is a main part of the feeding into Lake Peachtree. He stated if the flows to Lake Peachtree were going to be altered then it would require similar alteration to the flows from Lake Kedron, requiring a variation under the Clean Water Act. Mr. Chase requested the Board to stay clear of any expenditures of Lake Peachtree Dam since there are outside organizations looking to take legal actions against both Fayette County and the City of Peachtree City. He said if the County steps into the matter before the issues are cleared up then the County would be looking at legal problems. Mr. Chase agreed that the County should begin the dredging work, but he repeated his request for the County not to repair the dam until it has taken additional considerations.

Larry Mapp: Mr. Mapp stated that County Commissioners are responsible and representative of the county. He urged the Commissioners and the County to rethink funding the appeal process pertaining to representation on the Fayette County Board of Commissioners. He stated that this request was based on the best financial interests for Fayette County. Mr. Mapp stated that the appeals process rolled back the lower court's opinion, and in so doing, it could possibly void or roll back any decisions made by the Board—costing additional money.

ADMINISTRATOR'S REPORTS:

Conflicts with the Board of Commissioners Meeting Dates: County Administrator Steve Rapson stated that there were three conflicts with the Board of Commissioners meeting calendar that he wanted to bring to the Board's attention. He stated that the first conflict was on Thursday, March 12 since the ACCG's Leadership Conference conflicts with the Board's meeting schedule. He stated that staff wanted to move the Thursday, March 12 meeting to Tuesday, March 10 and to hold the meeting either at 4:00 p.m. or 7:00 p.m. Mr. Rapson reminded the Board that when it moved the last meeting there was two or three citizens who complained, so he recommended the move to Tuesday, March 10 at 7:00 p.m. Mr. Rapson stated that there was another conflict on Thursday, February 26, 2015 since AVPride is holding its annual Diamonds in the Rough program at 6:30 p.m., and he recommended moving the meeting's time from 7:00 p.m. to 4:00 p.m. Mr. Rapson stated that the third conflict was on Thursday, October 8, 2015 when there is a Legislative Leadership Conference in Athens. He recommended moving the meeting to Tuesday, October 6, 2015 at 7:00 p.m. Mr. Rapson concluded his remarks saying he would send an email to the Board with the suggested changes.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport stated that he had several items for Executive Session. He stated those items included three items of Pending Litigation, one item of Threatened Litigation, and one the review of the Executive Session Minutes from January 8, 2015.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow stated that Governor Deal declared January 22, 2015 as Georgia Right to Life Day. He said he and his wife went to Atlanta earlier in the day to march with about 1,000 people marching to celebrate life. Commissioner Barlow pointed out that Georgia does not use public funds to provide abortions, and that recently the GOP had introduced legislation to require no government funding for abortion. Commissioner Barlow stated that the keynote speaker at the event was Mr. Molotov Mitchell, a dynamic speaker who grew up in the Right to Life era. Commissioner Barlow asked people to Google a film that was produced by Mr. Mitchell entitled *Gates of Hell*. He said the film reveals the true agenda of Planned Parenthood. He said he prayed over the Capitol and the legislatures, and he stated that approximately twenty-five legislatures came to the Right to Life event and expressed their pro-life stance.

Commissioner Coston: Commissioner Coston thanked everyone for their attendance and she pointed out that it was great to see so many people from the community, as well as the Commissioners, celebrate the life and legacy of Dr. Martin Luther King, Jr. She stated that many people participated in the parade, a program, and a concert entitled *Let Freedom Sing*.

Commissioner Ognio: Commissioner Ognio stated that the County has a great new Emergency Operations Center. He said it took much work to get the center operation, and he thanked Fire Chief Scarbrough and his staff for their work in getting the Emergency Operations Center.

Commissioner Brown: Commissioner Brown pointed out that there was a memorandum on the dais dated January 12, and it is related to a response for the continuation of the Public Arts Committee. He thought, with the change of leadership, to bring this matter to the Board for a consensus to continue the committee. The Board consented to continue with the Public Arts Committee and for Commissioner Brown to continue as Chairman of the Public Arts

Committee. Chairman Oddo asked for regular reports of what the Public Arts Committee is doing and for the reports to include cost estimates for proposed projects. Commissioner Brown replied that there are minutes taken for each meeting and that the minutes could be provided to the Board. Commissioner Brown thanked the NAACP for a perfect parade and he was glad to see so many people attend the parade. He thought this parade had the largest attendance, and he said it was followed up by a great program. Commissioner Brown spoke about the *Let Freedom Sing* concert and of Mr. Tyrone Jones' involvement at the concert. Commissioner Brown then spoke about an initiative he has started that will allow certain groups with differing views getting together and civilly discuss various options. He stated that the first meeting will focus on the Common Core Educational Standards, and he invited the people to participate in the meeting.

Chairman Oddo: Chairman Oddo thanked everyone for the support they have given him over the past weeks. He stated he and his wife attended *The Gatsby Affair*, which was put on by Ms. Debbie Parrish, and he spoke about how enjoyable it was to see the event. He marveled at the work that Ms. Parrish was doing and he hoped it would gain greater publicity.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation and Review of the January 8, 2015 Executive Session Minutes:

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 8:37 p.m. and returned to Official Session at 10:23 p.m.

Return to Official Session and Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and to authorize the Chairman to sign an Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Kennedy Mediation: County Attorney Dennis Davenport stated that about a week ago, the County entered into mediation pertaining to one of the outstanding West Fayetteville Bypass properties, and this particular mediation was in the case of Fayette County vs. Kennedy. He said the Case number of 2011V-1311. He said in the condemnation the County had paid \$1,818.00 for the court's registry of permanent easement. He added that the County had also paid \$33,525.00 of court registry for fee simple title for the portion of property needed for the West Fayetteville Bypass. Mr. Davenport stated that in the mediation that occurred, the parties agreed in principle to settle all issues by the County purchasing fee simple title to the remnant for an additional \$12,420.00. He stated that for the property needed for the West Fayetteville Bypass, the County has agreed to pay an additional \$68,475.00. Mr. Davenport summarized that the total additional amount that Fayette County has agreed to pay is \$80,895.00. He concluded that the total amount agreed to, once coupled to what the County has already paid to the court, is \$116,238.00. Mr. Davenport stated that another portion of the mediation is that the condemnees had requested consideration favorably if they chose to rezone their property from R-70 to A-R. He said the County agreed to waive the rezoning application fees. Mr. Davenport also informed the Board that there were some outstanding property tax issues that need to be adjusted for several years based upon property taken by the county and not adequately corrected. Mr. Davenport closed his report saying those were the terms and conditions agreed to at mediation.

Commissioner Ognio moved to approve what County Attorney Dennis Davenport put forth. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Beck Mediation: County Attorney Dennis Davenport stated there was a second mediation based on a condemnation of the Beck property. He stated that the Case Number was 2011V-1312. He stated that during this condemnation the County had paid \$5,700.00 into the court's registry at the time condemnation was filed. He said during mediation the County agreed to pay an additional \$7,800.00 for a grand total of \$13,500.00. He said this mediation would include the County receiving the remnant on the east side of the road while Ms. Beck would keep the remnant on the west side of the road. Mr. Davenport added that property taxes would be "trued-up" if in fact they are an issue.

Commissioner Ognio moved to approve the Beck agreement that County Attorney Dennis Davenport put forth. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

January 8, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the January 8, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Brown moved to adjourn the January 22, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The January 22, 2015 Board of Commissioners meeting was adjourned at 10:27 p.m.

Floyd L. Jones, County Clerk