Minutes

Board of Commissioners
March 10, 2015
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on March 10, 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

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Call to Order

Chairman Oddo called the March 10, 2015 Board of Commissioner meeting to order at 7:00 p.m.

Invocation by Vice Chair Coston

Vice Chair Coston introduced Reverend Melvin Ware of Mount Olive Baptist Church. Chairman Oddo asked Reverend Ware to lead the audience in the Pledge of Allegiance after offering the Invocation. Reverend Ware offered the Invocation.

Pledge of Allegiance

Reverend Ware 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:

There were no Proclamation or Recognition items for consideration on the Agenda.

PUBLIC HEARING:

There were no Public Hearing items for consideration on the Agenda.

CONSENT AGENDA:

Commissioner Ognio asked to remove Consent Agenda #5 for discussion.
Commissioner Brown asked to remove Consent Agenda #4 for discussion.

Commissioner Ognio moved to approve Consent Agenda items 1, 2, 3 and 6. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

1. **Approval of staff's request to contract professional services with Nichols, Cauley & Associates for performance of the annual audit by an outside independent audit firm for Fiscal Year 2015, at a total cost of $74,350.00, with two one-year options to renew the contract, and approval for the County Administrator to sign all required documents. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.**

2. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2016 which begins July 1, 2015 and ends June 30, 2016. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.**

3. **Approval of staff's recommended Mid-Year Budget Adjustments for Fiscal Year 2015. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.**

4. **Approval of a request from Promise Place to authorize the Chairman to sign a Local Government Approval Form, as required by the Department of Community Affairs, affirming the organization's efforts to obtain funding through the Emergency Solutions Grant.**

   Commissioner Barlow moved to accept Consent Agenda #4 after Commissioner Brown makes his remarks. Commissioner Coston seconded the motion.

   Commissioner Brown reminded the Board of the February 26, 2015 Board of Commissioners meeting when he was not allowed to provide material on the dais for that meeting. He stated that at the time he thought that the action was essentially "selective enforcement" or changing the rules as they currently are. He stated that all he wanted was a level playing field. Commissioner Brown pointed out that Promise Place's request had changed, and he asked for a commitment from the Board stating that putting documents on the dais is an acceptable practice. He said he had a problem allowing some people to place documents on the dais while preventing others from placing documents on the dais.

   Commissioner Ognio agreed with Commissioner Brown, in principal, but added that a favorable vote should be taken in regard to the current request from Promise Place. Commissioner Coston mentioned that the issues were not comparable since the immediate change was a budgetary change, while the previous meetings involved presenting last-minute reading material to the Board. She asked the Board to support the request from Promise Place. Commissioner Barlow agreed with Commissioner Coston stating that Promise Place does not know the County's policies and procedures. County Administrator Steve Rapson gave additional explanation on why the request from Promise Place changed, and he explained that the

only change to the request was to increase its grant amount from $20,000.00 to $30,000.00. Mr. Rapson suggested that the discussion about adding documents to the dais could be continued at the upcoming Board of Commissioners' Retreat.

Commissioner Barlow amended his motion to also increase Agenda Item #4 from $20,000.00 to $30,000.00. Commissioner Coston seconded the amended motion. Discussion followed.

The motion to approve a request from Promise Place to authorize the Chairman to sign a Local Government Approval Form, as required by the Department of Community Affairs, affirming the organization's efforts to obtain funding through the Emergency Solution Grant, in the amount of $30,000.00 passed unanimously. Copies of the request and the Local Government Approval Form, identified as "Attachment 4," follow these minutes and are made an official part hereof.

5. Approval of staff's recommendation to award a contract to low bidder, Southeastern Pressure Grouting Quote #934-Q Grouting Lake Peachtree Spillway in the amount of $71,855.00, and to authorize the County Administrator to sign any associated documents related to this request.

Commissioner Ognio moved to approve staff's recommendation to award a contract to low bidder, Southeastern Pressure Grouting Quote #934-Q Grouting Lake Peachtree Spillway in the amount of $71,855.00, and to authorize the County Administrator to sign any associated documents related to this request. Commissioner Barlow seconded the motion.

Commissioner Ognio briefly explained why funds were being spent on the spillway.

Commissioner Brown stated that the current agreement Fayette County has with Peachtree City requires that the County perform routine maintenance in exchange for the ability to draw water from Lake Peachtree for Fayette County's Water System. He said some believe the grouting work breaches the level of maintenance since the dam is about 45 years old. He said, given the talk of the dam's life expectancy, this matter was becoming a capital issue instead of a maintenance issue. Commissioner Brown said he wished there had been a commitment from the City of Peachtree City concerning what they wanted to do with the spillway, since, if it wanted to replace the spillway then it would have saved the Fayette County Water System's customers about $71,800.00. He said it was unfortunate that a decision had not been forthcoming from the City of Peachtree, so the County was at a juncture where it would put the grout in the spillway, fulfill the maintenance agreement, continue with the ongoing dredging the lake, and fill the lake with water. He said if the city chooses to repair the spillway in the coming years, then it will have to drain the water to some extent to repair the spillway.

The motion to approve staff's recommendation to award a contract to low bidder, Southeastern Pressure Grouting Quote #934-Q Grouting Lake Peachtree Spillway in the amount of $71,855, and to authorize the County Administrator to sign any associated documents related to this request passed unanimously. Copies of the request and contract, identified as "Attachment 5," follow these minutes and are made an official part hereof.

6. Approval of the February 26, 2015 Board of Commissioners Meeting Minutes and the March 4, 2015 Special Called Board of Commissioners Meeting Minutes.

OLD BUSINESS:

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

NEW BUSINESS:

7. Consideration of the Selection Committee's recommendation to appoint Mr. Neely Moody to the Fayette County Ethics Board to fill an unexpired term and for said appointment to begin immediately and to expire on November 7, 2016.

Commissioner Ognio moved to accept the Selection Committee's recommendation to appoint Mr. Neely Moody to the Fayette County Ethics Board to fill an unexpired term and for said appointment to begin immediately and to expire on November 7, 2016. Commissioner Barlow seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

8. Consideration of the Selection Committee's recommendation to appoint Mr. Arnold Martin to the Fayette County Planning Commission for a three-year term beginning January 1, 2015 and expiring December 31, 2017.

Commissioner Barlow moved to accept the Selection Committee's recommendation to appoint Mr. Arnold Martin to the Fayette County Planning Commission for a three-year term beginning January 1, 2015 and expiring December 31, 2017. Commissioner Coston seconded the motion. Discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

9. Consideration of the Selection Committee's recommendation to appoint Mrs. Marsha A. Hopkins to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2015 and expiring December 31, 2017.

Commissioner Brown moved to accept the Selection Committee's recommendation to appoint Mrs. Marsha A. Hopkins to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2015 and expiring December 31, 2017. Commissioners Coston and Barlow seconded the motion. 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. Discussion of the conceptual design and cost estimate for the Justice Center Passive Park.

Public Works Director Phil Mallon briefed the Board on the conceptual design and cost estimate for the Justice Center Passive Park. He stated the cost estimate for Phase I of the park was $128,000.00 with the paths being a natural, unpaved surface; likely made of wood chips.

Commissioner Brown moved to approve Phase I of the Justice Center Park as proposed by the Public Works Department in the amount of $125,000.00 utilizing budgeted item 5110H. Commissioner Ognio seconded the motion.

Commissioner Brown explained how the Justice Center Park Committee came to its recommendations based off "robust discussion." He said the committee was trying to find something that could be used by the public but also by the Sheriff, courthouse staff, and for community activities. Commissioner Brown then provided greater detail on some of the suggested amenities to the park, and he reminded the Board that the high school interns worked on these suggestions during the summer. Commissioner Brown explained the layout of the proposed Justice Center Park and how decisions were made in regard to its layout and accessibility, and he briefly spoke about what was planned for the future phases.

Commissioner Coston said she had a concern with the project since there are currently existing parks that need to be enhanced as well as maintained. She said she could not see spending $323,594.00 for Phase I and future phases of the proposed Justice Center Park when there are other parks that need to be dealt with but are neglected. Commissioner Brown stated that the cost was actually $125,000.00, but Commissioner Coston replied that the cost was greater given the project's future phases. Commissioner Brown replied that there was budget for this request.

Commissioner Ognio agreed there was a budget, but he thought there needed to be "real thought" about what is built since what is built has to be maintained. He mentioned that there had been talks about grants for the park, but he thought those grant opportunities were gone. He thought the proposed park would be good for the Fayette County Senior Center, but he acknowledged that there were needs in the existing parks. Commissioner Ognio then stated he would recuse himself from the vote since there is a company associated with the request that he has done business with and he did not feel comfortable voting on that basis. Commissioner Coston pointed out that the Fayette Senior Services has an excellent facility and that the Board had recently voted to help improve their facilities. Commissioner Brown pointed out that Fayette Senior Services was part of the Justice Center Park Committee and was favorable to the project.

Commissioner Barlow said he had attended one of the Justice Center Park Committees, and he said he somewhere remembered a discussion about raising about 50% of the funding. Commissioner Brown replied that there was an effort to raise funds and that the opportunity was still available. Commissioner Barlow said he could not support the park as presented, but he suggested that the public could be engaged in raising funds similarly to how other parks were created by selling veteran bricks.

Chairman Oddo said he was under the initial impression that the park was solely walking trails with natural trails. He said that he felt walking trails could be built for much less money than the given estimations. He pointed out that the park does not currently exist, but given how government operates once it is built it will be expanded upon. Chairman Oddo said he was concerned that there were other higher priorities that the Board needs to worry about, specifically stormwater maintenance issues. He said he liked the walking trails and he wanted staff to be directed to look at Phase I item numbers 11 through 22.

Commissioner Brown amended his motion to not move forward with the project and to dedicate the $125,000.00, as budgeted in 5110H, to the Stormwater Restoration List. Commissioner Barlow seconded the motion.

County Administrator Steve Rapson reported that the funds could be dedicated to the Stormwater Restoration List as moved; however, moving the funds would create political questions for the Board such as double taxation issues with the municipalities. Commissioner Brown withdrew his motion.

Chairman Oddo moved to direct staff to look at items numbers 11 through 22 and what they could do with the money to create a walking path with residual funds going to Recreational Contingency Funds. Commissioner Brown seconded the motion.

Commissioner Brown said he understood where Chairman Oddo was coming from concerning expanding venues, and he said he was willing to go along with Chairman Oddo's motion. Commissioner Coston asked if the motion was only to proceed with walking trails. Chairman Oddo said the motion included the sun and shade garden and the walking path. Commissioner Brown pointed out that Item #11 was the citizens' garden and he reminded the Board that there was a grant from the Master Gardeners. He suggested that the garden be removed from consideration and that motion only focus on the path.

County Administrator Steve Rapson recommended that the Board direct staff to work in the parameters of what was discussed and to return with a recommendation.

Chairman Oddo amended his motion to work within the parameters that were discussed and to return to the Board with recommendations on how to achieve the projects at a lower cost and for residual funds to be returned to the Recreational Contingency Fund. Commissioner Brown seconded the motion.

Dr. Mona MacDonald: Dr. MacDonald said she would use the walking paths, but she stated that a water fountain and a restroom should be included in Phase I for the Justice Center Park. Commissioner Brown replied to Dr. MacDonald's comments.

The motion to work within the parameters that were discussed and to return to the Board with recommendations how to achieve the projects at a lower cost and for residual funds to be returned to the Recreational Contingency Fund passed 4-0-1 with Commissioner Ognio abstaining from the vote. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Cherie Barlow: Mrs. Barlow, wife of Commissioner David Barlow, spoke about the heart of leadership and the five core traits of leadership. Mrs. Barlow closed her remarks by addressing each Commissioner, encouraging them in their leadership roles, and asking them to guard their hearts.

Alice Jones: Mrs. Jones said she embraced those who stepped forward to be appointed into leadership positions in the county. She stated that she has been before many commission boards and numerous staff members and that she listens to everything that is said. She said the last Board of Commissioners meeting was hurtful, to the point of tears, and she said the Board needs to work under the umbrella of its leadership. She asked the Commissioners to do the right thing for all the citizens. She said that people who "look like me" did not get the resolution or its contents, and they did not get the memo that it would be shared on the Agenda. She said the people were bitter, argumentative, and making unbecoming arguments. Mrs. Jones said she learned at a young age about the process of a democracy. She asked for the vote to benefit for the good of the County. She said that she has been a proponent for Kenwood Park, and that she wants the best for the park and all of Fayette County. She asked the Board to listen to the constituents who want Kenwood Park to be completed. Mrs. Jones asked the Board to work with Commissioner Coston on the Kenwood Park project and she asked the Board to listen to its constituents.

Emory McHugh: Mr. McHugh spoke for approximately twenty-four minutes about his desire to "close the loop" on his previous discussion concerning the budget and finances of Fayette County for its fiscal year ended June 30, 2014. He maintained that Fayette County failed to adopt a fiscally responsible budget, gave examples of his concern, and stated that the county has published as part of its audited financial statements that it lost $3 million as a business enterprise. He speculated that it appeared, based on responses he received from the Finance Department, that the actual operating loss "may have been much larger than the one reported." Mr. McHugh then spoke about his concerns with regard to the County's General Fund, Local Maintenance and Improvement Grant (LMIG) revenues, employee turnover rates, and reasons for turnover. Mr. McHugh stated that his professional opinion was that the County does not have an adopted budget that complies with the requirements of O.C.G.A. 36-81-2 and 36-81-3. Mr. McHugh also spoke about other concerns with opening the Old Jail Facility, the Stormwater Utility Fund, Public Facilities Authority Bonds, and the debt service coverage factor on Water Revenue Bonds. He spoke about the County's recent Aaa Rating it has received from Moody's Investors Service, and he attributed the improved rating to a change of rating agency's methodology for rating municipal bonds in January 2014. Mr. McHugh left the meeting after giving his public comments. A copy of Mr. McHugh's transcript that he provided to Commissioner Coston, identified as "Attachment 10," follows these minutes and is made an official part hereof.

Alice Jones: Ms. Alice Jones returned to the public comment podium and asked for a copy of the budget so she could review the material presented by Mr. McHugh.

Temporary Recess: Commissioner Brown asked for a brief recess. The Board recessed at 8:45 p.m. and returned to Official Session at 8:48 p.m.

ADMINISTRATOR'S REPORTS:

Response to Public Comments: County Administrator Steve Rapson responded to the public comments given by Mrs. Jones and to the concerns expressed by Mr. McHugh.

Fayette County Sheriff's Office Medical Contract: County Administrator Steve Rapson stated staff worked with the Sheriff's Office in regards to its medical contract. He said staff worked with Major Anthony Rhodes at the Jail. He explained that the current health provider would continue to provide the service and the Sheriff would enter into the contract for the service. Mr. Rapson explained that the contract was roughly 8.5% less than the previous contract resulting in a savings of about $67,000.00.

March 17, 2015 Special Called Meeting: County Administrator Steve Rapson reported that earlier in the afternoon Fayette FACTOR came to the county with a $125,000.00 grant for a Drug-Free Community Support Program. He said they wanted the grant on the Agenda since the deadline is on March 18, 2015. He stated that the Board would likely need to have a Special Called Meeting in order to approve the grant prior to the deadline. The Board consented to hold a Special Called Meeting on Tuesday, March 17, 2015 at 7:00 p.m. to consider the Fayette FACTOR grant.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport reported that he had two items of Threatened Litigation and Review of the February 26, 2015 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio said he had problems with procedures where motions are made prior to discussion. He said the procedures did not allow for staff to make a presentation without a motion, and he asked the Board to return to the previous way it conducted meetings since it was an efficient process. He said the Board was not in existence to "play games" but to serve the citizens.

Commissioner Coston: Commissioner Coston thanked the people for coming to the meeting and participating. She stated that there had been comments and statements concerning the Board working together. She said she has been working with her fellow Commissioners. She said the Board is working collaboratively on the issues and that everyone's heart was in the right place. She replied to Commissioner Ognio stating she was not on the Board to play games but to do what is best for all of the people of Fayette County.

Commissioner Brown: Commissioner Brown stated there had been good comments from the citizens; including from Mr. McHugh. He said he appreciated Mr. McHugh's ability to speak on his issues since most governments limit the time people are able to speak. He said Fayette County is an open government-styled county. Commissioner Brown acknowledged that the auditors have found items, but he said that is the reason Fayette County has auditors. He added that Fayette County will make the appropriate changes and will make the necessary repairs each time the auditors bring up various needs. Commissioner Brown answered some of the concerns Mr. McHugh gave during Public Comments, and he also addressed Mrs. Jones' comments pertaining to Kenwood Park that she gave during Public Comments. Commissioner Brown closed his comments speaking about meeting consistency and he said all he has ever asked for is a level playing field.

Commissioner Coston: Commissioner Coston stated that there is a meeting forthcoming with the constituents regarding Kenwood Park, and she stated any of the Commissioners were welcome to attend.

Commissioner Barlow: Commissioner Barlow pointed out that the Library has a book entitled *Historic Fayette County* that was written by Fayette Historian Carolyn Cary. He stated that the book has a section concerning the Oddo family and their accomplishments while living in Fayette County. Commissioner Barlow spoke about his attendance at the 17th Annual Blended Heritage Celebration at the Fayette County Library. He stated he continues to provide Meals on Wheels and how he attended the Religious Freedom rally in Atlanta. Commissioner Barlow spoke about an initiative passed by the Association County Commissioners of Georgia (ACCG). Commissioner Barlow spoke about attending church where the pastor spoke about the 50th anniversary of the Selma March of the sermon concerning about how Jesus Christ can heal race relations.

Chairman Oddo: Chairman Oddo stated that he was not playing games and that everyone was doing as best as they could. Chairman Oddo said he wished Mr. McHugh would remain in the meeting after giving his comments so that he could hear the answers that were given to his concerns. Commissioner Oddo spoke about a man who was revived after following instructions provided by an Emergency 911 Officer, and he said it was one of the things that the County does that often is not known. Commissioner Oddo mentioned that the Georgia Department of Transportation (GDOT) would hold a public Open House meeting at Harps Crossing Baptist Church concerning possible road improvements at the intersection of State Route 92 and Antioch Road. County Administrator Rapson added the meeting would be from 4:00-7:00 p.m., and that a public notice and press release would be issued on the meeting.

Commissioner Ognio: Commissioner Ognio encouraged the citizens to contact their legislatures concerning the transportation and fluoride bills. He also asked the citizens to look at the remaining bills under consideration by the state's legislators.

EXECUTIVE SESSION:

Two Items of Threatened Litigation and Review of the February 26, 2015 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:25 p.m. and returned to Official Session at 9:36 p.m.

Return to Official Session and Authorization to Sign an Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 11," follows these minutes and is made an official part hereof.

February 26, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the February 26, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the March 10, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The March 10, 2015 Board of Commissioners meeting was adjourned at 9:36 p.m.

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Floyd L. Jones, County Clerk Charles W. Oddo, 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 March 2015. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk