

## **BOARD OF COUNTY COMMISSIONERS**

Charles W. Oddo, Chairman  
Randy Ognio, Vice Chairman  
David Barlow  
Steve Brown  
District Five, Vacant



## **FAYETTE COUNTY, GEORGIA**

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## **MINUTES**

August 13, 2015  
7:00 p.m.

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### **Call to Order**

Chairman Oddo called the August 13, 2015 Board of Commissioners meeting to order at 7:02 p.m.

### **Invocation by Commissioner Steve Brown**

Commissioner Brown offered the Invocation.

### **Pledge of Allegiance**

Commissioner Barlow led the Board and audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Commissioner Brown moved to accept the Agenda as published. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

### **ORGANIZATIONAL SESSION:**

#### **1. Election of the Board Vice-Chairman for the duration of Calendar Year 2015.**

Commissioner Barlow moved to nominate Commissioner Randy Ognio as Vice Chair. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0.

### **PROCLAMATION/RECOGNITION:**

#### **2. Recognition of Battalion Chief Jeff Hill for completing the Executive Fire Officer program at the National Fire Academy.**

Fire Chief David Barlow and the Board recognized Battalion Chief Jeff Hill for completing the Executive Fire Officer program. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

## **PUBLIC HEARING:**

There was no Public Hearing item on the Agenda.

## **CONSENT AGENDA:**

Commissioner Brown asked to remove Consent Agenda Items 8 and 10 for discussion.

Commissioner Brown moved to approve the Consent Agenda excluding Items 8 and 10. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0.

3. **Approval of staff's recommendation to continue the maintenance agreement (Contract #977-S) between Fayette County and Motorola for the 800 MHz ASTRO Simulcast System and to authorize the Chairman to sign the renewal contract, in the amount of \$496,015.36 for the term of July 1, 2015 through June 30, 2016. Copies of the request and maintenance agreement, identified as "Attachment 2," follow these minutes and are made an official part hereof.**
4. **Approval of Fire & Emergency Services' request to accelerate replacement of a 2006 General Motors MedTec Medic Unit, which is currently scheduled for replacement in Fiscal Year 2017, into Fiscal Year 2016, authorize staff to obtain proposals for replacement, and authorize purchase of a replacement vehicle in an amount not-to-exceed \$158,100.00 utilizing the Vehicle Replacement Fund. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.**
5. **Approval of staff's recommendation to accept the 2014 Assistance to Firefighters Grant in the amount of \$136,355.00, authorize a 10% local match in the amount of \$13,635.00, amend the Fiscal Year 2016 budget to increase both revenues and expenditures by \$136,355.00 for the purpose of purchasing additional portable radios, and authorize the Chairman to sign any related documents. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.**
6. **Approval of the Sheriff's request to authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of Treasury. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**
7. **Approval of the Sheriff's decision to dispose of vehicle that was purchased utilizing Federal Seizure Funds by trading said vehicle for the purchase of a new comparable replacement vehicle that will also be purchased using Federal Seizure Funds. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.**
8. **Approval of the State Court Judge's request for authorization to accept a grant award from the Criminal Justice Coordinating Council up to the federal funds award amount of \$66,950.00, to authorize the expenditure of 10% local matching funds up to the amount of \$7,439.00, and authorization for the Chairman to sign grant-related documentation.**

Commissioner Brown mentioned that once a program is stated it is rarely ended and he asked County Administrator Steve Rapson who would pay for the program on a long-term basis. Mr. Rapson replied that the program being enacted by the State Court would last for about three or four years and that the position would remain so long as there is grant funding available. He added that additional funding of the position would have to be approved by the Board of Commissioners during the annual budget process.

Commissioner Brown moved to approve Consent Agenda #8 as written. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

9. **Approval of staff's recommendation to award Bid #961-B Annual Contract for Waterline Extensions for Fiscal Year 2016 to the low bidder Shockley Plumbing in an amount not to exceed \$579,362.50, and authorization for the County Manager to execute the contract and related documents. Copies of the request and annual contract, identified as "Attachment 8," follow these minutes and are made an official part hereof.**
10. **Approval of the July 23, 2015 Board of Commissioners Meeting Minutes and the August 5, 2015 Special Called Meeting Minutes.**

Commissioner Brown suggested that minutes should be listed separately on the Agenda on a go-forward basis. County Administrator Steve Rapson agreed with the request.

Commissioner Brown stated that Item #10 on July 23, 2015 Minutes began by stating Commissioner Brown read Resolution 2015-11 into the record, but he mentioned that the resolution did not appear in the record and was not in the minutes. Mr. Rapson replied that resolutions that are typically adopted by the Board are incorporated into the minutes as an attachment. He referred to Page 9 of the July 23 Minutes and stated that "Attachment 10", as written in the minutes, includes Resolution 2015-11. He said attachments follow minutes and are official parts of the minutes even though the verbiage is not actually incorporated into the minutes. Commissioner Brown stated that previously what was read into the record has been incorporated into the minutes themselves since, when someone looks up the electronic versions of the minutes, the attachments are not located with the minutes. He said he would like to have the resolution in the minutes since that has occurred previously. Mr. Rapson stated that he had seen resolutions placed into the minutes as well and he asked the County Clerk to provide an explanation.

County Clerk Floyd Jones replied that typical practice is when there is a resolution, ordinance or similar document that document is not placed in the minutes. He stated that there have been exceptions when a Commissioner has asked for that to occur but he reported that he was not asked by a Commissioner to include the verbatim Resolution 2015-11 into the minutes. He reported that the minutes were written as typically done and the Resolution was referenced in the minutes. Commissioner Brown stated he read the resolution in the record, and Mr. Rapson agreed that while the resolution was read it was not interpreted as direction to include the verbatim resolution into the minutes.

Commissioner Brown moved to approve Agenda Item #10 with the addition of Resolution 2015-11 written into the July 23, 2015 Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0.

## **OLD BUSINESS:**

There was no Old Business item on the Agenda.

## **NEW BUSINESS:**

11. **Consideration of the City of Peachtree City's annexation of 28.3 acres (Bradshaw Family LLP Tract), and the rezoning of said property from A-R (Agricultural-Residential) to 10.5 acres of Limited Use residential (LUR), 8.0 acres of Office-Institutional (O-I), 5.2 acres of General Commercial (G-C), 3.6 acres of Open Space (OS), and 1.0 acre for roads.**

Chairman Oddo stated that the Bradshaw Company had withdrawn the annexation request and he read the withdrawal letter from Mr. R. Scott Bradshaw into the record. He asked County Attorney Dennis Davenport if there was anything for the Board to vote on. Mr. Davenport stated there was no need for the Board to take a vote since the annexation request has been withdrawn by the petitioner.

Commissioner Brown stated that the annexation request was "trounced" unanimously by the Peachtree City Planning Commission, and he asked Community Development Director Pete Frisina if there was a way for these types of items to "cycle through their Planning Commission before they send it to us." Mr. Frisina answered that annexation requests are controlled by state law so that once an application has been submitted the clock starts to tick. He said there was nothing wrong with the city coming to the county prior to the annexation application is submitted in order to work with the county, but he reiterated that once an application is submitted the state law demands timely action from the various jurisdictions. Commissioner Brown asked if the County had an option to have a meeting to let the petitioner and city know the Board's position. Mr. Frisina replied that this regularly scheduled meeting was the first opportunity the Board has had to discuss the request and there would be an additional ten days after the meeting to object if that was the Board's intent. County Administrator Steve Rapson added that Special Called Meetings could be called to hear annexation requests but that, ultimately, it was up to the applicant whether or not an annexation request moves forward. Mr. Davenport explained that the portion of state law referred to by Mr. Frisina is amended on a regular basis and that previous requirement created a hardship for counties. He said cities cannot make a final decision since they are required to wait on the counties to make a decision. Mr. Davenport stated that the state law is creating a difficult process and he hoped it would be cleared up by the state. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

## **PUBLIC COMMENT:**

**Wanda Clark:** Ms. Clark, an educator in Fulton County, stated that for the last eight years she has been picking up trash on White Road and State Route 314. She stated she emailed the Commissioners about the trash on State Route 314 and was at wit's end about the matter. She acknowledged that the Georgia Department of Transportation (GDOT) was responsible to keep the road clean from trash and that the last time she called GDOT the grass was cut. She said the area an eye-sore that was lowering property values and peoples' perceptions of Fayetteville and Fayette County. She explained that the fastest route from the airport to Pinewood Studios is State Route 314 and the road is not giving a good first impression. She acknowledged that the County's funds are limited and she reported that her partner is helping with a clean-city initiative for Fayetteville. She mentioned that the Fayette Pavilion is one of the top tax-paying locations in Fayette County, and she asked why the Cities of Fayetteville and Peachtree City are kept up while the area around north Fayette County is not

cleaned up. She suggested using the Pavilion's taxes to clean up the area. Ms. Clark implored the Board to consider ways to clean up north Fayette County, particularly around State Route 314. She asked, if the citizens do their part to clean up the city, if the public officials would do their part too. Ms. Clark included in her remarks that it is a problem when Clayton County looks cleaner than north Fayette County.

**Frank Gardner:** Mr. Gardner stated that during the July 23, 2015 Board meeting there was quite a discussion about the thoroughfare in Fayette County with safety being the top concern. He thought about the discussion and he looked on the internet for additional information. He stated that roundabouts will make Fayette County safer based on numerous State of Georgia studies, and he spoke about the safety and efficiency of the roundabout at Grady Avenue. Mr. Gardner then spoke about a letter written to *Fayette News* by Chairman Oddo entitled "*The Sky is Not Falling*." He said as he read the letter he was confused about whether or not the county had actually approved a 2% Cost of Living Adjustment (COLA) increase for the "blue-collar workers." He said he was at the June 25, 2015 Board meeting and knew the COLA had not been approved. He asked if a COLA had been approved. Chairman Oddo replied that no COLA had been approved and that he would take more care in reviewing his letters.

### **ADMINISTRATOR'S REPORTS:**

**Re-establishment of the Selection Committee for the Region Six Mental Health Planning Board:** County Administrator Steve Rapson requested the Board to re-establish the Selection Committee for the Region Six Mental Health Planning Board. He stated that this board has one vacancy and that three citizens have applied, and he explained that the original Selection Committee was comprised of Commissioners Barlow and Coston. Chairman Oddo and Commissioner Barlow were appointed to the Selection Committee.

**Update to the West Fayetteville Bypass / Veterans Parkway:** County Administrator Steve Rapson stated that the update for the West Fayetteville Bypass / Veterans Parkway would be provided during the August 27, 2015 Board of Commissioners meeting.

**Upcoming Criminal Justice Coordinating Council Grant:** County Administrator Steve Rapson stated that another Criminal Justice Coordinating Council (CJCC) grant request would be placed on the August 27, 2015 Agenda. He explained it was for the Juvenile Justice Delinquent Prevention and Treatment Facility, that the grant was for \$99,000.00, and that it was a grant that the Juvenile Court gets every year. He said the Juvenile Court is always given very short notice when the grants awards are available and that is why the grant request would be on the next Agenda.

**Municode Supplement #1:** County Administrator Steve Rapson stated that County Clerk Floyd Jones has reported that Municipal Code Supplement #1 has been forwarded for codification. He stated that since the County Code was adopted in April 2014 the Fayette County Board of Commissioners has adopted 27 ordinances.

**Fayette County's Transfer Station Closed on August 29, 2015:** County Administrator Steve Rapson reported that the Fayette County Transfer Station will be closed on Saturday, August 29, 2015 for maintenance purposes.

**Report on Two Contracts:** County Administrator Steve Rapson reported two recently approved contracts. The first contract was with Whitaker Contracting Corporation for high-density material; a solvent that is put on roads to extend a road's life. He said the contract was for \$92,753.00 and the approved budget for the contract was \$120,000.00. He said the contract would be posted on-line. Mr. Rapson stated the second contract was to four-bidders for water distribution parts. He stated that these were "stand-by contracts" that would enable the county to purchase parts if needed. He said the

contract was for \$173,283 and the approved budget for the contract was \$300,000.00. He stated that the second contract would also be posted on-line. Copies of the two contracts, identified as "Attachment 10," follow these minutes and are made an official part hereof.

### **ATTORNEY'S REPORTS:**

**Notification of Executive Session:** County Attorney Dennis Davenport reported that he had two items of Pending Litigation for Executive Session as well as review of the July 23, 2015 Executive Session Minutes and the August 5, 2015 Special Called Meeting Executive Session Minutes.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Barlow**

**Response to Ms. Clark:** Commissioner Barlow asked if there was a volunteer organization in the City of Peachtree City that picks up trash in the city. Commissioner Brown replied that there was a volunteer organization called the "Clean and Beautiful Committee," and he added that they receive government funds and use people who are working off their "fines" through the State Court. Commissioner Barlow said he had seen the volunteers and he thought it was a wonderful thing. He asked Ms. Clark to contact him when the citizens' initiative "kicked off" since he would be glad to help pick up trash in north Fayette County.

**County Leadership:** Commissioner Barlow spoke about his recent attendance at the Global Leadership Conference and of some of the national leaders involved in the conference. He said as he sat at the conference it struck him that when he goes to the Department Head meetings he sees leaders and he thought it was a shame that most people do not get to see how County Administrator Steve Rapson conducts the meeting. He stated that Mr. Rapson is an excellent leader and that the Department Heads have all "stepped up" because of his leadership. He said there was a synergy in the room due to Mr. Rapson's leadership. Commissioner Barlow said he takes it personally when anyone "attacks" Mr. Rapson when they do not know what they are talking about. He said he gets to see what staff is doing and how they are soaring due to Mr. Rapson. He asked the citizens to do their diligence and learn about the county's day-to-day operations.

#### **Commissioner Brown**

**Response to Ms. Clark:** Commissioner Brown said he appreciated Ms. Clark's comments. He said staff could probably say he is the "number one pain in the butt" on getting grass cut and working on trash. He said, in fairness to the staff, it is the responsibility of trash pickup along the state routes belonged to the Georgia Department of Transportation (GDOT.) He said it was unfortunate that GDOT has shirked from its responsibility and has left many cities and counties trying to find money to do the job. He said the Georgia Legislature just gave the GDOT a \$1 billion annual revenue increase so it would help if the citizens contacted GDOT and compelled them to mow their grass and do their jobs. He said he once met with people who wanted to put an expensive business in the county but he had to take an alternate route into Fayette County since the grass was so high. Commissioner Brown said he has suggested that Public Works Director Phil Mallon consider ground covers as opposed to grass in an effort to get out of the "grass-cutting business." He stated that both the City of Peachtree City and the City of Fayetteville have already begun working with ground cover and that the County should consider similar measures. He said GDOT owed it to Fayette County to maintain the county, and he agreed that the City of Riverdale does look better than Fayette County and is doing a fabulous job.



**Fayette County Art Awards:** Commissioner Brown stated that Fayette County is going to give out Art Awards to people who have been promoting, teaching, or participating in the arts. He said the County's website has a link that allows for nominations for various arts in Fayette County, and he asked the people to make the nominations.

**2<sup>nd</sup> Annual Scarecrow Competition:** Commissioner Brown reminded everyone that the 1<sup>st</sup> Annual Scarecrow Competition was held last year and that it was a lot of fun. He asked for churches and organizations to participate in the scarecrow competition this year and he said it would coincide with the City of Fayetteville's Halloween competition.

**Floating Dock at Lake Horton:** Commissioner Brown mentioned that a long time ago Mr. Frank Gardner had brought up the idea of having a dock at Lake Horton, and he asked for a report on the issue. County Administrator Steve Rapson replied that the County had received quotes for a floating dock but that the quotes have to be coordinated with the Environmental Protection Division. Commissioner Brown mentioned that senior citizens need help loading and unloading their boats into the water. Mr. Rapson replied that the floating dock would be compatible with the Americans with Disabilities Act.

**Request for Contracts approved by the County Administrator Placed on Agendas:** Commissioner Brown stated that he still wanted to see the approved contracts that are between \$50,000.00 to \$200,000.00 provided in the Agenda packet. He said it would give the citizens a chance to look at the contracts and comment on them publically. Mr. Rapson replied that all of the supporting documents for the contracts are posted on the county website and that more material provided on the website than is typically made available. He stated that citizens who have concerns about the contracts can come to the Board meetings or call him to discuss. Commissioner Brown replied that he had not changed his position on the subject.

#### **Commissioner Ognio:**

**Response to Ms. Clark:** Commissioner Ognio stated that there were multiple areas in Fayette County where grass was not being cut on state routes. He said the county has much more mileage to cut than the cities but that it is the responsibility of the Georgia Department of Transportation (GDOT) to cut the grass along state routes. He said he had been looking into how Clayton County uses prisoners to cut the grass, but he added that it would require the purchase of equipment. He stated that Coweta County has a lot of citizens who have adopted sections of roads to pick up trash, but he added that there would have to be approval for citizens to pick up the garbage.

**School Back in Session:** Commissioner Ognio reminded everyone that school is back in session. He asked everyone to be aware of the school zones and to take appropriate pre-cautions in the school zones.

#### **Chairman Oddo:**

**Congratulations to Vice Chairman Randy Ognio:** Chairman Oddo congratulated Commissioner Ognio for being appointed as Vice Chairman to the Board of Commissioners. He said Vice Chairman Ognio would do a very good job in his capacity. He further added that Fayette County has very capable people on the Board.

**Response to Mr. Gardner:** Chairman Oddo replied to Mr. Gardner saying his letter was intended to show the level of character and loyalty among Fayette County's staff. He said that level of character is not seen in many places when each Department Head was willing to give up, voluntarily, one-by-one, any Cost of Living Adjustment (COLA) increase that would have helped the Board make a decision to give a COLA. He said everyone who lives in and pays taxes in Fayette County needs to appreciate the employees of Fayette County since it is an incredible and rare thing they did.

**Review of Draft Ethics Revision:** Chairman Oddo stated that the Ethics Ordinance has been under revision for a long time and that essentially a new product had been drafted. He explained how the revisions were made and that the Commissioners have had the material since April 2015. He gave each Commissioner a copy of the draft revisions and he asked each of the Commissioners to review the document and provide any suggestions to County Attorney Dennis Davenport by the end of August. He said the changes would be incorporated into a final product and presented to the Board on the September 24, 2015 Agenda. The Commissioners agreed to provide their suggestions as requested.

**Discussion of Ethics:** Chairman Oddo admitted he would be out of character and would digress because his approach typically was not expected from him, but he said it was an appropriate time to discuss ethics to understand what the real meaning of ethics is. He said his mom raised him with the saying: "If you can't say something nice, don't say anything at all." Chairman Oddo said there was a lot of wisdom in the statement since it avoids misunderstanding and because it does not eliminate communication so that difficulties and differences in opinion can be avoided. He said he has conducted himself as professionally as possible and has not made public comments in an effort to keep the Board on a level playing field so business can be conducted. He said this [concern] has been going on for a long time and that he has turned his cheek so many times he is getting dizzy. Chairman Oddo announced he was not going to debate before he read a blog posted by Commissioner Brown to *The Citizen* in which Commissioner Brown wrote the following:

"Randy Ognio is the natural choice. While Oddo depends upon Barlow to back him up on some of the backdoor and "go-along to get-along" stuff, he would never vote for Barlow for Vice Chairman. Oddo simply cannot take that kind of collateral damage. There's little loyalty in politics."

Chairman Oddo stated that if Commissioner Brown had ended his blog with "Randy Ognio is the natural choice" that would have been fine. He challenged Commissioner Brown to publically back-up his second statement regarding "backdoor" dealings since everyone knows what was meant, and he admonished Commissioner Brown to not put that kind of "trash" in public. He said for a man who took offense when someone called him a racist "to hurl the invectives that you do at me, at him [County Administrator Steve Rapson], and at anybody else who gets in the way, I'm not going to go on, I'm going to go back to my professionalism, but tonight I've had it up to here." Chairman Oddo said he had acted very professionally toward Commissioner Brown and that he had done no backdoor dealings. He acknowledged that he talks to Commissioner Barlow as much as he talks to Commissioner Ognio, but that he does not talk as much to Commissioner Brown because Commissioner Brown does not talk to him. He concluded, "That is ethics." Commissioner Brown asked if Chairman Oddo wanted a response. Chairman Oddo replied that he did want a response and he wanted Commissioner Brown to tell him what backdoor dealings that he has had.

Commissioner Brown replied that he has an item on the Agenda on the August 27, 2015 Agenda, and that the item has to do with giving holiday time to the employees. He said the Board does not vote on giving holiday time to employees since it was agreed to "because three people said, outside of a public meeting, that it is acceptable to do." Chairman Oddo countered that it was Commissioner Brown's opinion and he asked for facts. He again admonished Commissioner Brown to not infer there are "backdoor shenanigans" and to not say things without proof. Commissioner Brown responded that he supplied documentation for the August 27, 2015 Agenda and that staff has the documentation. Chairman Oddo replied that there is no documentation about backdoor dealings but only Commissioner Brown's comment, which is not proof. Commissioner Brown said he would discuss this item at the August 27, 2015 Board of Commissioners meeting. He pointed out that Chairman Oddo had asked him to remove the item from the Agenda but that he would not remove the item from the Agenda even though the actions he complained about have been rescinded. Commissioner Brown said the concerns needed discussion since there are items he has heartburn with over which he has raised his concerns on several occasions.



Chairman Oddo again asked Commissioner Brown to explain what backdoor dealings he referred to in the paper. Commissioner Brown replied that Chairman Oddo was one of the people who said "go ahead and do the holiday pay." Chairman Oddo again pressed Commissioner Brown to tell what backdoor dealings have occurred. Chairman Oddo said all Commissioners discuss items and give their opinions and he again asked what backdoor dealings have occurred. Commissioner Brown replied that his earlier example was one of them. Chairman Oddo replied that it is not backdoor dealings to give an opinion. Commissioner Brown replied that Chairman Oddo gave his approval. Chairman Oddo countered he gave his opinion, that Commissioner Brown was trying to put words in his mouth without evidence, and that Commissioner Brown has continued to accuse him of conducting backdoor dealings. Chairman Oddo again acknowledged that he had left his usual, calm, demeanor since Commissioner Brown has pushed the issue, since this is not the only time the issue had been pushed, and since he is tired of reading lies. He stated that if Commissioner Brown wants to discuss something he should discuss facts but that he should not put lies out there. Chairman Oddo said he wanted the candidates running for office to understand that Commissioners should not put lies "out there" since people should "win on their ideas."

Commissioner Brown replied that, prior to the Board holding its Retreat in April 2015, he asked for a copy of the Agenda package two weeks in advance and was told "no." He said he then asked a week in advance and was told "no." He stated the reason he was told "no" was because there was a Board consensus not to give the Agenda package until fifteen minutes before the Retreat. He said there were Retreat items that included a Recreation package that had never gone through the Recreation Commission or was approved by the Board of Commissioners but was going to be constructed. He said many of the projects never appeared on a plan but were going to be constructed. He asked how that happened.

Chairman Oddo replied that Commissioner Brown still had not told him what backdoor dealings he was referring to. Commissioner Brown stated that Chairman Oddo had given his approval for the County Administrator to proceed with giving out additional holiday time. Chairman Oddo replied that he had only given an opinion just like everyone else had. Chairman Oddo stated that Commissioner Brown was expressing his opinion but that he had no evidence. Chairman Oddo then asked County Administrator Steve Rapson to brief the Board on the matter.

Mr. Rapson stated that this discussion needed to start at the very beginning. He said at the April 2013 Retreat there was talk about the delegation of powers for the policies- including financial policies. He said the Board conceded it was a good idea and the item was put on the March 26, 2013 Agenda. He said the policy was delayed to April 9, 2013 and was unanimously approved. Mr. Rapson continued saying he was working on recollection, but in May 2015 the issue was brought back up again at Commissioner Brown's direction as two separate agenda items and both were denied by the Board. He said it is "simply not true when Commissioner Brown talks about polling going on with three Commissioners." He said the Board delegated the authority to him and to Human Resources Director Lewis Patterson to initiate policies, and he said one of the policies included the Holiday Policy. He said he had direction when authority was delegated by the Board on two separate occasions to initiate policies. Mr. Rapson said he knew the Commissioner Brown had issues with allowing employees to leave early prior to a three or four day holiday and that is why a Holiday Policy was created. He said Commissioner Brown requested to have the Holiday Policy placed on the August 27, 2015 Agenda but that he had recently revoked the policy. He reported that any type of holiday leave would now go before the Board of Commissioners for a vote. He said he revoked the policy since he did not think it was healthy for the Board, the county, or the employees to continue to debate whether there should be holiday pay or not. Mr. Rapson stated that his personal feeling was that this policy was not about giving an additional holiday but instead, by providing the employees the ability to go home early on a three or four day holiday, it was one of the "soft, warm and fuzzy things that everybody in corporate America does." He added that most counties of similar size to Fayette County do "hard closings" meaning they shut down the entire county at noon before a holiday. He said all the policy was saying was that employees could leave early and he said the only employees who were a cost to the county are the non-exempt employees. He explained that he was not paying any of the senior staff any more

money with the policy. He mentioned that one of the things Commissioner Brown wrote in his memo was that "the County Administrator is writing policies for the County Administrator." Mr. Rapson said he was a little offended by that allegation since he worked until 10:00 p.m. on the last three-day holiday. He said he has never left early on a three-day holiday and he said Commissioner Brown can attest to that fact since for the two years he was Chairman he was in the office every day and knows the County Administrator did not leave early. Mr. Rapson said he has never taken advantage of the early holiday leave primarily because that is what leaders do. He said his Department Heads stay on staff throughout the day while letting other staff leave, and he repeated that the policy was associated with hourly employees who cut grass and blow leaves. He repeated the reason the policy is in place and followed is because it is a soft-benefit that can be provided to the employees, especially since they have not had Cost of Living Adjustments for the past eight or nine years. Mr. Rapson said it was an easy decision to make and he maintained that it was the correct decision to make. Mr. Rapson said he would concede the issue since Commissioner Brown wanted to discuss this issue on the Agenda for the fourth time and since it is just not worth the time and effort since it sends the wrong message to the employees. He thought letting the employees go before a three or four-day holiday was a simple thing to do and that all he is doing is moving the Christmas Eve party from 2:00 p.m. to 10:00 a.m. that morning. He stressed that Fayette County does not close early even though he felt people were being misled to believe the county was closing early. He said it was a "soft-close" meaning there are enough people remaining in their offices until 5:00 p.m. to do the business of the residents. Mr. Rapson stated that there has not been a permit that has been slowed down and there has not been a citation that has slowed down. Mr. Rapson stated that Commissioner Brown had mentioned that there were these "mystical, magical pollings" of three Commissioners and he repeated that it simply was not the case. He said if he wanted to do something then he already had the authority to do it. He explained he was trying to "couch and weigh" what all of the Commissioners think and he thought he does a pretty good job communicating with each Commissioner what his positions are. Mr. Rapson stated all 106 policies, including all of the personnel policies, are posted online and he would discuss any policy with any Commissioner. He disputed the concept that no one can get the policies even though they are available in the County Clerk's Office, even though there is access to himself, the Human Resources Director, and the Chief Financial Officer, and even though all policies are posted on the website. Mr. Rapson stated that he was not sure how much more transparent he could be and he added that he has not had one single resident, since all of the concerns have been raised, to call him to discuss specific policies. He reported, as far as financial information is concerned, all approved contracts between \$50,000.00 and \$200,000.00 are being read into the record and all the documentation is posted on the website.

Commissioner Brown stated that the efforts described by Mr. Rapson were "technically transparent," but he added that the County "could do a lot better." He suggested "a lot better" would include putting the contracts in the Agenda meeting packet so that the citizens could see the contracts without having "to wind through a maze" on the County's website trying to figure out where to find the contracts. He said after the website was redone he could not find the contracts. Chairman Oddo interjected that he could find the contracts on the website. Commissioner Brown continued that it would be hard for the citizens to find the contracts if he, who is familiar with the website, was having a hard time finding the contracts. Commissioner Brown stated that the caveat to authorizing the County Administrator to approve policies was that "if any single Commissioner had an objection to any of the policies that he was going to bring forward, that the policy would immediately be placed on the next meeting Agenda of the Board of Commissioners." He stated that it never happened. He said he raised issues and was consistently told by the County Administrator that he has three Commissioners stating the policy does not have to go on an Agenda and, therefore, it was not placed on an Agenda. Commissioner Brown said that was what "ruined the whole deal." He agreed that there were initial, personal conversations about the policies where he was told some of the policies had to be re-written and that it would take a great deal of work, so he understood that. He said the Board was to get access to the policies and see them but that he did not get the policies. He said he made several requests for red-line versions of the minutes but since none were provided it was unknown what the original policy was. Commissioner Brown stated that the issue was not about "Steve Brown wanting to play Scrooge and kill everyone's holiday

time.” He said what is actually to the point is that the Board has a fiduciary responsibility to the taxpayers of Fayette County to vote on such things. He said those things should be done in public and not out of the Administrator’s Office since, even though similar decisions can be done in private industry, they cannot be made in government. Commissioner Brown referenced DeKalb County, Cobb County, and other unnamed cities and counties that are having “these massive ethical problems.” He suggested that the other counties were having the problems since they do not have accountability measures in place. Commissioner Brown stated that the policies needed to be as transparent as possible and there would be very little problems. He said that is all he has ever asked for from the beginning. He asked for the Board to vote on its fiduciary responsibility for holiday time. He said that is why he asked for the Board “to do this” and that is why he would continue to do it. Commissioner Brown stated he would not do or support anything against his principles. He referred to Ms. Lois Lerner of the Internal Revenue Service who was screening conservative groups for tax-exemption and he said he could not do a thing about it. He referred to the National Security Agency (NSA) and Director James Clapper who lied to the United States Congress on several occasions saying they were not tapping phone calls and recording data, and he said he could not do anything about the NSA. Commissioner Brown stated he cannot do anything about the Governor and the Speaker of the House when they “pull all kinds of crap on us and cheat us on different ways as citizens and taxpayers.” Commissioner Brown then said he could do something about this policies procedure, and when it is under his job description to make the fiduciary responsibilities and decisions on behalf of the people who put him into office that is what he is going to do. He said if he has an objection then he will unashamedly object. He added that he would not apologize in the least for trying to make things more transparent than they are currently.

Mr. Rapson replied that “we’re not DeKalb County, and we’re not the IRS, and we’re not the White House.” He said when he was hired he was given certain missions by the Commissioners during his original interview and that he has delivered on what he was asked to do and then some. He said there have been three budgets and all three have been balanced without deficit budgeting. He said this year’s budget is balanced to the tune where it is adding almost \$900,000.00 of fund balance. He said Fayette County is the only governmental entity in the county and surrounding counties that did not give the employees a COLA and did not have a tax increase. He said the fact is that all of the other jurisdictions in the County as well as the School Board are having tax increases. Mr. Rapson disagreed with Commissioner Brown concerning the first two years when Commissioner Brown was Chairman, every edit that he had and every red-line policy that was adopted ran through the Chairman’s office. He said Commissioner Brown, as Chairman, had multiple changes to the contracts. He concluded that he looked at the changes as well as did the County Clerk, Chief Deputy Clerk, and Department Heads.

Commissioner Brown replied that he would strongly disagree with Mr. Rapson’s last statement since he asked for red-line versions of policies and never got them. He maintained that he was told that the items would not be put on the Agenda as promised. Commissioner Brown stated that the reason he first voted to give the County Administrator authority in approving contracts was because of the promise to place objected policies on the Agenda, and instead, he was continuously told that there are “three people who said I don’t have to put it on an Agenda.” Commissioner Brown closed his comments saying, “That is backroom dealing.”

Chairman Oddo stated that he had been provided no evidence of backdoor dealing and that, apparently, lying was not against Commissioner Brown’s character. Commissioner Brown stated that he was asked for evidence, that it was given, and that this issue would be talked about again at the August 27, 2015 Board of Commissioners meeting. Chairman Oddo replied that he was not talking about the issue to be addressed on August 27, 2015 but rather the comment written to the newspaper. He concluded that he would let the matter drop but that the “backdoor dealing stuff that you come up with, it is insulting. I have done nothing but be ethical in this office. Absolutely nothing.”

Commissioner Barlow commented that there were people sitting in the audience who have heard him identify that he is on the McIntosh Trail Community Service Board. He said some of the people heard him mention that he had been to the Executive Retreat where twenty-six chief executive officers, along with a psychiatrist and a doctor were at the conference. He said the psychiatrist came to him and said had been observing Commissioner Brown for a number of years and that the psychiatrist stated "he is the classic example of a narcissistic, egotistical individual." He said the doctor said his wife is a physician and maybe she could get professional help for him. Commissioner Barlow said he mentioned that to Mr. Rapson but he said he would never "say it." He said that he decided to tell what the psychiatrist stated because Commissioner Brown constantly attacks him and has admitted to lying about him with regard to House Bill 170. Commissioner Barlow acknowledged that there are people who do not care about him but he thought that was fine since he serves Christ and his identity is in Christ Jesus. He said no one could name a specific example of some of the things of which he has been accused. Commissioner Barlow stated that Commissioner Brown has blogged about him calling him a racist and a bigot. He said that was fine but he has not responded to the accusations since the Bible has an answer for everything. He said if someone reads the Sermon on the Mount they will find Jesus saying "Do not cast your pearls before swine because they will turn and attack you." He said he interpreted the teaching to mean "don't waste your time attacking someone who doesn't deserve it." Commissioner Barlow said he felt compelled to say something since Chairman Oddo and Mr. Rapson have suffered immeasurably because of the activities that Commissioner Brown continues. He speculated that once he starts running for re-election people will send letters to the newspapers that Commissioner Brown has written for them and that the letters will be parroting Commissioner Brown. He asked the people to remember that what is written will not be true and he asked the people to call him since he will be glad to discuss the issues with them. Commissioner Barlow closed saying "there is nothing about me that is not transparent," and he thanked Chairman Oddo for trying to "hang in there."

Commissioner Brown stated that, as one who has been clinically diagnosed from afar, someone would have "to ask the "Demoncrats" and the ugly Democratic women that you talked about." Commissioner Brown stated that he has been gaveled down when he tried to speak on an issue he believed in and that he was gaveled down because someone did not like the issue he was bringing up. He said he has had the Chairman say he is going to take his item off the Agenda because he disagrees with it requiring him to ask the Chairman where he has the authority to do that. Chairman Oddo asked when he ever took Commissioner Brown's item off the Agenda. Chairman Oddo stated that everyone has had their say and asked for a motion to go into Executive Session to take care of business.

### **EXECUTIVE SESSION:**

**Two Items of Pending Litigation and Review of the July 23, 2015 Executive Session Minutes and the August 5, 2015 Executive Session Minutes:** Commissioner Brown moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The Board recessed into Executive Session at 8:18 p.m. and returned to Official Session at 8:34 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0. A copy of the Executive Session Affidavit, identified as "Attachment 11," follows these minutes and is made an official part hereof.

**Settlement Agreement with Darryl Henry:** County Attorney Dennis Davenport reported that the County has recently received an opportunity to settle a pending Workers Compensation claim involving former employee Darryl Henry. He said the attorney representing the county conferred with Mr. Henry's attorney and both sides have come to terms on a settlement

in the amount of \$20,000.00. He said the settlement would include all future medical bills "be shut off" as of the date of approval by the State Board of Workers Compensation. He reported that this would be a settlement of all claims within the actual injury claim itself and a general release that Mr. Henry would sign in favor of the county to cut off any potential claims that about which the County is unaware. Mr. Davenport asked for the Board to let him know if the Board was favorable with the settlement and he added that the Board's approval would still have to go to the State Board of Workers Compensation for final approval.

Commissioner Ognio moved to approve the settlement as stated by the County Attorney. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**Approval of the July 23, 2015 Executive Session Minutes:** Commissioner Ognio moved to approve the July 23, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**Approval of the August 5, 2015 Executive Session Minutes:** Commissioner Ognio moved to approve the August 5, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the August 13, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The meeting was adjourned at 8:36 p.m.

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Floyd L. Jones, County Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27<sup>th</sup> day of August 2015. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk