Minutes

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

The Board of Commissioners of Fayette County, Georgia, met in Official Session on December 12, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman David Barlow Allen McCarty Randy Ognio
Commissioner Absent:	Charles Oddo
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Deputy Clerk Dennis Davenport, Interim County Attorney

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Call to Order, Invocation, Pledge of Allegiance

The December 12, 2013 meeting was called to order by Chairman Steve Brown at 7:00 p.m.

Commissioner Barlow spoke regarding principles four, five and six of the 28 Principles of Liberty. He stated that this Board of Commissioners has reached to the community of faith and has embraced all the religions represented in the community. He stated that if there is anyone that would like to participate and give an invocation or be involved in what the county offers, to please contact the staff. A copy of Commissioner Barlow's PowerPoint presentation, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Commissioner Barlow introduced Executive Director Will Garner of Midwest Food Bank and asked him to speak about Midwest Food Bank and to offer the Invocation. Mr. Garner gave a PowerPoint presentation on the Midwest Food Bank and then offered the Invocation. A copy of Mr. Garner's PowerPoint presentation, identified as "Attachment 2", follows these minutes and is made an official part hereof.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda, to move Presentation Recognition Item #9 to the front of the Agenda, and that Public Comments be moved to item #26 on the Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

PRESENTATION / RECOGNITION:

1. Proclamation of Appreciation of Coweta County Chairman Bob Blackburn's Leadership.

Chairman Brown presented Coweta County Chairman Bob Blackburn with a Proclamation of Appreciation. Mr. Blackburn, his son, Matt and his wife came forth to receive the proclamation. Chairman Brown commented on the friendship that has been extended from Chairman Blackburn in a neighboring county. He then read the proclamation into the record.

Chairman Blackburn thanked the Chairman for the proclamation, said it was a pleasure to work with Fayette County's Commissioners, and said that he appreciated that the Commissioners include God and the United States Constitution in every meeting. He said the Fayette County Board was always doing what was best for the citizens, and that the efforts create a strong bond with the citizens as well as with Coweta County. He said it was a pleasure to work with Fayette County and it was important for both counties to carry on this new relationship. He also saluted the Fayette County Board for all the positive, forward motion that is happening in Fayette County. He stated that Coweta County would issue a proclamation for B'nai Israel at its next meeting, and that "we all realize we are all brothers in sisters in the eyes of the Lord." He accepted the proclamation while crediting his fellow commissioners and both Counties hard-working staff. Copies of the request and proclamation, identified as "Attachment 3", follow these minutes and are made an official part hereof.

2. Recognition of Ms. Hannah Newton of McIntosh High School for County Pitcher of the Year.

Mr. Christopher Dunn with Fayette County News came forth to assist with presentations. He stated that the County Pitcher of the Year is Ms. Hannah Newton from McIntosh High School. He stated that Hannah racked up ten wins, 143 strike-outs, six shutouts, two no-hitters and one perfect game and batted .382, with six doubles and 14 RBI's. Copies of the request and recognition, identified as "Attachment 4", follow these minutes and are made an official part hereof.

3. Recognition of Ms. Kimberly Perkins of Whitewater High School for County Batter of the Year.

Mr. Christopher Dunn with Fayette County News stated that Ms. Kimberly Perkins is County Batter of the Year and she is from Whitewater High School. He stated that she batted .506, with 11 doubles, six home runs, and 50 RBI's for the Wildcats. Copies of the request and recognition, identified as "Attachment 5"', follow these minutes and are made an official part hereof.

4. Recognition of the Fayette County 2013 All-County Volleyball Team.

Mr. Christopher Dunn with Fayette County News recognized the members of the Fayette County 2013 All-County Volleyball Team. He individually recognized the players for the 1st Team and the 2nd Team, and he introduced the honorable mentioned players.

Honorable Mentioned All-County Team:

Autumn Martin (Sandy Creek High School); Olivia Krug (Starrs Mill High School); Sam Wagner (Fayette County High School): Casey Grant (Our Lady of Mercy); Alyssa Sack (Starrs Mill High School); Taylor

Dunham (Fayette County High School); Rachel Barfield (Our Lady of Mercy); Maha Rasian (Sandy Creek High School); Cate Patterson (Starrs Mill High School) and Angelica Webb (Whitewater High School).

All-County Second Team:

Dariah Powell (Sandy Creek High School); Laura Phillipp (Whitewater High School); Nikki Resler (Starrs Mill High School); Miara Bryant (McIntosh High School); Abbie Duke (McIntosh High School); Kyndall Wilson (Sandy Creek High School); Rachel Moore (Starrs Mill High School); Dana Whitis (Starrs Mill High School); Julianna Bright (Sandy Creek High School) and Eden Aanstoos (Stars Mill High School).

All-County Volleyball Team:

Abbi Schelkopf (McIntosh High School); Rhana Mitchell (McIntosh High School); Charlotte Hughes (Whitewater High School); Sydney Wilson (Sandy Creek High School); Diana Enriquez (Starrs Mill High School); Mollie Michel (McIntosh High School); Rheagan Mitchell (McIntosh High School); Alexis Broadwater (Sandy Creek High School); Kate Steele (Whitewater High School) and Kassandra Robert (McIntosh High School).

Mr. Dunn and the Board then recognized Ms. Mollie Michel of McIntosh High School as the Player of the Year and Ms. Wendy Weaver of McIntosh High School as the Coach of the Year. Coach Weaver said the team had an outstanding season. She said the team had six seniors, three of which have already signed college scholarships. She added that the team started the season ranked as Number One, never dropped the position, and ended as Number One. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

5. Recognition of Inman and Oak Grove Elementary Schools for being among the 78 highest performing Title I Schools in the State of Georgia.

Commissioner McCarty read a proclamation recognizing both Inman and Oak Grove Elementary Schools for being among the 78 highest performing Title I Schools in the State of Georgia. Principal Louis Robinson, Assistant Principal Crestina Granese, and Title I Liaison/ Pre-K Teacher Debbie Fannin from Inman Elementary School, and Principal Bonnie Hancock of Oak Grove Elementary School were on hand to receive the reward. Copies of the request and the recognitions, identified as "Attachment 7", follow these minutes and are made an official part hereof.

6. Recognition of Division Chief and Emergency Management Director Pete Nelms of Fayette County's Public Safety Division for his work in meeting the incentive standards outlined in the Georgia Emergency Management Agency-Homeland Security Federal-State-Local Disaster Match Policy.

Fayette County Fire Chief David Scarbrough publically recognized Division Chief and Emergency Management Director Pete Nelms for his work in meeting the incentive standards outlined in the Georgia Emergency Management Agency- Homeland Security Federal-State-Local Disaster Match Policy, and the Board presented Chief Nelms with a Certificate of Appreciation. Chief Scarbrough told of Chief Nelms' career with Fayette County, and of all his work and effort in helping Fayette County meet the incentive standards. He said meeting the standards helped the County in its overall preparedness to respond to and recover from an emergency. Chief Scarbrough stated that Chief Nelms has contributed to securing more than $8 million in grant funds, including Station #1, the soon to be constructed Emergency Operations

Center, the siren warning systems, mitigation buyouts, breathing apparatuses, and other equipment over his career. He thanked Chief Nelms on a job well done.
Chairman Brown said he was on the Citizen's Committee for the Georgia Department of Emergency Management, that he met many people in the GEMA Division including GEMA Director Charlie English, and he said they all know Pete's name. Chairman Brown said Chief Nelms is renowned in GEMA, that he is known by all, and when opportunities become available, they know to contact him. He said Chief Nelms has saved the County more money from being extracted out of the Fire and Emergency services budgets for facilities and vital equipment that are needed to protect citizens every day. He spoke about how consuming a grant application can be with endless paperwork, that the effort is daunting, and that Chief Nelms has the incredible tenacity and the willpower to get through the process, and that he does it well. Copies of the request and proclamation, identified as "Attachment 8", follow these minutes and are made an official part hereof.

7. Shop Fayette County for the Holidays.

Commissioner Barlow read a proclamation calling on all citizens to "Shop Fayette County for the Holidays" through the months of December 2013 and January 2014. Copies of the request and proclamation, identified as "Attachment 9", follow these minutes and are made an official part hereof.

8. Recognition and rewarding of the County Department who won Fayette County's Annual Door Decorating Contest.

County Administrator Steve Rapson informed the Board that the E-911 Communications Department won first place in Fayette County's Annual Door Decorating Contest and he presented E-911 Director Cheryl Rogers and her staff with the first-place trophy. He also informed the Board that the Environmental Management Department took second place in the contest and he presented Environmental Management Director Vanessa Birrell with a second-place award. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

9. Proclamation honoring Fayette County couples who are celebrating their milestone Wedding Anniversaries.

Chairman Brown and the Board recognized and read into the record a proclamation recognizing Mr. and Mrs. Jim and Linda Robinson who were celebrating their 50th year anniversary. He informed the audience that Mr. and Mrs. Robinson who were married fifty years earlier on October 24. He stated they met in the fifth grade when they were students at Forest Park Elementary School, and they later attended Forest Park High School together. Chairman Brown stated that the Robinson's were joined in Holy Matrimony at the First Baptist Church of Conley, Georgia, they have been blessed with two children, Allen and Janet, and they have five grandchildren. When asked if he had any advice to give for a lasting marriage, Mr. Robinson said to remember the words: "Yes, Dear," and "You're right, dear." Mr. Robinson added that it takes a lot of patience, determination, and love to make a marriage last. A copy of the Proclamation recognizing the Robinson's 50th Wedding Anniversary, identified as "Attachment 11", follows these minutes and is made an official part hereof.

Chairman Brown also read into the record a proclamation recognizing Mr. and Mrs. Bogus and Jewelean Miller for their 50th year anniversary. Mr. and Mrs. Miller were not present for the meeting. Chairman Brown stated that the Miller's have a son, Jason Miller, and they live in Fayette County and are members of the Olivet Baptist Church in Fayetteville. A copy of the Proclamation recognizing the 50th Wedding Anniversary, identified as "Attachment 12", follows these minutes and is made an official part hereof.

Copies of the request and master recognition, identified as "Attachment 13", follow these minutes and are made an official part hereof.

PUBLIC HEARING:

10. Consideration of Petition No. 1231-13, 92 Oaks, LLC., Benjamin L. Autrey, Owner, and Joseph L. Robinson, Agent, request to rezone property from EST Estate Residential District and A-R Agriculture-Residential to A-R Agriculture-Residential to develop six (6) residential lots and of RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05.

Community Development Director Pete Frisina read the *Introduction to Public Records* into the record. A copy of the Introduction to Public Records, identified as "Attachment 14", follows these minutes and is made an official part hereof.

Mr. Joseph Robinson, representing 92 Oaks, LLC, spoke in favor of Petition No. 1231-13. He said he was the engineer involved in the original rezoning to EST, that this request was to rezone 217 acres of undeveloped land in south Fayette County. He said the property is zoned as two zonings on the property and that 4.79 acres in the northwest corner was excluded from the original petition. He explained that the developer who is developing Chantilly Subdivision owned a parcel of land on Highway 92, and that the developer wanted to join those two parcels together. Mr. Robinson said that the economic downturn prevented him from joining the property. He said if this petition was approved, then there would be one zoning combined into the property and that a unique thing would occur by going from a high-density property to a low-density property. He thought this petition would be a good thing for the county and for the neighbors in south Fayette County since it would prevent the potential of thirty-one lots and would instead decrease the number of potential lots to six with the smallest lot being 11.34 acres.

No one else spoke in favor of or in opposition to the petition.

Mr. Frisina pointed out that there were really two petitions under consideration. The first petition was to rezone property and the other petition was to revise the Development Plan from the original rezoning. He added that staff wanted to deem the portion of the Development Plan as void so it will not pertain to the property under consideration anymore. He said the reason to deem that portion of the Development Plan as void was because there are two subdivisions with the top subdivision already being developed. He said staff wanted to clean the slate saying it would not be applicable to the property anymore. Discussion followed on how to properly make the motions.

Commissioner Barlow pointed out that the Planning Commission voted unanimously to approve the petition, and he added that Chairman Gilbert stated that it in his 25-years of being on the Planning Commission that this was only the second time he had seen a property revert back to A-R. Commissioner Barlow agreed that this request put the petition in a rather unique category.

Chairman Brown moved to approve Petition No. 1231-13, 92 Oaks, LLC. request to rezone property from EST Estate Residential District and A-R Agricultural-Residential to A-R Agriculture-Residential to develop six residential lots. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

Chairman Brown moved to approve RDP-011-13 to revise the Development Plan for Rezoning Petition 1158-05, essentially voiding the Residential Development Plan on that portion of the property. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. Copies of the request, Ordinance 1231-13, and Resolution 1231-13, identified as "Attachment 15", follow these minutes and are made an official part hereof.

Gene Adams: Just prior to Public Comment, which took place later in the meeting, Mr. Gene Adams said he lived fairly close to Mr. Bob Craft's property. He stated that Mr. Craft had spent a lot of time trying to get the zoning for the property to be changed to A-R, and that tonight that he saw it happen.

Chairman Brown stated that Mr. Craft recently passed away, but he was sure that Mr. Craft was looking down and smiling.

PUBLIC COMMENT:

Attorney Scott Bennett: Attorney Scott Bennett, who works in Peachtree City, stated that he came to the meeting to shed some light on a matter that he thought the public should know about, namely, the recent events surrounding the termination of Mr. Russell Prince who is both his client and his friend. Mr. Bennett then spoke on the matter of Mr. Prince's termination and of circumstances of the termination. He stated that Mr. Prince should be reinstated to his employment with Fayette County, that he would be filing an appeal and a request for review. He stated that if Mr. Prince was not reinstated, then he had a right for a review panel from three department heads. He stated that if the review panel did not work, then the issue may end up in Superior Court. He told the Board that it had a good employee who has worked hard, who accepted a demotion since he did not want to make waves, who put his head down and did his job by doing exactly what he was asked to do, and who was fired for doing his job. He asked the Board to do the right thing by not making this issue go to litigation, and to do what is right by its employees. He asked the Board to let its employees know that if they do their job then the Board has their back. He asked the Board to think about this situation, to pray about it, and to do what is right by Russell Prince and its employees.

Vasana Smith: Ms. Vasana Smith publically announced that on December 18, 2013 from 11:00 a.m. until 12:30 p.m., there will be a Grand Opening for the Southeast Regional Veterans Vocational Training Center. Ms. Smith spoke about the Training Center and how it came about and its purpose.

Bob Ross: Mr. Bob Ross first thanked Community Development Director Pete Frisina who has helped work in the Fayette Visioning Project. He then stated that public officials need protections, both legally and otherwise, for carrying out their official duties, but not for actions of a personal nature that is not involved in the administration of official duties. He added that one of the most cherished rights is the right to vote for those who lead, tax, and make rules that must be obeyed, and that protecting the right to vote is the strongest responsibilities there are. He explained that Elections Boards are created to ensure fair and accurate votes, and that the Fayette County Election Board is made up of three appointed persons: one from the Democratic Party, one from the Republican Party, and one appointed by the Board of Commissioners. Mr. Ross informed the Board that the Republican Party's representative is Ms. Marilyn Watts. He reported that in March 2013 the Fayette County Republican Party held elections for officers, and that Ms. Watts supported a slate that did not prevail by a wide margin. He stated that shortly after the election, Ms. Watts was a signatory to a petition to invalidate the election that her side lost, and allegations were made that members wore T-shirts that intimidated people so that the election was skewed–even though the election was done through secret ballot. Mr. Ross said the petition was heard according to the party's rules and found to be without merit, and that the petitioners exercised their right to appeal the decision–which was

subsequently denied. He told the Board that Republican Party had to reassess whether or not Ms. Watts was serving the best interests of the party, decided to withdraw her as its representative on the Elections Board, and filed an action in the courts. Mr. Ross said it was his understanding that Ms. Watts had asked the Board of Commissioners for funds to defend her. He stated that nothing that she did with respect to her efforts with the petition had anything to do with her service on the Board of Elections. He suggested that precedence had been set in this matter and he referred to a former County Commissioner who paid for his own defense for actions done outside of his official capacity. He referred to a current County Commissioner who was brought before the Fayette County Ethics Board for actions stemming from his official duty, and that the current Commissioner had asked for funds in his defense. Mr. Ross also referred to Cherokee County Board of Education member Kelly Marlow, and he said her request for public funds to defend against an ethics charge was also denied. Mr. Ross concluded that this issue boils down to whether or not a person was working in the administration of their office, and that Ms. Watt's actions were not in the administration of her duties as a member of the Board of Elections. He stated that this issue had gone to court for a decision, but he did not see where there was any rationale for taxpayers to defray any expenses to help in Mr. Watts' defense.

CONSENT AGENDA:

Commissioner Barlow moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

11. Approval of the County Clerk's request to adopt the 2014 County Commission Meeting Schedule. A copy of the request, identified as "Attachment 16", follows these minutes and is made an official part hereof.

12. Approval to register with the Commodities Futures Trading Commission (CFTC) and receive an Interim Compliance Identifier (CICI); execute the proposed Credit Support Annex; execute the proposed Bilateral Dodd-Frank (DF) Agreement and adopt the model resolution to conform to the provisions of the Dodd-Frank Act. Copies of the request, Bilateral Dodd-Frank Agreement, and model resolution, identified as "Attachment 17", follow these minutes and are made an official part hereof.

13. Approval of staff's recommendation to declare one Fire Apparatus as unserviceable and to sell the asset utilizing the GovDeals internet website, and for all proceeds to be returned to the Fire "Vehicle Replacement" fund. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

14. Approval of the proposed 2014 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Copies of the request and 2014 Local Maintenance and Improvement Grant application, identified as "Attachment 19", follow these minutes and are made an official part hereof.

15. Approval of staff's request to adopt the Georgia Department of Transportation's Local State Route Acceptance Resolution and Contract for Maintenance of Highways Numbered 3609M for the proposed widening of State Route 54 (GDOT PI No. 721440). Copies of the request, resolution, and contract, identified as "Attachment 20", follow these minutes and are made an official part hereof.

16. Approval of staff's recommendation to increase the NTE (not-to-exceed) award an additional $50,000 for an aggregate amount not to exceed $200,000.00. A copy of the request, identified as "Attachment 21", follows these minutes and is made an official part hereof.

17. Approval of staff's recommendation to extend annual bid #861 for course aggregate with Hanson's Aggregates of Tyrone as the source for virgin aggregate and with Stephens Rock & Dirt, Inc., in an aggregate amount not to exceed $270,672.00, for the purchase of recycled material for calendar year 2014. A copy of the request, identified as "Attachment 22", follows these minutes and is made an official part hereof.

18. Approval of staff's recommendation to extend annual Bid # 872 to E.R. Snell Contracting of Tyrone, in an amount not to exceed $1,598,736.00, for the purchase of asphalt for the 2014 calendar year. A copy of the request, identified as "Attachment 23", follows these minutes and is made an official part hereof.

19. Approval of staff's recommendation to award annual bid #895 to Con South, Inc. as the primary vendor and to Faultless Business Center as the secondary vendor, in an amount not to exceed $280,916.00, for dump truck services for calendar year 2014. A copy of the request, identified as "Attachment 24", follows these minutes and is made an official part hereof.

20. Approval of the disposition of tax refunds as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 25", follows these minutes and is made an official part hereof.

21. Approval of the Water Committee's recommendation to donate a $900.00 water meter to the Veteran's Memorial at Patriots Park on behalf of all Veterans, conditioned upon the City of Fayetteville or the responsible party signing a service agreement to pay the ongoing monthly bills. A copy of the request, identified as "Attachment 26", follows these minutes and is made an official part hereof.

22. Approval of the November 14, 2013 Board of Commissioners Meeting Minutes.

Chairman Brown noted that a new copy of the November 14, 2013 Board of Commissioners Meeting Minutes was on the dais for consideration. He noted that there were minor changes to the minutes, but he pointed out that on Page 4, Item 4 that the names of the couple celebrating their 50th Wedding anniversary were added. He also pointed out that on Page 17; Item 21 that language was added in the last paragraph, changing the sentence to read: *He said he did not have a real problem with Ms. Sandwich's request and he thought the rural boundary <u>at State Route 74 and State Route 85</u> would make a great line of demarcation*. Chairman Brown added that there were some other changes by adding modifiers.

<u>OLD BUSINESS:</u>

There were no Old Business Agenda Items.

NEW BUSINESS:

23. Approval of District Attorney request to have certain employees reclassified from state employees to employees of Fayette County; and County Attorney with the District Attorney to draft an IGA (Intergovernmental Agreement) outlining the terms; and authorization for the County Manager to sign final IGA related to this reclassification of employees.

County Administrator Steve Rapson informed the Board that the Fayette County District Attorney wished to contract an Intergovernmental Agreement with Fayette County so that the County could have his employees treated as county employees. He said that as Constitutional Officers they can make that election. Mr. Rapson said that the County would have had the Intergovernmental Agreement prior to the meeting, but between the county's Interim County Attorney and twenty other attorneys it appeared that it would take some time to get the agreement to the Board. He asked for approval for the Intergovernmental Agreement to be drafted once he and Interim County Attorney Dennis Davenport are okay with the draft. He said the District Attorney would like to expedite this agreement as quickly as possible primarily because of the significant savings that the District Attorney would reap by having his employees as county employees instead of state employees.

Commissioner Ognio asked if the District Attorney would pay all costs through the Intergovernmental Agreement. Mr. Rapson said that the Fayette County currently provides just over $324,000.00 as a contribution to the District Attorney, and if the County conceded that then the District Attorney would actually pay the County; otherwise, the County would simply reduce that allocation to the District Attorney proportionally to the cost of the employees and their benefits. Commissioner Ognio asked if the agreement meant the County would pay less money. Mr. Rapson replied that when healthcare costs and full medical costs are compared there is about a 30% "delta" between what they pay to the state versus what the county has with the same comparable benefits. He said staff had actually done an analysis looking at their medical and retirement plans, and that the County would walk everyone through the same on-boarding process that a brand-new employee would have with the County so that, ultimately, the employee makes the election on whether they want to leave the state retirement and healthcare plan and come to the County or not, and then the District Attorney would make those County employees under his direction.

Commissioner Barlow moved to approve the District Attorney's request to have certain employees reclassified from state employees to employees of Fayette County; and for the County Attorney with the District Attorney to draft an IGA (Intergovernmental Agreement) outlining the terms, and for authorization for the County Manager to sign final IGA related to this reclassification of employees. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. Copies of the request and Intergovernmental Agreement, identified as "Attachment 27", follow these minutes and are made an official part hereof.

24. Consideration of staff's recommendation to appoint Pota Coston, who is currently serving as an alternate member of the Fayette County Board of Ethics, to the vacancy on the Fayette County Board of Ethics for a term beginning immediately and to expire on November 7, 2016.

Commissioner Barlow moved to approve staff's recommendation to appoint Pota Coston, who is currently serving as an alternate member of the Fayette County Board of Ethics, to the vacancy on the Fayette County Board of Ethics for a term beginning immediately and to expire on November 7, 2016 or when the Board of Ethics is reconstituted. Commissioner McCarty seconded the motion. No discussion followed.

The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. A copy of the request, identified as "Attachment 28", follows these minutes and is made an official part hereof.

25. Consideration of the Selection Committee's recommendation to reappoint Mr. Thomas Mahon and Mr. George "Larry" Blanks to the Fayette County Zoning Board of Appeals, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016.

Commissioner Ognio moved to approve the Selection Committee's recommendation to reappoint Mr. Thomas Mahon and Mr. George "Larry" Blanks to the Fayette County Zoning Board of Appeals, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. A copy of the request, identified as "Attachment 29", follows these minutes and is made an official part hereof.

26. Consideration of the Selection Committee's recommendation to appoint Mr. Brian Haren and Mr. Bob Simmons to the Fayette County Planning Commission, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016.

Commissioner Ognio moved to approve the Selection Committee's recommendation to appoint Mr. Brian Haren and Mr. Bob Simmons to the Fayette County Planning Commission, and for each appointment to begin on January 1, 2014 and to expire on December 31, 2016. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. A copy of the request, identified as "Attachment 30", follows these minutes and is made an official part hereof.

Bob Simmons: Mr. Simmons thanked the Board for the opportunity that had been presented to him to serve on the Planning Commission. He gave Chairman Brown and Commissioner Ognio accolades for their vetting process, and he said he found out more about himself than he actually knew prior to his interview. He said he appreciated the opportunity to serve the citizens and elected officials of Fayette County.

ADMINISTRATOR'S REPORTS:

County Closed on December 23, 2013: County Administrator Steve Rapson said that Fayette County would be closed on Monday, December 23, 2013. He said notices had been posted throughout the County, as well as on Channel 23 and the County website.

Selection Committee for the Ethics Board: County Administrator Steve Rapson asked the Chairman to form a Selection Committee for the interview and selection of alternates for the Fayette County Ethics Board. Chairman Brown appointed himself and Commissioner Barlow to the Selection Committee.

Selection Committee for the Zoning Board of Appeals: County Administrator Steve Rapson asked the Chairman to form a Selection Committee for the interview and selection of a candidate to the Zoning Board of Appeals. Chairman Brown appointed himself and Commissioner McCarty to the Selection Committee.

Public Comments Concerning Mr. Russell Prince: County Administrator Steve Rapson stated that many troubling statements had been made concerning Mr. Russell Prince, and that he would love to go point by point in addressing each statement as presented by Mr. Bennett. The facts are Mr. Prince was terminated for cause for work on Monday, December 9, 2013. He said Mr. Prince still has rights under the appeal process, and that he may choose to exercise those rights. Mr. Rapson said that in order to protect the integrity of the appeal process, the County would not be making any comments regarding the specifics of the termination.

ATTORNEY'S REPORTS:

Insurance Company's Reply to a Representation Request from Ms. Marilyn Watts: Interim County Attorney Dennis Davenport reminded the Board that at the November 14, 2013 Board of Commissioners meeting, the Board directed him to contact the County's insurance company since the County had received a representation request. He explained that the insurance company typically looks at these requests, does an analysis, and responds whether or not this is a covered official under the insurance policy and whether or not this type of action is insured. He reported that he received a letter from One Beacon, who is the County's insurance carrier, and that there were two things he wanted to bring to the Board's attention. He told the Board that the first question to ask is "who is insured under your policy," but that this answer alone would not answer the matter since, even if Ms. Watts is insured, the type of action is not covered because there is no request for money damages. He clarified that the decision does not negate whether or not the person is insured and could be defended under the policy–just not through the insurance money part of it. Mr. Davenport continued reporting that the insurance policy defines an insured person as anyone who is a current or previously elected or appointed official, but only for the conduct of their duties as elected or appointed officials. He said that when an insurance company does an analysis on whether or not a person is insured they also ask "Do the allegations go to the heart of something that is an official duty or responsibility," since, if they do not, then the person is not insured simply by being an elected or appointed official. Mr. Davenport stated that there was another sentence in the letter in the context of what was read where the insurance company said: "We reserve the right to this coverage defense since the petition does seem to allege that the actions were part of her duties as an Elections Commissioner." Mr. Davenport clarified that the reference petition was not the one Mr. Ross spoke about earlier during Public Comment, but it was in reference to a petition filed by the Republican Party to remove Ms. Watts as its member in which the petition alleged misfeasance, malfeasance, and nonfeasance in office also alleged that she violated the duties of her office. He pointed out that it was easy to see how an insurance company would say that the allegations appear to go to her duties as a member of the Board of Elections. He concluded that the insurance company was indicating that Ms. Watts is insured, but he asked the Board to bear in mind that this is not the type of action that if the Board decided to provide a defense for Ms. Watts would be covered by the insurance company since the action itself does not allege money damages. Mr. Davenport then asked the Board for further direction in this matter.

Chairman Brown stated that as a petitioner in an instance related to Ms. Watts to the Republican Party that he would abstain from the conversation. Mr. Davenport replied that the Chairman had recused himself at the last meeting.

Commissioner Ognio asked for this item to be placed on the January 23, 2014 Agenda since there were not a full Board of the County Commissioners present, and since there was already one abstention. He suggested that in order to get the proper vote that all the Commissioners should be present. Mr. Davenport replied that he could bring the report back to the January 9, 2014 meeting so that Commissioner Oddo could be brought up to speed on this matter when he returns.

Commissioner Barlow pointed out that both he and Mr. Davenport had spent time in the courtroom and that prior to sitting a jury the jurors are asked if they have preconceived notions or have already made up their minds or if they can be fair and impartial. He informed Mr. Davenport that he has personal knowledge of Ms. Watts and of things

that he personally disagrees with. He asked Mr. Davenport if his notions went to the level where he should recuse himself since he did have a preconceived notion that she is not deserving of the county being represented by her. Mr. Davenport replied that he tells his elected clients that it is a question they have to answer for themselves but he added that the person needs to answer the proper question; namely, "Can you fairly and honestly listen to the evidence put out before you and make a decision based solely on the evidence as you hear it and as it is presented to you without fear or favor or any type of bias as you listen to the evidence." Mr. Davenport conceded that an elected official may have preconceived notions about who this or that person is, but if the elected official cannot fairly and honestly listen to the evidence and make a decision based on the evidence, then that person has already answered their own question. Commissioner Barlow then stated that to the best of his ability he could listen to the evidence and make a decision on the evidence. Based on that answer, Mr. Davenport responded that Commissioner Barlow should not recuse himself on that basis.

Three Items for Executive Session: Interim County Attorney Dennis Davenport stated that he had two items of Threatened Litigation and the review of the November 14, 2013 Executive Session Minutes to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner McCarty: Commissioner McCarty wished everyone a Merry Christmas. He asked for continued prayers for the Board of Commissioners, asked for prayers from the people, and thanked them for attending the meeting.

Commissioner Ognio: Commissioner Ognio said it was the end of the first year and that it has been an honor to serve the citizens. He said he looked forward to the rest of the years. He closed by saying "Merry Christmas" and "Happy New Year," and that he would see everybody next year.

Commissioner Barlow: Commissioner Barlow said this was the end of the first year, that it had been extremely exhilarating, and it has been something that he never thought he would be doing three years ago. He said he remembered when he first met Mr. Jim Richter about three years ago, and that he was the last person anyone thought would be sitting at the dais. He said it was his pleasure and his honor to serve the Fayette Community, and that he looked forward to doing it more often. He said he took pride in some of the accomplishments that the Commissioners have done, and as a Board they were allowed to hire the County Administrator Steve Rapson. Commissioner Barlow said Mr. Rapson gets tangled into matters, but he does typically get cleaned up. Commissioner Barlow said he had decided to start what he calls the "Team Player Award." He said he had the privilege of meeting tremendous employees throughout the past year and to spend time with them. He said he has ridden around the county with Public Works Director Phil Mallon and that he spent five hours with Environmental Management Director Vanessa Birrell touring the sanitation dump. He said it struck him that the County has true team players and so he was going to launch the Team Player Award. He said the first pin that he awarded goes to County Administrator Steve Rapson since he epitomizes what team playing is all about. He said Mr. Rapson was the most brilliant County Manager in the State of Georgia, that he is fascinated with the depth of his knowledge, and that he was truly blessed to have Mr. Rapson as a mentor. That said, Commissioner Barlow said he felt that the first Team Player pin should be awarded to Deputy County Clerk Tameca White. He said Ms. White came on board with Fayette County and, if anyone has ever come to the office they will find that she works with people from all walks of life and every department without fussing or complaining. He said she does whatever she is asked to do, and she does it with a precious smile on her face. He said she is a lovely person, and that he got to know her better when he rode with her to Savannah, Georgia. He said it has been his joy, pleasure, and honor, and that he continued to look

forward to serving the citizens of Fayette County, and that he would continue to represent Fayette County with the best he has to offer. He closed his statement wishing by saying: "God Bless You, Merry Christmas, and have a wonderful New Year."

Chairman Brown: Chairman Brown read a letter from Commissioner Oddo who wished Merry Christmas to Fayette County. The letter reads as follows:

Greetings to All,

Although I cannot be with you this evening, I've asked that my thoughts be shared with you this wonderful Christmas season.

Tonight I have the good fortune to be celebrating the holidays with my wife and her family in their beautiful home of Colombia South America.

Despite differences one would expect between two cultures, for me the more incredible aspect is the similarity.

From large cities to congested highways to beautiful countrysides to friendly smiles, no similarity is more obvious than the celebration of the Nativity of our Lord.

Traveling throughout my wife's hometown, the color, the happiness, and especially the hope of the season are everywhere with bright lights, Christmas carols, decorations, and manger scenes.

If it weren't for the language, one might think he was someplace in America.

So on this last occasion I will have before Christmas, and withy my wife Pily, echoing my sentiments we wish

all our family,

our friends,

my fellow Commissioners and staff with whom I have the pleasure to work each day,

the Citizens of our great County for whom I have the privilege to serve,

those I have yet to know in Fayette County,

and those who may not share the same belief in our Lord . . . .,

a warm and heartfelt Merry Christmas and Happy New Year!

May each of you be blessed with the fullness of God's bounty.

Charles Oddo

Chairman Brown then said that he had been an honor to work with the Board this year, that Commissioner McCarty and he had spent the first half of their tenure with really rugged times with not much that they wanted to accomplish getting accomplished. He stated that this year the Board has been on greased tracks, and that the new Commission has been very cooperative. He said the County has accomplished a lot of things, created a lot of openness in the program, and even had Commissioners pitching in when the County could not afford to put the meetings on television and on the internet. He said it was gracefully efforts all year long that made a big difference in the County. He stated that there would be a press release coming out shortly on the accomplishments by staff in 2013, and that it was amazing what everybody in each department was able to pull off on a very tight budget. He stated that there was public comment made about a personnel matter, but that there were two sides to the issue and that both sides would be heard and that the process would filter through the way it should be.

Commissioner McCarty: Commissioner McCarty stated he still wanted half-a-dozen chickens in his backyard and more than three dogs per address.

EXECUTIVE SESSION:

Three Items of Executive Session: Chairman Brown moved to recess into Executive Session to discuss the November 14, 2013 Executive Session Minutes and to discuss two items of threatened litigation. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

The Board recessed into Executive Session at 9:01 p.m. and returned to Official Session at 9:18 p.m.

Return to Official Session and Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting. A copy of the Executive Session Affidavit, identified as “Attachment 31", follows these minutes and is made an official part hereof.

Approval of the November 14, 2013 Executive Session Minutes: Chairman Brown moved to approve the November 14, 2013 Executive Session Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Oddo being absent from the meeting.

ADJOURNMENT:

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

The Board of Commissioners adjourned the December 12, 2013 Board of Commissioners meeting at 9:18 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 January 2014.

Floyd L. Jones, County Clerk