Minutes

Board of Commissioners
April 25, 2013
7:00 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 April 25, 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 Jones, County Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the April 25, 2013 Board of Commissioners meeting to order at 7:00 p.m.

Commissioner Barlow introduced Ms. Marilee Gardner of the Church of Jesus Christ of Latter-day Saints, and asked her to give the invocation. Ms. Gardner offered the invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PRESENTATION / RECOGNITION:

1. **Proclamation of May 2013 as "Foster Care Month" and the week of May 13-17, 2013 as "Foster Parent Appreciation Week".**

Commissioner Barlow read the proclamation declaring May 2013 as "Foster Care Month" and the week of May 13-17, 2013 as "Foster Parent Appreciation Week". Ms. Angela Hinton-Fonda, representing the Fayette County Family and Children Services Board, commented on the needs in Fayette County and the limited foster care resources available. She called on Fayette County citizens to consider becoming foster parents. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part hereof.

2. Proclamation of May 4, 2013 as "Pet Appreciation Day".

Chairman Steve Brown read the proclamation establishing May 4, 2013 as "Pet Appreciation Day." Dr. Vince Obsitnik of The Animal Medical Clinic commented that Pet Appreciation Day would have events for kids, animal demonstrations, and other activities bringing awareness for pet appreciation. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Zoning Administrator Dennis Dutton read the *Board of Commissioners Public Hearing Procedures* into the record and introduced the first item for consideration under Public Hearing. A copy of the procedures, identified as "Attachment 3", follows these minutes and is made an official part hereof.

3. Consideration of staff's recommendation to adopt Resolution 2013-11, deleting, in its entirety, the section entitled Illegal Nonconforming Lots under the Land Use Element, Future Land Use Map, and Narrative of the Fayette County Comprehensive Plan.

Zoning Administrator Dennis Dutton gave a brief overview of staff's recommendation to adopt Resolution 2013-11.

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

Commissioner Oddo moved to adopt Resolution 2013-1, deleting, in its entirety, the section entitled Illegal Nonconforming Lots under the Land Use Element, Future Land Use Map, and Narrative of the Fayette County Comprehensive Plan. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request and Resolution 2013-11, identified as "Attachment 4", follow these minutes and are made an official part hereof.

4. Consideration of staff's recommendation to adopt Ordinance 2013-02 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article III., Article IV., Article V., and Article VII. concerning the deletion of all sections of the zoning ordinance related to the Legal Nonconforming Status (LNS) rezoning procedure.

Zoning Administrator Dennis Dutton gave a brief overview of staff's recommendation to adopt Ordinance 2013-02.

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

Commissioner Oddo moved to accept staff's recommendation to adopt Ordinance 2013-02 amending the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, regarding Article III., Article IV., Article V., and Article VII. concerning the deletion of all sections of the zoning ordinance related to the Legal

Nonconforming Status (LNS) rezoning procedure. Commissioners Ognio and Barlow seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request and Ordinance 2013-02, identified as "Attachment 5", follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Henry Dickerson: Mr. Dickerson submitted a written petition against the Stormwater fees to the Board, which was signed by many of the residents living near Lake Horton. He questioned the need for residents to pay Stormwater fees when their water runs into Lake Horton, questioned how the collected funds were being spent, and suggested that the Board would not be reelected since nobody in Fayette County was happy about receiving a Stormwater bill. A copy of the written petition, identified as "Attachment 6", follows these minutes and is made an official part hereof.

Lee Hearn: Mr. Hearn questioned the Board's transparency in the following areas: 1) LOST renegotiations and agreements, 2) Approval of Cigna as the employees' new health insurance provider, 3) the Board "sticking it to the employees" by taking away health insurance benefits; 4) removing public safety personnel from the Pension Board, 5) not informing the citizens about how they want to address roads for Fayette County's future and potentially exposing Fayette County due to decisions made about the intersection of West Fayetteville Bypass and State Route 92, and 6) not maintaining the rural character of Fayette County by rezoning land for Pinewood Studios. Mr. Hearn closed saying his family has paid taxes into Fayette County for over 100 years, that he has a deep love for Fayette County, and that was why he would continue coming to the meetings.

Wayne Kendall: Mr. Kendall said he wanted to talk about Commissioner Ognio's item at the April 11, 2013 meeting concerning referring former County Attorney Scott Bennett to the State Court Solicitor Jamie Inagawa. He pointed out that Mr. Inagawa had previously sued Fayette County, and in doing so he had hired Mr. Richard P. Lindsey as his attorney. He said that Mr. Lindsey was the same attorney Mr. Bennett allegedly hired to sue Fayette County, so there could be a conflict of interest. Mr. Kendall suggested that the Board of Commissioners could call for a civil investigative grand jury to investigate several issues that he contended were still lingering. Mr. Kendall then enumerated those outstanding issues that he thought should be investigated. He then repeated that the Board could call for a civil investigative grand jury, and he explained how the process could work.

Frank Gardner: Mr. Gardner said at the last meeting he said something about the parking at Lake Horton. He publically thanked Water System Director Tony Parrott for calling him and explaining the situation to him. He said he had to admit that if he was sitting in Mr. Parrott's seat, he would likely make the same decision. He thought coming to the Board meeting and expressing his opinion and getting feedback was good, and he thanked the Board for that.

CONSENT AGENDA:

Commissioner Barlow moved to accept the Consent Agenda. Commissioner Ognio seconded the motion.

Captain Doug Morris, who has served as a Fayette County firefighter for 27 years, spoke in opposition to Consent Agenda Item 7. He specifically commented on the portion of the Consent Agenda pertaining to the loss of retirement benefits. His three main points were: 1) the benefit retirement was in existence before the Defined Benefit Plan was put into place, and it was part of the decision people used to switch to a Defined Benefit Plan, 2) removing the retirement benefit would specifically target long-term, loyal employees, and 3) this action would compel public safety workers to remain on the job until they were 65 years old, and that there were problems with having active police officers and firefighters who are that old. He implored the Board not to remove the retirement benefits.

County Administrator Steve Rapson largely agreed with Mr. Morris, but added that keeping the benefit in place created a large fiscal impact, and he explained the nature of fiscal impact.

Commissioner Oddo said he appreciated Mr. Morris' concerns, but that there were many things he wanted to have but could not afford to have. He said he wanted to do many things but did not have the funding to do so. He added that the Board has responsibility to the taxpayers and to the staff, but it also has a fiduciary responsibility that cannot be ignored.

Mr. Rapson spoke about two benefits the County has enacted to replace the outgoing benefit; namely, the ability for County employees to purchase family health insurance at the County's rates and to participate in a Health Savings Account (HSA).

Chairman Brown said there were no easy decisions, but that the County was in a real bind. He said the Board did not take pride in taking anything away from anybody. He said the County is in a really bad situation, and that the Board had opportunities to do things years ago when both he and Commissioner McCarty were on the Board, and those requests were voted down each time. He said the County is where it is, that the Board promised its constituents that it would provide a balanced budget, and that the County would do whatever it takes to get to the balanced budget. He said this action had nothing to do against anybody who is employed with the County but that the constituents are the number one responsibility.

The motion to approve the Consent Agenda passed 4-0 with Commissioner McCarty being absent.

5. Approval of Finance policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

6. Approval of Human Resource policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

7. Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to award Bid #873- Grass Mowing Services to Star Valley Landscapes Solutions, BeautyScapes Management, Inc., and TrueGreen Landcare, LLC., at an aggregate amount of $83,390.80, and authorization for the Chairman to sign related contracts. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

9. Approval of the April 5, 2013 Board of Commissioners Retreat Minutes and the April 11, 2013 Board of Commissioners Minutes.

OLD BUSINESS:

NEW BUSINESS:

10. Consideration of Commissioner Barlow's request that the Board of Commissioners endorse Fayette's Biggest Food Drive.

Commissioner Barlow introduced Ms. Arwen Mullikin and Ms. Marilee Gardner to the Board, and he asked Ms. Mullikin to make a few comments on the request. Ms. Mullikin stated that the County has the opportunity to fill a 53-foot trailer full of food during the fall, and that the food would go to the most vulnerable people in Fayette County. She said the people's hearts have gone out to seniors, the low-income people, and children as economics times have tightened and things get harder for them. He said the County used to have job fairs, and this effort is in lieu of the job fairs because employers are not in a position to hire this year. She said it was felt that something needed to be done to help the citizens of Fayette County, and since Fayette County has always taken care of its own. She asked the Board and the citizens to come alongside those who are helping make this happen, and that they would give all of their efforts. She asked the Board to give its credibility and backing to the cause so that much more than a trailer could be filled in an effort to help many in the county. She hoped that the Board would make the gazebo available on September 14, and that the County would make a proclamation to give credibility to the cause.

Chairman Brown moved that the Fayette County Government official endorse Fayette's Biggest Food Drive, and to offer the County facilities for collection. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. Discussion of Fayette County's current and prior ethics ordinances.

Interim County Attorney Dennis Davenport explained that the County was in a position to revisit its Ethics Ordinance, and sought direction on how to proceed with the task.

Chairman Brown stated that the current Ethics Ordinance was substandard and needed to be changed. He explained why the previous Ethic Ordinance had been changed the current Ethics Ordinance, and he thought that the changes were done to the detriment of the citizens of Fayette County. He thought it represented a careless effort and that the County could do much better. He said he preferred to have an Ethics Ordinance that was more along the lines of the previous Ethics Ordinance, and he wanted to see a draft written that was similar to the previous Ethics Ordinance.

Commissioner Oddo said he was concerned that the current Ethics Ordinance was an example of what happens when someone tries to account for every possibility. He understood that having an Ethics Ordinance was critically important, but that it was also "a very intangible type of thing since you cannot write a rule for everything." He said he wanted to see something done to simplify what the County currently has in an effort to cover bases, and he suggested that the Board should be able to easily navigate the Ethics Ordinance without having to dig through subparagraphs.

Chairman Brown added that he wanted to see ethics training required in the new ordinance. He recalled that during his political days in Peachtree City, one of the things that was initiated and mandated was that all ethics members go through ethics training. He felt that citizens who were empaneled to sit on an Ethics Board should be trained, but if the Ethics Ordinance was going to be changed to allow only members of the judiciary to be empaneled then there would likely not be a need to have those members trained in ethics. He repeated that the members should be ethically trained and should feel comfortable on the Board.

Commissioner Ognio said there needed to be consideration on who was appointed to the Board. He admitted that there was a good attempt to have citizens on the Ethics Board, but he also agreed with Chairman Brown that they need to be trained. He suggested that it would be just as good to have judges or others in the legal profession empaneled so that the proceedings would be "much more professionally done." He said this arrangement has been adopted by other areas, and that Fayette County should look at the other counties to learn about how they seat their Ethics Boards. He added that the County should want to strengthen its Ethics Ordinance, and not have ethics that were so loose that there effectively was no accountability.

Mr. Davenport replied that he would produce drafts with Options A, B, and C for the Board's consideration. He pointed out that the original Ethics Ordinance was an eight-page, double-spaced ordinance with two pages of procedure and six pages of standards, and that the current Ethics Ordinance is eleven pages long of which eight pages address procedures. He said he would do a comparison of the two ordinances, and that the first draft he would produce would be a working draft. Commissioner Ognio added that this process would involve public hearings so that the citizens would be able to provide their insight.

Commissioner Barlow said he liked how the previous Ethics Ordinance allowed for the empaneling of three attorneys from Fayette County once a complaint was filed. He said that Board would come together, hear the complaint, make a ruling or recommendation, and then would be dissolved. He added that if a new ethics complaint was received that a new Ethics Board would be empaneled. He liked that the previous Ethics Board was made of people who were legal in profession and who knew how to enforce the laws, interpret them, and rule on them.

Mr. Davenport said he would prepare a draft of the Ethics Ordinance, and that it would be ready for distribution and discussion at the May 23, 2013 Board of Commissioners meeting. The Board directed Mr. Davenport to prepare a draft Ethics Ordinance for discussion. The Board did not take an official vote on this matter. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

12. Consideration of Chairman Steve Brown's request to be reimbursed for legal expenses, in the amount of $2,128.85, incurred in his defense against ethics charges filed by former County Commissioner Robert Horgan.

Chairman Brown recused himself from this discussion, turned the floor over to Vice Chairman Charles Oddo, and left the room for the entirety of this matter.

Vice Chairman Oddo and Commissioner Ognio asked the public if they had any comments on this item.

Frank Gardner: Mr. Gardner said he wanted the Board to set up some type of procedure so that any complaint that is filed against a county employee, that is not covered by insurance, that the county would pay for a lawyer to take care of it. He said the Board was in a high profile position and there is always somebody who wants to have a vendetta against somebody. He thought it was a shame that people who work for the county would have to take money out of their pockets to defend themselves. County Administrator Rapson informed Mr. Gardner that, from a county employee's perspective, employees are covered, but that this issue concerned the Chairman who is an elected person and is not a county employee.

Commissioner Barlow said he did quite a bit of research on this item and said he talked to a number of the citizens. He said he knew what he felt in his heart, but he wanted to hear from others. He explained that he had come to understand that Chairman Brown was working for the benefit of Fayette County was not pursuing

something personally. He said, consequently, it made it easy for him to decide that the County should cover Chairman Brown's expenses "since he was working to do something that was going to involve the good of Fayette County".

Commissioner Ognio said Chairman Brown was "acting in official capacity with the County and that created the situation." He said, for that reason, it looked like the Chairman should be reimbursed.

Vice Chairman Oddo read a prepared statement explaining his thoughts. The following transcript has been included into the minutes at the request of Commissioner Oddo. The audio recording for the transcript begins at 8:12:43 and concludes at 8:21:43.

I'm gonna take a liberty here again, because I was kind of thrust into the same position back in January when we had a special meeting regarding the Ethics Ordinance., and I did read some comments that I had prepared. And please forgive my voice as I've been dry. This is an important issue to, it's an important issue to the County. I've, being in the line of business I am, which is, I work with my brothers in their, in our tax, well, accounting business, but its taxes; people think the 15th is the end of tax season. It isn't, it runs all the way through April at full, break-neck speed, and so I've been involved with that with my brothers, trying to do so many things in getting ready for a trip we have to take to Savannah here for the County. And this came up, and I could not let it go without putting some thoughts down here in regards to the fact that I really didn't have time to do it. But it is very critical, and I would like to share with you folks what I was thinking.

When I ran for office, this is important, when I ran for office, my goal was to communicate with the citizens and to let all know why I make the decisions I make. My decisions may or may not be popular, but they will be reasoned. So I wish to take just a few moments to provide insight into how I will vote on this issue, and why. I will be happy to speak privately with anyone who wishes to discuss the subject with me further. And just for the record, my cell phone is (770) 843-4034. I do answer it.

Now, considering the facts as I see them in this particular case, and I stress the facts in this case because prior history should not be an influencing factor, it's ironic that the question of reimbursing Commissioner Brown is, in itself, an ethical one. Philosophically, I believe very government owes its citizens the presumption of innocence and must be extremely cautious in wielding the power it has been given through law. Verdicts via technicalities make a mockery of the intent and spirit of the law. The spirit of our Ethics Ordinance, the fostering of our moral values, should never be made subservient to the letter of the law, or we will destroy the very reason for its being; that of dealing with what is good and bad and with moral duty and obligation. That, by the way, is from Merriam Webster, it's the definition of ethics.

So all of you know, I did not know Commissioner Brown prior to my campaign for the Board of Commissioners, nor any of the other parties here involved in the ethics or who had any part in the ethics hearing. As far as I'm concerned, their names could have been X, Y and Z. So here is my basis for the decision I will make this evening.

During the January 29 special meeting of the Board of Commissioners, I stated my beliefs that ethics, by its very nature, is intuitive. Please go back, they are recorded in the minutes; they can be viewed. And I think they are important. It's my belief that it is impossible to create a one-size-fits-

all ordinance that can fairly and successfully govern ethics in every situation. You might bear that in mind when you are thinking what I might say. Only once has anyone ever written an effective ethics ordinance that does apply to every situation, and, amazing, He did it with only ten sentences. Aside from that one instance, I do not believe the intent of ethics can be committed 100% to paper by way of law or ordinance. The written word is fixed and incapable of the human quality that allows us to assess and discern. The written word is incapable of stepping back, looking at the entire situation from beginning to end, assimilating the obvious, discerning the obscure, and formulating a conclusion. Therefore, in our attempt to encourage ethics in Fayette County, the written ordinance should be used as an aid and not exclusively as the means to the end. In the Ethics Hearing against Commissioner Brown, we were playing by our own house rules, so to speak, and not dealing with law and criminality. Therefore, we had the ability to follow the facts, diverge from the written ordinance where reasonable, and arrive at the most just conclusion. When written rules conflict with good sense, good sense should take precedence over the rules. Looking at the entire situation, beginning to end, I saw an Ethics Board hurriedly seated after two years of being vacant to hear a complaint about a former county employee. There was little time to vet the candidates, there was no public discussion from the Board of Commissioners, alternate candidates were not considered publically by the Board of Commissioners, the selections were rushed. Quite honestly, one could argue that the entire process used to seat this Ethics Board was itself less than ethical, and as such should not have had standing to judge ethics. The Ethics Board was populated quickly, methodically, and as if selections were foregone conclusions. The voting seemed a formality without deference to the very thing the Board is obligated to pursue; namely, ethics.

I then saw a former commissioner accuse a sitting commission, Commissioner Brown, of violating the Ethics Ordinance during a sequence of events that I was part of, and during which I perceived Commissioner Brown to be conducting himself in the best interests of the citizens of Fayette County. I saw a member of the Ethics Board, not on the most cordial of terms with Commissioner Brown otherwise, assert that the facts in this case did not merit continuation of the hearing and ultimately step down after good sense did not result in dismissal. I saw the remaining original members of the Ethics Board find that Commissioner Brown did not act for personal gain. Yet again, good sense apparently took a back seat as the Ethics Board found Commissioner Brown technically guilty, placing a black mark on his career. That mark will follow him forever and suggest that he did something unethical, when in fact he did not. Unless he can remove it through the courts. No employee of Fayette County should be, and he is an elected official, but I'm saying employee as a group, no employee of Fayette County should be put in that position regardless of his or her name. I then saw the same former Commissioner bring forth yet again another complaint against Commissioner Brown who again, I perceived, has acted in the best interests of the citizens of Fayette County rather than for personal gain. This time, the Board by a split decision, was able to dismiss the case that simply was not warranted. Based on what I have witnessed, on my ability to step back and look at the situation as a whole, I cannot justify the cause for the hearings nor the guilty verdict. The observations exacerbated by the fact that I witnessed a recently former Fayette County official bring charges against a current Fayette County official for reasons that I cannot be sure were not rooted in their past, fractious relationship nor for reasons only in the best interest in the county.

So the question to answer is, is it fair for Commissioner Brown, should he be marked as unethical by the county he was serving, if in order to serve the best interest of the county he technically violated an ordinance. I don't believe so. The question then becomes is it fair that Commissioner Brown pay the legal expense to absolve himself of the verdict. Legally, I do not believe the county

is obligated to do so, and under other circumstances I would say "no". If I could feel reasonable sure that there were legitimate, unethical lapses on Commissioner Brown's part resulting in the ethics complaints and the subsequent guilty verdict, I would not consider reimbursing legal expenses as viable. But I am not at all comfortable with the entire process from the creation of this Ethics Board to the verdict handed down. Regardless of anyone's feelings about the individuals involved in this episode, the facts were far less damning than must be necessary to arrive at a guilty verdict. Therefore, ethically, I believe reimbursement is the proper thing to do, and I will vote in favor of reimbursing the expenses.

Commissioner Ognio moved to reimburse Steve Brown for legal expenses in the amount of $2,128.85 incurred in his defense against ethics charges filed by former County Commissioner Robert Horgan. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 3-0 with Chairman Brown being recused from the vote and Commissioner McCarty being absent. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

The County Marshal brought Chairman Brown back to the meeting after the vote was taken.

ADMINISTRATOR'S REPORTS:

Time and Attendance Policy: County Administrator Steve Rapson reminded the Board that it previously approved Human Resources Policy 432.01- Time and Attendance. He said the policy it did not really state how "Kelly Hours" would be held. He explained Kelly Hours are two-hour increments that firefighters earn in regards to showing up prior to the shift changes. He said Kelly Hours are not part of the overtime policy change, and he wanted to make sure people understood that because it is actually part of the annual compensation for those individuals. He said this was one issue that the firefighters were asking about, and he wanted to put this issue on record on how the policy was being interpreted.

Newsletter: County Administrator Steve Rapson pointed out, yesterday, the County rolled out an option on the County website for a newsletter and email distribution. He said if the people are interested in getting things in regards to county news, press releases, employment opportunities, library events, or Stormwater newsletters, the people could go on the website and sign up for it, and the information would be provide to them.

Clerk of Court to Fund Codification: County Administrator Steve Rapson reported that Superior Court Clerk Sheila Studdard has agreed to fund the codification of $22,950.00 out of the law library.

Response to Mr. Hearn's Public Comments: County Administrator Steve Rapson replied to some of Mr. Hearn's comments concerning: 1) LOST renegotiations, 2) Cigna, 3) removing public safety employees from the Pension Board, and 4) transparency.

ATTORNEY'S REPORTS:

Two Executive Session Item: Interim County Attorney Dennis Davenport reported that he had two items for Executive Session; one involving threatened litigation and the other involving real estate matter.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow commented on an article printed in *The Citizen*, told of the vows he has made, and updated the Board on his recent attendance of the Georgia Public Health Association's Annual Conference. He spoke about the threat of childhood obesity in Georgia, and he spoke of the efforts to make Georgia a healthy state.

Commissioner Ognio: Commissioner Ognio said some of the things Mr. Hearn said bothered him. He spoke about how the employees have come to him thanking him for the changes in healthcare and how the employees have indicated that they like the new healthcare plan. He said he did not know where Mr. Hearn was getting information that the employees were unhappy. He also spoke on the Board's decision to rezone property for Pinewood Studios, and he commented on how transparent the County actually is. He said the Board was looking for feedback, and that by getting feedback the Board could evaluate how to best serve its citizens.

Commissioner Oddo: Commissioner Oddo pointed out that the Board has a responsibility to Fayette County's taxpayers. He said it is very easy to say "we should have this program or that program", but he said the Board also needs to hear who is going to pay for the programs. He said the Board does not enjoy making cuts, and he asked for understanding since there was a long way to go in helping the County move forward.

Commissioner Ognio: Commissioner Ognio again responded to Mr. Hearn by agreeing that the Board was against bypasses, said the Board is dealing with many important issues first, and adding that the Board would soon address its plans for future traffic relief. He said the Board had to do "first things first".

Chairman Brown: Chairman Brown replied to Mr. Dickerson's comments about the reason Fayette County pays for other services with the Stormwater fees, and he explained that those services are mandated or required by the State of Georgia. Chairman Brown informed Mr. Kendall that he had already written State Court Solicitor Jamie Inagawa sharing the same concerns expressed by Mr. Kendall, and that the letter was open records obtainable from the County Clerk. Chairman Brown said he wished Mr. Hearn would stay through the meeting to hear answers to his complaints, and he said that was the fair thing to do. He then addresses some of the items Mr. Hearn spoke about including 1) LOST renegotiations, 2) Pinewood Studios, 3) and the contention that the County did not comply with the SPLOST project list. He explained that the East Fayetteville Bypass was the number one priority on the project list, and that a memo on the priority list had been prepared and signed by Mr. Hearn while he was working as the engineer for Fayette County's Engineering Department. Chairman Brown noted that the East Fayetteville Bypass is the only road on the priority list that was not built.

Commissioner Barlow: Commissioner Barlow said he noticed that Mr. Kendall, Mr. Gardner, and Mr. Dickerson were still in the audience. He said there were four people who spoke during public comment and only one is "woefully absent" from the meeting– Mr. Hearn. He said it speaks to the credibility of the folks who spoke and stayed to hear the answer since they care about what the comments would be.

Commissioner Oddo: Commissioner Oddo wanted everyone to know that this board understands there is a difference between Stormwater management and infrastructure repair. He pointed out that there are two separate items going on that are being managed, and not just one item.

EXECUTIVE SESSION:

Three Items for Executive Session: Interim County Attorney Dennis Davenport pointed out that the April 11, 2013 Executive Session Minuets needed to also be reviewed in Executive Session. Chairman Brown clarified that one Real Estate item, one Threatened Litigation item, and review of Executive Session Minutes needed to be considered in Executive Session.

Chairman Brown moved to convene in Executive Session for one Real Estate, one Threatened Litigation, and one set of Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent.

The Board recessed into Executive Session at 8:44 p.m. and returned to Official Session at 8:56 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the Executive Session Affidavit, identified as “Attachment 14", follows these minutes and is made an official part hereof.

Executive Session Minutes: Chairman Brown moved to approve the April 11, 2013 Executive Session Minutes. Commissioners Oddo and Ognio seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the April 25, 2013 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent.

The Board of Commissioners adjourned the April 25, 2013 meeting at 8:57 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 9th day of May 2013.

Floyd L. Jones, County Clerk