Minutes

Board of Commissioners
February 26, 2015
4:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on February 26, 2015 at 4:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Charles Oddo, Chairman Pota Coston, Vice Chair David Barlow Steve Brown Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Chief Deputy County Clerk Dennis Davenport, County Attorney

---

Call to Order

Chairman Oddo called the February 26, 2015 Board of Commissioners meeting to order at 4:00 p.m.

Invocation by Commissioner Ognio

Commissioner Ognio introduced Pastor Randy Woods of Liberty Baptist Church, and he asked Pastor Woods to offer the Invocation. Pastor Woods offered the Invocation.

Pledge of Allegiance

Commissioner Barlow led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda as published. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

PROCLAMATION /RECOGNITION:

1. **Recognition of artist Pash Lima, who painted the mural at the Crosstown Water Treatment Plant, and a special thanks to the Dolce Hotel and Resort in Peachtree City for providing accommodations to Mr. Lima in support of this project.**

Commissioner Brown recognized artist Pash Lima for his work in painting the mural at the Crosstown Water Treatment Plant. Mr. Lima was unable to be at the meeting. Commissioner Brown also recognized representatives from the Dolce Hotel and Resort in Peachtree City for providing free lodging to Mr. Lima while he painted the mural, and he stated that the Dolce's donation equated to approximately three thousand dollars. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. Public Hearing of Petition No. 1241-15, Joe Wayton, Owner, request to rezone 6.49 acres from R-20 to A-R to develop a Farm to establish agricultural uses, with said property being located in Land Lot 197 of the 5th District and fronting on Neely Road. (The Applicant has requested to withdraw the petition.)

Zoning Administrator Dennis Dutton read the *Introduction to Public Hearings for the Rezoning of Property* into the record and he introduced Petition No. 1241-15 to the Board. Mr. Dutton also read Mr. Wayton's letter requesting withdrawal of this item into the record. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 2," follows these minutes and is made an official part hereof.

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

Commissioner Barlow moved that the petitioner be allowed to withdraw Petition No. 1241-15. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

3. Public Hearing of Petition No. RP-054-15, Joe Wayton, Owner, request to develop a Farm to establish agricultural uses on 6.49 acres consisting of lots 2 and 3 of Alvin Acres Subdivision, with said property being located in Land Lot 197 of the 5th District and fronting on Neely Road. (The Applicant has requested to withdraw the petition.)

Zoning Administrator Dennis Dutton introduced Petition No. RP-054-15 to the Board.

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

Commissioner Barlow moved to allow the applicant to withdraw Petition No. RP-054-15. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Barlow asked to remove Consent Agenda #5 for discussion.

Commissioner Ognio moved to approve Consent Agenda Items 4, 6 and 7. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

4. Approval of a request from the Olivia Estates Subdivision's Home Owners' Association seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Article III Motorized Carts of the Fayette County Code. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

5. Approval of staff's request to award Bid #917- Fayette Senior Center Expansion and Renovations Project to Gene Barber Contracting, Inc., for a not-to-exceed amount of $164,852.00, and to authorize the County Administrator to sign the contract and any associated documents.

Commissioner Barlow stated that about a year ago he met with the manager of the Fayetteville Home Depot, Ms. Holly Tate, and he stated that the store would like to help and contribute to the renovation of the Fayette Senior Center. He wanted to let the public know that the local Home Depot store is supporting Fayette Senior Services.

Commissioner Barlow moved to accept staff's request to award Bid #917- Fayette Center Expansion and Renovation Project to Gene Barber Contracting, Inc., for a not-to-exceed amount of $164,852.00, and to authorize the County Administrator to sign the contract and any associated documents. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

6. Approval of the disposition of tax refunds, in an aggregate amount of $4,151.43, as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

7. Approval of the February 12, 2015 Board of Commissioners Meeting Minutes

OLD BUSINESS:

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

NEW BUSINESS:

8. Consideration of the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

Zoning Administrator Dennis Dutton briefed the Board on this request and he answered questions from the Board.

Zoning Administrator Dennis Dutton stated that the City of Fayetteville had submitted a letter stating they were beginning the process of annexation. He stated that staff has no objection to the annexation, and that the Fire Marshal was the only objection on the grounds of lost tax revenue. Discussion followed.

Commissioner Ognio moved to approve the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial.) Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

9. Consideration of staff's request to award RFP #P915 - Old Jail Renovation Project to New South Construction (General Contractor) at the Guaranteed Maximum Price of $1,545,347.00, to award a separate contract to South Western Communications for $99,925.00 for the installation of specialized Security Electronic Systems, and to authorize the Administrator to sign the contract and associated documents.

Buildings and Grounds Director Carlos Christian introduced Mr. Tim Symons, representing Gleeds, to the Board. Gleeds is the project management team assigned to assist in the old jail's renovation project.

Mr. Symons gave a brief overview of the renovation project to the Board. He stated that on December 12, 2014, the Board of Commissioners awarded a contract to New South Construction Company, Inc., to serve as General Contractor for the old jail's renovation. He said at that point, the Board was informed that this issue would come back to the Board once the Guaranteed Maximum Price had been negotiated. Mr. Symons asked for approval to appoint New South Construction to the work of the old jail renovation in the amount of $1,545,347.00. He stated that the bid amount was calculated after going to the subcontractors and competitively bidding it. Mr. Symons also stated that approval was sought to award South Western Communications, in the amount of $99,925.00, since they are a specialist security contractor who will control the locks and cameras to keep the jail secure. He said diligence was done to make sure they are the best provider of this work and that a competitive bidder applied who cost three times the cost. County Administrator Steve Rapson provided additional clarity on this request.

Dan Lathan: Mr. Lathan asked if the contract under consideration was a no-bid contract, and he asked how the contracted was recommended. Mr. Symons replied to Mr. Lathan's question by saying the contract was vetted through the procurement process with the point of view of getting the best contractor available for the project.

Commissioner Barlow moved to approve staff's request to award RFP #P951- Old Jail Renovation Project to New South Construction (General Contractor) at the Guaranteed Maximum Price of $1,545,347.00, to award a separate contract to South Western Communications for $99,925.00 for the installation of specialized Security Electronic Systems, and to authorize the Administrator to sign the contract and associated documents. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

County Administrator Steve Rapson pointed out that Commissioner Ognio was instrumental in regards to working with the electrical contractor, providing a better result in selecting the contractor. Chairman Oddo mentioned that Commissioner Ognio has offered more than once to assist the county at no charge for these considerations.

10. Consideration of Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh.

County Attorney Dennis Davenport briefed the Board concerning Ordinance 2015-03. He said this revision started out after a comment from a citizen last year about a discrepancy between state and local law with regard to who could operate a water craft. He said the ordinance removed the discrepancy while making sure the regulations for the various reservoirs in the county were substantially the same. He said he worked with the Chief Marshal in making the proposals.

Commissioner Barlow moved to adopt Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh. Commissioner Coston seconded the motion. Brief discussion followed on how the proposals affect fishing in the reservoirs and if a differently formatted ordinance should be prepared.

The motion to adopt Ordinance 2015-03 amending the Fayette County Code of Ordinances by revising provisions pertaining to Lake Kedron, Starr's Mill, Lake Horton and Lake McIntosh passed unanimously. Copies of the request and Ordinance 2015-03, identified as "Attachment 10," follow these minutes and are made an official part hereof.

11. Consideration of Commissioner Brown's request to adopt Resolution 2015-03- A Resolution on Transportation Funding Plans from the Georgia General Assembly.

Chairman Oddo asked for comments from the audience. No one from the audience spoke on this matter.

Commissioner Brown asked if comments would be allowed from the public after he made comments on the matter since his comments may answer some of the questions the people may have. County Attorney Dennis Davenport informed the Board that the proper way to begin this item was to entertain a motion on the item in order to know the direction of ensuing discussion.

Commissioner Brown moved to adopt Resolution 2015-03- A Resolution on Transportation Funding Plans from the Georgia General Assembly. Commissioner Ognio seconded the motion.

Commissioner Coston stated that she received two additional items of information on the dais and did not have time to review it. Commissioner Coston moved to table consideration of the resolution until the March 10, 2015 Board of Commissioners meeting at 7:00 p.m.

County Attorney Dennis Davenport informed the Board that while there is a motion on the floor there is also a motion to table and the motion to table takes priority. He added that a motion to table does not require a second but it does require discussion.

Commissioner Brown stated that the worst time to approve a resolution is after the legislature has voted on it. He said if Fayette County wanted to have its opinions expressed then it needed to be done prior to a vote by the state. He said it was about to come out of the House Committee. Chairman Oddo directed Commissioner Brown to discuss the tabling of the item.

Commissioner Brown stated that the state legislature was about to bring this matter up, including House Bill 170, and he said the resolution expressed Fayette County's values on transportation funding and taxation. Chairman Oddo again directed Commissioner Brown to discuss tabling the item.

Commissioner Brown stated that Commissioner Coston was referring to a PowerPoint package that is on the dais, and that while many of the citizens did not have the material some did. He stated that he was told he was not allowed to give the presentation to the citizens. Chairman Oddo again directed Commissioner Brown to discuss tabling the item.

Chairman Oddo stated that Commissioner Brown was not told that he would be unable to present his material. Commissioner Brown replied that he was told he could not give his presentation by both the Chairman and by County Administrator Steve Rapson. Mr. Rapson replied that the information would be vetted and would be ready to display based on Board direction, and that he asked Commissioner Brown to discuss this matter with the Chairman since the material was given to staff six hours prior to the meeting. Commissioner Brown asked if the Board has to determine what he is able to say and not say, and he asked if there has to be a secret meeting behind the scenes to determine what he is able and unable to present. Chairman Oddo informed Commissioner Brown that tabling an item does not mean that the item will not be discussed, but rather that at least one or two Commissioners have not had the ability to review the material. He said the motion was to table the item until the Commissioners have the ability to review the material.

County Attorney Davenport stated that the Chairman has the duty to run the meeting in an orderly manner. He said if the Chairman determines that what is being discussed is not for the issue of tabling that is his prerogative. He said if a Commissioner has a difference of opinion with the Chairman then he must defer to the Chairman. He said once the discussion is over then a vote should be taken on whether to table to the March 10, 2015 Board of Commissioners meeting.

Commissioner Brown stated that the material that Commissioner Coston received was footnoted. Commissioner Oddo reminded Commissioner Brown to stay on the topic of tabling the item, and gaveled Commissioner Brown's comments.

Commissioner Ognio stated that Resolution 2015-03 was in the Agenda package and that this matter is time sensitive. He pointed out that the House would vote on the matter before the crossover day, and that the vote would likely occur prior to March 10. He said the bill before the Georgia General Assembly would affect all of Georgia's citizens, that the Board was elected to represent the citizens, and he questioned why some of the Commissioners were unprepared when they had the material since last Friday. He said the Commissioners needed to quit arguing and rather to vote on the matter.

Chairman Oddo asked Commissioner Coston when she received her information. Commissioner Coston replied that she received the Agenda packet last week and she saw the resolution. She said House Bill 170 is changing every day, and that the Board may vote on something that could change drastically. She stated that this is the second time Commissioner Brown has presented material to the Board on the day of the meeting. Commissioner Brown stated that the Board receives material on the dais regularly from staff and other Board members.

Commissioner Brown stated that in all his years in public service he has never seen a resolution that is cited as heavily as the current resolution. He said it has thirteen footnotes as cited in the material and highlighted in the cited material. Chairman Oddo stated that Commissioner Brown did not notify three of the Commissioners of the additional materials and that the Commissioner is making a statement on behalf of the Board. Commissioner Brown replied that he is not required to notify the Commissioners, and Chairman Oddo replied that Commissioner Brown is not required to notify the media before notifying the Commissioners. Commissioner Brown replied that he can send any material to the media that he will put on the agenda.

Chairman Oddo stated that there were professional courtesy and professional ethics that needed consideration. He stated that there is a resolution and that three Commissioners and none of the public had all of the material under discussion. He pointed out that the Board would be back in twelve days to discuss the matter. Discussion followed on when crossover day would occur.

Commissioner Brown stated this would be the ideal time to let the state legislatures know what Fayette County desires instead of after the vote occurs at the state. Chairman Oddo said Commissioner Brown should have notified the other Commissioners about the additional material based on the matter of professional ethics and courtesy. Commissioner Brown countered that all the information was provided in accordance with the County's policy. Chairman Oddo replied that all of the information was not provided in accordance with policy. Commissioner Brown stated that the Agenda item was filed and cross-referenced in accordance with policy and procedure.

Chairman Oddo asked for policy to read pertaining to filing an Agenda item. County Administrator Rapson cited Policy 100.03 and read a portion of it into the record. Mr. Rapson stated that Commissioner Brown's information was provided about one week after the Agenda deadline. Mr. Rapson stated that the policy has been in effect since at least 2011 and that it was the policy put into place prior by a previous board. Mr. Rapson replied that Commissioner Brown's material was submitted late but he and staff felt it could be added to the Agenda. He said after the Agenda was published other material that included two newspaper articles and the PowerPoint. Mr. Rapson stated that if the material had been submitted on time then this discussion would not be occurring. Mr. Rapson added that if a Department Head had submitted late material then the item would not be on the Agenda since it would not be adequately supported.

Chairman Oddo stated that the takeaway is that the Commissioners would like to know what is in the material before they vote on it. He thought Commissioner Brown should be cognizant that the Board was trying to follow protocol and that the item would be heard at the next Board of Commissioners meeting.

Commissioner Ognio stated that the policy needed to be changed to allow the ability for last minute items to be added. He stated that there was a town hall meeting on the transportation bill that prompted Commissioner Brown to prepare the resolution. He said if he had any agenda item that included supporting material then he should be able to put the material on the screen so the citizens could see what was under discussion. He added that the citizens at home would like to see the material as well. He concluded that it was not right how this matter was being handled. Chairman Oddo stated if there was urgency then it would have behooved Commissioner Brown to notify the Commissioners prior to the meeting. He stated that his motion and procedure does not indicate his stance on the resolution or House Bill 170.

Commissioner Brown stated that Representative David Stover spoke at the Republican Party's town hall. Chairman Oddo stated that the issue was whether to table the resolution. Commissioner Brown said he would be amenable to hearing the item at a Special Called Meeting. Commissioner Coston replied that there is a motion on the table.

Commissioner Ognio stated that there were three Commissioners at the town hall meeting. Commissioner Coston stated she was not aware of the town hall meeting.

Commissioner Barlow stated he received a call from a citizen asking where he stood on House Bill 170. He said there was an email that was sent from another Commissioner saying he stood in favor of HB 170. Commissioner Brown stated that he sent the email. Commissioner Barlow said he had not taken a position on HB 170, and he asked the people to call him if they want to know where he stands on any issue.

The motion to table consideration of the resolution until the March 10, 2015 Board of Commissioners meeting passed 3-2 with Commissioners Brown and Ognio voting in opposition. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

Commissioner Brown asked for the people to be allowed to comment on the matter. Chairman Oddo stated that the item has been tabled and that the matter would be heard on March 10, 2015.

Chairman Oddo stated that the duty of the Chairman is ensure that the meeting is conducted per rules and procedures and that he was trying hard to do that duty.

PUBLIC COMMENT:

Rosa Anderson: Ms. Anderson spoke about her long history of living in Fayette County. She asked the Board to stop its opposition to District Voting and to not spend money in opposition.

Derryll Anderson: Ms. Anderson, Ms. Rosa Anderson's daughter, stated that she supports district voting. She said she loves Fayette County, but she pointed out that every county surrounding Fayette County has district voting. She thought that at this point in time, people need to step back from divisiveness, and to be inclusive. She asked why all the money was being spent for this matter when the money could be used for other needs. She stated that she was disappointed by some of the comments that she heard from previous Board meetings and she asked the Board to realize that Fayette County is on the threshold of great things. She pointed out that everything changes and nothing stays the same, and she asked for the Board to work toward inclusiveness.

Darwin Edwards: Mr. Edwards asked why Resolution 2015-03 was on the Agenda if it was too late to submit items to the Agenda. He suggested that the Board could call an emergency meeting to address Resolution 2015-03. He stated that transparency is important since sunlight kills germs. He stated that the Board appeared to be a "kangaroo court" and he expressed concern with holding the meeting at 4:00 p.m. when most of the citizens are working. He said he loved Fayette County, wanted the best for it, and that he never saw a tax that he liked.

Angela Bean: Ms. Bean said two years ago the Board of Commissioners made Fayette County very proud and the envy of citizen activists all over the state by making the policy that, before the Board voted, citizens would be afforded public comment. She stated that it appeared the policy had changed and in doing so the change was a disservice to the people in the room. She stated that citizens were in an uproar all over the state over House Bill 170, and that Commissioner Brown was doing what the citizens all over Fayette County wanted– providing leadership. She said the people were going to ask to allow for the presentation, and she said that the Board's vote to not allow the presentation when people came to hear the issues at the meeting seemed to be against the wishes of the people. She hoped not allowing public comment was not a policy change but only an oversight and she hoped the practice would be reestablished. She asked the Board to hold an emergency meeting on this matter.

Carlotta Ungaro: Ms. Ungaro, President of the Fayette Chamber of Commerce, said she had met several of the Commissioners over the past couple of weeks and that she was getting around to meeting each of the Commissioners. She asked for the Commissioners to meet with her at their convenience.

Pat Earnest: Ms. Earnest said she was embarrassed and disappointed since she thought the County had graduated from the disagreement that was displayed earlier in the meeting when the people voted the current Board into office. She said she felt very disenfranchised by the apparent lack of transparency. She also stated that she liked the 4:00 p.m. meeting time.

Bob Ross: Ms. Ross said he had the privilege of working with the Sheriff and participating with the Sheriff's Academy. He said the County has an outstanding Sheriff and that he and his office is another feather in Fayette County's cap. Mr. Ross said he saw the spirited dialog among the Commissioners and with the public, he saw that as a sign of interest by Fayette County citizens in their government. He thought the public was best served by spirited engagement as compared to the Board looking across the room and finding only two people in the audience. Mr. Ross then spoke about transportation and funding and he acknowledged that highway construction and maintenance costs a lot of taxpayers' money. He said he was willing to pay his share for such government needs since they are vital, but that the questions were how the moneys were collected and what they are spent on needed to be considered. He said he had a couple of principals for consideration; namely: (1) a user pay system be it for roads, public transit, or other means of transportation; (2) implementing home rule; (3) review how the money is collected and being used; and (4) utilize objective based criteria to determine what projects among all of the possibilities can and should be done. He asked the Board to send a reasonable and firm message to the "Gold Dome" that will look out for the interests of Fayette County's citizens.

Sandy Edwards: Ms. Edwards said she took off of work without pay to be at the meeting to learn more about Resolution 2015-03, and it saddened her to walk out the door not knowing more than what she did when she walked into the door. She also asked what the crossover date was for state legislation and she suggested that the date would be on a calendar. She said she did not want to wake up one day and find out that the crossover date has passed without Fayette County's input. She asked for something to be done before Fayette County would be "left in the dark."

Terry Williamson: Mr. Williamson said he liked to listen to Mr. Bob Ross since he is so eloquent. Mr. Williamson acknowledged that the Chairman has a hard job since he is trying to satisfy everyone. He said when a person is trying to follow the rules then there is a reason to follow the rules. He stated that he had served all across the world, in embassies, and had been under fire, and he understood that there are reasons why rules and policies are in place. He said the rules and policies exist to make sure things are done the right way, to maintain transparency, and so that everyone knows what is going on. He stated that if the policies need to be changed then the necessary steps need to take place to change the policies, but he thought it was not proper to "just challenge the Chairman to change the rules willy-nilly this time" since the next time the change may be undesirable. He closed by reiterating that there are reasons there are rules, policies, and procedures in place.

Bob Mudrinich: Mr. Mudrinich spoke about an old issue that is languishing at the state level, and he said about six months ago the Board passed a speed-limit change at the Starr's Mill school complex. He questioned why the speed-limit sign had not been changed since the Board made the change to the speed limit, and he asked if County Administrator had an update on the matter from the state. Secondly, he mentioned that the Board of Commissioners was going to build a golf cart path from Forreston Place to Panther Path, and he asked for an update on the progress. Mr. Mudrinich spoke about House Bill 170 by saying he could appreciate everyone's position on the Board. He understood that there needed to be professional courtesy and he saw the need for procedures, but he added that flexibility would be needed for fluid situations. He stated that there are alternatives to House Bill 170, and he encouraged everyone to write their state representatives. He thought that if the Board made a statement then the statement would impact the state legislature. He closed by encouraging everyone to write their state

representatives. Mr. Mudrinich agreed with Mr. Benson's public comments, given during the February 12, 2015 Board of Commissioners meetings, as they relate to district voting. He asked the Commissioners to respect each other, to move forward with each other, and to keep each other informed.

Derryll Anderson: Ms. Anderson returned to the podium to remind the Board that public comment needed to be uninterrupted. She stated that Commissioner Brown needed to respect his fellow Commissioners and to keep them informed. She stated that she was also not a fan of House Bill 170 since the funding would go to Atlanta, Gwinnett County, and the Braves Stadium in Cobb County.

Steve Smithfield: Mr. Smithfield spoke in opposition to House Bill 170 by equating the implications of the bill to the Regional T-SPLOST that was defeated in 2012 and to the development of the West Fayetteville Bypass.

ADMINISTRATOR'S REPORTS:

Response to Comments Given during Public Comments: County Administrator Steve Rapson responded to Mr. Edward's question about why this Resolution 2015-03 was on the Agenda if the information was submitted late by explaining that there is a hard deadline for his staff to submit items on an Agenda, but that professional discretion has to be used with regard to elected officials. He said after speaking with Commissioner Brown and Chairman Oddo, it was decided to put the resolution on the Agenda. He said what got everybody "crossways" was with the supporting documentation that was provided after the Agenda was published including a PowerPoint presentation that was actually provided earlier in the day. He stated that if the material had been made available earlier then the concerns that had been raised for the past couple of hours could have been avoided. Mr. Rapson answered the question about should the Board meet next week instead of March 10, 2015, and he stated that the decision to meet rested with the Board of Commissioners. Mr. Rapson answered a question about why the meeting was held at 4:00 p.m. by explaning that there is an AVPride event scheduled that the Board was going to attend, and that the event would begin at 6:30 p.m. Mr. Rapson answered that the crossover date for the Georgia General Assembly is approximately March 12 or March 13, 2015, but that the date could come prior to March 10, 2015. He explained that there is no way to know the actual crossover date. Mr. Rapson answered Ms. Bean's question by saying the practice of allowing citizens to speak prior to a vote being taken was still in effect, and he clarified that the ability to speak truly is a practice since there is no policy on the matter. Mr. Rapson, in answering Mr. Mudrinich's question concerning the replacement of speed limit signs, stated that if he could figure out how to move things at the state level faster then he would do it. He stated that the Sheriff was working on the matter to expedite the state so that the signs could be updated. Mr. Rapson also answered Mr. Mudrinich's question about the golf cart path stating that the project was always on an eighteen-month cycle. He said the county had reached out to the Georgia Department of Transportation for residual funding, but that GDOT responded that it has no additional funding. Mr. Rapson explained that the golf cart path would likely be built around spring or summer of 2016.

Attorney Review of Resolution 2015-03: County Administrator Steve Rapson stated that, based on feedback he has received from the public and from other Commissioners, that it would be a good idea for the Board to consider having County Attorney Dennis Davenport review the resolution that was submitted by Commissioner Brown. He said the attorney could draft something that everyone could agree with. He suggested that if the attorney could complete the work in time, then perhaps a Special Called Meeting could be held to review Resolution 2013-03. Discussion followed. The Board consented to allow the County Attorney to review Resolution 2015-03 as recommended.

Tuesday, March 10, 2015 Board of Commissioners Meeting: County Administrator Steve Rapson reminded the Board that the next meeting would be held on Tuesday, March 10, 2015 at 7:00 p.m. He stated that the meeting date had been changed due to upcoming Association of County Commissioners Georgia (ACCG) training that would conflict with a regularly scheduled Thursday night meeting.

Moody's Upgrades Fayette County's General Obligation Bond Rating to Aaa: County Administrator Steve Rapson stated that Moody's reviewed Fayette County's finances and affirmed that the county is now upgraded Aaa.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport reported that there were two items of Pending Litigation and the review of the February 12, 2015 Executive Session Minutes to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow reported that for the past four Fridays he has met with the Association of County Commissioners Georgia (ACCG). He said the county and all of the other counties in Georgia pay the ACCG to go before the counties to the legislature to ask for the benefits the counties ask for. He stated that some of the meetings are confidential and that those who attend are asked to keep the information confidential. He told the Board and audience that he kept the discussions confidential. He said he was saddened that an email was sent out to people about his, but that no one has called him. He said he is a man of integrity and is always accessible, and that he will answer those who ask him where he stands on the issues. He asked the people to ask him about his stance instead of relying on an email from someone else. Commissioner Barlow also encouraged the people to directly contact their state representatives and senators in order to ensure that their voices are heard at the state capitol.

Commissioner Brown: Commissioner Brown thanked the public for coming and speaking at the meeting. He stated that Mr. Ross spoke about leadership, that there were recent examples of good and bad leadership at the state level, and he told of the good and bad leadership being displayed at the state. Commissioner Brown then spoke about the potential problems with the current Transportation bill under consideration by the Georgia General Assembly. He suggested that the state would require the funding for the transportation initiative to come from the pockets of Fayette County's citizens. He stated that the current transportation bill is not revenue neutral, but that the ACCG was supporting the transportation bill. He asked, if the bill will kill the cities and the school boards, how the counties could break even financially. Commissioner Brown stated that he was disappointed with ACCG and he would not keep it a secret. Commissioner Brown stated there was selective enforcement of the policy about when to place something on the Agenda. He stated that he has had information provided to him five minutes prior to the start of a meeting and no one objected. He suggested that if the Commissioners did not like the item or did not feel they had enough information, then they could vote the issue down. Commissioner Brown asked the Board to give the people a voice, and that the votes it casts should be based on the merits of the argument and the values it espouses. He said it was not right when the presentation and speech are control then "God be with you." He said each citizen and Commissioner could speak "totally uninhibited" in the years 2013 and 2014, but that has changed in 2015.

Commissioner Ognio: Commissioner Ognio stated that the matter of how items are put on the Agenda needs to be addressed; allowing for the ability to put last minute items on the Agenda. He stated that it was unknown when the crossover date would occur for the Georgia General Assembly. Commissioner Ognio stated that Resolution 2015-03 was on the Agenda and he did not know why the material could not be presented. He stated that the resolution had no bearing to House Bill 170, and that there are many issues in the transportation bill that he found problematic with no accountability. He asked how much money would those who ride transit would pay into transportation, and he stated that all who drive vehicles will pay for public transit. Commissioner Ognio closed his remarks telling a story that reinforced his dislike of roundabouts.

Commissioner Coston: Commissioner Coston thanked everyone for coming and for the good, healthy discussion. She stated that all her decision and vote will be for what is best for Fayette County. She stated that it was critical to contact the state legislatures and she said the transportation bill is changing daily. She asked for a resolution that the Board can agree upon. She also informed Commissioner Brown that she is available anytime, particularly the next day, to discuss the issues.

Chairman Oddo: Chairman Oddo appreciated the comments that were given. He said the issue was not about the comments. He said the presentation would be heard in about ten days. He said as far as the transportation bill is concerned, he took the time to speak with Representative Mabra and to give his views. Chairman Oddo said he would not wait on the Board to move on a resolution, but rather encouraged the citizens to reach out to the legislators and to inform them of how they think on the matter. Chairman Oddo pointed out that while there has been a change of Chairman there is no change of policy; allowing everyone to speak. He said the Commissioners need to follow the protocols that have been set up. He said the Commissioners should communicate with each other, and he apologized to the public for the recent conduct of the Board. He stated that he is available to discuss matters with anyone who calls him. He said this is not a free speech item, but rather is a way for the Chairman to conduct the meeting in a way best for everyone.

EXECUTIVE SESSION:

Two Items of Pending Litigation and Review of the February 12, 2015 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 6:22 p.m. and returned to Official Session at 6:44 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 12," follows these minutes and is made an official part hereof.

Workers Compensation Settlement: County Attorney Dennis Davenport reported that there was a worker's compensation claim WC2014-083249 filed against Fayette County by former employee Rose Gulley. He stated that the County has been in talks with Ms. Gulley's attorney and has come to agreement on a settlement of terms for an injury that she suffered last year. Mr. Davenport stated that the terms and conditions are a fully and complete resolution of all issues including the closing of all medical claims for the sum of $10,000.00. Mr. Davenport asked the Board to approve the settlement if it met the Board's approval.

Commissioner Brown moved to approve the settlement as stated by the County Attorney. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

Worker's Compensation Representation by Attorney Robert Goldsmith: County Attorney Dennis Davenport stated he was involved in a second Worker's Compensation case involving current employee Craig Woods. He stated that this case would involve expert witnesses and probably much litigation. He suggested that it would be better to bring on another attorney who does specialty work in this practice. Mr. Davenport said he had been in contact with Attorney Robert Goldsmith with the firm of Drew, Eckl & Farnham in Atlanta, and that Mr. Goldsmith has agreed to take over the case at the same rate that the County pays the County Attorney for representation. He added that Mr. Goldsmith is able to begin immediately upon approval by the Board of Commissioners.

Commissioner Brown moved to go with Mr. Goldsmith as recommended by the County Attorney. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

February 12, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the February 12, 2015 Executive Session Minutes. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Coston moved to adjourn the February 26, 2015 Board of Commissioners meeting. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

The February 26, 2015 Board of Commissioners meeting was adjourned at 6:46 p.m.

Floyd L. Jones, County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of March 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk