

## **BOARD OF COUNTY COMMISSIONERS**

Charles W. Oddo, Chairman  
Randy Ognio, Vice Chair  
David Barlow  
Steve Brown  
Charles D. Rousseau



## **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

## **ACTION AGENDA**

January 28, 2016  
3:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.

### **Call to Order**

Chairman Oddo called the January 28, 2016 Board of Commissioners meeting to order at 3:07 p.m.

### **Invocation by Commissioner Charles Rousseau**

Commissioner Rousseau offered the Invocation.

### **Pledge of Allegiance**

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

### **Acceptance of Agenda**

Commissioner Brown moved to accept the Agenda as published. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

### **PROCLAMATION/RECOGNITION:**

- 1. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2015 annual audit.**

Mr. William Sammons, Audit Partner and Mr. Gregory Chapman, Audit Manager presented the Board with the audit overview for the county for Fiscal Year 2015.

There was no Board action on this item.

### **PUBLIC HEARING:**

There were no public hearings.

**CONSENT AGENDA:**

Commissioner Ognio requested to remove Consent Agenda Item 2.

Commissioner Ognio moved to approve the Consent Agenda with the exception of Consent Agenda Item 2. Commissioner Brown seconded the motion. The motion passed 5-0 to accept the Consent Agenda with the exception of Consent Agenda Item 2.

- 2. Approval of staff's recommendation to purchase Electronic Plan Review & Submittal Software from Sages Networks, Inc., for a first-year cost of \$17,550.00, to purchase computer-related equipment for \$4,893.00, to transfer an aggregate \$22,443.00 from Fiscal Year 2016 Project Contingency Funds to the General Fund, and to authorize the Chairman to sign the contract and any related documents.**

Commissioner Ognio stated that he has a problem with the process that was used to approve this software. He stated that he understands that it was sent out for bid, but that four bids were received and he knows there are a lot of companies that have this type software. He wanted to be sure that staff had looked closely at the other software and that the county is getting the right package for its needs.

Mr. Rapson addressed Commissioner Ognio's concerns. He stated that he was not on the evaluation team. He explained the bid process and steps taken in the decision to choose this software. He informed the Board that the bid for a professional service contract is posted on the website and advertised. He noted that the bid is also sent to vendors who have registered with the county over the years. In this case, it was 36 vendors and the bid was also posted on the Georgia Registry. He shared that the Georgia Registry is for vendors registered in the state of Georgia, which included 2,226 firms that provide this type software. At the pre-bid meeting there were six vendors and from that meeting the firms are evaluated technically and the decision was narrowed down to four solicitations and from the four, two firms were selected. These two firms came in and made a presentations and from that presentation, this recommendation is before the Board.

Joe Scarborough and Steve Tafoya spoke regarding the scope of work needed for this software. Mr. Scarborough stated that one of the reasons for the low turn outs for this Request for Proposal has to do with the firm's ability to merge with the county's existing software system, which is InterGov. He stated that not all of the software vendors could provide that service. He further explained the process used and the functions of the recommended software.

There was further discussion regarding this item.

Steve Tafoya informed the Board that this recommendation also includes the cost for desktop scanners for inspectors to have to help those that are not computer literate.

Commissioner Rousseau commended staff on the selection of this software and he stressed that he is hopeful that the scope of work was written in a way that prevents them from having change orders.

Commissioner Brown moved to accept the staff's recommendation to purchase Electronic Plan Review & Submittal Software from Sages Networks, Inc., for a first-year cost of \$17,550.00, to purchase computer-related equipment for \$4,893.00, to transfer an aggregate \$22,443.00 from Fiscal Year 2016 Project Contingency Funds to the General Fund, and to authorize the Chairman to sign the contract and any related documents. Commissioner Rousseau seconded the motion. There was no further discussion. The motion passed 5-0.

- 3. Approval of the disposition of tax refunds, in the aggregate amount of \$2,312.65, as recommended by the Tax Assessor's Office.**
- 4. Approval of the January 14, 2016 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**5. Discussion concerning Fayette County's Ethics Ordinance. This discussion was tabled during the December 10, 2015 Board of Commissioners meeting.**

County Attorney Dennis Davenport gave an overview of what was done regarding the Ethics Ordinance. He stated that the Board directed him to give a recommendation for a proposed Ethics Ordinance. He stated that a memo accompanied the draft ordinance to explain some of the significant changes that are being proposed.

Mr. Davenport explained the content of the memo. In the proposed Ethics Ordinance, the Board of Commissioners would serve as the Ethics Board and would hear complaints filed against appointed officials. He stated that if an ethics complaint was filed against one of the members of the Board of Commissioners, then the Board would not hear that complaint. He explained that in the previous ordinance there was put in place a panel of three county attorneys within a reasonable geographic proximity that would be the Ethics Board for a complaint filed against an elected official.

He further explained what the penalties would be for a violation of the Ethics Ordinance. He stated that an issue to notice is the section regarding a disclosure versus a recusal. He stated that the amount needs to be objective to say when the threshold for disclosure is met, then "this" is required and when the threshold for recusal is met, then "this" is required. He informed the Board that they will need to set the amount for disclosure and the amount for recusal.

The Board of Commissioners discussed this issue for approximately forty-one minutes.

After discussions Mr. Davenport stated that he would bring this ordinance back at the February 25, 2016 Board of Commissioners meeting.

Commissioner Rousseau moved to table the Ethics Ordinance to the February 25, 2016. Commissioner Brown seconded the motion. There was no further discussion. The motion passed 5-0.

**NEW BUSINESS:**

**6. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has re-appointed Darryl Hicks to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020.**

Commissioner Ognio stated that he always felt it was odd that the Board had to approve the party's nominee.

Chairman Oddo asked if this was a State requirement.

Mr. Davenport stated that this is not an approval of the nominee. He stated that it is acknowledgement of the nominee for the final certification. He stated that the local act requires that appointment to come through the Board for acknowledgement.

Commissioner Brown stated that is so it will appear on record.

Mr. Davenport stated that is on the record and it has to go downtown to be approved and sealed to make it official.

Commissioner Rousseau stated that it is a body that the Board oversees.

Mr. Davenport stated no. He stated that the body is independent.

Mr. Rapson stated that it is an independent State agency. He stated that Mr. Hicks was here, but had to leave for a 4:00 p.m. Development Authority meeting.

Commissioner Rousseau moved to approve the request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has re-appointed Darryl Hicks to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020. Commissioner Brown seconded the motion. Discussion followed. The motion passed 5-0.

**7. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Aaron Wright to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020.**

Commissioner Brown moved to approve the request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Aaron Wright to the Board of Elections for a four-year term commencing February 1, 2016 and expiring January 31, 2020. Commissioner Ognio seconded the motion. Discussion followed.

Commissioner Ognio stated that there were additional documents placed on the dais. He stated that he has the same comment as he did for Item 6. He stated that he does not see how the board can do anything but approve this item.

Chairman Oddo stated that he has a concern. He stated that this is one of the problems when documents are placed on the dais at the last minute. He stated that there are letters from the Republican Party stating one thing and then the latest item is a document with no authorization. He stated that he would like to see an official letter from the Republican Party. He stated that he would like to table this item until the Board receives that official letter.

Commissioner Brown stated that he does not want to be in a position where the Board is managing the political parties. He stated that the Chair of the Republican Party gave the vote with the specific people involved and the way they voted.

Commissioner Barlow stated that the courtesy that the Board has always extended someone is that if it was asked to table an item, the Board would table the item. He stated that he has no problem tabling this item at the Chairman's request.

Mr. Davenport stated that he wanted to clear up what he said earlier. He stated that the Chairman stated that he was thinking about making a motion to table. He asked if he had actually made the motion.

Chairman Oddo stated that he did not make a clear motion, but that he would like to make a motion to table this item until the February 11 meeting.

Aaron Wright spoke on this issue. He stated that there were thirty-seven precinct given advanced notice to vote and that he won by a vote of twenty-two to nine. He stated that the Board has a letter signed by the Chairman of the Fayette County Republican Party stating this information. He stated that there is no county meeting slated between now and the time that the next Board of Commissioner meeting would be held.

Chairman Oddo moved to table the request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Aaron Wright to the Board of Elections

for a four-year term commencing February 1, 2016 and expiring January 31, 2020 until the February 25, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. Discussion followed. The motion passed 3-2 with Commissioner Brown and Commissioner Ognio voting in opposition.

#### **8. Consideration of staff's request to adopt Ordinance 2016-03- Transportation Committee.**

Mr. Davenport briefed the Board that he was asked to look at this and reconcile the ordinance with any changes that had been made so that the ordinance would be agreeable with no conflicts. He stated that he took the number of the proposed committee of twelve and reduce it by one to make it eleven. He stated that typically on committees an odd number is best to minimize the risk of an issue not carrying a majority vote. He stated that if that suggestion was accepted, the quorum of this committee would reduce from seven to six. He stated that the original proposal was two citizen members and that would be reduced to one citizen member.

He stated that there was some language that made it unclear whether or not elected officials from municipalities would be eligible to serve. He stated that he removed the language that caused that interpretation to be less than clear and made it state that they can serve.

Mr. Davenport continued that there was some other language that relate to disqualification. He stated that if a member of the committee qualifies or becomes an elected official they are disqualified from the committee. He stated that if a member of the committee is a city resident and qualifies and is elected to city office, then there can be city elected official on the committee. He stated that he bolded that text because that is still an internal conflict by the way the committee is made up.

Commissioner Ognio stated his concerns regarding multiple elected official from one jurisdiction serving on the committee.

Mr. Davenport stated that he would amend the language to reflect that if a sitting member of the committee who is not an elected official qualifies to run for office, that would be an automatic disqualification to the extent that an elected official from that jurisdiction is already on the committee. Mr. Davenport stated that he can make that change consistent with that direction.

Commissioner Brown stated that on some of the commissions and authorities there is an attendance requirement. He stated that it would not be a bad idea to have that language in this ordinance as well.

After further discussion. Mr. Davenport confirmed that he is only addressing the language that two elected officials from the same jurisdiction are not going to be on the committee at the same time.

Commissioner Ognio confirmed that is correct.

Chairman Oddo stated that his concern is that there are elected officials on the committee. He stated that he would like to see the Board receive the information, but not be a part of the committee.

Commissioner Brown disagreed and stated that he wouldn't mind having someone from the Board, city council or town council on the committee to address problems before putting in a lot of time from staff.

There was further discussion.

Commissioner Brown moved to approve the adoption of Ordinance 2016-03- Transportation Committee as written contingent that the ordinance can be changed if the Board determines that it does not work. Commissioner Oddo seconded the motion. There was no further discussion. The motion passed 4-1 with Chairman Oddo voting in opposition.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATOR'S REPORTS:**

**Westbridge Road update:** Mr. Rapson reported that the contractor has completed the work with the exception of the road crew doing the final pavement. He stated that this was one of the major projects that hit during the December floods.

**SPLOST:** Based on discussion with the cities regarding a SPLOST, the county and cities are working on a tentative list. Once the list is finalized a recommendation will be brought to the Board.

**Transportation Committee appointments:** Mr. Rapson stated that the Board needs to make two appointments to the committee. There are five appointments needed for this committee. The selection committee to appoint the citizen position is Commissioner Ognio and Commissioner Brown. Mr. Rapson stated that staff will notify the Sheriff department and other municipalities as well.

**ATTORNEY'S REPORTS:**

**Notification of Executive Session:** County Attorney Dennis Davenport reported that the first two items for Executive Session is pending litigation and to consider the Executive Session minutes from January 14, 2016.

Mr. Davenport stated that the Board was recently involved indirectly in litigation that ended. He stated that the litigation was involving the current member of the Election Board, Ms. Marilyn Watts. He stated that when that litigation started the Board voted to provide a defense for her because of her capacity as a member of the Board of Elections. He stated that during the course of the litigation approximately \$58,000 was paid for the defense. He stated that the litigation ended with a favorable ruling for Ms. Watts and she was not removed from the Board.

Mr. Davenport stated that when you succeed in litigation you have the option to determine whether to seek attorney fees from the other side. He stated that in this case the other side is the Fayette County Republican Party, Scott Fabricius and the Attorney Richard Hobbs. He stated that he is asking the Board so they can explore attorney fees if they like. He stated that the Board can seek attorney fees from all or one of the three parties, however the window of opportunity to do so closes on February 15, 2016. He stated that a motion would have to be filed prior to February 15 and he would need some direction if that is the Board's desire. He informed the Board that he is not looking for a decision tonight. He stated that the next Board of Commissioner meeting is February 11 and if the Board wants to wait to come back at that time to give direction that would be fine, but anything after that is foreclosed and cannot be filed.

Chairman Oddo stated that his recommendation is to come back at the February 11 meeting and make a decision.

There was no objection to this recommendation.

**COMMISSIONERS' REPORTS:**

**Commissioner Brown:**

**Involvement in art group:** Commissioner Brown stated that he is part of an art group that is being sponsored by the Atlanta Regional Commission. He stated that it is a group of different people from all over the metropolitan Atlanta area. He stated that it has been a very valuable experience. He stated that there has been one meeting so far that lasted five-and-a-half hours. He stated that the group is learning different ways to leverage state financing. He stated that he will bring reports as time goes on.

**Commissioner Ognio:**

**Wedding Anniversary:** Commissioner Ognio announced that he celebrated his 31<sup>st</sup> wedding anniversary on Tuesday. He stated that it has been a good thirty-one years.

**Recent Meetings:** Commissioner Ognio stated that there have been some long meetings, difficult decisions and differences of opinions and that hopefully things will smooth out and move a little quicker. He stated that he appreciates the opinions of his colleagues and he always respects their opinions and he hopes that they respect his opinions.

**Commissioner Rousseau:**

**Remembering Flint, Michigan:** Commissioner Rousseau stated that he wanted everyone to continue to think in terms of the people of Flint, Michigan and what an awesome community catastrophe they are experiencing. He stated that he hopes that the institutions, churches and social services and organizations are helping them out individually. He stated that it makes us thankful for Lee Pope, Water System Director and his staff. He stated that he knows there is some annual reporting, but that it wouldn't hurt to just let people know where we are right now. He stated that it is a good opportunity to let people know the work that is being done at the Water System with getting people certified and that our quality is above standard.

**Commissioner Barlow:**

**Illness:** Commissioner Barlow reported that he woke up ill and that he has been sitting in the meeting quiet because he is sick, but that he didn't want to miss the meeting. He thanked everyone for coming to the meeting.

Commissioner Rousseau, with humor, congratulated Commissioner Barlow on his recent appointment as the Chairman of the Board of Health.

Commissioner Barlow returned the humor by stating that he is not sure if there is a correlation to his appointment and his illness or not.

**Chairman Oddo:**

**Crosstown Water Treatment tour:** Chairman Oddo stated that he took a tour of Crosstown and it is incredible what is going on at the plant.

**Comment to Commissioner Ognio's comment:** Chairman Oddo stated that he agreed with Commissioner Ognio that the Board has differences of opinions but there is no reason the differences should spill out into personalities. He stated that you can't agree on everything and he thinks the Board has done their best to delve into subjects honestly. He stated that the Board has an element of respect for one another and that they need to continue to let that show.

**Condolences:** Chairman Oddo passed his condolences to Councilman Scott Stacy and his family. He stated that Councilman Stacy's father passed away on yesterday.

**Challenger explosion:** Chairman Oddo stated that this is the 30<sup>th</sup> anniversary of the Challenger explosion. He stated that he knows everyone remembers where they were when it occurred. He recalls being in his car listening to the take off and within seconds he walked into his office and was told the Challenger had exploded. He thanked the brave people for doing what they did and expressed that we keep forging ahead and exploring.

**EXECUTIVE SESSION:**

**Pending Litigation and Review of the January 14, 2016 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 5:34 p.m. and returned to Official Session at 6:04 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 Barlow seconded the motion. The motion passed 5-0.

**January 14, 2016 Executive Session Minutes:** Commissioner Ognio moved to approve the January 14, 2016 Executive Session Minutes. Commissioner Rousseau seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the January 28, 2016 Board of Commissioners Meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The January 28, 2016 Board of Commissioners meeting was adjourned at 6:05 p.m.

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Tameca P. White, Chief Deputy County Clerk