

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

February 11, 2016
7:00 p.m.

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 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the February 11, 2016 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Commissioner Brown

Commissioner Brown offered the Invocation.

Pledge of Allegiance

Georgia State Representative Virgil Fludd led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda as printed. Commissioner Brown seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of EMA Director / Division Chief Pete Nelms and his distinguished 26-year career with Fayette County.

The Board, State Representative Virgil Fludd, Chief David Scarbrough, Deputy Chief Tom Bartlett, County Administrator Steve Rapson, and numerous firefighters recognized Division Chief Nelms's service to Fayette County and the State of Georgia. Chief Nelms's family joined him in receiving the recognition. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

2. **Consideration of staff's request to adopt Resolution 2016-05 pertaining to the "Fayette County 2015 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2016- FY2020)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs.**

Community Development Director Pete Frisina briefed the Board on this request. Discussion followed.

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

Commissioner Brown moved to adopt Resolution 2016-05 pertaining to the "Fayette County 2015 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2016- FY2020)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs. Commissioners Ognio and Barlow seconded the motion. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Rousseau moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. Brief discussion followed. The motion passed 5-0.

3. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2017 which begins July 1, 2016 and ends June 30, 2017.**
4. **Approval of the January 28, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

5. **Consideration 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.**

Greg Dunn, Tyrone Jones, Lana Jones, and Bonnie Willis spoke about this matter.

Commissioner Brown moved to approve 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. Extensive discussion followed.

The motion to authorize the County Clerk 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 passed 5-0.

NEW BUSINESS:

6. **Consideration of staff's recommendation to approve the proposed Security Camera Policy.**

Chief Marshal Harold Myers briefed the Board on this matter. Chairman Brown provided suggestions on how material can better be presented to the Board and citizens. Discussion followed.

Commissioner Brown moved to table the proposed policy and get a marked version of a final document so that if there is anything that needs to be sorted out then it can be sorted out and passed at the next meeting. Discussion followed. Commissioner Brown removed his motion to table.

Commissioners Brown and Rousseau moved to approve the proposed Security Camera Policy. Commissioner Ognio seconded the motion. The motion passed 5-0.

7. Consideration of staff's request to work with Stifel-Merchant Capital Division Underwriters to pursue refunding a portion of the Series 2009 Water System Bonds for potential debt service savings.

Chief Financial Officer Mary Parrott and County Administrator Steve Rapson briefed the Board on this request and answered Board questions.

Commissioner Brown moved to approve staff working with Stifel-Merchant Capital Division Underwriters to pursue refunding a portion of the Series 2009 Water System Bonds, to go with Option #3 private placement callable for five years. Commissioner Barlow seconded the motion.

PUBLIC COMMENT:

Marilyn Watts: Ms. Watts spoke about her recently concluded lawsuit with the Fayette County Republican Party and she urged the Board to authorize the pursual of attorney's fees for that lawsuit.

Alice Jones: Mrs. Jones thanked Public Works Director Phil Mallon for working with the people on Lawson Lane and for putting in pipes to better manage the rainwater from the last storms. She asked for staff to reevaluate some blocked drains, asked for staff to look into why her water has an odor, and asked for "No Littering" signs to be placed along State Route 279.

Richard Mix: Mr. Mix stated that he is from Newnan, Georgia and he is a Republican candidate for the 3rd Congressional District and he spoke of credentials and views for public office.

Frank Gardner: Mr. Gardner stated that at the last Board meeting there was a lengthy meeting about things that the Board took care of at this meeting. He asked all five Commissioners to start talking to each other before coming to the meeting.

ADMINISTRATOR'S REPORTS:

Peachtree City Policy received CALEA Accreditation: County Administrator Steve Rapson acknowledged that Peachtree City's Police Department has been notified that they received the CALEA law enforcement accreditation for the eight year in a row. He stated that the police department has invited the Board to go to the presentation on February 18, 2016 at 7:00 p.m.

Appointment of two staff positions to the Transportation Committee: County Administrator Steve Rapson stated that the Board needed to appoint two staff positions on the Transportation Committee. Chairman Oddo asked Mr. Rapson for recommendations and Mr. Rapson recommended Public Works Director Phil Mallon and Director of Engineering and Building Carlos Christian to the positions.

Commissioner Rousseau moved to appoint Mr. Mallon and Mr. Christian to the Transportation Committee. Commissioner Ognio seconded the motion. The motion passed 5-0.

Appointment of two Commissioners to the Transportation Committee: County Administrator Steve Rapson stated that two elected officials needed to be appointed to the Transportation Committee. Commissioner Barlow suggested that the appointments should be the Chairman and Vice Chairman. Commissioner Rousseau agreed since the Transportation Committee was formed at Commissioner Ognio's recommendation and since Chairman Oddo is the Board's representative at the Atlanta Regional Commission.

Commissioner Barlow made a motion that the Board's representatives to the Transportation Committee be Chairman Charles Oddo and Vice Chairman Randy Ognio. Commissioner Rousseau seconded the motion. The motion passed 5-0.

ATTORNEY'S REPORTS:

County Attorney Dennis Davenport reminded the Board that at the last meeting he brought a report to the Board as a follow-up to some litigation discussed earlier this evening regarding the Fayette County Republican Party and Chairman Marilyn Watts. He reminded the Board that he had mentioned that the attorney's fees for that litigation were approximately \$58,000.00 but that the actual number was \$57,712.74. He reminded the Board that at the conclusion of the litigation there is a forty-five day window that the prevailing party can seek attorney's fees. He pointed out that just because the prevailing party seeks the attorney's fees, it does not mean they will actually get them, but if the attorney's fees are not sought after they definitely would not be awarded. Mr. Davenport added that if the prevailing party chose to seek attorney's fees, it would also have to decide who to go after to get the attorney's fees, namely, one of the Plaintiffs, two of the Plaintiffs, or the Plaintiffs and the attorney. He reminded the Board that the deadline to file any motion for attorney's fees is Monday, February 15, 2016, and he asked for direction on how to proceed. Extensive discussion occurred.

Commissioner Brown moved to consider not going forward in the name of protecting the citizen's ability and confidence in the government that they can cite grievances without the fear of retribution. The motion died for lack of a second.

Commissioner Rousseau moved that the County Attorney be instructed to seek compensation for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the motion. Discussion followed.

Commissioner Rousseau amended his motion that the County Attorney be instructed to seek compensation from all Plaintiffs for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion. Further discussion followed.

Commissioner Rousseau amended his motion to motion that the County Attorney be instructed to seek compensation from all Plaintiffs, including the attorney, for the lawsuit that was filed to recover the funds in the amount of \$57,712.74 and for the funds to be returned to the taxpayers of Fayette County. Commissioner Barlow seconded the amended motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

Notice of Executive Session: County Attorney Dennis Davenport notified the Board of one personnel matter and review of the January 28, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio

Early Voting for the Presidential Primary: Commissioner Ognio stated that the elections are going forward and early voting has begun for the presidential primary. He stated that the people need to think before they vote early since there is a chance the candidate someone votes for may not be a candidate anymore.

Georgia House Bill 129- Fluoride: Commissioner Ognio stated that the Georgia General Assembly is in session and he encouraged everyone to keep up with the various bills being considered. He stated that Fayette County's fluoride bill, House Bill 129, is still in committee and cannot even get out of committee. He asked the people to call their representatives and ask them to get the bill out of committee. He said if it does not get out of committee at this session then the bill will die since it is the second year of a two-year cycle. He encouraged everyone to get involved and make a difference in the state government.

Commissioner Rousseau

Darryl Anderson's Birthday: Commissioner Rousseau celebrated Ms. Anderson who recently celebrated her 95th birthday. He said Ms. Anderson has been in Fayette County for a lifetime and he asked everyone to join him in recognizing her birthday.

Passing Away of Mr. Ed Lee: Commissioner Rousseau added that the Fayette community had lost an individual recently referring to Mr. Ed Lee who was married to Joselyn Lee. He stated that Mr. Lee passed away recently but that he had had the pleasure of meeting them. He sent his well wishes and prayers to the Lee family.

Thanks to Citizens for Coming to the Meeting: Commissioner Rousseau thanked the residents for sharing their concerns and candor. He pointed out that people will stop him and share issues that are important to them.

Attorney's Fees: Commissioner Rousseau closed that the Board had a fiduciary responsibility to at least try to recover the attorney's fees. He said every penny counts in these times and there this is a principled issue for him, not a personal issue. He said his demeanor is about the business of the county. He thanked his colleagues and he appreciated their warm welcome.

Commissioner Barlow

Comments on Lawsuit and Thanks to Ms. Watts for Her Service: Commissioner Barlow thanked the people for coming to the meeting. He thanked Ms. Caldwell for coming to the meeting. He stated that he did not realize that the letter went to only two Commissioners or he would have distributed the letter to the other Commissioners. He thanked Ms. Watts for her years of service on the Board of Elections. He recalled that there was genuine contentiousness in the lawsuit and he thought she was rightly "set free." Commissioner Barlow said it was a terrible situation. He preferred that Ms. Watts would have stayed on the Board of Election due to her knowledge. He pointed out that Mr. Aaron Wright was in the audience shaking his head, and he speculated that Mr. Wright was assuming he would get Ms. Watts' eighteen years of knowledge overnight. Commissioner Barlow stated this was a precarious election cycle, and he thought it was important to have as much leadership as possible on the Board. He thanked Ms. Watts for making a Herculean effort to do what was right, and he said there has not been a complaint on the processes or procedures of the Board of Elections. He recalled that last year Ms. Watts was credited for her comments and that she was correct in what she had said. He said he would take the heat for supporting Ms. Watts and he closed by once again thanking her for her work.

Percentage of Fayette County Citizens Carrying Concealed Weapons: Commissioner Barlow stated that he read that 18% of Fayette County's citizens have a concealed carry permit, that he was a part of that 18%, and he thought one out of six carrying was good. He suggested that there needed to be more and get the numbers up to twenty percent.

Commissioner Brown

House Bill 370 "Gag Act" and "Incumbent Protection Act": Commissioner Brown asked the people to pay close attention to House Bill 370, which is being sponsored by a local legislator, and he said the bill is referred to as the "Gag Act" and the "Incumbent Protection Act." He said it is a bill that will allow local groups, which is loosely defined such as a local environmental group, a mom's group, a school group, a homeowners association, or other groups, then if the group wants to cite how a legislator is voting, that group now has to file as a lobbyist. He stated that the bill is an absolute travesty and it is trying to force people, through the intimidation of the government, when they speak out and disseminate information to people they will be able to file state charges if the group did not file as a lobbyist. He said it is a very dangerous precedent and local legislators should not be ashamed of how they vote. He said legislators should never be shielded from how they voted, especially six months prior to an election which is what is required in the legislation. He asked everyone to call the state representatives and senators and urge them to bring House Bill 370 to a very quick death.

Comments on Pete Nelm's Service to Fayette County: Commissioner Brown thanked Mr. Pete Nelms for his work and he said most people do not know how much work he has done behind the scenes. He stated that many of the funds Mr. Nelms raises through the grant process goes to the local municipalities. He said that Mr. Nelms would leave huge shoes to fill.

Marilyn Watts Appointment: Commissioner Brown stated that the whole issue with her son appointing her to the position was that the point that he raised was he asked if Vice-Chairman Paul Ploenner would make the appointment. He thought the appearance of impropriety was reason enough for concern. He stated that Vice-Chairman Ploenner did not do it. He stated that he never stated Ms. Watts never chaired a fundraiser but rather that she helped organize the fundraiser. He said he and two other people called Newt Gingrich's office everyone was told of Ms. Watts's involvement. Commissioner Brown stated that if a motion is made to quash a lawsuit and it is dismissed then it is unlikely that it is a frivolous lawsuit.

Marilyn Watts Reply: Ms. Watts stated that the very issue that was in court for three years was filed as a complaint. She stated that the only complaint Fayette County has ever had at the State Election Board was filed by Mr. Hobbs and Mr. Fabricius. She stated that the State Election Board, two years ago, unanimously stated that Ms. Watts had done nothing wrong and called the complaint frivolous. She stated that Mr. Hobbs and Mr. Fabricius persisted and went on with the court case and were undeterred, resulting in a financial cost to the taxpayers. She said the State Elections Board has full knowledge about what is and is not acceptable and that Board immediately dismissed the case and called it frivolous. She said she was so convinced of her case that she was willing to pay the \$58,000.00 if she lost even though she did not lose the case.

Chairman Oddo: Chairman Oddo stated that if the Board is going to direct comments to the public then the public should have the right to answer the complaints. Commissioner Brown disagreed stating that the matter was on the Agenda and voted on so it was not a comment about a random citizens. Chairman Oddo replied that the matter had been voted on and settled.

Commissioner Ognio

Future Daughter-in Law: Commissioner Ognio stated his family is growing since his son proposed to his girlfriend and she said "yes." He said he has a future daughter-in-law and he congratulated his son, Rocky, and his finance, Jody. The Board offered their congratulations.

Chairman Oddo

Happy Valentine's Day: Chairman Oddo wished everyone a Happy Valentine's Day.

Making Decisions on Behalf of Fayette County: Chairman Oddo hoped one lesson that everyone would take away from the meeting is that being on the Board is not easy since it calls for difficult decisions. He believed everyone was passionate about their positions and that the Board was doing its best to make the best decisions. He said there have been some trying times and everyone has made their decisions. He said the decisions were not personal but that the decisions were made in the best interest of Fayette County.

Remembering Riverdale Police Officer Killed in the Line of Duty: Chairman Oddo stated that it is a shame what is going on in the county and that a local policeman in Riverdale lost his life in the line of duty earlier in the day. He asked everyone to pray for the family and the county.

Running for Reelection: Chairman Oddo announced that he has decided to run for reelection and that his name would be on the ballot.

EXECUTIVE SESSION:

Personnel and Review of the January 28, 2016 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:13 p.m. and returned to Official Session at 9:44 p.m.

Return to Official Session and Authorization to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to be authorized to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0. The Executive Session Affidavit, identified as "Attachment 7," follows these minutes and is made an official part hereof.

Approval of the January 28, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the January 28, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

Approval of the County Administrator Employment Agreement: Commissioner Ognio stated that that the Board had on the dais the County Administrator's Employment Agreement for Board approval. He stated that the extension would be for three years and ten months from February 12, 2016 until December 31, 2019. He stated that in Section 3(a) the salary would be \$182,070.00. Commissioner Ognio stated that the second sentence in Section 3(b) would be eliminated in its entirety. He stated that Section 4(c) would be eliminated. Commissioner Ognio stated that Section 5(a) would increase personal days to 27 days. He stated that Section 6 would include that the regular replacement of said vehicle would be done per the county's vehicle replacement policy. He stated that Section 13(b) would be eliminated in its entirety. He noted that the Administrator's new address was included in the contract.

Commissioner Ognio moved to approve the County Administrator Employment Agreement extension. Commissioner Rousseau seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the February 11, 2016 Board of Commissioners meeting. Commissioners Barlow and Rousseau seconded the motion. The motion passed 5-0.

The February 11, 2016 Board of Commissioners meeting was adjourned at 9:47 p.m.

Floyd L. Jones, County Clerk