

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

MINUTES

October 13, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the October 13, 2016 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Commissioner David Barlow

Commissioner Barlow 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. Commissioner Ognio seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Drive Phase Track Club athletes who competed and won at the 2016 USA Track and Field Junior Olympics National Championship in Sacramento, California.**

Chairman Oddo, the Board, and Coach Lamar Grant recognized the Drive Phase Track Club athletes and presented each athlete with a certificate in recognition of their performance. 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 moved to approve the Consent Agenda as written. Commissioner Barlow seconded the motion. The motion passed 5-0.

2. Approval of staff's recommendation to accept a donation of approximately 1,000 public safety radios from Fulton County 911.

Commissioner Ognio thanked Fulton County for its contribution. Commissioner Rousseau asked for the Board to send a letter to the Fulton County Administrator or Fire Department thanking them for the contribution. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Approval of staff's recommendation to award Bid #1132-B Annual Contract for Waterline Extensions for Fiscal Year 2017 to the low bidder, Shockley Plumbing, and authorization for the County Administrator to execute the contract and related documents. Copies of the request and contract, identified as "Attachment 3," follow these minutes and are made an official part hereof.

4. Approval of the September 22, 2016 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

5. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks.

Commissioner Brown noted that an email had been received from RowAmerica and that it was placed on the dais. He stated that the coach from RowAmerica and from the Peachtree City Rowing Club expressed that neither one of the solutions works for them.

Commissioner Brown moved to table this matter to the first meeting in December.

Commissioner Brown explained that his motion in order to meet with the parties and come up with a solution. He said it occurred to him that this matter deal with a new lake with new uses, such as rowing, and that it might be better to start with a blank sheet of paper to determine what needs to be done and what are the possible solutions; rather than modifying the current rules. Commissioner Rousseau asked if this discussion would include the Parks and Recreation Department. Commissioner Brown replied that it would and that it would also include the Water System and all key members.

Commissioner Ognio seconded the motion to table.

The motion to table the item until the first meeting in December passed 5-0. Copies of the request and additional dais emails, identified as "Attachment 4," follow these minutes and are made an official part hereof.

NEW BUSINESS:

6. Consideration of a recommendation from the Selection Committee, comprised of Chairman Oddo and Commissioner Brown, to appoint Letitia Naghise, Randy Ognio, and Joseph Tolbert to the Public Facilities Authority for a one-year term beginning July 24, 2016 and expiring July 23, 2017.

Chairman Oddo stated that the Board recently had a similar issue with a grouping of candidates that did not go as smoothly as it could have. He asked for each nominee be addressed one at a time beginning with Letitia Naghise.

Commissioner Rousseau moved to appoint Letitia Naghise. Commissioner Barlow seconded the motion.

Commissioner Brown spoke about Ms. Naghise's desire to serve and he was thankful for her service. Chairman Oddo added that she would continue in a position that she currently occupies.

The motion to appoint Letitia Naghise passed 5-0.

Chairman Oddo asked for a motion to appoint Commissioner Ognio.

Commissioner Brown moved to reappoint Commissioner Randy Ognio to the Public Facilities. The motion died for lack of a second.

Commissioner Ognio stated he knew where and why this matter was going where it was. He felt there needed to be a member of the Board on the Public Facilities Authority and that he was the only commissioner who volunteered to be on the authority. He also understood that the Board passed a policy at the last meeting that makes this nomination an issue. He stated that the Public Facilities Authority dealt with millions of dollars' worth of bonds and there needed to be someone on the committee who had greater ties to the community than just an appointee to the authority. He wished his colleagues would volunteer to be on the Public Facilities Authority.

Commissioner Barlow asked if the decisions made by the Public Facilities Authority had to come before the Board of Commissioners. County Attorney Dennis Davenport replied that the Public Facilities Authority was put into place to potentially finance public buildings for the government. He stated there are several Public Facilities Authority in the state but not many more are being created since the state no longer looks favorably on creating more of them.

Mr. Davenport stated that the Public Facilities Authority can issue, through revenue bonds, funds to build things like the Justice Center. He added that the Justice Center was built due to the Public Facilities Authority. He explained that the Public Facilities Authority issued by bonds, but as a new entity, it has no track record or history. He continued explaining that the market would not buy bonds unless they are backed by someone with a track record or history, therefore, the Public Facilities Authority must turn to entities with a history, such as the county, to back the bonds. He explained that there would be an Intergovernmental Agreement with the Public Facilities Authority for the purpose of backing the bonds, giving consent to issue the bonds. He doubted that the Public Facilities Authority would even make it to market if they did not have backing.

Commissioner Brown moved to readvertise the position and to proceed with the other position, and to urge the other Commissioners to reapply.

Commissioner Rousseau stated there is a bigger issue. He said the issue three weeks ago was that a policy was passed to make every effort to not serve on multiple boards. He said if the issue is not dealt with then Commissioner Ognio would still be on two bodies. He said he would oppose Commissioner Brown's motion, in principle, since it would still keep Commissioner Ognio on the Public Facilities Authority until his replacement was found; meaning neither the spirit nor letter of the policy would be followed. He said the Board needed to be consistent. He said this was the first test of the policy that was passed on September 22, 2016. He repeated that Commissioners should not serve on any of the boards or similarly structured bodies since, if they are citizen driven, then the Board is looking for recommendations from the very people it represents.

Commissioner Rousseau asked for the Board, on a go-forward basis, if this issue is about floating bonds or financing matters, that that citizens who have a background in finance or similar backgrounds to serve in these capacities as the Board's eyes and ears for final board approval. He stated this was the way to be most intimate with the issues. He repeated that his concerns are: people should not be serving on multiple boards and that commissioners should not serve on the various boards and similar bodies. He said he wanted to deal with the process and not go down the slippery slope of not living up to the county's own rules.

Commissioner Ognio acknowledged that the Public Facilities Authority would have almost no chance to get a bond, but on the small chance they did get a bond they would have the ability to do so. Mr. Davenport agreed that they have the authority to issue bonds, but that no one would issue the bonds. Discussion followed.

Chairman Oddo stated the logical process is to put Mr. Tolbert in place of Vice Chairman Ognio, allowing for a full Public Facilities Authority.

Commissioner Brown amended his motion to nominate Mr. Tolbert to replace Vice Chairman Ognio and to readvertise for the position for the person remaining on the Public Facilities Authority. Commissioner Ognio seconded the amended motion. Commissioner Brown thanked Mr. Tolbert for his willingness to serve on the Public Facilities Authority. Mr. Davenport added that the Board would have to put together a Selection Committee and it would be for the Board to establish the Selection Committee to receive resumes coming in as a result of the advertising.

The motion to appoint Mr. Joseph Tolbert to succeed Vice Chairman Ognio on the Public Facilities Authority and to readvertise for the remaining position passed 5-0.

Commissioner Rousseau moved that the individuals on the previous Selection Committee who have already labored on the issue continue to work to bring the matter to conclusion.

Chairman Oddo clarified that the motion was to appoint Chairman Oddo and Commissioner Brown to the Selection Committee and Mr. Rousseau agreed to that clarified motion. Commissioner Ognio seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

7. Consideration of staff's recommendations for the Emerald Lake Dam Rehabilitation Project (Stormwater Utility Project #5509B): Award of Bid #1143-B to North Georgia Concrete, Inc. for \$2,743,859.00; award of Proposal #P869 – Contract Amendment 2 to Walden, Ashworth & Associates, Inc. for \$201,924.80; and associated budget adjustments to four Stormwater Utility line items.

Public Works Director Phil Mallon briefed the Board on staff's recommendations for the Emerald Lake Dam Rehabilitation Project utilizing a PowerPoint presentation. The briefing lasted for approximately twenty-two minutes during which he answered questions from the Board.

Mr. Mallon stated that the dam was constructed on poor soil at the dam contributing to making this a larger, more expensive project while reducing one of the traffic management options. Commissioner Brown asked if the soils had to be evaluated when the original structure was constructed and if there were any documents showing the soils passed the test prior to the dam's construction. Mr. Mallon replied he had not seen any of those documents although there should have been. Commissioner Brown stated that if there is a document stating the soils passed the test, and based on a project that is nearly \$1 million over-budget, he would want to go back on someone's bonding or license. Commissioner Ognio and the Board agreed that it may be worth exploring since it appeared someone was negligent. Mr. Mallon responded that he did not know the history of the area before the upgrade in 1997 or 1998, but that often these lakes are the result of a dam that is 50 years old or older. Commissioner Brown replied that the matter should be researched.

Commissioner Rousseau stated that Country Lake has a dam too, and he stated that the County needed to be able to answer why the county entered into an agreement with the Emerald Lake Dam but not with the Country Lake Dam. He stated that the burden of the Country Lake Dam was being placed on those homeowners who do not have the needed funds, but that the county was taking care of the Emerald Lake Dam.

County Attorney Dennis Davenport explained that the road into the Woodlands Subdivision was built over Emerald Lake Dam. He stated that when a road is built over a dam, whether it is realized or not, the county owns the dam- whether or not it owned the dam beforehand. He stated that the county was able and fortunate to get a contribution from the developer, who was not obligated to contribute anything since it was completely the county's problem. Mr. Davenport explained that the agreement was put into place to notify all that the dam belonged to the county, that there was a contribution from the developer, but that the county was responsible for the dam since it accepted a road over the dam. Commissioner Rousseau asked if accepting a road over the dam was an "engineering marvel." Mr. Davenport replied that there would never be another subdivision with a road over a dam like this, and he explained that several have attempted to make that happen and all were turned down. Commissioner Rousseau understood there was a uniqueness to this issue, stated it was an engineering marvel, and that it was bad to accept the project in the first place. Commissioner Rousseau agreed with Commissioner Brown to see if there were avenues available to go after the original engineer.

Mr. Mallon stated this overall request was comprised of three separate, related requests. He mentioned that bids came in that were about \$1 million over what was budgeted so the recommendation was to remove money from two of the other dam projects and utilizing contingency funds to fund this project. Commissioner Brown asked what would happen to the other two dam projects. Mr. Mallon replied they would still have to be address and funding would have to be located in the future. He mentioned that enough money was left for those two projects so that they would not stall but could go through the design process. He did not think this recommendation would impact the schedules for repairing the dams, but they would have to be reprioritized if the Special Purpose Local Option Sales Tax (SPLOST) failed. Further discussion continued.

Commissioner Brown stated that as one looks over the project they will find that it defies common sense and he wondered what previous Boards of Commissioners were doing. He suggested that the Board take measures to make it legally impossible to create a one-way in to a new subdivision with a water hazard present. He said the county has been affected so many times with stormwater pipes and dams failing and with people being stranded in one-way in, one-way out subdivisions. He further suggested there should be no more roads over dams and spillways and he suggested that rule should be put in writing. Commissioner Brown added that the dams need to meet the 100-year storm requirement rather than the 10-year storm requirement, as it was originally built to withstand.

County Attorney Dennis Davenport recommended this matter be addressed with three separate motions.

Mike Jorgensen: Mr. Jorgensen spoke gave a history of the dam, spoke in favor of staff's recommendations, and presented a petition to the Board signed by seventy-six residents of the Woodlands Subdivision.

Commissioner Barlow moved to approve the Emerald Lake Dam Rehabilitation Project (Stormwater Utility Project #5509B) award of bid #1146-B to North Georgia Concrete, Inc. for \$2,743,859.00. Commissioner Brown seconded the motion.

Commissioner Brown hoped that the residents in the subdivision had already discussed and made an evacuation plan in the event of a heavy rain.

The motion to approve the Emerald Lake Dam Rehabilitation Project (Stormwater Utility Project #5509B) award of bid #1146-B to North Georgia Concrete, Inc. for \$2,743,859.00 passed 5-0.

Commissioner Barlow moved to award Proposal #P896—Contract Amendment 2 to Walden, Ashworth & Associates, Inc. for \$201,924.80. Commissioner Brown seconded the motion. The motion passed 5-0.

Commissioner Barlow moved to approve associated budget adjustments to four Stormwater Utility line items. Commissioner Ognio seconded the motion.

Commissioner Brown mentioned that the cost for the four items was \$960,350.82.

Commissioner Barlow amended his motion to reflect the cost of the four Stormwater Utility line items to be \$960,350.82. Commissioner Ognio amended his second to the motion.

The motion to approve associated budget adjustments to four Stormwater Utility line items in the amount of \$960,350.82 passed 5-0.

Commissioner Brown asked for staff to return to the Board in the future with a possible list of reprioritization of the remaining stormwater projects, with their impacts, for review and approval.

Copies of the request, PowerPoint presentation, and petition, identified as "Attachment 6," follow these minutes and is made an official part hereof.

8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ivonne Morrison, in the aggregate amount of \$6,186.05.

County Attorney Dennis Davenport briefed the Board on this matter and he answered questions from the Board. He reiterated the findings on a memo provided in the Agenda package. He stated that the Department of Veterans Affairs approved Ms. Morrison's disability back to 2013 for their purposes, after which, she filed for a tax refund for the years 2013, 2014 and 2015. He mentioned that Ms. Morrison had not applied for a Homestead Exemption to this date, and, further, she had moved out of Fayette County in 2015. He stated she has received the Disabled Veteran's Exemption in the State of Virginia for the years 2014, 2015 and 2016. He stated this is a retroactive request and at a recent meeting a retroactive request was denied. He recommended denial for these reasons.

Commissioner Rousseau questioned how these types of requests come to the Board of Commissioners. Mr. Davenport briefed the Board on how the requests get to the Board. Commissioner Rousseau asked if the request could be stopped at the entry level or at an appropriate level prior to getting to the Board. Mr. Davenport replied that the request would come to the Board of Commissioners anyway. Mr. Davenport then explained how these requests would be handled on future Agendas.

Commissioner Brown moved to follow staff's recommendation to deny the refund request by Ms. Morrison in the amount of \$6,185.05. Commissioner Ognio seconded the motion.

Commissioner Brown stated that he did not have a problem doing these requests retroactively since the federal government takes a long time to get its paperwork completed. He then explained why she could not get the request based on legal concerns. Commissioner Ognio stated that state law did not allow for retroactive tax refunds. He mentioned that he had contacted a federal senator about this matter but was disappointed in the answer he received. Chairman Oddo stated there were many ramifications associated with approving these types of requests and that those ramifications should be thought through. Commissioner Rousseau added that he had contacted the Association of County Commissioners Georgia (ACCG) about this matter and it is on their radar. He suggested this could be a statewide initiative for similar requests to be approved. He noted that this particular request was borderline fraud and could not be approved.

The motion to follow staff's recommendation to deny the refund request by Ms. Morrison in the amount of \$6,185.05 passed 5-0. A copy of the request, identified as "Attachment 7" follows these minutes and are made an official part hereof.

PUBLIC COMMENT:

Robert Goldberg: Mr. Goldberg, the founder of "Concerned Citizens against Deer Eradication," stated that the Homeowners' Association of the Whitewater Creek Subdivision took a vote to "eradicate the deer herd in Whitewater Creek." He stated that the Homeowners' Association has jurisdiction in the subdivision, but he felt this matter really belonged to Fayette County. He said the concerned citizens wanted to prevent the eradication of the deer and had come to the Board to voice their concerns. He said this was a county issue since the County, through the Marshal, has to issue a permit to discharge a firearm in a neighborhood. He asked for that permit to not be provided.

Suzie Tjarks: Ms. Tjarks stated she lives in a different subdivision and that the deer in Whitewater Creek travel to the surrounding subdivisions. She stated that Whitewater Creek's decision affect her as much as it would affect Whitewater Creek. She explained that the culling of the deer would occur based on a yearly maintenance schedule which leads to no more deer at all. She stated there are other ways to manage the deer other than through lethal methods. She said the people did not see the deer as pests but as part of God's nature.

Winnie Anderson: Ms. Anderson, a resident of Tyrone, spoke about the numbers of large trucks traversing on Tyrone Road, Farr Road, Dogwood Road, and Flat Creek Trail. She spoke about the dangers those large trucks present by driving so fast. She stated that she almost killed at the corner of State Route 54 and Tyrone Road by a large truck. She stated she noticed a

dump truck turn so quickly on Dogwood Trail that it slid and almost hit a student standing by the road. She added that there are deep ravines on Farr Road so the road is not suitable for the trucks. She asked the Board to consider measures to limit or disallow the trucks to drive on those roads.

Roger Ognio: Mr. Ognio, the owner of Ognio Holdings, stated he acquired a permit to revamp a building located across from Dixieland Fun Park. He stated that he spent \$150,000 putting in a driveway and he also put in a septic tank. He stated that now, suddenly, the Fayette County Building Permits and Inspections Department states the building is too close to the highway. He said the plan was already approved before any work or purchase was made. He added that earlier today they department is stating the building cannot be a block building with metal siding. He stressed he already had a permit and he would be forced to get an attorney. He stated he works in every county of the state and never had this kind of trouble. He said the department and Fayette County will not run over him.

Lee Miller: Ms. Miller spoke on behalf of the deer stating she had tons of deer in her property all the time. She said she was disturbed by what was supposed approved, as reported on Fox 5, that a federal agency got permits to kill deer in residential neighborhood. She asked how a neighborhood could get the permit to shoot wildlife and she hoped that is not the case. She hoped something could be done to stop it.

Elizabeth Couterie: Ms. Couterie, a resident of High Grove, said it was special to have the deer in the neighborhood. She said she was disturbed that an association could "own" the deer and that the neighborhood can claim a right to shoot and kill the deer.

Stephanie Cohran: Ms. Cohran stated she does not live in the community but there are legal issues about this matter. She assumed someone came to the county and got a permit.

Commissioner Brown and Commissioner Rousseau stated there has not been a permit issued by the county.

Ms. Cohran stated that the Department of Natural Resources (DNR) states there can be no hunting at night, so by hunting at night in a subdivision would violate the DNR's own rules. She asked if the DNR is involved. She thought the homeowners had grounds to stand on by calling the DNR.

Felecia Johnson and Jackie Craig: Ms. Johnson and Ms. Craig, two former Fayette County employees, spoke at length about problems they experienced during their employment with the Road Department. They asked the Commissioners to investigate their claims and to better govern the departments.

Chairman Oddo stated the Board had received the letter and it is being looked into.

Robert Goldberg: Mr. Goldberg returned and stated his wife attended Whitewater Creek's Homeowners Association meeting, but he reiterated that the deer are a Fayette County issue. He said the Homeowner's Association gave inadequate notice about what was to be discussed and decided. He said he called the Homeowners' Association president and others but was unable to get adequate answers. He asked the county to not permit anyone to fire weapons in the subdivision.

Donald Miller: Mr. Miller spoke in favor of the deer saying there is consternation among the homeowners. He said everyone is trying to come up to speed about is going on. He said the people are asking the Board to slow the process until a full discussion can be held.

Commissioner Rousseau asked if Mr. Miller was pro or con for killing the deer. Mr. Miller replied that he is against culling the deer.

Peter Sanson: Mr. Sanson agreed with Mr. Miller and he read from a letter that went to the citizens of Whitewater Creek describing the culling of deer. He thought it was dangerous to fire weapons in someone's backyard. He further asked, if a deer falls over in his yard how someone could come into his yard to get the deer. He asked who would pay for a broken leg if a person is in a deer stand and falls, breaking their leg. He asked if the permitting process comes to the Board then he hoped the county would not approve the permit.

Debra Bardeen: Ms. Bardeen stated she and her husband, both of whom live in Whitewater Creek, oppose the eradication of the deer.

Elly Anna Ellis: Ms. Ellis, a resident of Whitewater Creek, opposed the eradication of the deer. She stated that there was no information provided to the residents about this matter or decision, but she had heard that the Homeowners' Association had already made a decision prior to their meeting. She said no one asked for her permission despite saying they have received many signatures from many residents. She did not know if her neighbor had signed an agreement, but she was concerned.

Marilyn Rogers: Ms. Rogers, a resident of Whitewater Creek, stated she was opposed to the culling of deer. The Board asked Ms. Rogers to provide a letter she received from Whitewater Creek to County Clerk Floyd Jones.

Frank Gardner: Mr. Gardner spoke about the deer problem in Fayette County and the problem with pipes along Davis Road. Mr. Gardner also thought it was a shame the Board could not work out problems with the Selection Committee's recommendations.

Public Works Director Phil Mallon stated that the Road Department replaced one pipe along Davis Road on Monday and the remaining pipes are scheduled for replacement during the Thanksgiving holiday since staff is trying to work around the Board of Education's schedule.

Tom Waller: Mr. Waller questioned the progress of completing the West Fayetteville Bypass (Veterans Parkway.) He also questioned about getting signs replaced that would prevent large concrete trucks from traveling on Sandy Creek Road.

ADMINISTRATOR'S REPORTS:

Chairman Oddo stated that if the Board had any questions on the items listed on the Administrator's Report then they could be deferred to Mr. Rapson at the next meeting. The Board indicated there were no questions on these items.

- A. **Contract #1094-A, Amendment 1: Utility Locate Services. A copy of the notice, identified as "Attachment 8," follows these minutes and is made an official part hereof.**
- B. **Request for Quotes #1188-A- Road Striping; Peek Pavement Marking, LLC. at a total price of \$59,635.40. A copy of the notice, identified as "Attachment 9," follows these minutes and is made an official part hereof.**

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had two items of Pending Litigation and review of the September 22, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio:

Response to Deer Concerns at Whitewater Creek Subdivision: Commissioner Ognio stated that the Board received an email from a representative from the United States Department of Agriculture (USDA) stating that if an agreement is reached with Whitewater Creek subdivision they would then approach the county to have reprieve from any conflicting county ordinances. He stated that if the USDA did come to the county for reprieve, then it would be done in an open and advertised meeting of the Board of Commissioners. He stated that he did not want the deer in his yard killed either.

Response to Mr. Waller's Public Comments: Commissioner Ognio replied to Mr. Waller's comments stating that when a road is started too quickly and it is not planned properly, then it takes a long time to finish. He stressed that the road is nearing completion but it is not there yet.

Citizens Encouraged to Vote: Commissioner Ognio reminded everyone that early voting will begin next week and he urged everyone to exercise their right to vote.

Comment on Deer Changing Color in the Fall: Commissioner Ognio stated that at this time of year the deer change color by getting darker during the fall and winter. He stated they are hard to see during this time of year and that makes them very dangerous. He said the deer are used to people and cars and he urged people to pay attention to them.

Commissioner Rousseau:

Response to the Deer Concerns and Notice of an Upcoming Homeowners' Association Boot Camp: Commissioner Rousseau stated he would use the deer issue as an example of when homeowners' associations' meet and the residents do not attend the meeting or where the information is not provided. He said the danger is that a small minority of people can make these kinds of decisions. He encouraged everyone to attend their homeowners' association meetings, to be vigilant, and to be aware of what is going on. He stated that homeowner's associations have challenges and he announced that he and a number of his colleagues are hosting a homeowners' association boot camp to talk about the legalities and critical issues with older subdivisions that are crumbling with people parking on their lawns. He stated the boot camp would take place on November 5 at 9:00 a.m. at the Convention Center in College Park next to the airport. He encouraged everyone to attend in order to learn how to strengthen their homeowners' association.

Kudos to the Drive Phase Track Club: Commissioner Rousseau gave kudos to the Drive Phase Track Club and to their accomplishments.

Thanks to the Public Works Staff: Commissioner Rousseau thanked the Public Work staff for their effort in working with Northridge Subdivision.

Response to Employee Allegations during Public Comment: Commissioner Rousseau stated that the Board does not get into employee related matters, per se, but the allegations that were raised during Public Comment were being taken seriously. He said the allegations were particularly troubling and he hoped they were not true, but he said the Board had a responsibility to look into it thoroughly.

Review of County's Relationship with Wells Fargo: Commissioner Rousseau stated he wanted to meet with the Finance staff to discuss the Wells Fargo issue. He thought it was unconscionable what Wells Fargo has does to the general public while the CEO's still get a golden parachute in the millions of dollars. He said if Wells Fargo was that unethical then the county needed to reconsider doing business with the bank. Chief Financial Officer Mary Parrott stated that her staff was already looking to the matter as a whole and that recommendations would be forthcoming. Commissioner Rousseau recommended that the recent issues should be considered in the decision making process.

Commissioner Barlow:

50th Wedding Anniversary: Commissioner Barlow stated that he and his wife had celebrated their 50th Wedding Anniversary on October 8, 1966. He stated that he participated in the Founders Day Parade in Tyrone during the anniversary and he thanked all the participants for coming out and celebrating his anniversary.

Commissioner Brown:

Update on Water Guardians' Work at Lake Peachtree: Commissioner Brown stated he was celebrating his 22nd Wedding Anniversary where he and his wife were going to Hilton Head, South Carolina to celebrate, but that Hurricane Matthew just about destroyed everything. He said he would have to make it up to her later.

Call for Open Discussion about Deer in Fayette County: Commissioner Brown updated the Board on the Water Guardians recent clean-up of Lake Peachtree. He thanked everyone for coming to clean the water and the Water System for the support they give to the effort.

Commissioner Brown stated that his wife ran into a deer on the highway and it damaged the car. He mentioned that he saw about twenty or thirty deer along State Route 74 on the way home from the airport that were standing very near the road. He stated that there needed to be attention paid to the ecological effects of the large amount of deer in the area. He spoke about how the drought in the late 1990s and early 2000s would have deer dropping out and it was found they were virtually starving. He thought it would be a great discussion to have and to have experts come to the county to provide an open, honest and balanced discussion on the matter.

Chairman Oddo:

Comment on Numbers of Deer Accidents in Fayette County: Chairman Oddo stated that Georgia has one of the greatest rates of deer accidents in the United States. He said there were issues on both sides for consideration and the right choices had to be made.

Citizens Encouraged to Practice Water Conservation: Chairman Oddo stated that it behooves the citizens to practice water conservation. He stated Fayette County is in decent shape but it was a good idea to be careful with the water.

Discussion on County Administrator Steve Rapson's Absence: Chairman Oddo pointed out that County Administrator Steve Rapson was absent since his son was getting married. He congratulated Mr. Rapson's son and his family. He added that Mr. Rapson was also celebrating his 31st Wedding Anniversary so there is a big family get together with a lot of celebrating.

EXECUTIVE SESSION:

Two Items of Pending Litigation and Review of the September 22, 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 9:29 p.m. and returned to Official Session at 9:38 p.m.

Return to Official Session and Approval to Sign 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. A copy of the Executive Session Affidavit, identified as "Attachment 10," follows these minutes and is made an official part hereof.

Settlement of Second Condemnation of the Galimore Property: County Attorney Dennis Davenport stated one item concerned condemnation pertaining to the West Fayetteville Bypass, namely the Galimore property. He stated there were two condemnations with the Galimore property of which one had already been resolved. He stated that the second condemnation had an issue over some trees that were taken during the condemnation that were not anticipated. He stated that the condemnation was resolved for an additional \$3,700.00 if it met with the Board's favorable consideration.

Commissioner Ognio moved to approve the settlement the County Attorney described. Commissioner Rousseau seconded the motion. The motion passed 5-0.

Settlement of Emerald Lake Dam Property: County Attorney Dennis Davenport stated another project that was working on that was described earlier tonight concerned the Woodlands Dam on Emerald Lake Drive. He explained that part of the project had to do with Real Estate Acquisition that was all substantially completed with the exception of one area. He stated that the county entered into negotiations and bought more of an area than needed, but it was the best deal for the county based on what it would have to go through otherwise. He reported that the county was able to close the property, subject to Board approval. He said it was a 1 ½ acre lot that backs up to the dam project, and the lot is not developable since it will not support a septic system. He said the land was needed for the dam project. He said the property was closed for \$7,500.00 and will be purchased from Mr. Love.

Commissioner Ognio moved to approve the settlement as described by the County Attorney. Commissioner Rousseau seconded the motion. The motion passed 5-0.

Approval of the September 22, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the September 22, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the October 13, 2016 Board of Commissioners meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The October 13, 2016 Board of Commissioners meeting adjourned at 9:40 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 27th day of October 2016. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk