Consent #16-A

Minutes

Board of Commissioners
January 9, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on January 9, 2014 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

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

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Call to Order

The January 9, 2014 meeting was called to order by Attorney Dennis Davenport at approximately 7:07 p.m.

Commissioner Steve Brown's Opening Comments: Commissioner Steve Brown stated that sometimes families fuss and feud. He stated that every family has an "Aunt Mable and Cousin Bobby" who fight over the Thanksgiving dinner table and the Board of Commissioners is no exception. He stated that he wanted to let people know that they have talked things out and that the issues are dead and gone. He stated that he appreciates his colleagues that they will work together, and that they will continue to do what is in the best interest of the citizens of Fayette County. He stated that things are healed, that the Board is back up to full speed, and that he looks forward to a very, very productive 2014.

Commissioner Charles Oddo's Opening Comments: Commissioner Charles Oddo stated that he had been out of the country for five weeks and, as Chairman Brown stated, every family has its fights. He stated that every family has its spats and that he has two brothers and there were a few times where a few punches were thrown. He stated that very few connected, but they were thrown, but they always made up. He stated that there is one thing that everyone needs to know about this Board of Commissioners; every one of them has Fayette County in his heart. He stated that he has not seen anything from anyone that has anything other than the best interest of this County and citizens at heart. He stated that he includes himself in that group and that whatever he did during this time period was done for the County not for himself. He stated that he does not operate that way and that he cannot think that way. He stated that there was a spat and folks need to understand that. He stated there is pressure in elected positions with people coming from all sides who seem to know everything about what they are doing, more than what they are doing, even though they have all the information. He asked everyone to bear with the Board as they go through trials. He stated that the Board of Commissioners had a year of really excellent cooperation. He stated that they will have these times and they may come again in the future but cut them some slack. He stated that what the Board is doing, they are doing for the County and not themselves. He stated that he wanted everyone to know he still has his thoughts and his beliefs like everyone else on the Board and everyone believes passionately about what they believe and at least there are five people on the Board that do have beliefs. He stated that he is glad to be back.

Commissioner David Barlow's Opening Comments: Commissioner David Barlow stated that the people who know him have heard him talk about how each morning he spends time in the Word. He stated that when he makes statements like, "God has spoken to me" it is because he has read a Scripture and it meant something to him. He stated that this morning as he was reading, the first Scripture that came up in his daily reading was: "Every Word of God is pure. He is a shield unto them that put their trust in Him." He stated that the second Scripture that came up was, "For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places." and the last Scripture hit him between the eyes, "Repay no one evil for evil, but give thought to do what is honorable in the sight of all." He stated that he said he was going to apologize to this Board of Commissioners, and he is offering his sincere apology. He stated that he is apologizing to the citizens and the tax payers of Fayette County for any harm or any ill will that he has brought against this Commission.

Chairman Brown and Commissioner Barlow shook hands on this matter.

Commissioner McCarty with humor stated that he knew these guys would make up, but just in case they didn't, he was going to appoint himself as Chairman.

ORGANIZATIONAL SESSION:

1. Election of Board Chairman for the year 2014.

Mr. Davenport stated that this is a unique meeting, being the first meeting of the year. He stated that this is the organizational meeting for the Board of Commissioners and pursuant to Section 2-40 of the code; he has the distinct honor and privilege of chairing this meeting for the limited purpose of getting a Chairman elected. He stated with that being the case, he would like to open the floor for nominations for Chair.

Commissioner Ognio stated that with all due respect to the other Commissioners, he would like to nominate Steve Brown.

Commissioner Barlow moved that the nominations for Chairman be closed. Commissioner Oddo seconded. No discussion followed. The motion to close the nominations passed 4-1 with Commissioner Allen McCarty in opposition.

Commissioner Barlow moved that Steve Brown be elected as Chairman of the Fayette County Board of Commissioners. Commissioner Ognio seconded. No discussion followed. The motion that Steve Brown be elected as Chairman of the Fayette County Board of Commissioners passed unanimously.

Chairman Brown stated that they would go ahead with item number two on the Agenda and then go back to the Invocation, Pledge and Acceptance of the Agenda.

2. Election of the Board Vice-Chairman for the year 2014.

Chairman Brown asked for nominations.

Commissioner Barlow nominated Commissioner Charles Oddo as Vice-Chairman.

Commissioner Ognio moved that the nominations for Vice-Chairman be closed. Commissioner Barlow seconded. No discussion followed. The motion that the nominations for Vice-Chairman be closed passed unanimously.

Commissioner Ognio moved that Commissioner Charles Oddo be elected as Vice-Chairman of the Fayette County Board of Commissioners. Commissioner Barlow seconded. No discussion followed. The motion that Commissioner Charles Oddo be elected as Vice-Chairman of the Fayette County Board of Commissioners passed unanimously.

Invocation

Commissioner Barlow introduced Bishop Doug Waldorf from the Church of Jesus Christ of Latter-day Saints. He thanked the Bishop for coming out and asked that he offer the invocation.

Bishop Waldorf offered the Invocation.

Pledge of Allegiance

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of the Agenda

Commissioner McCarty moved that Item Number 14 be removed from the agenda and that the rest of the agenda is accepted as written. Commissioner Ognio seconded. No discussion followed. The motions that Item Number 14 is removed from the agenda and the rest of the agenda be accepted as written was passed unanimously.

3. Appointment of the Fayette County Attorney.

Commissioner Oddo moved that the Board of Commissioners appoints Mr. Dennis Davenport as the permanent Fayette County attorney. Commissioner Barlow seconded. The motion to appoint Mr. Dennis Davenport as the permanent Fayette County attorney was passed unanimously.

Commissioner Oddo stated that Mr. Davenport has done a fabulous job on behalf of Fayette County and he needed the title of interim taken away a long time ago. He stated that he is very pleased to have this vote tonight.

Chairman Brown stated that the Board appreciates Mr. Davenport. He stated that Mr. Davenport had to pick up a lot of cases that were in progress and lot of things that were happening at the time that he started and he performed admirably picking up all of that.

Commissioner Ognio stated that Mr. Davenport has done a good job.

PRESENTATION / RECOGNITION:

4. Proclamation recognizing Fayette County couples celebrating their milestone Wedding Anniversaries.

Chairman Brown read into the record a proclamation recognizing Jim and Jackie Rogers on their 50th wedding anniversary and Marvin and Barbara Prellberg on their 60th wedding anniversary. Neither couple was in attendance. Chairman Brown stated that this is something that is done as a celebration of matrimony/commitment that we like to make as a County. He stated that the proclamations are put into the record for all eternity the couples that are celebrating these milestone anniversaries. He informed the audience that Mr. And Mrs. Jim Rogers celebrated 50 years of marriage on December 21. He stated that the couple met while living in Atlanta and riding public transportation to work. He read that Mr. Roger's sister rode the same bus as Jackie and they got off at the same bus stop. He read that Jim picked his sister up from the bus stop daily and asked his sister to ask Jackie if could come over and talk to her. He read that six months later they were married. He read that Jim had a career with the U.S. Forest Service, so the couple lived in Washington, D.C. for 11 years, but then moved back to Georgia in Peachtree City while he commuted to Atlanta daily for 10 years. From their marriage, Jim and Jackie have a son and daughter who both reside in Fayette County. A copy of the Proclamation recognizing the Roger's 50th Wedding Anniversary, identified as "Attachment 1", follows these minutes and is made an official part hereof.

Chairman Brown also read into the record a proclamation recognizing Marvin and Barbara Prellberg on their 60th wedding anniversary. He stated that the Prellbergs met at church in Arlington Heights, Illinois and were married on December 26, 1953, which was also Mr. Prellberg' s 81st birthday! The couple celebrates 60 years of marriage. They have four (4) children, Bonnie, Terri, Mark, and Jeffrey; eight (8) grandchildren and two (2) great-grandchildren. He read that Mrs. Prellberg shared that couples should work through their issues and try to stay together…don't give up so easily especially when you have children. A copy of the Proclamation recognizing the Prellberg' s 60th wedding anniversary, identified as "Attachment 2", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

There were no Public Hearing items for consideration.

CONSENT AGENDA:

5. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above $5,000.00: Chairman, Vice-Chairman, County Administrator.

6. Approval of authorization to sign checks for transactions in the amount of $4,999.99 or less: Chairman, Vice-Chairman, County Administrator.

7. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, and other documents approved by and on behalf of the Board of Commissioners.

8. Approval of Resolution 2014-01 establishing qualifying fees for the 2014 Elections in Fayette County.

9. Appointment of the 2014 Fayette County Legislative Coordinator.

10. Approval of staff's request to assign funding sources in the amount of $530,298.00 for projects approved in the Fiscal Year 2014 budget from the projects funds' interest income, completed projects' available funds, and the remaining project amount from project contingency.

11. Approval of the Water Committee's recommendation to enter into a contract to proceed with the standard repair of a driveway at 341 Lee's Lake Road and for additional costs to be paid by the resident based upon his needs over and above what the normal repair cost would be.

12. Approval of the Water Committee's recommendation to allocate $50,000.00 from the Waterline Extension budget for waterline extensions that will upgrade the proposed waterline for Camp Southern Ground from a 10-inch to a 12-inch waterline, and approval to notify homeowners along a portion of Ebenezer Church Road of an opportunity to tap into the waterline and to waive the $400.00 fee.

Chairman Brown read into record the items on the Consent Agenda.

Commissioner Ognio requested that Item Number 11 be removed from the Consent Agenda.

Chairman Brown asked if in the material for Item Number 9 there is someone designated as the Fayette County Legislative Coordinator.

Mr. Rapson stated that it is himself.

Commissioner Oddo moved to approve the Consent Agenda as proposed with the exception of Item Number 11. Commissioner Barlow seconded. No discussion followed. The motion to was passed unanimously.

Commissioner Ognio stated that he needs the help of Dennis and other staff to explain Item Number 11.

Matt Bergen, Water System, stated that this is a situation where a contractor has installed a waterline and over the years, this was done in 2005, it is suspected that there are unsuitable materials that were left in the waterline and compaction was not proper and now there is settling and damage to the driveway. He stated that in speaking with the home owner they want to do some improvements to the driveway for safety reasons because of the curve that it is in. He stated that we are looking to enter into an agreement to compensate the homeowner for what would have normally been spent to do the replacement and then have them do the additional work and pay his contractor to finish it.

Mr. Davenport stated that the reason we are entertaining this is because the waterline problem is in our right-of-way. He stated that it is the County's waterline even though it was put in by a contractor in 2005, it is on the County's property. He stated that settling has occurred in such a way that it has caused cracking in the driveway. He stated that the reason for some contribution from the homeowner is because he wants more than just the driveway put back, he wants to make it wider because there is a significant drop off on either side of the driveway and the wider driveway makes it easier to negotiate coming in and out of the road. He stated that once it is made wider the culvert underneath is going to be six feet longer, so he would have to contribute that extra cost for the extra length of the

culvert. He stated that the homeowner wants some other than normal finish work done to the concrete. He stated that the homeowner wants a little more complex work done, such as pavers, which the County does not do, so we are looking at costing out what we would normally do for our project and having the homeowner absorb the cost of any additional work and enter into an agreement so everybody is protected as far as, the County's rights, the homeowner's rights and the job getting done.

Commissioner Ognio asked if the homeowner would ultimately contract someone else to those finishes. He stated that the County would just pay him what our normal finish would be.

Mr. Davenport stated that we do the heavy work, but we would not pave the portion of the apron of the driveway. He stated that the homeowner would finish that with his contractor.

Chairman Brown asked if the County is liable for any work after that on the driveway.

Mr. Davenport stated that the agreement would include language to that effect.

Commissioner Barlow stated some type indemnity.

Mr. Davenport stated yes.

Chairman Brown asked Commissioner Ognio if this answered his question to his satisfaction.

Commissioner Ognio stated yes. He stated that he knows a little more and the County can push to see if some things can be resolved through the contractor that may not cost the County. He stated that we need to move forward with what we have now.

Mr. Bergen stated that he did an estimate and the County's portion would be around $3,000.

Chairman Brown asked for a motion.

Commissioner Oddo moved to accept Item Number 11, the approval of the Water Committee's recommendation to enter into a contract to proceed with the standard repair of a driveway at 341 Lee's Lake Road and for additional costs to be paid by the resident based upon his needs over and above what the normal repair cost would be and an indemnity would be provided to the County for the additional work. Commissioner Barlow seconded. No discussion followed. The motion was passed unanimously.

OLD BUSINESS:

There were no Old Business Items for consideration.

NEW BUSINESS:

13. Consideration of a request from the Georgia Department of Transportation (GDOT) for a possible roundabout at the intersection of Antioch Road and State Route 92 and approval for the Chairman to sign a letter of support.

Phil Mallon, Fayette County Director of Public Works stated that it is pleasure to talk about an opportunity from the Georgia DOT (Department of Transportation) that involves the possible design and construction of a roundabout at the intersection of Antioch Road, Lockwood Road and State Route (SR) 92. He stated that he has a presentation divided into three parts. He stated that the first two slides give a brief introduction of the project and then a few slides talking about roundabouts in general; where they are nationwide and within the state and then he comes back to more details of the project. He stated that what he is asking from the Board is a decision on whether or not to respond to a request for a letter of support for this project.

Mr. Mallon gave a PowerPoint presentation entitled, *Consideration of GDOT - Funded Roundabout at State Route 92, Antioch and Lockwood Roads"*. He stated that the offer is from DOT and that it is unique offer in that they are willing to do the design, permitting, right-of-way acquisition and construction at zero cost to the County. He stated that the County does assume some liable in that if it is built the County would pick up future power cost and landscaping associated with the roundabout. He stated that there is no local match and that is what makes this a bit unique. He stated that today we are at the idea of does the County want to advance this project for further consideration. He stated that if the Board votes in favor of the roundabout, it does not guarantee that the project would get built or at what schedule it would be implemented. He stated that money would still have to be made available from DOT.

Mr. Mallon stated that this project has been an idea for at least eight years, possibly before that. He stated that it was identified in the original list of projects in the 2004 Transportation SPLOST, however it was one of the projects in the County pot of money; the 320 pot and there is not enough money in that group of funds to pay for project so it was never advanced. He stated that it is also identified in the County's 2010 Transportation Plan as a tier one which is the highest priority; more immediate need type projects. He stated that there was a traffic study done in 2008 by DOT and the conclusion was not overwhelming. He stated that he did not want to mislead the Board. He stated that DOT identified some safety issues and that he received from the Sheriff's department this week some updated crash data to send to DOT, but the safety concerns or not overwhelming. He stated that it is not one where a traffic engineer or DOT will look at it and say they absolutely have to do something immediate. He stated that it is a safety concern and if familiar with the skew angle of Antioch and SR 92, most would agree it is not a comfortable intersection to negotiate.

Mr. Mallon stated that the other thing about this intersection that makes a roundabout, in his eyes, worth consideration is the configuration of the existing roads as well as the very large church, Harp Crossing, and a financial building that have done a great job with their landscaping and is a nice asset to the community. He stated that if a traditional traffic signal was used the impact to those properties could be significant. He stated that this was looked at back in the 2008 study and he met with some of the property owners and the traffic signals are not a good option under a traditional perpendicular intersection.

Mr. Mallon stated that was a little background to the project and that some history of roundabouts is that they are present in all 50 states, more than 2,000 have been built in the past 18 years within the southeast; Georgia, Florida, Virginia and North Carolina have been more aggressive in pushing them. He stated that within the state of Georgia there is over 330 roundabouts. He stated that this probably a low number because he obtained that number from a two year old slide. He stated that roundabouts are used as of today, within the state from the full range of the street within the subdivisions, sometimes more for esthetic reasons they are used on local roads, state routes and starting to be used at some of the interchanges along the interstate system. He stated that there are a number of benefits that are typically associated with roundabouts. He stated that for this particular location he does not know if all six of the points are true, but roundabouts in general are looked at because they are without doubt safer than traffic signals

and safer than four way stops depending on what study you look at. He stated that roundabouts are more efficient than a four-way stop and one of the advantages, because the roads can be brought in at a wider range of angles. He stated that they are good when there are difficult geometry issues like there are at this location. He stated that whether or not roundabouts reduce the project impact, by that he means the project footprint, depends on what are the existing conditions. He stated that in some cases it is less and in other cases the traditional traffic signal may have less of a print and the overall cost, for the same reason, may be cheaper and sometimes it may not be cheaper.

Mr. Mallon stated that a roundabout well designed and well maintained is an enhancement to the road in many cases. He stated that the one Fayetteville completed at Redwine and Grady is an example. He stated that it can serve as a gateway into the community and personally that is how he would view this one in the south side of Fayetteville as an entrance from the rural character of south Fayette County into the downtown area. He stated that the safety data, in his eyes, is overwhelming. He stated there are two studies with different sources and the point is that roundabouts reduce the number of crashes or accidents, but more importantly when there is an accident it has much less injury and the fatality drop. He stated the reason is because the speed has to be slow. He stated there is not the option of someone running a red light at 60 miles per hour (mph).

He stated that Georgia DOT is slowly embracing roundabouts. He stated that in 2004 they had a policy or memo that said they were neutral on roundabouts and they would consider a single lane only, in 2008 they switched to being encouraging of roundabouts, in 2009 they started mandating consideration of roundabouts in lieu of traffic signals and in 2010 they expanded their design considerations to account for things like lighting, approach angles, landscaping and signs. He stated that the only purpose of slide eight is to illustrate that the process for selecting a roundabout is not a random act. He stated that it is like other intersections, well documented and defined in GDOT's design manuals. He stated that there are a series of questions to ask like "Is it appropriate?" and then research studies and answer yes or no to proceed. He stated that the County is at the stage that says, " Are the locals supportive of the project and if so will they will they assume the power and landscaping responsibilities?" He stated that this is not a definitive point, meaning if the Board says yes that the project will happen. He stated that this is just one of many steps along the way. He stated that where this project puts us, if the Board votes in favor of this, is that it furthers advances this particular project a little more in the competition of other roundabouts in the state. He stated that District Three and DOT are looking for intersections to do these safety improvements through roundabouts in particular and they identified this as the number one location within incorporated Fayette County.

Mr. Mallon stated that the specific benefits are an offset between where Antioch and Lockwood come into SR92 because it is so close sometimes drivers are looking at the other person wondering if they are going to go or if they can get out in front of the other driver. He stated that this would eliminate that and get rid of the odd skew angle that makes looking south difficult. He stated that he thinks it offers the minimum amount of impact to the existing buildings and properties and clearly safety improvements. He stated that depending on how much effort the County wanted to put into the landscaping, it is an opportunity to create a signature landscape piece. He stated that it would slow the traffic on SR92 and whether or not that is viewed as an advantage or disadvantage is subjective.

He stated that on the vicinity map the yellow box indicates where we are in the County, just south of Fayetteville. He stated that the red dot shows where it is in relation to Lockwood and Antioch as well as the Seay Road intersection. He stated that the church and its parking lot is in the center of slide 11 and the two red arrows indicate where Antioch Road and Lockwood come in and just south is the small building is the financial building. He stated that on the right-hand side of the slide he indicates the typical number of vehicles per day on the road. He stated that Antioch has around 3,400 vehicles per day and on SR92, north of Seay Road, closer to the Harp Road intersection,

there are over 16,000 vehicles per day and on SR92, south of Antioch is around 7,500 vehicles per day.

Mr. Mallon continued with the presentation and added that slide 12 is not a DOT design and that it is staff design. He stated that the staff intentionally did not draw Antioch and Lockwood coming into it as not to make any assumptions on how that would look. He stated that he thinks the roundabout is to a very reasonable scale and the outer ring, which is the white circle labeled at 115 foot radius, is a good estimate of where the final design would be. He stated that the lime green shaded area in the center represents landscape area and the hatched area represents the truck apron that is designed for large tractor trailers and anything with a long wheel base. He stated that between the asphalt and the outer circle would be green space.

He stated that was the end of his presentation and that he would take any questions and ultimately get the Board's feedback on how he should respond to DOT.

Chairman Brown asked if there were any questions.

Commissioner Oddo stated that he wants to be sure that if the Board votes to approve this tonight, is the Board voting to approve consideration of the roundabout or are they voting to approve the roundabout should DOT (Department of Transportation) want to build it; exactly what is the Board voting for specifically.

Mr. Mallon stated that the Board is voting that they are supportive of DOT moving forward to complete a feasibility study and potentially move forward on design.

Commissioner Oddo stated this is not an approval from the Board of actually doing a roundabout until there is more information.

Mr. Mallon stated that yes, it is very reasonable for the County to reply back that if the Board takes that approach, they are in agreement with the general concept but that would like to see a more detailed study of what the impacts would be before the Board would be one hundred percent supportive.

Commissioner Barlow stated that he spoke with Alfred Dingler that owns the Prime Financial and he asks that the Board keeps him in the communication loop. He stated that his question is does the County notify Harp Crossing Baptist Church or any of the other people around there that if the vote is approved that there will potentially be a feasibility study which doesn't mean that it will be built, but it means that is going to be gathering of information where the data can be put forward to make a decision to go forward.

Mr. Mallon stated that they have unofficially talked to the church and depending on the vote he will send a letter, probably with a copy of the presentation, to the four big property owners; the church, the financial building and the two residential properties to sit down with them and let them know what is going on.

Commissioner Barlow stated that he would like to publicly thank Mr. Mallon for the best presentation he has presented.

Mr. Mallon accepted.

Commissioner Ognio stated that he did have any questions, but he does have a lot of comments on this project. He stated that he has looked at the project and it is going to majorly impact the traffic on SR92 and it is going to make

every vehicle slow down. He stated that the speed limit there is 55mph and traffic on SR92 is a lot and we will be slowing the vehicles way down, especially trucks and trailers. He stated that he thinks that will become a major problem. He stated that there is another road that comes in just north of that, Seay Road, that if traffic starts to back up is going to majorly impact that road. He stated that he has a problem with wanting them to move forward with the design and waste the money if it is something that is going to cause more problems than it solves. He stated that he wonders in the future planning what roads the County will build in future traffic; if there will be an East Fayette Bypass would that alleviate the problem at this intersection all together. He asked if the County want to spend money on an intersection that if we do something else that money is wasted. He stated that the County needs to look closely at the planning on these things. He stated that like Mr. Mallon said, the last study did not show it as a major safety issue at that intersection. He stated that the money received from DOT the County needs to use wisely and we need to make sure it can be put into a plan. He stated that the roundabout can also be an eyesore. He stated that the rural county character, will there be roundabouts everywhere. He stated that roundabouts are not the cure all for every intersection. He stated that if the County wants something there then maybe a red light would be more appropriate and we wouldn't stop the traffic on SR 92 except when cars are entering from Antioch or the other road. He stated that these are all considerations and he is not at the point where he is willing to move forward. He stated that he is worried that DOT will look at this and say further down the road that the County approved doing the study then we need to move forward and this is not something we want.

Commissioner McCarty stated that to begin, he has always been against roundabouts, one not to far from his house. He stated that it makes it difficult coming from Mallard Creek Lane which he use as a driveway because the roundabout is right there. He stated that he has come out not able to see or not knowing what they are going to do in the roundabout. He stated that recently he took a ride from Heathrow Airport to Dover in England and he went through about five roundabouts on a high speed road and of course they did have to slow down on the roundabouts and fortunately it was the time of day when it wasn't crowded. He stated that if there had been a lot of traffic it would have been, to him, a confusing mess. He stated that this is a complicated intersection at this location, the way the street angles come in and the location of them. He stated that this is something that the County does not need to do right now. He stated that the County needs to wait and see what they will do with other roads and then react accordantly.

Chairman Brown asked if anyone from the audience would like to comment.

Mr. Dennis Chase stated that in the twenty-eight years that he has been in this County he has had three near death experiences all at this intersection. He stated that something has to be done because people coming out of Antioch Road are literally taking their lives and other's lives in their hands. He stated that he would like to add that if there is anyway this consideration could join Harp Road so there is one place where these two roads can come out because Harp Road is just about as bad and is just down a little further north of this intersection. He stated that the Board will need to do something because if there hasn't been a death there yet it is going to happen very soon and he hopes it is not part of his family.

Mr. Bob Ross stated that his experience has been a little different from the two Commissioners. He stated that one in terms of the rural character. He stated that he drives through Whitesburg, Georgia on the way to Alabama about once every six weeks and you cannot find a more rural community in Whitesburg; they probably have a population of about 50, and they have a very small roundabout and while you do slow down you are always moving. He stated there is not a stop light that is stopping people when there is not traffic coming from one of the other directions and the safety aspect caught is attention from Mr. Mallon's presentation. He stated that he does not know what the accident record has been, but it would be useful to look at it. He stated that he and Mr. McCarty are the international

travels because in October he was in Rome and there was a large roundabout in front of the monument to King Emmanuel II and there is about six or eight lanes of buses, trucks, lorries, pedestrians, motor scooters and ladies on vespa. He stated that although it does not go at the same speed as a major highway, to move that many people from that many roads coming in and getting them to determine where they are going out without anybody having to stop was notable and caught his attention. He stated that he would ask the County staff to look at the accident rate and if we save a couple of lives or one life in our community that is worth a lot of slowing down. He stated that in terms of going up and down SR92, he does not travel it a lot so he would have to refer to Commissioner Ognio's experience on that, but that when he has gone through those he has appreciated that he has only had to slow down instead of come to a stop so often.

Mr. Paul Ploener stated that he lives on Melody Lane which also comes out just a few tenths of a mile north of the Antioch and Lockwood intersection, so he is very concerned since he goes there three to four a day. He stated that he is obviously concerned about the safety, not only of Antioch Road but also Harp Road. He stated that he does not have an opinion one way or another about this project, but he is very concerned about the area. He stated that it does need to be addressed and how it will impact the safety in that area so he would think instead of maybe supporting this project that it should be tabled for further study and bring it up at another meeting so that more of the public can be informed about what is going on and what the impact would be.

Mr. Alfred Dingler of Prime Financial stated that he is one of the property owners referenced. He stated that on behalf of his company they absolutely support continuing the study. He stated that the way it was shown in the presentation it seems acceptable to them. He stated that they know because the company has been there a decade and cars do not travel 55 mph on that road and they absolutely support slowing down and would recommend that the Board please continue the study and they would like to add that if the Board does go forward that Prime Financial volunteers to landscape the inside of the roundabout.

Chairman Brown asked if anyone else from the audience would like to speak.

There were no other public responses.

Commissioner Ognio stated that he would like to address some of Bob Ross' concerns. He stated that one of the safety concerns is that roundabouts slow speeds and that is where the safety comes in mainly with the roundabouts. He stated that there are things that can be done. He stated that we could slow the speed limit down on SR92 to 45 mph instead of 55 mph and make it a safer intersection, but it would still allow SR92 traffic to flow a lot faster and better than if we put in roundabout there. He stated that another concern is if when we hit, the four lane SR92, what impact will that have on the church and the finance company. He stated that when that roundabout grows to a four lane that will be a big footprint. He stated that all these are issues and he thinks that we should table this and do more study on this before voting.

Commissioner Barlow asked that presentation slide eight be displayed on the screen. He stated that what he understands are the words, "feasibility study" and then the words "public outreach" indicates to him that we will approve the study of putting the roundabout there and then it has to go through the process of being approved to include public hearing before anything is done. He asked if that was correct.

Mr. Mallon stated that he is correct. He referred to the slide and stated that the triangle that says does the County support picking up the lighting and landscaping. He stated that when he spoke to DOT they admitted that they jumped the gun and they offered that to us before they completed their feasibility study. He stated that if the Board

moves forward they will do the feasibility study. He stated that the staff person he talked to said they were trying to get this project as competitive as it can be so if we can get this step out of the way it might move it in front of some of the others. He stated that everything with the DOT money is competitive. He stated that you are competing against your own projects as well as everyone in the region. He stated that one point that he wants to make is that he has candid discussions with DOT about this and he told them if he does not know if we have universal support. He stated that he does not think there is the option of taking the money and using it somewhere else. He stated that they are making one offer to us to build a roundabout if we determine it is appropriate. He stated that if we want to do a traffic signal the staff said very plainly that the County can pursue that as a County project with County dollars if we can get a traffic signal permit. He stated that based on the study in 2008 it is unlikely that the County would get a traffic signal permit. He stated that it is similar to Harp Road where we waited for years for the signal to be permitted and finally got it. He stated that this is not of a pick our choice, it is an option of are you interested in it and if the answer is no we will be at square one with no permit and no money.

Commissioner Barlow inquired about the text in one of the boxes. He asked what did the box say because it is connected to the one that Mr. Mallon said they were referring to.

Mr. Mallon stated that he thinks the question there is does the roundabout address a significant geometry problem and in this case the answer is yes.

Commissioner Barlow stated that his other comment he has is that Mr. Mallon made the reference to this is GDOT making an offer to Fayette County and so if Fayette County does not accept the offer then at some point we may have to go back to them and he looks at this as an opportunity like we would pass over and he does not know how they think but it would be like DOT saying Fayette County does not want our help. He stated that in his opinion we need to go through the first phase of doing the feasibility study to show that we are cooperating.

Commissioner Oddo stated that he generally agrees with Commissioner Ognio's concerns and he also agrees that he does not want to forgo an opportunity that we may have. He stated that his personal feeling is that once we start slowing traffic down it seems to get slower and slower and slower. He stated that he thinks we need to be considering ways of moving traffic without slowing it less than it is. He stated that he does not want to lose an opportunity to study the feasibility, but he wants to be careful that we don't approach these things as if we have to slow traffic down. He stated that these are some things that are going through his mind and he wants to be sure that the Board is not voting to approve it and that he thinks it does warrant some study to see how it could or if it could benefit the County.

Mr. Mallon stated that to go back to Commissioner Oddo's first question of what are we agreeing to. He stated that the letter that DOT is asking for says that we are supportive of roundabout and if constructed we will pay for the power and landscaping. He stated that we are sending a message that if a roundabout is justified after it goes through all the technical analysis, then we are supportive of it. He stated that he does not want to send a letter to DOT and have them call back and say we are good to go and then we come back with a no.

Commissioner Oddo asked what technical analysis includes.

Mr. Mallon stated that it will update the traffic study and verify that there is a need for the roundabout in terms of the number of accidents and the volumes are appropriate for a roundabout.

Commissioner Ognio stated that we would fall into their justification of a roundabout and not necessarily what the

County thinks.

Commissioner Oddo asked if they would compare it to a traffic light or a four-way stop if they were installed; would there be some type of comparison of one over another.

Mr. Mallon asked if he meant in terms of the deficiencies or delays.

Commissioner Oddo stated deficiencies. He stated that we are getting information on the roundabout which is good but to Commissioner Ognio's point, is it any better than any other way and how are we benefitting by having a roundabout as oppose to some other way. He stated that he does not want to slow people down necessarily. He stated that sometimes you can't do one without the other but he would like to try.

Mr. Mallon stated that it is his experience that where there is significant congestion is where there is intersection after intersection, after intersection with traffic signals. He stated that the advantage of the roundabout is that somebody said that it does keep traffic moving and if there is low volumes which is the case in 20 out of the 24 hours, you can go through that pretty quickly. He stated that they design the roundabouts to maintain a speed of 25 to 35 mph. He stated that it how much that is a delay is subjective. He stated that personally he does not think that there is a risk of creating a traffic jam in that roundabout. He stated that the next controlled intersection is Hilo Road.

Commissioner Ognio stated that during traffic hours it is heavily traveled. He stated that he was there and there was a steady line of cars in front of him, behind him and a steady line of cars headed in the opposite direction on SR92. He stated that all the cars were traveling at 55 mph and when they are slowed down to 20 mph or 25 mph traffic is going to back up and it will back up pass Seay Road or Harp Road. He stated that it will cause more of a problem for the people that live on Seay and Harp Road than it is now. He stated that the answer to this intersection may need to be more than just Antioch and the road across the street. He stated that it has to include Seay Road. He stated that the County needs to look at these things and have a meeting and talk about what can be done and what is the future planning for the traffic and not just throw money at the project. He stated that DOT money is precious to the County and we want to make the most of the money that is given. He stated that just because they offer to give the County something; we should not just jump on it when it may actually harm the County.

Mr. Mallon stated that it is reasonable to ask for that the study would address those types of impacts such as what is the queuing north of SR92 and how does that impact Seay Road and Harp Road. He stated that he does not think it is unreasonable to even ask that this project be expanded to include that intersection. He stated that he hesitated to Commissioner Ognio's earlier point because he does not know if the County can get a comparison study against the traffic signal. He stated that he does not want to make a promise that he will come back with a study comparing the signal versus the roundabout unless the County were to pay for funding.

Commissioner Oddo stated that he would not want to lose an opportunity but he would like to be sure that if there is a feasibility study and address some of the other concerns, he does not want to be in a position of the County has to do this now while there are unanswered questions relating to traffic. He stated that he would want to be sure that if the County does agree to the feasibility study that we would be able to come back and say if it does not fit our needs.

Mr. Mallon stated that what DOT needs is similarly to the Board. He stated that DOT wants to keep traffic moving and do it in a safe manner. He stated that DOT has those same type of performance measures established that they have to convince themselves will work.

Commissioner Ognio stated that he has a problem with DOT in general. He stated that their justifications for roundabouts is that it is a smaller footprint. He stated that there is no way it is a smaller footprint than a signal in most cases. He stated that there are a lot of things in their justification that is not right.

Mr. Mallon stated that he has to respectfully disagree. He stated that it is not DOT saying those things, but it is a national study. He stated that there has to be hundreds of feet of through lanes, left turn lanes and right turn lanes in each of the four directions of an intersection. He stated that when added up the square feet associated with that often does exceed what is needed for roundabouts.

Commissioner Ognio stated that is true if there are turning lanes installed but if we just put in a signal it does not. He stated that he is concerned about what will happen. He stated that there are almost 17,000 cars going up and down SR92 and that is a lot of vehicles to go through a roundabout. He stated that when trucks go through that roundabout, 20 mph will not be the speed, it will be 10 or 15 mph with a loaded truck; they cannot make that turn.

Mr. Mallon stated that single lane roundabouts are good for up to about 25,000 vehicles per day on the major thoroughfare. He stated that if the County is at 17,000 north and about 7,500 south there is quite a bit of room for growth before it would reach its limit.

Commissioner Ognio stated didn't we say we had 16,000 or 17,000 going north and 7,000 or 8,000 going south.

Mr. Mallon stated yes, there are 17,000 north of the intersection and south of the intersection is 7,400.

County Administrator Steve Rapson stated that one of the things that the County will be able to do in the next 60 days is take a look at the remaining SPLOST funds and evaluate those transportation projects and making some recommendations to the Board in regards to how those funds should be allocated as a comprehensive transportation plan. He stated that one of the things that Commissioner Ognio is speaking of can be incorporated in this project in that equation. He stated that the County may not be able to use SPLOST funds but can use local dollars if that is what the County tries to do. He stated that this is simply GDOT requesting the County's approval for conceptual to move forward. He stated that feasibility studies and the other things that are concerning are not warranted and at the end of the day the Board of Commissioners can say they do not want to do the roundabout and keep the money.

Commissioner Ognio stated that is not the way Mr. Mallon is saying it is worded. He stated that the Board does not get that option.

Mr. Rapson stated that this is just a conceptual approval.

Chairman Brown stated that Mr. Mallon being the poor staff member does not want to commit to something that another agency is going to handle. He stated that he can appreciate that and he would not make any guarantees on DOT's behalf either because there is no way to know what they will do. He stated that sometimes DOT likes to look at cost versus the maximum capacity they can get and we are seeing that with the debate on I85 and Highway 74. He stated that they want to do what is called a diversion diamond which is a smaller, compact, tighter mechanism that is used. He stated that it cost a lot less and that is the main reason DOT want to do it and we are fighting for something that is a little larger which is a partial clover that will be a longer lasting project in the long wrong. He stated that the roundabout at Grady Avenue works extremely well. He stated that he remembers when they first got it installed. He stated that when the schools let out you would never go on Grady Avenue. He stated that he remembers accidentally turning down there at three o'clock and the whole thing had been completely flushed out;

the roundabout had worked beautifully. He stated that there are some benefits for roundabouts in the appropriate scenarios. He stated that when there is a major arterial like the one at SR92 we can say with great surety that if people are allowed to go fast on they will. He stated that the only thing that will stop them is a deputy with a radar gun. He stated that we know that the volume of traffic will pick up on SR92 evidentially plus there are the distributor roads that are plugging in and the odd geometry. He stated that when the geometry is in an odd way there will be a higher rate of accidents and will have more trouble with people, as the volume picks up, getting on and off the distributor roads with the odd geometry. He stated that he sees where DOT is going with this. He stated that it does not cost the County a dime to do this and it is DOT's project on a State Route so DOT owns it and the County does not have to do anything except landscaping. He stated that if the County went past feasibility and into construction, if the Board found out that this project was a total wash and absolute failure, then the County has not lost a dollar of the taxpayers' money. He stated that the Board could go back to DOT and say this is not working and we need to do something else. He stated that he can say that as someone who goes to DOT and begs for money that we need to be careful at looking at this and not doing the feasibility study part. He stated that one day a future Board may say we are dying at SR9 and Antioch and something needs to be done. He stated that DOT will go back and say that the County turned down the study. He stated that he would be willing to say to pursue this. He stated that there is talk of slowing the traffic down but he thinks the problem is really stopping the traffic. He stated that in Peachtree City, westbound from Fayetteville, from 4:30 p.m. to 6:30 p.m. the problem is traffic is stopping. He stated that it backs up from Highway 74 to the Wyndham Conference Center and traffic is not going anywhere. He stated that is the traffic light dilemma in that intersection. He stated that he does not think a roundabout can be done at that intersection because there is too much traffic and it probably would not be effective. He stated that he thinks that if the traffic was moving steadily from the effect of a roundabout, people would be grateful that it is being done. He stated that the Board can draft a letter and say the Board would like to do the feasibility study and would like for DOT to come back to the Board at the end of the feasibility study so that the County can discuss it with them further and get public outreach, talk to the adjacent property owners and make it clear in the letter.

Mr. Mallon stated that with a lot of confidence he will say roundabouts are controversial and if the Board moves forward and as the study progresses data comes back where the Board is not comfortable with what the results will be, he feels certain that if a letter was written to DOT that says the County changed its mind and we are not for it, it would stop the project. He stated that DOT is not going to implement a project that does not have local support.

Chairman Brown stated that the Board would draft a letter with intent and that will help and save Mr. Mallon from making promises or give DOT the feeling that he is making a promise.

Commissioner Ognio stated that he still worries that DOT will want to move forward with the project and the other issue is that roundabouts work in certain places but they are not the fix all for every intersection and DOT is looking with the mandates like they are the fix all for every intersection. He stated that Mr. Ross mentioned Whitesburg but they do not have the traffic that Fayette has on SR92. He stated that this is the issue he worries about and he does not want to get in the position where DOT says yes it warrants a roundabout and they will start and the Board does not have any option. He stated that if there are any doubts that the Board will have an option then there is no way he can move forward with this.

Commissioner McCarty stated that in Daytona during Bike Week he came to a roundabout but it was a painted on roundabout so that if they decided that they did not like the roundabout it would be easy to fix.

Chairman Brown stated that he sent Mr. Mallon a link to a video on the internet where New York City was going to experiment with bike lanes and they literally used stick on material to the asphalt to test it out to see if it would work

and then the ones that worked they built them and the others they disposed.

Commissioner Barlow stated that he had not heard Mr. Mallon say that he recommended this as the County Engineer.

Mr. Mallon stated that he does.

Chairman Brown moved that the Board of Commissioners approve the request from the Department of Transportation for a possible roundabout at the intersection of Antioch Road and State Route 92 to include correspondence from the County stating its interest in seeing the results of the feasibility study and discussing it with DOT at the end of the study and allowing for public comment and stakeholder property owner comments before anything would be continued and that the Chairman is allowed to sign the letter of support for this project. Commissioner Barlow seconded. No discussion followed. The motion was approved 4-1 with Commissioner Ognio in opposition.

14. Consideration of Commissioner Allen McCarty's request to redefine the word "kennel" in the Fayette County Code of Ordinances to match the State of Georgia's definition of the word.

This item was removed from the agenda during the Acceptance of the Agenda.

15. Consideration of the December 12, 2013 Board of Commissioners Meeting Minutes. Commissioner Oddo was not present for this meeting.

Commissioner Ognio moved to approve the December 12, 2013 Board of Commissioners Meeting Minutes. Commissioner McCarty seconded. No discussion followed. The motion was passed unanimously.

PUBLIC COMMENT:

Mrs. Alice Jones, 110 Lawson Lane, Fayetteville, GA spoke regarding stormwater issues in her subdivision and regarding the lighting at north corridors of Fayetteville, coming from the pavilion going Hwy 279 and Hwy 314 which is very bad.

Mr. Randy Huff, 289 Spear Road, Peachtree City, GA spoke in favor of reimbursing Marilyn Watts for legal fees in connection with her defense of a petition of removal filed by Scott Fabricius in his capacity as Chairman of the Fayette County Republican Party.

Mr. Ozzie Sanchez, 500 Avalon Drive, Fayetteville, GA spoke regarding his stormwater issues being corrected this year.

Mr. Dennis Chase, 290 Crabapple Road, Fayetteville, GA spoke regarding Hwy 92 roundabout and the East Fayetteville Bypass.

Mr. Roy Bishop, 487 Westbridge Road, Fayetteville, GA spoke regarding whether or not there was a sun down rule for sanitation workers.

Mr. Scott Bennett, 2002 Commerce Drive North, Peachtree City, GA spoke regarding information he discovered while going through the reinstatement process with Mr. Russell Prince.

Mr. Bob Ross, 202 Bridgepoint Road, Peachtree City, GA spoke regarding tax payers funds to pay Ms. Marilyn Watts' legal defense.

Ms. Marilyn Watts, 201 Patricia Lane, spoke regarding her name being brought up at the Board of Commissioners meetings.

Chairman Brown asked if there was anyone else who would like to speak.

There were no other comments.

Chairman Brown closed the floor for public comments.

ADMINISTRATOR'S REPORTS:

Mr. Steve Rapson stated that a resignation from Brian Cardoza of the Water Committee and a selection committee needs to be appointed. Commissioner Barlow and Chairman Brown were appointed.

He stated that the Board of Commissioners has some Association County Commission Government (ACCG) training dates coming up and there was some discussion at the Board level to move those dates. He stated that the recommendation is to move Friday, March 13th to March 11th and to move Thursday, October 9th to Tuesday, October 7th. He stated that if the Board pleases we would modify the calendar and post notices accordantly.

Chairman Brown stated that the Board would get back with him.

Mr. Rapson stated that he has a Municipal Code update. He stated that the County received an 800-page draft of the 75 additional ordinances that have been codified since March 2007 to today. He stated that Mr. Davenport is in the process of reviewing those and he wants to give a shout out to Sheila Studdard, who is the Court Clerk and who paid for that codification.

He stated that there were a lot of comments made by Mr. Bennett and he could address a lot of those but the statement he would like to make is that after reviewing all the relevant statements including the comments in his email that he sent which are basically the six page documents that the Board received, he did find cause to treat the offensive as a second group offensive under our disciplinary policy and Mr. Russell Prince had a two-day suspension without pay. He stated that this was his final ruling and that ruling is not appealable to any internal disciplinary process we have. He stated that it is the final decision of the County. He stated that he expressed to Mr. Bennett that his client was welcome to come to work on Monday, January 6 and Russell showed up Monday and to all indications everything is fine in the IS department and the County considers these matters closed and look forward to a positive relationship with Mr. Prince moving forward.

ATTORNEY'S REPORTS:

Attorney Dennis Davenport stated that he has a follow up to an issue that was first brought to the Board of Commissioners at the November meeting. He stated that he brought a request from a member of the Board of Elections as an appointed official requesting legal representation.

Chairman Brown stated that he will recuse himself as he has done before and he will leave this to the Vice Chair.

Mr. Davenport continued that the request was made for legal representation or a defense because of her status as an appointed official. He stated that the Board instructed him to contact the insurance company to provide an opinion as to whether or not coverage should be allowed. He stated that when looking at these types of issues there are two questions to ask. He stated that one question is if the person is an insured under the policy and number two is this the type of an event that is covered under the policy. He stated that obviously if this person is not an insured then number two does not matter. He stated that you start by asking if this person is insured.

He stated that a letter was received from the insurance company on December 3rd and he brought that back to the Board at the December meeting; Commissioner Oddo was not here at that meeting and the Board wanted his input and wanted him to be a part of this process. He stated that the Boards ask him to bring it back up at the January meeting in Commissioner Oddo's absence. He stated that the letter from the insurance company addressed the second question first, "Is this a covered event?" He stated that to be a covered event you have to allege damages. He stated that the petition in question is a petition for the removal of an appointed official from an appointed body; the Board of Elections. He stated that the local act which set up the Board of Elections requires this process for removal which is filing a petition with a Superior Court in Fayette County so it makes it litigation by default and the request was to have representation for that. He stated that the insurance company says you are not asking for damages therefore this is not a covered event. He stated that saying this is not a covered event is not the same as asking whether or not this person is an insured; that question has to be asked first. He stated that in the policy, as pointed out by the insurance company, quotes the definition of who is an insured. He stated that to paraphrase it says, "Your elected or appointed officials, but only for the conduct of their duties as your elected or appointed officials." He stated that it is not just enough to be an appointed official, the act complained of has to go to the heart of their duties as an appointed official. He stated that the only way to determine whether or not that is triggered is to look at the complaint. He stated that the Board is not looking at the complaint asking did this person do these things, but rather are there allegations being made that there are violations of the duties as a member of the Board of Elections. He stated that the insurance company, in the letter, says, "The petition does seem to allege the actions were part of her duties as an elections commissioner." He stated that he has read the petition and there are some things that arguably do not go toward the official acts but there clearly are paragraphs that specifically say that the allegation is that the acts complained of violated the oath of office, violated official duties and gave examples. He stated that the petition itself is set up, in part, to bring into account the official duties of this appointed official. He stated that reading between lines of the insurance company; they do not come out and say this, but it appears that they say this is an insured, however it is not the type of event that they will cover because no damages are alleged. He stated that the Board has before them the question of whether or not to provide a defense for this appointed official. He stated the first question is if the Board thinks this person is an insured, does the petition allege actions which are violations of her official duties and if the Board finds that to be the case, then she is insured and the next question is will the Board provide the coverage because the insurance company is not going to because it is not a covered event. He stated that to the extent that the Board decides to provide coverage, but know the insurance company is not going to do it, what typically occurs in that instance is that it defaults to the County Attorney to represent that person. He stated that the County Attorney has a decision to make at that point, he knows he is going

through a flow chart, but he wants the Board to know what the options are that can be triggered once they make a certain decision. He stated that in this event if the Board decided that coverage should be made available because she is an insured then the question becomes whether or not the County Attorney can represent her. He stated that in the facts and circumstances the history has been that the County has been involved in prior litigation on this same issue not as an adverse party, but brought in as part of the process. He stated that by part of the process he means that although she is appointed by the Republican Party that appointment is then provided to the Board of Commissioners to acknowledge that appointment and confirm that appointment and send that appointment to the State to make it official. He stated that he could not represent her due to a conflict and the Board could be part of that litigation if someone made the argument against the Board as part of the process. He stated that he would decline based upon a conflict that would give the Board the opportunity to do what has been done in the past which is to still allow for someone to represent her, just not him. He stated that the Board would pay that person at the rate of the County Attorney. He stated that he is not telling the Board to decide one way or the other, he is just saying that if that is the decision of the Board that is the flow chart that is going to happen as a result of that decision. He asked the Board if they have any questions.

Commissioner Ognio asked if the Board could include a Reservation of Rights.

Mr. Davenport stated that this was a good question and stated that as a matter of fact, when the insurance company offers to defend an item that is sometimes a gray area for coverage, you will get what is called a Reservation of Rights letter and that letter says that the insurance company will offer a defense but if you are found guilty of X,Y or Z; X,Y or Z is not a covered part of the policy so the insurance company is not going to pay for that and they can end up getting money back due to the fact that they had to spend money on something that they should not have defended. He stated that the insurance company then reserves the right to say they will not leave you hanging and provide the defense, but the extent that something occurs that is not covered or not part of, in this case, official acts there is the ability for the Board to say yes this Reservation of Rights allows to defray some of the cost or to seek reimbursement of some of those funds.

Commissioner Oddo asked if a vote was needed.

Mr. Davenport stated that is up to the Board of when to handle this. He stated that he believes the request was made about four months ago. He stated that he brought it to the Board for the first time in November which was already two weeks old then. He stated that it traveled through to the insurance company and returned back in December and now it is January and the Board does not meet again until the 23rd and he believes Ms. Watts would certainly like a decision this evening, but if the Board finds, based upon the information that more time is needed, that is within the Board's prerogative.

Commissioner Oddo asked for any comments.

Commissioner Ognio stated that the Board has done all the research that can be done on this and he thinks it would be appropriate to make a motion that the Board reimburse Ms. Watts based on the rates of the County Attorney and to include a Reservation of Rights document drawn up by the County Attorney.

Commissioner Oddo stated that before the second, he would like to give some comments. He stated that he wants to express that none of the Commissioners are attorneys and that they have to depend on counsel, the insurance company provider and this is decision that could possibly go either way, but if the person is in the capacity working for the County, and there is the indication from the insurance provider that is the case, then he thinks it is difficult not

to provide some type of defense. He stated that he does not want it to get out of hand, but the Board needs to get this resolved and he does think a decision should be made and not delay this anymore.

Commissioner Barlow stated that it was mentioned that she has already incurred $15,000 is there anyway the Board gets to examine that and question the hours and the charges, what was accomplished. He stated that he did a lot of work in the medical malpractice field and saw a lot billings and he knows that different attorneys have different fee structures. He stated that some charge $500 an hour, some $350 and some $150. He stated that he would like to establish that the County will pay $150 an hour. He asked is that correct.

Mr. Davenport stated that he believes that Commissioner Ognio said at the rate of the County Attorney. He stated that if there were fees that were incurred to-date that total $15,000, that $15,000 figure would have to be examined as to whether or not that was at the rate of $150 an hour. He stated that it probably was not.

Commissioner Barlow stated that is what he is asking. He stated that the Board needs to determine whatever the amount is that is being agreed upon to reimburse her and he would second the motion.

Commissioner Oddo stated that the motion needs to be restated.

Commissioner McCarty stated that in the event that she is found guilty in what she is defending herself of, what would be the result of the legality of the County being able to pay her fees.

Mr. Davenport stated that the best way to answer that question is to say this petition has a number of allegations and there is going to have to be a finding of fact by the Chief Judge of the Superior Court. He stated that finding of fact made by the judge is ultimately determine if she is removed from the seat or if she maintains the seat, so it is not so much a finding of guilt or not guilty, it is a finding of was sufficient cause alleged that justifies her removal. He stated that is part of the double edge sword that brings the County in the middle of this because in order to allege sufficient cause seems like the petition had to go into allegations against the official duty. He stated that otherwise it is difficult to show cause for removal. He noted that this was his own editorial and not anything set out in the law. He stated that it has that double edge sword effect to the County because it triggers that definition of acts being alleged that go to the heart of her duties. He stated that the Board would have to examine the final decision of the judge. He stated that if the final decision of the judge was no removal it is a moot issue. He stated that it is not simply a reimbursement it is going forward from today and covering things in the future until this is resolved. He stated that if she is removed the Board would have to examine the decision as to why she was removed. He stated the question is was this something that although was done as an official act, was done improperly, but did not rise to the level of malfeasants or something to the effect that she had no authority. He stated that it is a mixed question and the Board has to examine the decision to know how to treat that Reservation of Rights issue brought up by Commissioner Ognio.

Commissioner Oddo stated that if the Board goes forward that the Board might want to say something to the effect that they pay no more than the hourly rate of the County Attorney if Ms. Watts is fortunate enough to have someone who pays less, the County should not pay more. He stated the County should pay what she is paying or no more than the $150 an hour the County is paying.

Mr. Davenport stated that he believes the spirit of that is being carried forward in the motion the way it is. He stated that he does not believe there will be an issue of being less than $150.

Commissioner Ognio moved to reimburse Ms. Marilyn Watts not to exceed the rate of the County Attorney and to include a Reservation of Rights document drawn by the County Attorney. Commissioner Barlow seconded. Mr. Davenport stated that his interpretation of reimbursement is reimbursement in the past, plus going forward from tonight. Commissioner Barlow stated yes. Commissioner Oddo stated that is his understanding. The motion was passed with a 4-0-1 vote. Chairman Brown recuse himself from this item.

Chairman Brown returned to his seat.

Mr. Davenport stated that he has two items of pending litigation and one item to review the Executive Session minutes for December 12, 2013 for Executive Session.

COMMISSIONERS' REPORTS:

Commissioners Barlow stated that he would like to thank the people who stayed for the meeting. He stated that he would like to thank Bishop Waldorf for staying and that he knows it was kind of painful, but that Bishop Waldorf can go back and share with the church this wonderful process we call the government.

Commissioner Oddo stated that streaming works. He stated that while he was in his wife's hometown of Cali, Columbia he was watching the Commissioners on TV and the empty space just did not look right. He stated that it worked wonderfully. He stated that he could keep up with what was going on and he was making comments but no one could hear him, but that will come some day. He stated that today is his wife's 11th year of coming to the United States. He stated that her anniversary of arriving in Miami and going through the rigagomme that we put new immigrants through, so he wants to congratulate her for that.

Commissioner McCarty stated that he would like to thank everyone for coming. He stated that he has had more calls in the last few days since his been Commissioner or even thought of becoming Commissioner. He stated that the general calls from the citizens, friends, family and people he did not know, and the emails, was to support Steve Brown. He stated that the percentage he received was about 96 percent pro Steve and the other 4 percent against Steve. He stated that as being an elected official as representative of the citizens in this County, they let him know what they wanted him to do in regards to Steve and the Board. He stated that is exactly what he did. He stated that he did what the citizens of this County requested. He stated that he would like to do what they all want him to do as he would request and all citizens would request; to do away with the property taxes, but he can't do it. He stated so he does what he can and what he has the ability to do and do what he was elected to do which is represent the citizens of the County.

Commissioner Ognio stated that he thanks everyone for coming. He stated that it has been wonderful working with this group last year and he looks forward to this year. He stated that it seems like a long time since the last meeting, but he guess he hasn't seen most of them since last year. He stated that the Board is moving forward.

Commissioner McCarty stated that Steve is the Chairman of the Commission, but that every individual on the Commission has there own opinions, comes to their own conclusions with the bottom line being everything the Board does is for the citizens.

Chairman Brown stated that he would like to make a couple of comments on the stormwater concerns. He stated that the Board hears them and he knows Mr. Sanchez is in a very bad situation and some have seen it personally. He stated that to know he has endured that for seven years since being a homeowner there is a sad state. He stated that the Board knows that there are some problems and gave the first attempt to try to fund some of those problems through the Stormwater Core Infrastructure SPLOST; unfortunately that did not work, so the County is going to plan B. He stated that the County is working on figuring out what plan B is exactly, but Mr. Sanchez and others, the Board is aware of the problems. He stated that the County may have a difficult time coming up with funds for projects that are considered the most dire.

He stated that Mr. Dennis Chase made the comment about the East Fayetteville Bypass and his philosophy is that roads have consequences. He stated that now people are talking about the West Fayetteville Bypass and now it is justified. He stated that Pinewood Studios is on Sandy Creek Road and that road has been there for 200 years, so the County could have built that with or without the West Fayetteville Bypass. He stated that the thing to worry about with the West Fayetteville Bypass is now the County has opened up a lot of real estate to development very quickly. He stated that it is in the city limit of Fayetteville and we hope Fayetteville will do the right thing and they can keep it under control and make a great thing happen.

Chairman Brown stated that with Mr. Bennett he let him go on because he was passionate about what he was doing and the Board extends every possible option to allowing people to speak and that was witnessed today. He stated that the Board goes out of their way to make sure people have a voice and they can speak on any item on the agenda and anything that is not on the agenda. He stated that the Board is the only government that allows for this consistently. He stated that as far as the case goes, he is the employee's attorney and there is threatened litigation there and the Board cannot talk about it. He stated that they heard a lot of comments and now there will be a lot of silence from the Board, because when there is threatened litigation the Board cannot talk about it because they will jeopardize the County's position. He stated that there are two sides to every situation and to keep that in mind.

He stated that he appreciates working with the Commissioners and the Board started off the year on a good note and he appreciates everything that they do and thank you for being here for the citizens of Fayette County.

EXECUTIVE SESSION:

Two items of pending litigation and one item to review Executive Session minutes for December 12, 2013.

Commissioner Oddo moved to go into Executive Session. Commissioner Ognio seconded. The motion was passed unanimously.

Commissioner Ognio moved to exit Executive Session and for Chairman Brown to sign the affidavit. Commissioner Barlow seconded. The motion was passed unanimously.

Chairman Brown moved to approve the Executive Session minutes for December 12, 2013. Commissioner McCarty seconded. The motion was passed unanimously.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the January 9, 2014 meeting. Commissioner Barlow seconded. The motion was passed unanimously.

Tameca P. White, Deputy 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 23rd day of January 2014.

Tameca P. White, Deputy County Clerk