

**BOARD OF COUNTY COMMISSIONERS**

Eric K. Maxwell  
Randy Ognio  
Steve Brown  
Charles W. Oddo  
Charles D. Rousseau

**FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. White, County Clerk  
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**AGENDA**

January 11, 2018

6:30 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 6:30 p.m.

Call to Order by County Attorney Dennis A. Davenport

**ORGANIZATIONAL SESSION:**

1. Election of Board Chairman for the year 2018.
2. Election of Board Vice-Chairman for the year 2018.
3. Invocation and Pledge of Allegiance by Commissioner Steve Brown
4. Acceptance of Agenda

**PROCLAMATION/RECOGNITION:**

5. Proclamation to proclaim January 11, 2018 as "Rose Marie Harper Day" in Fayette County. (page 3)
6. Proclamation honoring Martin Luther King, Jr. Day. (page 4)
7. Recognition of the Fayette County 5th Annual Merry Door Decorating Contest winners. (page 5)

**PUBLIC HEARING:****CONSENT AGENDA:**

8. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.
9. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.
10. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.

11. Approval of the December 14, 2017 Board of Commissioners Meeting Minutes. (pages 14-33)

**OLD BUSINESS:**

12. Consideration of Commissioner Randy Ognio's request to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes. (pages 34-52)

**NEW BUSINESS:**

13. Consideration of staff's recommendation to amend an Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property. (pages 53-59)
14. Consideration of Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs. (pages 60-61)
15. Consideration of an appointment to the McIntosh Trail Community Service Board. (pages 62-63)
16. Consideration of Resolution 2018-02 establishing Qualifying Fees for the 2018 elections in Fayette County. (pages 64-65)
17. Consideration of staff's recommendation to demolish the old Department of Driver Services (DDS) building at 278 McElroy Road for the new location of Fire Station #4 approved in the FY2017 SPLOST. (pages 66-68)
18. Consideration of the proposed Memorandum of Agreement (MOA) with the Georgia Department of Transportation for replacement of the Coastline Road bridge over the CSX railroad (GDOT PI 0015647) and approval to allocate \$83,500 from the 2004 Transportation SPLOST, Project No. B-1. (pages 69-86)
19. Consideration of Resolution 2018-03 to adopt the text of House Resolution (HR) 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text. (pages 87-93)
20. Consideration of Resolution 2018-04; requesting the passage of House Resolution (HR) 158 (Sponsored by Rep. Jay Powell, R-Camilla), a measure allowing the Georgia General Assembly to dedicate fee collections for specific programs. (pages 94-99)

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Commissioner Eric Maxwell

Meeting Date: Thursday, January 11, 2018

Type of Request: Proclamation/Recognition #5

## Wording for the Agenda:

Proclamation to proclaim January 11, 2018 as "Rose Marie Harper Day" in Fayette County.

## Background/History/Details:

Rose Marie Harper served as County Commissioner, 40 years ago. She was the first woman and first Republican commissioner to be elected in Fayette. She worked to fight for homeowners' rights and worked to create policies that would benefit landowners. She served for one term.

She and her husband, the late Dr. Byron Harper, Sr. were instrumental in the development of Christian City, a faith-based organization in Union City. In July 2012, the Welcome Center of Christian City was renamed the "Dr. Byron and Rose Marie Harper Welcome Center", and it continues to welcome senior adults and children of abuse, abandonment and neglect. It was the donation of the first 50 acres of land from the Harpers, to this now, 500-acre property, that begin the mission "to extend Christ's call to love your neighbor through housing, health care and crisis intervention for children, families and older adults."

The Board of Commissioners proclaims January 11, 2018 as "Rose Marie Harper Day" in honor of her service to Fayette County.

## What action are you seeking from the Board of Commissioners?

Proclamation to proclaim January 11, 2018 as "Rose Marie Harper Day" in Fayette County.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? No

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Chairman

Meeting Date: Thursday, January 11, 2018

Type of Request: Proclamation/Recognition #6

## Wording for the Agenda:

Proclamation honoring Martin Luther King Jr. Day.

## Background/History/Details:

Martin Luther King Jr. Day is an American federal holiday marking the birthday of Martin Luther King Jr. This holiday is celebrated on the third Monday of January each year.

Martin Luther King Jr. Day celebrates Dr. King's values of courage, truth, justice, compassion, dignity, humility and service and leadership.

## What action are you seeking from the Board of Commissioners?

Proclamation honoring Martin Luther King Jr. Day.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? No

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



# COUNTY AGENDA REQUEST

Page 5 of 99

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of the Fayette County 5th Annual Merry Door Decorating Contest winners.

## Background/History/Details:

Each year, County departments participated in the door decorating contest in honor of the Christmas holiday season.

The doors were judged by a Public Arts Committee member, a library board member and a Fayette County citizen.

The winning departments were:

1st Place- Fayette County Library

2nd Place- Planning & Zoning

3rd Place-Human Resource

This seasonal event builds team work and brings a festive appearance to the departments.

## What action are you seeking from the Board of Commissioners?

Recognition of the Fayette County 5th Annual Merry Door Decorating Contest winners.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



# 3<sup>RD</sup> Place HUMAN RESOURCE



**FAYETTE** *County*  
Create Your Story!

# Second Place PLANNING & ZONING

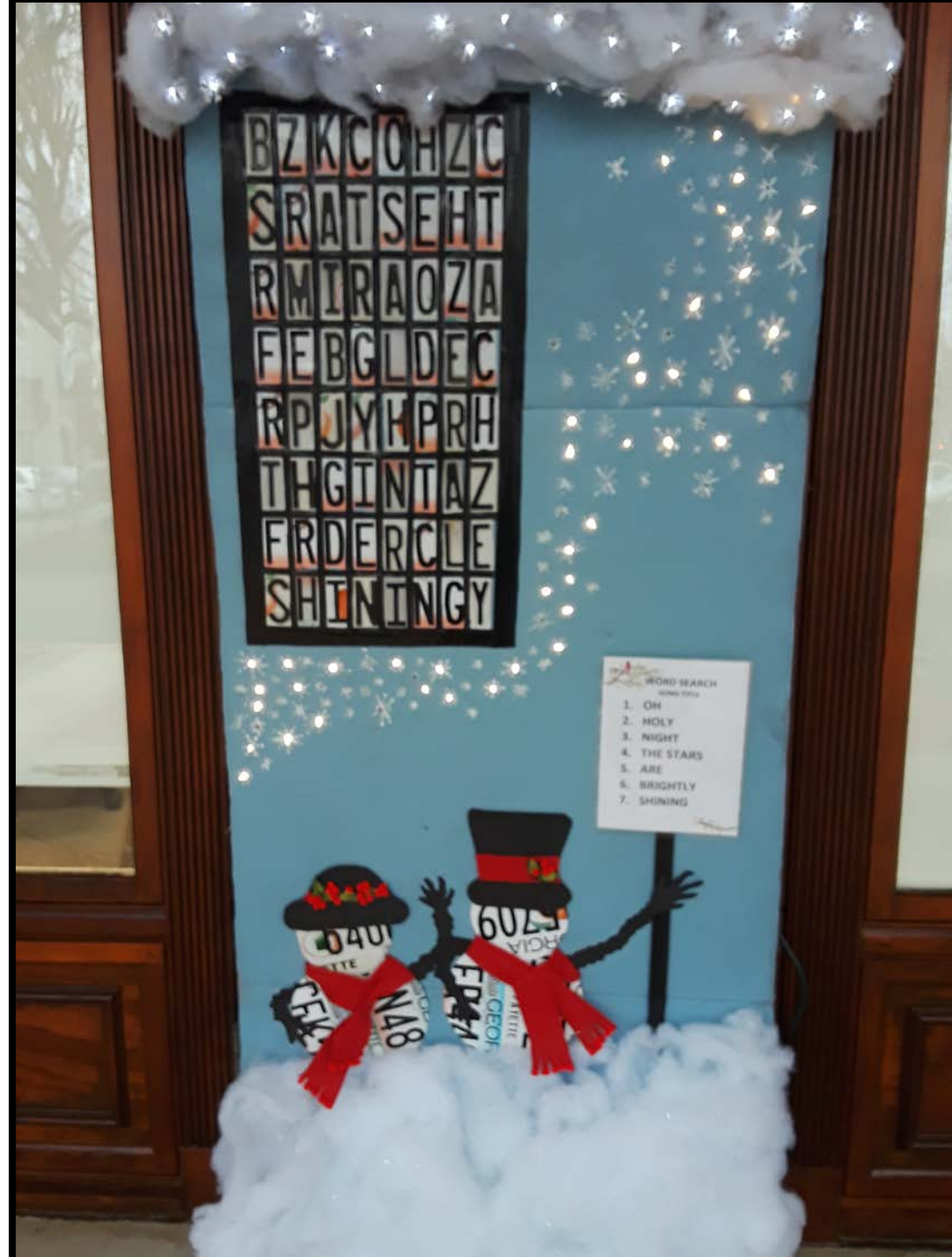






# 1<sup>ST</sup> Place PUBLIC LIBRARY



















**BOARD OF COUNTY COMMISSIONERS**

Eric K. Maxwell, Chairman  
 Randy Ognio, Vice Chairman  
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140 Stonewall Avenue West  
 Public Meeting Room  
 Fayetteville, GA 30214

**MINUTES**

December 14, 2017

6:30 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

**Call to Order**

Chairman Eric Maxwell called the December 14, 2017 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present. Commissioner Charles Oddo was absent.

**Invocation and Pledge of Allegiance by Chairman Eric Maxwell**

Chairman Maxwell offered the Invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Steve Brown moved to approve the agenda. Commissioner Charles Rousseau requested to move items #12 and #14 together on the agenda. Commissioner Brown amended the motion. Vice Chairman Randy Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**PROCLAMATION/RECOGNITION:****1. Recognition of Winners of the 2017 Model Water Tower Competition and Water System Staff.**

Water System Director Lee Pope recognized staff that assisted with the 2017 Model Water Tower Competition. He recognized Joseph Spann for an excellent job in coordinating and planning the competition. Teachers and first, second and third place students from JC Booth Middle School and Bennett's Mill Middle School were presented a certificate from the Board of Commissioners.

**2. Recognition of the Gaddy family for their annual Christmas light display.**

Commissioner Steve Brown, on behalf of the Board of Commissioners presented the Gaddy family with a plaque in recognition of their annual Christmas light display. Mrs. Gaddy thanked the Board and everyone who visited the Gaddy's home. She shared the family's experience on ABC's "The Great Christmas Light Fight" and how the light display expanded over the years. She thanked everyone for the collection of 23% of all the toys collected for Toys for Tots® in Fayette County. She continued that at the loss of their grandchild, five years ago, her daughter became the March of Dimes® ambassador for Fayette County and at that point the family put out a bucket and collected \$10,000 in donations in eight days. The family donated a total of \$56,000 to the March of Dimes®. She stated that displaying the Christmas light was healing for her family. Mr. Gaddy explained the process in putting up the lights and how he obtained a lot of the lights. The presentation concluded with a photo of Mr. and Mrs. Gaddy and the Board of Commissioners.

**PUBLIC HEARING:** None

Chairman Maxwell requested to have #4 removed for discussion. Commissioner Rousseau requested to remove item #3.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #3 and #4 for discussion. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

### **CONSENT AGENDA:**

**3. Approval of the County Clerk's recommendation to adopt the 2018 County Commissioner Meeting Schedule.**

Commissioner Rousseau stated that this Board and the previous Board, struggled with the idea of having a daytime meeting. He stated that a lot of senior citizens do not like to travel at night which made it difficult for them to participate in the evening meetings. He stated that he would like for the Board to consider changing the Tuesday meetings listed on the 2018 schedule, to 3:00 p.m. or 4:00 p.m. and in November and December to change the meeting time as well. He stated that he would recommend that the schedule be amended to an agreeable afternoon time for the Tuesday and November/ December meetings.

Commissioner Brown stated that 4:00 p.m. was a good time. Commissioner Rousseau stated that for the winter months, there would still be the issue of it being dark outside and being difficult for senior citizens to travel. Commissioner Brown suggested the April 24 meeting be held at 4:00 p.m. and the November 8 and December 13 meeting be held at 2:00 p.m.

Commissioner Rousseau moved to approve the 2018 County Commissioner Meeting Schedule with the modification to the April 24 meeting to be held at 4:00 p.m. and the November 8 and December 13 meetings be held at 2:00 p.m. Commissioner Brown seconded. Discussion followed.

County Administrator Steve Rapson suggested also changing the time for the other Tuesday meeting, October 9 to 4:00 p.m., for consistency.

Commissioner Rousseau amended the motion to also include October 9 as a 4:00 p.m. Commissioner Brown amended the second. The motion passed 4-0. Commissioner Oddo was absent.

**4. Approval of Water Committee's recommendation to accept the 2018 Water Committee Meeting Schedule.**

Chairman Maxwell stated that he received a letter from Chip Conner resigning his seat on the Water Committee effective immediately. Chairman Maxwell stated that he would like to recognize Mr. Conner at a Board of Commissioners meeting.

Commissioner Brown stated that the Water Committee presented him with a plaque and he was told that the Board would be recognizing him at one of the meetings. Mr. Rapson confirmed that Mr. Conner was scheduled to be on the January 25 Board of Commissioners meeting agenda.

Commissioner Rousseau stated that the schedule needed to have the location and time added to the schedule. A corrected version of the schedule to include the time and location was added to the dais. He stated that he would encourage the committee to consider holding one or two meetings of the Water Committee in the evenings.

Chairman Maxwell moved to approve the 2018 Water Committee Meeting Schedule and to amend it to include the time and location. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.



5. **Approval of staff's request to accept a Hazard Mitigation Grant Program (HMGP) award in the aggregate amount of \$522,912 to upgrade the culvert on Antebellum Way with a triple box culvert and to provide the local match of \$92,273 and authorization for the County Administrator to sign award documentation.**
6. **Approval of the November 9, 2017 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

7. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Charles Rousseau to re-appoint Dr. Loida Bonney to the Fayette County Board of Health for a term beginning January 1, 2018 and expiring December 31, 2023.**

Commissioner Rousseau stated that this was a re-appointment of Dr. Bonney that was completing an unexpired term. He stated that she was the only applicant for this position. The requirement for the position was that the applicant be a physician practicing in Fayette County. He stated that Dr. Bonney met all the requirements. He stated that he was in a quagmire because of the issue of having an applicant serve on two boards. He stated that Dr. Bonney was a current member of the Hospital Authority as well. He stated that he had conversations with Dr. Bonney and she would be considering whether she would reapply for the Hospital Authority. He stated that she had done an outstanding job serving and volunteering in the community. He recommended Dr. Bonney's appoint to the Fayette County Board of Health.

Commissioner Rousseau moved to approve to re-appoint Dr. Loida Bonney to the Fayette County Board of Health for a term beginning January 1, 2018 and expiring December 31, 2023. Vice Chairman Ognio seconded.

Vice Chairman Ognio stated that he shared the same concerns as Commissioner Rousseau regarding serving on two boards. He stated that Dr. Bonney was very qualified and the only applicant for the position and that it would be hard to compete against her because she was so well qualified.

Commissioner Rousseau moved to approve to re-appoint Dr. Loida Bonney to the Fayette County Board of Health for a term beginning January 1, 2018 and expiring December 31, 2023. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

8. **Consideration of a recommendation from the Selection Committee, comprised of Chairman Eric Maxwell and Commissioner Charles Oddo, to re-appoint Martha Hopkins to the Fayette County Zoning Board of Appeals beginning January 1, 2018 and expiring December 31, 2020.**

Chairman Maxwell stated that this was a sole applicant and a recommendation for re-appointment. He stated that she was more than qualified for the position. He stated that he and Commissioner Oddo discussed the position and both recommend that Ms. Hopkins be re-appointed to the Fayette County Zoning Board of Appeals.

Chairman Maxwell moved to re-appoint Martha Hopkins to the Fayette County Zoning Board of Appeals beginning January 1, 2018 and expiring December 31, 2020. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

9. **Consideration of staff's recommendation to award Bid #1388-B for two Pumper Fire Apparatus to Fireline Inc. in the amount of \$873,966 to fund \$41,958 for safety equipment, and to designate vehicle #93036 as surplus and authorize its sale.**

Fire Chief David Scarbrough stated that this request was to purchase two new Fire Pumpers. He stated that the recommendation was to purchase the fire pumpers from Fireline Inc. for \$873,966.

Mr. Rapson stated that this was funded through the 5-year Capital Improvement Plan for vehicle and equipment for the fire department and the 2017 Special Purpose Local Option Sales Tax (SPLOST).

Chief Scarbrough stated that the expected delivery date was after the first of the year and the vehicle would be in service by the spring.

Chairman Maxwell stated that the older vehicles would be placed in reserved mode. The other one would be available for surplus. Chief Scarbrough stated that having a reserved apparatus was needed with the aging fleet.

He informed the Board that the fire department had received an evaluation from the Insurance Services Office (ISO) and Fayette County was able to successfully drop the rating in March 2018 to 3 from a 4. He stated that citizens would need to contact their insurance agents to determine what the adjusted savings could be. He concluded that it was a team effort that included working with the Water System.

Vice Chairman Ognio asked if the new pumpers were a hale pumper. Chief Scarbrough stated that he was proposing a hale pumper.

Vice Chairman Ognio moved to approve to award Bid #1388-B for two Pumper Fire Apparatus to Fireline Inc. in the amount of \$873,966 to fund \$41,958 for safety equipment, and to designate vehicle #93036 as surplus and authorize its sale. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Oddo was absent.

10. **Consideration of a "Enhanced State Route Mowing Program" for calendar year 2018.**

Public Works Director Phil Mallon briefed the Board. Mr. Mallon stated that staff was requesting direction regarding the mowing of state routes. He stated that in April, the Board approved the purchase of additional equipment and two additional staff members to improve the level of service. He stated that the direction at that time was to break the county into three zones and work to try to get five to six mowing per zone completed. He stated that this past year did not reflect that because the equipment did not come in until November 2017. He stated that based on conversations from the Board, staff wanted to ask for direction on how to use the present resources. He stated that State Routes (SR) 54 and 74 have, in excess of 30,000 vehicles per day motorist, State Route 314 had over 20,000 per day and McDonough Road had 12,000 to 13,000 per day. He continued that the total volume of vehicles for all the local roads was half the volume of SR 54 and SR 74. He stated that he was recommending and requesting approval to dedicate the new equipment and the two new positions to create a third crew that would focus entirely on the state routes. This would expand the pilot program where the county was responsible for all the state routes in the unincorporated areas, to be aggressive in picking up trash and weed control and cleaning the curb and gutter areas. He stated that this would not change the efforts already being given to other areas.

Commissioner Brown stated that some of the nice development opportunities that bring nice paying jobs, travel from Atlanta on the county's state routes. He continued that the county must make a good impression. He stated that this schedule would go a long way in improving the state routes and that it was a matter of civic pride. He stated that the first impression from an economic development prospective was critical. Sometimes the developers come to visit the county for a one day trip and that one trip could potentially determine if they would generate hundreds of millions of dollars worth of expenditures and tax dollars and good jobs in Fayette County.

Commissioner Rousseau stated that he and Commissioner Brown had engaged in several conversations regarding this matter. He stated that if there are some civic groups that would take on a route to pick up trash, ahead of the cutting schedule, or things of that nature, staff could send something out to those groups to take on the challenge of picking up the trash. He stated that cutting was the eye sore, but even more was the clipping and trash left behind. He stated that he encouraged Vice Chairman Ognio to emphasize to Georgia Department of Transportation (GDOT), when they attend the Transportation Committee meetings, that they were not living up to the standard that the Board would like.

Mr. Mallon stated that the next agenda item was regarding the contract with GDOT. He stated that what staff was doing did not relieve GDOT of their schedule. This would be done in addition to what GDOT provides.

Frank Gardner made comments regarding one zero turn tractor being used. (Comments were inaudible from the audience). Mr. Mallon stated that the zero turn were the most effective and preferred by staff. Vice Chairman Ognio stated that Clayton County also uses the zero turn tractors for mowing.

Commissioner Brown moved to approve the updated mowing and maintenance schedule as presented. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Oddo was absent.

**11. Consideration of the updated Mowing and Maintenance Agreement with Georgia Department of Transportation (GDOT) for State Routes in Fayette County.**

Road Department Director Steve Hoffman stated that the Board voted in April to expand the mowing program to include the state routes in the county and the previous vote was to enhance that program and this request was an agreement from GDOT to amend the current contract basically penciling in the additional state routes. He stated that staff was good with the agreement. He stated that GDOT did not ask for signatures, but that the Chairman would need to initial the changes made by GDOT. He stated that this agreement would allow the county to enter inside the GDOT right-of-way.

County Attorney Dennis Davenport confirmed that he had reviewed and approved the agreement.

Vice Chairman Ognio moved to approve the updated Mowing and Maintenance Agreement with Georgia Department of Transportation (GDOT) for State Routes in Fayette County. Commissioner Brown seconded.

Commissioner Brown encouraged staff to build a good relationship with the subcontractor so that staff could "weave" into their schedule.

Commissioner Rousseau stated that maybe this should be part of the legislative package.

Vice Chairman Ognio moved to approve the updated Mowing and Maintenance Agreement with Georgia Department of Transportation (GDOT) for State Routes in Fayette County. Commissioner Brown seconded. The motion passed 4-0. Commissioner Oddo was absent.

**12. Staff update on the proposed Georgia Department of Transportation (GDOT) roundabout projects on SR 92 at Antioch Road and Seay Road (GDOT PI 009971 and 009972) and consideration of GDOT's request for Fayette County to enter into a Local Government Lighting Agreement and Landscaping Maintenance Agreement for the projects and adoption of Resolution 2017-19.**

Mr. Mallon stated that item #13 had direct monetary consequences to this agenda item. He stated that Mr. Sam Allen and Mr. Robert Reid from Georgia Department of Transportation (GDOT) were present for questions. He stated that this project had been before the Board several times over the years. He stated that it was first before the Board in January 2014 and at the time, the Board was interested but did not want to commit because of questions. He stated that the questions were documented in a letter dated May 9, 2014 sent to GDOT. He stated that GDOT responded in writing on April 5, 2017.

Mr. Rapson stated that there were two agreements, one was in the package and one was placed on the dais.

Mr. Mallon stated that GDOT was nearly complete with the design, in the right-of-way acquisition process and plan to award construction before the end of the fiscal year. He stated that the total value for the two roundabouts for construction and right-of-way was about \$5.5 million. He stated that one of the three questions in the letter sent by the Board was, "what was the footprint of the two projects." He stated that there were no impacts to structures. The next question was about peak hour delays. He stated that the response for both projects was that it would perform at acceptable levels currently and into the design in the future and that higher delays would be expected if left as is. The last question was about Highway 92 being widened into four lanes. He stated that the roundabouts would be designed to accommodate four lanes and it would be a four-lane divided highway between the roundabouts with the continuous median and north and south would be provided two lanes. He stated that if the state route were ever widened and continuously the roundabout could be restriped to accommodate that. The cost to Fayette County, if approved, was for maintaining and paying for power associated with lightening and traffic signals. He stated that based on the number of lights and the watts associated with the bulbs, staff expected the power bill to be up to \$615 a month for \$7,400 a year in power. He stated that the county would also be responsible for landscaping the islands. He stated that one of the local businesses would like to enter into an agreement with Fayette County to provide landscaping and based on their work, staff believed they would do a good job.

Commissioner Brown asked if it was two lanes within the roundabout. Mr. Mallon stated that it would not be two dedicated lanes going around the roundabout. He stated that the next agenda item was for part of the project to move the water lines.

Mr. Rapson stated that item #13 summarizes the estimated project cost at \$779,510 to move the water lines. He stated that there were about seven or eight major water lines that come into the area and would have to be relocated out of GDOT's right-of-way.

Commissioner Brown stated that this was getting into significant money on this project. He stated that the county was originally approach with the roundabout as a way to handle the traffic flow and congestion problems in a safe way. He continued that when we start to look at almost a million dollars just for the water infrastructure, would the traffic signals not be better at that point.

Mr. Mallon stated no. He stated that the traffic signals were not warranted based on the volume and future projections.

Vice Chairman Ognio stated that he knew a fatality at that intersection had “keyed” this project up, but according to the accident report there were:

2012 – three accidents  
2013 – one accident  
2014 – two accidents  
2015 – two accidents  
2016 – one accident  
2017 – as of 12-04-2017; three accidents

He stated that he had heart ache over spending \$5 million for an intersection with this few of accidents, when there are intersections on state routes that have 30 accidents a year. He stated that he realized that GDOT offered the money and that they would take it somewhere else if the county did not use it, but the county desperately had intersections that need GDOT’s money that are a lot more hazardous.

Mr. Mallon stated that GDOT, like the county, have money that comes in specific buckets for specific uses. He stated that at the time, this intersection was identified as a safety need. He stated, “why that intersection versus others”, was likely because there was a cap on the amount. He stated that the other intersections may have been too large for what the available money was for.

Vice Chairman Ognio stated that there were other intersections with a lot higher accident rate than this intersection. He stated that he did not know when GDOT would be addressing the other intersections. Mr. Mallon stated that from his view, the money was available and that there was not an option to move it to another project. He stated that other intersections are needed projects and these intersections need improvement and if the county did not do this, the cost would come back to the county at a much higher cost.

Commissioner Brown stated that both roads are geometric nightmares. He stated that he did not mind doing the project, but that it had turned into a lot more expensive project than originally anticipated. He stated that hopefully GDOT was listening to Vice Chairman Ognio to address the other intersections.

Mr. Mallon stated that the county was in the middle of starting the Comprehensive Transportation Plan and these two projects (roundabouts) are in the old 2003 plan. He stated that public input was needed and encouraged to come before the elected officials.

Vice Chairman Ognio stated that his other concern was that the county was introducing walking traffic through the intersections with this project. He stated that it appeared it could be more dangerous than it was currently. He stated that there was no crosswalk there now. Mr. Mallon stated that staff could request that GDOT not put in a crosswalk and not stripe it or add the pedestrian signals. He stated that there was no supporting sidewalks or paths in that area at this time. He stated that he could ask.

Commissioner Brown asked if it was a result of federal funding that the crosswalks had to be in place. (an inaudible response was given) The GDOT representative stated that the purpose of the roundabout was a calming measure to help slow the speeders down, to allow the driver to slowly move through the roundabout. He stated that there was the potential for pedestrian crossing at *any* intersection. He stated that with the ADA attributes that allow the opportunity to



safely cross. Commissioner Brown reiterated that there were not sidewalks at the intersection. The representative stated that sidewalks could be installed in anticipation.

Commissioner Rousseau stated that his issue had to do with the waterline. He stated that he deferred to accident report given by Vice Chairman Ognio and the fact that the Comprehensive Transportation Plan was in the works, if this would rise to the level of being a top priority. He stated that the Board was reluctant to turn down the money and it put them in a precarious position. He asked that in regard to the waterline, if it was only being requested to be moved because of the project. Water System Director Lee Pope indicated yes. Commissioner Rousseau stated that it was almost \$800,000 to move waterlines. He stated that in recent discussions about several communities who are without public water and are on well systems would cost roughly that amount. He asked if the county would receive any revenue back from the public works department when the waterlines are moved. The answer was no. He asked if the county would receive any revenue back from any additional users when the waterlines are moved. The answer was no. He stated that the door had been opened that, with the communities requesting public water, at roughly \$1 million, the individuals who would receive the water would pay for the water. The answer was there would be small revenue. Commissioner Rousseau stated that it was some revenue. He stated that he philosophically was opposed to the project for that reason. He stated that if the county could pay \$800,000 to move waterlines, then the money could be used to provide people with good drinking water. He stated that he was not "mixing apples and oranges". He stated that the issue was that the county would spend \$800,000 of money that we said we did not necessarily have, that we would not recoup any of, versus an opportunity to use the money to run water to those communities that the Board had been talking about. He stated that he raised the issue for the Board's consideration. He stated that when talking about moving traffic versus people drinking healthy water, it did not compare from where he was sitting. He stated that he and Mr. Rapson had some communication and that Mr. Rapson indicated that the county would receive some revenue that would take about 30 years to pay back. He stated that spending this \$800,000 would mean getting no revenue back. He stated that he was voting no for those reasons; the Comprehensive Transportation Plan, the accident report and moving \$800,000 of waterlines that would generate no revenue when people are asking the county to have water ran to their community. He stated that he would employ the Board to support him in the effort to run waterlines to one or two of the communities.

Chairman Maxwell asked if there was timeline that a decision had to be made. The answer was no.

Sam Allen, GDOT Project Manager for both projects and Robert Reid, GDOT Office of Program Delivery.

Vice Chairman Ognio stated that when the project was first brought to the Board it was stated that it would be at no cost to the county. He stated that he wanted to know if there was a way that the county could be assisted with the \$800,000 from GDOT. Mr. Reid stated that the county could write a letter to the Chief Engineer requesting assistance.

Mr. Rapson asked what was GDOT's budget for the two projects. Mr. Allen stated that the projects were funded through the federal safety funding program and the total cost was around \$4 million for each project. Mr. Rapson stated that was what the \$8 million would get from this project in the General Fund, which did not help the water fund. He stated that there are no additional revenue streams with the new pipes, but the reason the county had to pay the \$800,000 was because it was GDOT's right-of-way.

Chairman Maxwell moved to table the proposed Georgia Department of Transportation (GDOT) roundabout projects on SR 92 at Antioch Road and Seay Road (GDOT PI 009971 and 009972) and consideration of GDOT's request for Fayette County to enter into a Local Government Lighting Agreement and Landscaping Maintenance Agreement for the projects and adoption of Resolution 2017-19 to the February 8, 2018 Board. The motion passed 4-0. Commissioner Oddo was absent.

**13. Consideration of a Memorandum of Understanding between the Georgia Department of Transportation (GDOT) and Fayette County Water System to move county utilities from GDOT right-of-way.**

Chairman Maxwell moved to table the Memorandum of Understanding between the Georgia Department of Transportation (GDOT) and Fayette County Water System to move county utilities from GDOT's right-of-way to February 8, 2018. The motion passed 4-0. Commissioner Oddo was absent.

**14. Consideration of the request to authorize staff to acquire all fee simple right-of-way and easements for the 104 Broom Boulevard culvert replacement project (2017 SPLOST No. 6509L).**

Environmental Management Director Vanessa Birrell briefed the Board regarding this item. She stated that she was requesting that the Board allow staff to acquire fee simple right-of-way and easement for the 2017 SPLOST projects at Broom Boulevard and Antebellum Way (item #15). She stated that on Broom Boulevard the request was to acquire three properties with two owners and at Antebellum it was four properties with two owners and the Homeowner's Association.

Mr. Rapson stated that it was a 2017 SPLOST project funded at \$387,000.

Commissioner Rousseau moved to approve staff to acquire all fee simple right-of-way and easements for the 104 Broom Boulevard culvert replacement project (2017 SPLOST No. 6509L). Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**15. Consideration of the request to authorize staff to acquire all fee simple right-of-way and easements for the 210 Antebellum Way culvert replacement project (2017 SPLOST No. 6509D).**

Commissioner Brown moved to approve staff to acquire all fee simple right-of-way and easements for the 210 Antebellum Way culvert replacement project (2017 SPLOST No. 6509D). Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

Ms. Birrell asked if going forward with the request for right-of-way and easement, if it could be placed on the Consent Agenda. County Attorney Dennis Davenport stated that it did not matter if it was on Consent.

Mr. Rapson stated that the grant that was approved under Consent was funded under the 2017 SPLOST, so that would free up the SPLOST dollars.

**16. Discussion of the Fayette County Service Delivery Strategy (SDS) prior to submittal to the Georgia Department of Community Affairs (DCA).**

Mr. Rapson stated that he and all the city managers within the municipalities of Fayette County, have been working on this since the beginning of the year. He stated that the managers have come up with an agreement and will be going to the elected officials. He stated that the information provided was the form document that would end up being the service delivery that the Board would vote on. He stated that Service Delivery Strategy (SDS) originated through House Bill 489, which was the state's way of having the county and the cities come together because the same residents are impacted and whoever could offer a service cheaper should be the one providing that service and make things equitable between the tax dollars received from mutual citizens. He stated that it was also to ensure that the unincorporated tax district was not using those tax dollars to subsidize the unincorporated tax payers. He stated that there was analysis that would be shared in February that shows that there were not any financial inequities. He stated that there were four areas that he

and the city managers believed an Intergovernmental Agreement (IGA) was needed; an inmate agreement, emergency services with the City of Fayetteville, a paving agreement with Peachtree City, City of Fayetteville and the Town of Tyrone and a recreation agreement. He stated that SDS Form 2 was a form used for every department to state the delivery service, list the governmental entity impacted by the service and detail the current IGA's in place. He continued to break down the components of the SDS.

Commissioner Brown asked if the Board would see a copy of the IGA's before the cities voted. Mr. Rapson stated that he would share a draft with the Board.

Mr. Rapson stated that Vanessa Birrell was instrumental in pulling together a lot of the details and reviewing IGA's that had not been reviewed in over 20 years.

This agenda item was presented as informational. No vote was taken.

Mr. Rehak was present for the meeting. The Board moved item #20 up on the agenda for consideration before taking a recess.

The Board recessed at 8:37 p.m.

The Board reconvened at 8:47 p.m.

**17. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Evelyn Snellings for tax year 2016 in the total amount of \$4,217.90.**

Mr. Davenport briefed the Board that Ms. Snellings had received a tax exemption as a spouse of a disabled veteran since 2012. He stated that up until this request he thought the disabled veterans' exemption was for 100% up to 100%. He stated that was not the case and that it was only 100% up to a certain value of the house. If the house was a value sustainably higher than the exemption cap the excess value would not be subject to the 100% exemption. He stated that he learned that in the process. When Ms. Snellings reached age 65 in 2015, in February 2016 she inquired if there were any other exemption that could decrease her tax bill and was informed that she had the most exemptions available. Being prodded by a friend of hers, Ms. Snellings asked again in 2017 and found out that the 65 years and older exemption, when there was a Georgia Adjusted Gross Income (AGI) of less than \$15,000, deletes 100% of the school tax portion of the tax bill which would impact the excess amount over the cap of the 100% disabled veterans' exemption. He stated that she can stack the exemptions, but that no one knew that could be done because the value of the house was a wild card. He stated that once it was determined that the additional 65 years old and over AGI of less than \$15,000 yielded an exemption amount greater than what she was receiving, it was applied in 2017. He stated that Ms. Snellings then asked for a refund for the amount paid in 2016. He stated that because this was not the disabled veterans' exemption, which can go back retroactively, but it was the 65 years old and over school tax exemption with less than \$15,000 AGI that does not have retroactive application, the recommendation was to deny the request. Commissioner Brown moved to deny the disposition of tax refunds, as requested by Evelyn Snellings for tax year 2016 in the total amount of \$4,217.90. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**18. Consideration of the County Attorney's recommendation to deny [correction was "to approve"] the disposition of tax refunds, as requested by Victor Hardy for tax years 2014, 2015 and 2016 in the total amount of \$54.87.**

Mr. Davenport stated that this tax refund request was for a piece of property that, by the plat, was shown to be a certain number of acreage, in addition to having roadbed of lesser acreage, the property record card accidentally added the roadbed acreage twice to make the gross acreage of 9.1 acres greater than the actual 8.837 acres that were present. He stated that the additional acreage caused a tax bill greater than what Mr. Hardy should have paid. He stated that anything before tax year 2014 would be barred. He stated that the amounts in 2014, 2015 and 2016 total \$54.87. He that although the agenda said that the recommendation was to deny, it was actually to approve the request for \$54.87.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Victor Hardy for tax years 2014, 2015 and 2016 in the total amount of \$54.87. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**19. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Steven and Shelly White for tax years 2014, 2015 and 2016 in the total amount of \$236.47.**

Mr. Davenport stated that on October 5, 2017, the tax assessors were notified that a pool that was in the backyard of the White's home was filled-in in 2014. He stated that the question for the tax assessor, as it relates to real property was, that each tax payer was responsible for providing information if there was a change to the property. He stated that in 2014 there was no change in that return. He stated that real property was unique in that, if the tax payer or tax assessor made a mistake in the value of the real property, the county could not go back and fix that for prior years. He stated that although he agreed that the pool was filled-in and that it had an effect on the value of the property, the request to go back to 2014, 2015 and 2016 to receive a refund for \$236.47 was recommended for denial.

Commissioner Brown moved to deny the disposition of tax refunds, as requested by Steven and Shelly White for tax years 2014, 2015 and 2016 in the total amount of \$236.47. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**20. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Thomas Rehak for tax years 2014, 2015 and 2016 in the total amount of \$553.20.**

Mr. Davenport briefed the Board that this item was dealing with a tax refund request based on a resident who had less square footage at the home than what was recorded on the property record card in the amount of 100 square feet smaller. He stated that the property record card was the basis used by the tax assessor's office to determine the value of the home and the application of the mileage rate and what the final tax bill would be. He stated that in 2014, 2015 and 2016 the difference was \$163.99, 182.80 and \$ 206.41 for a total of \$553.20. He continued that the reason for those three items was because the tax refund request had a three-year statute of limitations. He stated that the request was made for as far back as 2008 but the other information prior to 2014 had not been worked up because of the statute of limitations.

Mr. Rehak stated that the county's tax assessor's office had been very helpful. He asked the Board to approve this request. He stated that it was frustrating to know that the taxes were overpaid based on information provided by the county. He stated that if he owed the county money for a parking ticket, the county would have more than three years to put a lien against him or his property and that did not seem fair. He stated that he wanted to reiterate how appreciative he was of the staff.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Thomas Rehak for tax years 2014, 2015 and 2016 in the total amount of \$553.20. Vice Chairman Ognio seconded.

Commissioner Brown stated that he agreed that it didn't seem fair. The Board agreed.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Thomas Rehak for tax years 2014, 2015 and 2016 in the total amount of \$553.20. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**21. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Esther Tippens for tax years 2014, 2015 and 2016 in the total amount of \$4,826.30.**

Mr. Davenport stated that when Ms. Tippens sold her house it was recognized that due to an error in the valuation of the property over the years, the property was valued as commercial property instead of residential property. He stated that it was not commercially zoned and had not been used as commercial property. He stated that in the past it had been used as a church, however not during the three years in question. He stated that the tax assessors recognized that it should not have been valued as commercial and should have been valued as residential, producing a refund amount in the aggregate of \$4,826.30 for years 2014, 2015 and 2016. He stated that he recommended approval.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Esther Tippens for tax years 2014, 2015 and 2016 in the total amount of \$4,826.30. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

**PUBLIC COMMENT:**

**Gerald Chandler** stated that he attended the last meeting to request an addition to the O&I zoning regulations. He stated that he owned property at 1826 Highway 54. He stated that he had been turned down from the zoning office. He stated that he bought the building in 2004 and that it was zoned residential. He stated that he did a lot of work to modify it to O&I and he ran his heating and air conditioning business out of the building. He continued that the building was up for rent in 2009 and he rented out to a landscaping company. He continued to give a history of the property and its use. He stated that he had a current potential buyer of the building who did internet sales. He stated that when he went to zoning it was determined that it was internet sales. He stated that when the "zoning people" heard it was internet sales of cars, they denied the request. He stated that the Fayette County O&I stated that "the following permitted uses shall be allowed in the O&I zoning district. One was office use. He stated that the buyers want to have an office to sales the cars, but that there would be no cars on the property. He stated that it was not large enough for that. He stated that there would be no "for sale" cars on the property. He stated that the O&I says, that an insurance broker could be in the office. He stated that the buyers are brokers and can sale from the building. He continued that the O&I also stated that it could be a real estate broker. He stated that he did not get any feedback, so he emailed Commissioner Oddo. He read Commissioner Oddo's email into the record. "Based on our conversation I have a couple of preliminary conversations with non-elected officials to get an understanding of your type of situation, sometimes there are valid reasons, though not obvious, that the Board itself had not acted. However, so you are aware, if the Board agrees to look at changes the process would take time. It's not a rapid process." He stated that he was asking the Board to speed up the process because he wanted to sale the property.

**Marlene Welch** asked the Board if there were any questions about internet car sales. She stated that the Georgia Dealer Board recognizes internet sales different than going to the traditional dealer that with a car lot. He stated that it



was recognized as an office only, with a landline and a sign and a separate door for business. She explained the difference between the type of license required.

**Nicole Smith**; ex-Fayette County employee of 911 for 17 years. She stated that she was here to let the Board know what the staff at 911 had gone through. She stated that she documented things that happened to her and other employees personally. She stated that collectively among the employees who had bad experiences there was over 50 pages of documentation. She stated that she left the county in good standing with no reprimands. She stated that she tried to talk to Mr. Rapson about some of the problems, but that he would not return her calls. She stated that the problems that occurred; the yelling in the face, being "talked down to" constantly and being screamed at while answering a 911 call or fire radio. She stated that in the process of working a house fire she was being "chewed out". She stated that the Board would be surprised at the hours that staff worked at 911. She stated that they could not stay staffed because of the administrative treatment of the employees. She stated that the quality of service was going down and that there were examples within the public safety community of problems at dispatch. She stated that these were facts. She stated that one employee was fired over a policy violation and another employee was able to haze three employees and nothing happened to that person. She continued that inappropriate comments were being made to female employees and that the complaint had been brought to Human Resources and nothing was done. She stated that on May 1, 2017 a meeting was held for 911 employees by Human Resource and Nancy Weeselink, the EAP Coordinator attended. She stated that Ms. Weeselink came into the meeting to listen to some of the problems that was going on. She stated that Ms. Weeselink already knew about some of the problems. She quoted a statement from Ms. Weeselink. "This is the worst case of hostile work environment that I have ever seen." Ms. Smith stated that Ms. Weeselink urged the group to collect documentation and compile documentation because Lewis Patterson (Human Resource Director) was going to do an investigation. She stated that there was a coordinated effort to bring down two of the supervisors that were compiling documentation. She stated that three employees were wrongfully fired. She continued that they filed an appeal. She stated that they later accepted a settlement. She stated that she was not begrudged because she was passed up for a promotion, but that she was upset about the reward at the top. She stated that she hoped the Board would take a closer look. She stated that she was not fired, but administration at 911 seem to imply that she was fired. She stated that she left on good terms.

**Jordon Posey**, Peachtree City resident, ex-Fayette County employee for 911 who resigned in good standing in October 2017. He stated that part of his concerns was staffing. He stated that often time there were four people to a shift when there should have been five or six. He stated that often administrative staff would have to cover a radio. He stated that staff would have to monitor over 15 channels at a time and that was concerning. He distributed information packages to the Board. He stated that each of the packages contained a flash drive with documents, recordings and radio traffic recordings. He stated that he has had several meetings with Lewis Patterson and that he had emailed County Administrator Steve Rapson on multiple occasions and over a month had gone by and he still had not met with Mr. Rapson.

**Frank Gardner** stated that he mentioned a few years ago that if Fayette County really wanted to do something then the county would get water and sewer throughout the county. He stated that the 5-acre lots made the county great. He stated that in regard to the expense of moving water lines and getting people service, it should be placed on a ballot to get water system throughout the county. He continued that he brought up the issue of the striping. He stated that the Road Department Director Steve Hoffman shared that the contractor would be there in the next ten days. He also discussed an article in the paper about doing murals on the buildings. He thanked Commissioner Brown for bringing that to the county. He stated that it was the 5<sup>th</sup> year of the shooting in Connecticut and he wished more people would consider getting the maximum round guns off the street. He wished everyone a Merry Christmas and Happy New Year.

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

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## **A. Request for Quotes #1332-A: Water Treatment Chemicals**

### **Animal shelter water line**

Mr. Rapson updated the Board on the Animal Control sewer lines. He stated that the county reached an agreement for the easement with the Rite Aid property. He stated that staff was waiting on the engineer to complete the final design to determine where the easement was located.

### **Lees Mill opening**

He continued that the county held a ribbon cutting for Lees Mill and that it was officially open.

### **Frank Gardner's comments**

Mr. Rapson stated that there was water throughout the county, but not sewer. He stated that all the sewers are isolated to the cities. He stated that the murals and awnings had been removed and have been cleaned and will be put back on the building.

### **911 formal employees' comments**

Mr. Rapson stated that there was an investigation conducted and Ms. Wesselink came in to fix a lot of the issues mentioned. He stated that he could share the investigation with the Board if so desired. He stated that Mr. Posey had requested to meet with him, however he was on vacation. He stated that he planned on meeting with him when he returned, however Mr. Posey had filed an EEOC lawsuit and once that happens he does not meet with the employee.

### **Commissioner Oddo's statement:**

"This evening I am with my wife and my family preparing to celebrate the birth of Christ. The beautiful thing about this wonderful time of year is universal message of peace and brotherhood. It is a message that sometimes seems overwhelmed in a world fraught with dangers, but it nevertheless flickers. A flame of hope, it is persistent for thousands of years in which this world cannot extinguish.

As we bring to end, this year of the Commission meetings, my wife, Pily, and I extend our very best wishes to each of you; the citizens of Fayette County, the incredible staff and employees with whom I am privileged to work and their families and to each Commissioner and his family and to my own family and friends. May the true spirit of Christmas dwell within your hearts always, and may the new year bring much health, happiness and success! Be careful. Be safe. And have a very Merry Christmas and Happy New Year in 2018!"

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item involving threatening litigation, one item involving pending litigation and the review of the Executive Session minutes for October 26, 2017.

## **COMMISSIONERS' REPORTS:**

### **Vice Chairman Ognio:**

#### **Representative John Yates**

Vice Chairman Ognio stated that we lost a World War II veteran, servant and House Representative. He stated that John Yates passed away. He stated that he was a great person to be around and that he wanted to remember him.

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### **Happy Birthday wish**

Vice Chairman Ognio wished Mr. Rapson a happy birthday.

### **Transportation Committee meeting**

Vice Chairman Ognio stated that he did not get a chance to attend the last Transportation Committee meeting, but that he wanted to thank Vice Chair Shane Robinson because he heard she did a great job of conducting the meeting in his absence. He stated that GDOT was present for the meeting and shared a lot of information.

### **Trip to the White House**

Vice Chairman Ognio stated that he went to Washington, D.C. and met with NACo, National Association of Counties and they walked the attendees through the new tax plan. He stated that he focused on the federal Department of Transportation. He stated that he had the clerk's office scan in the list of contacts he received to the Board. He stated that it was a long day at the White House. He stated that they did a good job answering questions.

### **Georgia Department of Transportation**

Vice Chairman Ognio stated that Georgia Department of Transportation (GDOT) was working to get the interchange at SR74 and I-85. He stated that he traveled SR 138 to I-85 and the meter light on the on-ramp had traffic backed up past Oakley Industrial. He stated that was something to address with GDOT. He stated that the county did not have an interstate running through it so the county's interstate access was very important.

### **226<sup>th</sup> birthday of the Bill of Rights**

Vice Chairman Ognio acknowledged that December 15 was the 226<sup>th</sup> birthday of the first ten amendments (Bill of Rights) of the United States Constitution.

### **Commissioner Rousseau**

#### **Merry Christmas**

Commissioner Rousseau wished staff a Merry Christmas, Happy Hanukah, Happy Kwanza and all that the season brings. He stated that he pledged to continue to work with the Board for the betterment of the county. He thanked the Board for their service and the sacrifices made.

#### **Thank you to staff**

He stated that he was impressed with how nimble Fayette County government can be on occasions and the willingness of the team to respond to citizen's request when there are inquiries. He stated that the Board deals closely with the clerk's office and he thanked the clerk for the professionalism and for keeping the office in order. He congratulated the fire department on the ISO rating. He thanked the road department for responding again to an inquiry from citizens in the community. He encouraged staff to continue responding the way that they are. He stated that his saying was, "It's about WHAT we do, HOW we do it and WHO we do it for." He stated that "what" we do is provide services for people. "How" we do it should be at the highest level possible and "who" we do it for was the citizens of the county.

#### **McIntosh Trail**

Commissioner Rousseau thanked Commissioner Brown for his service on the McIntosh Trail Community Service Board.

### **Commissioner Brown**

#### **Internet Car Sales**

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Commissioner Brown stated that he would stress that the county could not look at things in a laser format with this situation. He stated that the Board had to extrapolate what happens to all the parcels of land in that zoning classification and what automobile sales could morph into. He stated that was one of the things that was hard to deal with. He stated that the Board made changes that they believed were good and every once in a while, there was one that comes up that created problems. He stated that the Board was listening to the request and had to take the request beyond the context of what was being presented.

### **McIntosh Trail Community Service Board**

Commissioner Brown stated that he had the opportunity to serve on the McIntosh Trail Community Service Board. He stated that it was a board that dealt with a lot of people in need with mental health issues. He stated that he came on board at a time when there was major financial difficulties and leadership changes. He stated that the Fayette County team on that board really worked hard with the others to help turn things around. He stated that the finances are in good shape and there was a new CEO starting. He stated that next year would be his last year in local government. He stated that he saw this as a transitioning. He stated that there was information provided to the Board showing who could serve on this board.

### **Christmas donation**

Commissioner Brown stated that he used to do Christmas cards to all the employees, but it became too much addressing all the cards. He stated that he decided two years ago to make donations to charitable organizations in Fayette County in the name of the employees of Fayette County. He stated that the two organizations that he will donate to are Grandparents and Kin Raising Children; an organization that helps grandparents, who through unfortunate circumstances, are having to raise small children and to the Fayette Care Clinic.

### **Special Purpose Local Option Sales Tax (SPLOST) report card**

Commissioner Brown stated that it would be neat if at one of the Board meetings there was a SPLOST report card showing how many projects had been started, how many road projects, total amount spent and to have staff discuss any relevant items.

Mr. Rapson suggested doing it quarterly because most of the projects did not move fast. Commissioner Brown agreed.

### **Statement regarding Scott Fabricius**

Commissioner Brown stated Christmas was a joyous time, but that some people get depressed at Christmas. He stated that when despairing or sad things happen during Christmas, it tends to be amplified. He stated that he was heart-broken at the things that are happening to a gentleman in the community and he felt the gentleman was owed a statement. He read the following statement into the record:

"After a full year of viewing in 2017, I extend my gratitude to our newest configuration of the Board Members of the Fayette County Board of Elections and Voter Registration, Messrs. Hicks, Lester and Wright.

The gentlemen on the board exemplify the essence of strong character and bi-partisan cooperation to insure fair elections in Fayette County, something that was missing in the past with numerous controversies.

If this county cannot assure the public of fair and unbiased elections, there is little else our county government can offer of any value.

We previously suffered an entanglement of a familial sort, obscuring our elections in a cloud of untrustworthiness.

Let me state for this public record that I am extremely proud of the members of the Fayette County Republican Party Executive Committee who refused to look the other way in the midst activity they knew to be wrong and an insult to every citizen of Fayette County.

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The surest way to overcome malevolence is to confront it.

Let me state for this public record my sincerest appreciation of the various State Agencies, including the Office of the Attorney General, for their serious and expert prosecution of the law-breaking, an issue I raised personally at a Republican County Convention and elsewhere.

I offer the citation of OSAH-ELE-LV-1652126-56-WALKER, Georgia Administrative Hearings, agency reference number: 2012-141, STATE ELECTION BOARD v. M. L. WATTS. I stand by the ruling and the penalties dispensed as confirmation of the systemic complaints raised within the Fayette County Republican Party.

I see a sole attorney representing two separate cases of one family, using one to justify the release of the other. I feel that layers of poor decisions by this body have created an atmosphere of reprisal to any citizen presenting truth to power.

For the county government to behave as an aggrieved party when the Office of the Attorney General provided beyond the shadow of a doubt the existence of impropriety is an outrage.

To punish an innocent party, especially a person working under the direction of his Executive Committee, based upon suspect reasoning is a scandalous disgrace and an outright abuse of power.

We approach Christmas, punishing the innocent."

He stated that he says all that for the chairman of the Fayette County Republican Party who just had an almost \$36,000 lien placed on his house. He stated that the chairman and his wife are going to downsize and would lose \$36,000 of the sale of the house because of the action of several parties. He stated that he was very heartbroken that he had to do that when he was following the direction of the Executive Committee of the Fayette County Republican Party. He stated and the party did not get any type punishment or have to file anything. It all falls on the chairman. He stated that he thought it was egregious when it started and he believed it was worse now. He stated that the gentleman's wife, successfully so far, has fought a battle against cancer and his mother died two weeks ago and then the lien was placed on his house. He stated that he offered his personal deepest, sincerest apologies. He offered God's speed to Scott Fabricius and he wished it could have been different.

Chairman Maxwell stated that for the record, he had been recused from this case because he had represented the Watts over the past two years.

### **Chairman Maxwell**

#### **Response to Gerald Chandler's comments**

Chairman Maxwell stated that he would like for the Board to study what Mr. Chandler brought up. The use of the internet and office industrial. He reiterated that it was not a quick process. He stated that he was asking for Board support to review this topic.

Commissioner Brown stated that he would like to have it on an agenda to discuss all the ramifications involved.

Chairman Maxwell stated that was part of the problem...the Board had not discussed this topic.

Vice Chairman Ognio stated that the attorney needed to review.

Mr. Davenport stated the Board could convey the idea in as broad a sense or narrow of a sense to the Planning Commission to give some focus in respect to what the Board would like for them to look at. He stated that there would be public hearings and

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possibly workshops and then it would come back to the Board to have a public hearing and determine the direction the Board would like to take. He stated that it would be a minimum of six months to a year, depending on how things go.

Mr. Rapson suggested having Planning & Zoning Director Pete Frisina outline the parameters and concerns and he can take the feedback to the Planning Commission meeting.

After further discussion, the Board agreed to have Mr. Frisina gather the information from the Board and from the Planning Commission and Zoning Board of Appeals and bring it back to the Board.

Mr. Rapson assured Mr. Chandler that staff would reach out to him to let him know when it goes before the Planning Commission.

### **2017 State of the County**

Chairman Maxwell stated that in January 2017 the Board constituted a new Board of Commissioners and appointed him the new Chairman. He stated that he was pleased to be appointed.

In February and March there was a big effort to approve the Special Purpose Local Option Sales Tax (SPLOST) and it passed by vote of the citizens. The SPLOST brought \$41 million that came to the county, specifically \$64 million that came to Fayette County Commission to spend. In 2017 there was a stormwater "tax" that was sent out and the Board eliminated that "tax".

In May and June, the Board went through the budget process. He stated that he was happy to report that the budget included a rollback; the lowering of the tax rate on the property. He stated that he promised in a January speech at the Republican breakfast that there would be no tax increase.

Around the month of July, the Board ran into a headwind with Animal Control. He stated that the Board addressed the Animal Control issues a number of ways, including connecting to the sewer system and other projects that are taking place. He stated that there had been some significant end roads regarding the shelter.

In September, October and November, the intersection at Antioch and Goza Roads became a hot button item. He stated that unfortunately there was a fatality at that intersection and he was sorry that it happened. He stated that the Board very quickly, put out an RFP, received recommendations and decided to build a new roundabout. He stated that there had been significant structural changes at that intersection presently. He stated that the Board was hoping it would be safer in the future.

He stated that Fire Chief Scarbrough had mentioned the new ISO rating that the county received. He thanked the Chief for the hard work that it took.

He stated that Mr. Rapson gave the update on the Service Delivery Strategy (SDS) and that it was a big deal. He stated that it was a document about how the county would work with the cities over the 10-year period.

He stated that he attended the ribbon cutting for the stormwater project on Lees Mill Road. A project completed with SPLOST funds.

He stated that he enjoyed running the meetings. He stated that he did not know what it was like before he was elected. He stated that he would read in the newspaper from time to time and then he would not read it anymore because it seemed like a disaster at times. He stated that there was a document in the back of the room that stated that the Board would work for the betterment of the Fayette County citizens. He stated that he was pleased that the Board had worked with one another for the past 12 months.

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

He stated that the Fayette County Library had an event about three months ago where he and twenty students had the opportunity to connect with a NASA astronaut. He stated that the program was televised world-wide and that he told the director that he did not think she could top what she had already done. He stated that the county had a great library and he encouraged citizens to go visit the library.

The Sheriff's office had new facility that was being completed and the opening ceremony would be around January 11.

He continued that Mr. Frank Gardner had brought up the murals. He stated that around February he told Mr. Rapson that the Administration Complex needed to be pressure washed, a new parking lot, new paint and the light poles fixed. He stated that Mr. Rapson told him, at the time, that staff was already working on it. He stated that the Administration Complex had a completely different feel and it looked wonderful.

Kenwood Phase II had a new bathroom installed. He stated that there were projects all over the county being completed. He stated that GDOT had resurfaced some of the road in the county. He stated that there was a bridge at Whitewater Creek that would hopefully be done soon.

He stated that the Commissioners can do a little, here and there, but that it was the 750 employees that do this for the citizens of Fayette County. He stated that the Commissioners direct some of the pieces, but that the boots on the ground were the employees. He stated that they were a fine excellent group all the way up to the County Administrator. He thanked the county employees for the work that they do and that he hoped that 2018 would be an even better year.

He wished everyone a Merry Christmas and a Happy New Year.

Commissioner Brown commended Chairman Maxwell on how he ran the meetings. He stated that as an elected official all that was asked was a fair playing field and an opportunity to state their individual views. He stated that the Board may not always agree, but that there had been excellent debates on issues and discussions and he owed the Chairman a debt of gratitude for that.

Commissioner Rousseau stated that he did an HOA Bootcamp and over 300 people attended from metro Atlanta. He stated that there were four people who walked up to him and stated that they did not live in this county, but that they used the library. He stated that bringing up the issue of how well the library staff received people and provided customer care...he echoed the sentiment.

Vice Chairman Ognio wished everyone a Merry Christmas.

### **EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item involving threatening litigation, one item involving pending litigation and the review of the Executive Session minutes for October 26, 2017.

**One Item of Threatening Litigation, One Item of Pending Litigation and Review of the October 26, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Oddo was absent.

The Board recessed into Executive Session at 10:19 p.m. and returned to Official Session at 10:27 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 4-0. Commissioner Oddo was absent.

**Approval of the October 26, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the October 26, 2017 Executive Session Minutes. Commissioner Brown seconded. The motion passed 4-0. Commissioner Oddo was absent.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the December 14, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Oddo was absent.

The December 14, 2017 Board of Commissioners meeting adjourned at 10:28 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11<sup>th</sup> day of January 2018. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk

# COUNTY AGENDA REQUEST

Page 34 of 99

Department: Board of Commissioners

Presenter(s): Commissioner Randy Ognio

Meeting Date: Thursday, January 11, 2018

Type of Request: Old Business #12

## Wording for the Agenda:

Consideration of Commissioner Randy Ognio's request to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes.

## Background/History/Details:

In the minutes for the April 25, 2017 Board of Commissioners minutes, the original minutes stated: "Attorney Mr. John Sparks stated that he was appointed by the County to represent Marilyn Watts." the proposed revised statement reads: "Attorney John Sparks stated that he was the attorney, paid for by the County, in the case representing Marilyn Watts."

Commissioner Ognio requests the approval of the April 25, 2017 minutes with this revision.

## What action are you seeking from the Board of Commissioners?

Approval of the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

## BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman  
Randy Ognio, Vice Chairman  
Steve Brown  
Charles W. Oddo  
Charles D. Rousseau

## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. White, County Clerk



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

April 25, 2017  
7:00 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 Eric Maxwell called the April 25, 2017 Board of Commissioners meeting to order at 7:02 p.m. A quorum of the board was present.

### Invocation and Pledge of Allegiance by Commissioner Steve Brown

Commissioner Steve Brown offered the Invocation and led the audience in the Pledge of Allegiance.

### Acceptance of Agenda

Commissioner Brown moved to accept the agenda with the change of moving item #5 after item #3. Vice Chairman Randy Ognio seconded. The motion passed 4-1 with Commissioner Charles Oddo voting in opposition.

### PROCLAMATION/RECOGNITION:

1. **Proclamation honoring April as "National Donate Life Month".**

Commissioner Charles Oddo, on behalf of the Board of Commissioners, presented Ms. Cynthia Jenkins of LifeLink a proclamation honoring April as "National Donate Life Month". Ms. Jenkins gave comments regarding the importance of organ donations. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.

2. **Recognition of the Fayette County Master Gardener Extension Volunteers.**

Horticulture Program Assistant Sandy Edwards presented the citizens of Fayette County with a faux check for over \$200,000 to represent the amount of volunteer hours for 2016 from the volunteers that work with the Master Gardeners Extension Volunteers. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.

3. **Proclamation of May 1, 2017 as "Water Professionals Appreciation Day."**

Chairman Maxwell, on behalf of the Board of Commissioners, presented Water System Director Lee Pope and staff with a proclamation honoring May 1, 2017 as "Water Professionals Appreciation Day". Mr. Pope gave comments about the hard work of the Water System staff. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.



**PUBLIC HEARING:**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the Introduction to Public Hearings for the Rezoning of Property, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4. **Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition.**

*This item was discussed after item #5 due to the motion at the Acceptance of the Agenda.*

Chairman Maxwell recused himself from the discussion and vote because it involved someone he had done business with in the past. He stated that Rod Wright was a friend. He stated that he and Mr. Wright had visited each other's home recently. He turned the meeting over to Vice Chairman Ognio.

Mr. Frisina stated that there was one condition placed on the rezoning by staff and the Planning Commission and that it was dealing with the additional dedication of right-of-way and that both, staff and the Planning Commission, recommended approval with the one condition. He stated that the concept plan was provided on the dais.

Mr. Newton Galloway spoke on behalf of Rod Wright in favor of this item. He stated that the property was currently zoned A-R and the proposal was for R-70. He stated that his comments would be brief because Mr. Frisina's report was accurate and thorough. He stated that the development was consistent with the low density residential classification under the future land use map. He stated that the property was bound on the south and southwest of Ebenezer Road by property that was already zoned R-70. He stated that the developer agreed to the one condition which related to the additional 10 feet of right-of-way off of Ebenezer Road. He requested that the Board approve.

Mr. David Cavender spoke in favor of this item. He stated that he was the executive of the estate and he asked the Board to approve the request.

Mr. Keith Larson spoke in favor of this item. He stated that he saw this as a constructive use of the plan. He stated that his concern was that many times the lots that are available do not provide opportunities for starter homes. He stated that he was hopeful that the developer would consider pricing the homes for reasonable accommodations and access for young families.

No one spoke in opposition.

Commissioner Brown stated that the Board had seen this property before under a different meeting and different scenario and the Board did not approve. He stated that the Board had just approved the new land use plan proposal and the plan does not conform to what was being requested. He stated that the old land use plan was one unit to one to two acres and the new plan was one unit to three acres. He stated that he would not want the Board to breach the new plan with the first request out the gate. He stated that the applicant had thirty days to bring it back and that would mean it would come back to the June 8 Board meeting.

Commissioner Rousseau stated that the plan that was just voted on was tentative and was a proposal to submit to the state, pending their approval. He stated that the current land use plan was still in effect.



Vice Chairman Ognio stated that there was an error in the backup information on the minutes from the Planning Commission that stated that John Culbreath was absent, but that he voted. Mr. Frisina acknowledged the error.

Commissioner Oddo stated that as stated by Commissioner Rousseau the current plan was still in effect and that the request was low density and that he did not see a reason to table or deny the request.

Commissioner Brown stated that he was comfortable with tabling this item until the Board receives a full review from the regional and state entities and have it ready to present on June 8.

Commissioner Rousseau stated that the Board was asked for a lower level of density with this request when it was brought to the Board last year and he believed that was accomplished.

County Attorney Dennis Davenport stated that the Board should be aware of the concept of vested rights. He stated that this gentleman marshaled his resources and made application to the Board when documents before the Board was at a certain position. He stated that he relied on that and had gone forward with his request. He stated that if the land use plan that was just approved by the Board was approved by ARC, it does not address the applicants' issue of potential vested rights. He stated that some would argue that the Board was bound by the way the ordinances were at the time the application was made. He stated that he would caution the Board not to rely on the a future decision by ARC, so much as to look at the condition of the land use plan and ordinances as existed before the vote was taken on the last item.

Commissioner Brown stated that the Board wanted to go to a much lower density and that was the direction given to the Steering Committee.

Commissioner Brown moved to table the Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion failed 1-3-1 with Commissioners Oddo, Ognio and Rousseau voting in opposition. Chairman Maxwell abstained.

Vice Chairman Ognio stated that there was a lot of R-70 on one end but a lot of A-R around it. He stated that in the past when the Board rezoned the R-70 the applicant was asking for R-40 and the Board approved R-70. He stated that he would like to see it not rezoned.

Commissioner Brown stated that was why he requested that a moratorium be put in place so that the Board would not end up in a situation like this.

Vice Chairman Ognio stated that as mentioned by Mr. Davenport, the Board could not apply the new land use plan even if approved because it was not in place when the application was made.

Commissioner Oddo stated that to the topic of the moratorium, there was no guarantee that nothing would come. He stated that there have been six rezonings approved since the request of a moratorium and Commissioner Brown made a motion to approve four of the six. He stated that there was not a flood of rezonings. He stated that this one had been in the works. He stated that this request should move forward.

Vice Chairman Ognio stated that he did not know if anyone had addressed the driveway that comes out onto Ebenezer Road. He asked for the speed limit. Public Works Director Phil Mallon stated that he did not know for sure. It was suggested that the speed limit might be 40 to 45 miles per hour.

Commissioner Oddo moved to Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion passed 3-1-1 with Commissioner Brown voting in opposition. Chairman Maxwell abstained. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part thereof.

**5. Consideration of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.**

*This item was discussed prior to item #4 due to the motion at the Acceptance of the Agenda.*

Mr. Frisina stated that based on a 2015 population estimate from the Atlanta Regional Commission (ARC) was 110,975 and that the estimated population projection for 2040 was 143,255 which indicates an increase over the next 23 years of 32,280 people and a 29% increase. He stated that the County conducted an online public survey with 1,550 responses and interviewed a number of stakeholder groups to create the direction of the plan. Mr. Frisina continued the PowerPoint presentation for the Board. The following are goals that were discussed in the Comprehensive Plan:

- Maintaining the rural character of the county
- Issues with subdivision entrances in older subdivisions
- Maintaining large lots to reduce traffic and density
- Traffic congestion/ road maintenance and better road improvements
- Elected officials and governmental services being improved to include leadership and reducing the tax burden on citizens
- Coordinating development with provision of adequate infrastructure
- Developing a county-wide multi-use paths system, sidewalks, off-road cycling facilities
- More parks, recreation areas and greenspace
- Lack of cultural facilities
- Working together between the county and cities to coordinate planning
- Pursuing economic development to create jobs, balance the tax base, but not to the detriment of the county
- Hospital/Pinewood area was prime location for development
- State Route 74 corridor was primary area for industrial and technical development
- Pursue agriculturalism as a way to maintain rural character and encourage owners an incentive to maintain large lots

He stated that the vision: "The county is to be a county that provides a great quality of life for its citizens and provides a county where the citizens can live, learn, work, play and shop in safety and comfort and where the quality of life is the plan's cornerstone." He stated that the county had a choice of lifestyle with the unincorporated county and the five municipalities. He stated that discussions also included rural character, transportation, regional development and development patterns. He continued with discussions about the land use plan and the two options for the Comprehensive Plan. He stated that perception of the public was that the county was developing too quickly and densely which was increasing traffic. He stated that there was concern of the citizens that the county was losing its rural character. He stated that in the current plan there are three major land use categories; low density residential (1 unit per 1 to 2 acres), rural residential (2 to 3 acres) and a five acre area at the southern portion of the county. He stated that the

recommendation was to go with four land use categories; low density residential at one unit per one acre, rural residential two at one unit per two acres and a rural residential three at one unit per three acres and the five acre would remain the same. He stated that the Planning Commission had recommended staying with the original land use plan to be approved by the state. He stated that the Planning Commission did not feel there was adequate time to take into consideration all the changes. He continued the presentation and provided recommendations. He stated that there were some typos in the plan. He stated that the table on page 70 regarding the fire stations and equipment was updated with corrections to the dates and locations of the stations. He stated that on page 71 there were some duplicate paragraphs that were removed and on page 141 there was some areas that were left blank. He stated that the area of the county was 127,726, sewers are roughly 36,447 acres at 29% of the county and the unincorporated area was 91,279 acres.

Chairman Maxwell asked for the Planning Commission's recommendation. Mr. Frisina stated that the Planning Commission's recommendation was to stay with the original land use plan and the original residential categories. Chairman Maxwell stated that was a three to one vote. He asked Mr. Frisina if he was consistent with that vote. Mr. Frisina stated that he worked with the Steering Committee so his recommendation was to go with the Steering Committee and staff's recommendation which was the second option.

No one spoke in favor.

Rod Wright stated that after his review of the proposed plan he noticed the change of one additional zoning which was inconsistent with what the Board wanted in May of 2016 in keeping this area R-70.

Commissioner Brown stated that he served on the Steering Committee. He stated that the one of the unique items of the Comprehensive Plan was commitments regarding the cities as well as unincorporated Fayette County. He stated that he would like to share the information that was gathered with the municipalities. He stated that one of the goals was to protect rural character which was the hallmark of the county. He stated that he was looking at protecting the rural corridors, paying attention to traffic flow and the nexus of traffic flow with land use. He stated that older subdivision covenants had either expired or are about to expire. He stated that when that happened there would be no enforceability on certain covenants. He stated that if the county's ordinances did not cover the issues there would be problems. He stated that road side appears was another concern and so was the fate of the Fayette Pavilion shopping center. He stated that the committee looked at how the land use affect transportation and affect traffic flow and that would be protected with the second map shown.

Commissioner Oddo stated that if the old version was approved could the Board go back in two months and adopt the new version.

Mr. Frisina stated that staff has to submit the plan to Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA) so during that process there cannot be any changes. He stated that after June 30 there can be changes made.

Commissioner Oddo stated that it was a lot of information to read. He stated that he had some concerns expressed to him from a member of the Planning Commission that it wasn't that he was opposed to the plan, but that he wanted more time to review the plan. He stated that he would like to give the Planning Commission more time and to allow them to look at this again.

Vice Chairman Ognio stated that with the new plan the Planning Commission could go back and look at it again and make some adjustments if needed. He stated that he was not a big fan of the commercial lot off of the East Fayetteville

Bypass because he did not want to see it built up commercial along the bypass. He stated that he liked the rest of the plan. He stated that there was a lot of useful information in the plan and he can tell a lot of time was spent on the plan.

Commissioner Charles Rousseau stated that he shared some of Vice Chairman Ognio's observations. He stated that particularly regarding looking at the issue of senior services and the growth that was occurring with the senior population. He stated that it was interesting to look at the lack of greenspace and recreation amenities. He stated that there was work to do and money to spend in making a commitment to add the services to enhance citizens' quality of life. He stated that not only in keeping the rural character but also in service delivery. He stated that he knew a great deal of work went into creating the Comprehensive Plan and that he did not portend to know that the Board cannot go back and make changes.

Chairman Maxwell stated that in the supporting documents there were 52 names on the list. He read the list of stakeholder groups involved in the plan. He stated that unfortunately the Board was under a time crunch. He stated that he wanted the Planning Commission to know that their work was appreciated. He stated that he was in favor of the second map, option two.

Commissioner Oddo stated that either way the Board decided there can be changes. He stated that he would like to give the Planning Commission more time and have it come back to the Board.

Mr. Frisina asked if the Board wanted to review the intersection that Vice Chairman Ognio mentioned. The Board reviewed further.

Commissioner Brown moved to approve the Fayette County Comprehensive Plan 2017-2040 as submitted by staff using the Steering Committee plan and going to low density residential. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part thereof.

### **CONSENT AGENDA:**

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Rousseau seconded. Vice Chairman Ognio mentioned that a new chart was included on the dais for item #6. Commissioner Brown amended the motion to include the new chart. Commissioner Rousseau amended the second. The motion passed 5-0.

6. **Approval of Resolution 2017-07 to adopt the Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.) A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part thereof.**
7. **Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356). A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part thereof.**
8. **Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part thereof.**
9. **Approval of the April 13, 2017 Board of Commissioners Meeting Minutes.**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

**OLD BUSINESS:**

10. **Consideration of staff's recommendation to approve Ordinance 2017-07 to repeal the Stormwater Utility. This item was tabled from the April 13, 2017 Board of Commissioners meeting.**

Mr. Davenport stated that the Board was looking at the issue of repealing the Stormwater Utility ordinance and there was an issue of whether that could interfere with collection of delinquent fees. He stated that rather than repealing the fee wholesale the Board asked him to come back with a document that would have the effect of protecting the ability of the County to collect the delinquent fees. He stated that he was proposing to add a section to the Stormwater Utility ordinance section 28-199 which would have the effect of keeping that portion of the Stormwater Utility code viable for the collection of delinquent fees, but not viable for the assessment of new fees post April 25, 2017. He stated that a sunset provision was added as of December 31, 2017 for the entire Stormwater Utility code to go away. He stated that it was up to the Board to make the effective date as approaching December if the delinquent collections was not what the Board anticipated, then the Board had the ability to move that date farther out.

Vice Chairman Ognio moved to approve Ordinance 2017-07 to repeal the Stormwater Utility as presented.  
Commissioner Oddo seconded.

Commissioner Rousseau stated that he wanted to be clear that he still wanted to have conversations about how to go about collecting the outstanding balance.

Mr. Davenport stated that he recommended putting it on a tickler system so that in October or November at the latest it comes back up again.

Mr. Rapson stated that he would have recommendations at the May 11 meeting on how to address those concerns.

Commissioner Brown stated that the County needed to set money aside for future years so that there would not be a need for a Special Purpose Local Option Sales Tax (SPLOST) again to repair all the damaged stormwater systems because the pipes do have a shelf-life and will decay again. He stated that there needed to be a line item to replenish the stormwater infrastructure in the future.

Vice Chairman Ognio moved to approve Ordinance 2017-07 to repeal the Stormwater Utility as presented.  
Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part thereof.

**NEW BUSINESS:**

11. **Consideration of the award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357).**

Mr. Mallon briefed the Board that this item was a follow up to the State Route (SR) 74 Corridor Study which was a federally funded ARC project in conjunction with several other local governments. He stated that an RFP was posted and seven proposals were received and reviewed. He stated that this one was ranked higher than all others. He stated that the Gateway Coalition for this project asked if there were some easy recommendations for projects to look at early on to continue building momentum and progress along the corridor.

Mr. Rapson stated that approach should go through the Transportation Committee for their adoption. He stated that there are funds set aside for the SR 74 Corridor projects. He stated that he wanted to mention that there was a request of \$17,000 from the South Fulton Community Improvement District to be allocated in addition to the funds set aside even though the budget for the project was larger than the actual contract.

Chairman Maxwell stated that he wanted staff to address why the low bid was not the chosen contract.

Mr. Rapson stated that stated that the RFP was weighed through an RFP process where 70% was weighted on the technical review of the committee. He stated that the committee members rated based on "project understanding, team experience schedule and quality of written proposal". He stated that in this case POND rated the highest. He stated that next the committee looked at price and POND was rated 26.2 and based on the best proposal including technical scores and cost, POND was selected.

Commissioner Brown stated that obviously there was a big difference in scores for "quality of written proposals". He asked staff what those differences would include.

Mr. Mallon stated that it would vary by each person that was scoring. He stated that he could only speak on his personal evaluation and sometimes that would include good use of graphics, the presentation of the proposal and spelling and grammar. He stated that he reviews the proposals to determine how well the message came across.

Commissioner Rousseau stated that there should be a clarification that there was a provision. He stated that lowest responsible and responsive bidder was not always the lowest price. He stated that staff needs to be careful that the scope and outline was quantitative as opposed to subjective. He stated that if staff was able to ensure him of that then he was prepared to vote on the item.

Mr. Rapson stated that one thing done, as a County, was to have in-house training on this process. He stated that some raters are tough and some are easy, but there was a need for consistency.

Commissioner Rousseau stated that he did not want it to linger that the County was accepting the higher bid when there was a lower bid. He stated that there were reasons behind that.

Mr. Rapson stated that the process was more interesting if it was a state or federal procurement. He stated that the price proposals aren't opened until after the technical scoring and if the first one opened was one that could be lived with, then the others aren't opened at all. He stated that there would be more such proposals as staff goes through the SPLOST process because most of the transportation projects are tied to federal dollars.

Commissioner Rousseau stated that the training was critical in these type situations.

Vice Chairman Ognio stated that there was seven bids which was great. He stated that he also looked at the fact that there were five bids higher than the bid being recommended. He stated that he was not always for taking the lowest bid because sometimes it can be more trouble than good. He commended staff on getting it to this point.

Chairman Maxwell stated that he looked at the score sheets and he accepted the numbers for what they are. He stated that there was a difference of \$20,000 that the Board would go to the next higher bidder. He stated that he saw what happened with the unfortunate event with the school board when something like this occurs.



Mr. Rapson stated that was not the first time the concern was raised. He stated that if the County was to select a company with a low technical score there may not be a savings because the change orders may exceed that amount. He stated that he would be more concerned if the evaluators did not have the skill set for the evaluation and that was not the case.

Chairman Maxwell stated that the highest one was \$387,000 and the lowest was \$278,000 which was around a \$100,000 difference on a relatively small contract. He stated that there were two that were relatively low and five that are much higher.

Commissioner Oddo stated that one of the issues was also quality. He stated that he would be concerned if the price difference was much more. He stated that the second lowest was being recommended and going with the lowest bid does not mean that they would do the best job.

Vice Chairman Ognio stated that the project team experience and scheduling are two key things.

Commissioner Rousseau moved to approve award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357). Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part thereof.

**12. Consideration of the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional).**

Mr. Frisina briefed the Board on this item. He stated that this property was located on SR 74 with two small lots with a house on each lot. He stated that it was almost totally surrounded by the Town of Tyrone. He stated that the proposal was to annex the property and rezone to Office-Institutional. He stated that it was currently zoned residential and remains in the low density residential category on the current land use plan. He stated that the law states that we had to determine if there was a material burden. He stated that he did not see a material burden on the county with the annexation of these two parcels. He stated that even though there was a change in land use zoning and/or land use density, he did not see a need to object. He stated that his recommendation was for the County not to object to the annexation.

Commissioner Brown asked if there was an intended developer.

Mr. Frisina stated that what he gathered from the Town of Tyrone Planner was that at this time it was to convert the two homes into offices.

Commissioner Oddo moved to not object to the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional). Commissioner Brown seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out of the meeting. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part thereof.

**13. Consideration of the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an**

**undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial).**

Mr. Frisina briefed the Board on this item. He stated that the A-R lot located on SR 85 was the three lots along Walker Parkway. He stated that the area was land use for commercial. He stated that the three buildings currently on the property would be demolished and the plan was to have a shopping center in the area. He stated that he could not find a material burden being placed on the county from this annexation/rezoning. He stated that it was a similar land use of what the county entertains for the area. He identified a portion of property that came up for rezoning a while back and was withdrawn and it was denied annexation by the city. He stated that at the time he talked to the property owners and they requested that a privacy fence be placed along the property line which was being considered as a condition. He stated that he spoke to the city when the annexation came through and he made the same suggestion and he would make it again. He stated that there was also discussion with the City of Fayetteville Public Works Director to work out an agreement to take over the administration and maintenance of the roadway. He stated that if the annexation takes place and both jurisdictions are agreeable that would be done through a transfer of the right-of-way after the annexation. He stated that he recommends the County does not object to this annexation.

Commissioner Oddo moved to not object to the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial) and that the City of Fayetteville consider adding the privacy fence to the residential property. Commissioner Brown seconded.

Vice Chairman Ognio stated that he wished the City of Fayetteville could use the TAD areas instead of adding the strip malls up and down SR 85. He stated that they do not stay occupied.

Commissioner Brown stated that three of the properties are already zoned commercial under the county and that it was important that the City of Fayetteville wants to sell the TAD the make them work, then they will need to stop producing shopping centers everywhere else.

Commissioner Oddo moved to not object to the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial) and that the City of Fayetteville consider adding the privacy fence to the residential property. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part thereof.

**14. Consideration of the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road.**

Mr. Frisina stated that this was the J & R Clothing shopping center. He stated that there was a new proposal that the City of Fayetteville was reviewing to redo the shopping center and put in a grocery store. He stated that the annexation was for a 75 foot strip that was 75 feet deep and 500 feet long. He stated that the required buffer was 75 feet. He stated that the property would become the buffer for the shopping center. He stated that he did not see a material burden on the county although there was a change in the land use and density. He stated that his recommendation was to not object.

Vice Chairman Ognio stated that the strip would be purchased by the people who own the J & R Clothing. Mr. Frisina stated yes it would be added into the property.

Vice Chairman Ognio moved to not object to the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part thereof.

**15. Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections.**

Chairman Maxwell stated that he would recuse himself from the discussion and vote on this item. He stated that he currently represents Marilyn Watts on a case and that he had known her for 25 years. He stated that he had also represented Lane Watts, the son of Marilyn Watts, about a year ago.

The Board recessed at 8:59 p.m.

The Board reconvened at 9:06 p.m.

Attorney ~~Mr.~~ John Sparks stated that he was the attorney, paid for by the County, in the case representing appointed by the County to represent Marilyn Watts. He stated that he read the letter presented by Scott Fabricius and the Republican Party. He stated that he sees this as a family fight between the Fayette County Republican Party. He stated that this action started with a petition that was not verified as required by law. He stated that he took Mr. Fabricius' disposition in 2014 and he asked him did he have any personal knowledge of the allegation contained in the petition and he stated no because he was not here in 2011. He stated that he raised the issue of the petition not being verified and two days after doing so he received a petition that was signed by Mr. Fabricius. He stated that the petition said that the allegations contained in the petition are true, except for those things upon information. He stated he reviewed the petition and nothing was upon information. He stated that Mr. Fabricius' attorney Mr. Hobbs stipulated that Mr. Fabricius had personal knowledge of anything contained in the petition which was in contradiction. He continued to explain the information in this case in reference to the letter provided by the Republican Party. He stated that there was \$30,000 spent on a law suit. He stated that the County should "make the people who brought the frivolous law suit reimburse the citizens of Fayette County."

Fayette County Republican Party Chairman Tyrone Jones stated that he was present to request that the County Commissioners reverse the decision to seek attorney's fees from the petitioners in regards to their efforts to remove Marilyn Watts as the Fayette County Republican Party's representative to the Board of Elections. He stated that there should be no debate about this request in light of the decision by the Administrative Judge, who based on the evidence presented, found Mr. Lane Watts was guilty of voter fraud. He stated that it was the cover up of that fraud that prompted the Fayette County Republican Part to seek a replacement for Ms. Watts. He stated that with all due respect to the Board, this was not the first time that the Board of Commissioners improperly involved itself in the internal workings of the Republican Party relative to the appointments to the Board of Elections. He stated that the Republican Party had the authority to appoint and/or replace its representative and it was the sole duty of the Board to recognize or certify that decision. He stated that Ms. Watts lost her appeal with the GOP at every level. He continued to explain the history of this case to the Board. He stated that if the Republican Party decided to make a change and it was improper for the County to pay an attorney to fight that decision. He stated that moreover, to suggest that the County should pay her fees because she was acting in the course and scope of her employment was not sure. He stated that Mr. Sparks during the

course of the litigation called him and requested that he drop the lawsuit and to reappoint her to the Board of Elections. He stated that he believed without a doubt that was unethical and should not have happened.

Republican Party Second Vice Chairman Bob Ross stated that Mr. Sparks' comment about this being a family feud diminished the scope of what was being discussed. He stated that he personally served as an investigator in the Fayette County Republican Party during the presidential primary a few years ago when Ms. Watts was supporting the numbers and the question was raised if it was appropriate. He stated that in the course of his investigation he determined that Ms. Watts was not doing that in her capacity as a member of the Election Board, but as a private citizen and he recommended that she be found not guilty. He stated that one month ago the Republican Party held its county convention and both Lane and Marilyn Watts were elected as delegates for the GOP District Convention and alternates for the State Convention and that was done without any interference from any party member. He stated that to say it was a family feud was improper. He stated that he was also present to ask the Board to reverse the decision to seek attorney fees from the petitioners. He briefed the Board on information regarding this item. He stated that after the redistricting Lane Watts' residence was redistricted to the thirteenth district. He stated that three weeks later Mr. Watts submitted a voter registration change of address form to the Board of Election transferring his home to the rental home in Peachtree City. He stated that the matter was forwarded to the District Attorney. He stated that the petitioners appeared before the State Elections Board and also advised that body of what had transpired in Fayette County. That Board directed the Fayette County Office of the Attorney General to perform an independent investigation on the matter. He stated it was that investigation that resulted in the Lane Watt's conviction of voter fraud. He stated that the appointment of Marilyn Watts to the Board of Elections was invalid because Lane Watt's voter registration was invalid at the time he made the appointment.

Attorney Scott Fabricius referenced the letter that was sent to the Board of Commissioners. He stated that the respondent's motion for attorney's fees was based on two theories, neither supported legally or factually. He stated that the first theory, that somehow perjury was committed in the verification of pleadings, should be initially noted that the requirement of verification under Rule 11 is a statement from the person making the verification that the contents of a pleadings, in this case the petition, are true to his knowledge as except in those matters stated information and belief those matters are believed to be true. He stated that was the exact language used in drafting the verification in this case. He stated that the Respondent suggests that because the petition did not contain the words that it was based on "information and belief" that the signing of the verification constituted perjury since the person who signed the verification did not have personal knowledge of all the content of the petition. He continued to explain the case to the Board. He stated that for Mr. Sparks to suggest that the Board already has \$30,000 that is incorrect. He stated that the Petitioners intend to appeal if the Board does not vote to reverse their decision. He continue to brief the Board on information in this case. He stated that voting was one of the most sacred rights and it was abhorrent when there was even the appearance of improprieties in the actions of the Board of Elections. He stated that we should encourage citizens to hold public officials accountable and not seek to punish them when they do.

Vice Chairman Ognio stated that the Board was not here to be a legal arm, but to only make a decision on the legal fees.

Mr. Davenport stated that he heard from Chairman Jones and Mr. Fabricius that the county interfered. He stated that the appointment to replace Marilyn Watts was on the agenda and that was not interference. He stated that it was only after a temporary restraining order was filed by Mr. Sparks and Ms. Watts that the Board did not go forward with the appointment and that was not interference, but instead respect for the judicial system. He stated that Mr. Sparks put the County on a temporary restraining order because the County was part of the process. He stated that the County does not approve anything, but only certifies. He stated that it was the Republican Party that makes the appointment and the County certifies the appointment. He stated that he has had no conversation at any point with Chairman Jones. He stated that he did have a conversation with Mr. Fabricius and he explained to Mr. Fabricius that the county did not have

a “dog in this fight”. He stated that the county had no duty to argue because the County was listed on the temporary restraining order because the County certifies the appointment. He stated that the County simply respected the judicial system.

Commissioner Rousseau stated that he found that his colleagues had recused themselves at different points during this matter. He stated that the Board was dealing with an issue that the courts had dealt with. He stated that the court proceeding had been rehashed at this meeting. He stated that the court had made a ruling in one of the rulings was for the Board to exercise the right to seek reimbursement of attorney’s fees. He stated that he read the letter that was received from the Republican Party, he pulled minutes from previous meetings that lead up to this discussion and he was at a point where the Board has in good faith acted on the behalf of the citizens of the county. He stated that he was confused about why this was on the agenda because the Board had already voted on this issue. He stated that nothing that came before the Board was anything new. He stated that procedurally he had some issues with rehashing an item that had previously been voted on. He stated that he was perplexed because the Board was being asked to stay out of an issue that got out of control. He stated that the Board was to be good stewards of the tax payer’s dollars.

Vice Chairman Ognio stated that the fact that the Board received a letter from the Republican Party and needed to reply to the letter needed to be done with the consent of the entire Board. He stated that could not be done without putting it on the agenda. He stated that this was not court and the Board was not making a judgement of right, wrong or indifferent on either side and was instead responding to a letter that was sent.

Commissioner Oddo stated that the Board’s duty was to the entire county and not a particular group. He stated that the court gives the Board a method to come to a conclusion or resolution and that was what happened. He stated that when the Board agreed to pay the charges, Ms. Watts agreed to repay the county if she lost. He stated that he could not see how this matter should come to the Board and not continue its conclusion in the court. He stated that at this point he was comfortable letting this proceed. He stated that nothing was said that was different from the past.

Commissioner Brown stated that there were plenty of findings in this case. He stated that the Board had to consider if there was no clear effort to be frivolous or create some extraordinary nuisance by raising a concern over a governmental official then he would highly caution the government from snapping back after those people because it creates a chilling affect that says, “if you talk against me you will face the penalty”. He stated that the government has lots of money and that was why the government has to be extremely cautious on going back on things like this. He stated that if there was any validity at all then the Board needs to pay attention. He stated that Mr. Sparks did file for dismissal and he believe that the Superior Court rejected that. He stated that when the case was presented to the Chairman of the Republican Party saw enough merit to send the case to the District Attorney. He stated that the District Attorney saw enough to elevate it to the Secretary State who then sent it to the Attorney General’s Office. He stated that the Attorney General’s Office saw enough creditable evidence to take it to trial and that judge ruled guilty. He stated that there was enough “cloudy stuff” to be careful to say that the Board will go after citizens who raise a complaint. He stated that if the Petitioners appeal and win, the County would be out of a lot of extra money. He stated that if lane Watts was found in violation then he would have to deem that he was not a valid elector at that point and if he was not a valid elector and made the Chairman of the Republican Party, then he was an invalid Chairman of the Party and his appointment would then be an invalid appointment. He stated that the person that has the most voter registration and training in the history of Fayette County was Marilyn Watts. He stated that the importance of that was because she was unable to answer questions regarding voter registration and the penalties concerning that. He stated that this case was not frivolous. He stated that the Board should not go after the citizens because it was pursuing people’s individual liberties, freedom of speech and their right to petition grievances with local government. He stated that the Board should err on the side of caution in those situations.



Commissioner Rousseau stated that it appears that the situation that caused this happened in the reverse. He stated that it should have been the "Lane situation" before the "Marilyn situation". He stated that he spent a reasonable amount of time cultivating healthy relationships with Party members and he view them as citizens. He stated that the comments in response to the "Lane situation" are extremely valid, chilling and troubling. He stated that however what brought the Board to seeking the fees had to do with Marilyn Watts's case which was before the "Lane's ruling." He stated that he shared some of the things said about the effect that the Board could vicariously be sending. He stated that the Petitioners went forward with the case and chose that route and the Board had to make a decision as well.

Commissioner Brown stated that the situation with Ms. Watt's son was well in advance of Lane Watts' case. He stated that it just took the process that long.

Commissioner Rousseau stated he was only dealing with the ruling of attorney's fees.

Commissioner Brown stated that if there was an obligation from government that if there was any merit to the case the Board should at least give them the benefit of doubt.

Commissioner Rousseau stated that if the process was still going forward with appealing the judge's ruling on attorney's fees then let it all play out.

Commissioner Oddo stated that the Board does have a fiduciary responsibility to citizens. He stated that there was two sides and that was why it was going to the court and the Board should not be changing things now. He stated that the court should handle this.

Commissioner Brown moved to refrain from any movement from receiving legal fees and "chalk it up" to protecting the liberties and openness of the system and telling the citizens that they do have a right, without threat, of petitioning their local government. The motion died for lack of second. The original decision stands.

Vice Chairman Ognio stated that it was hard to sit as a member of the Republican Party and knowing that three of them are members of the Party, and that he understands Commissioner Brown's point and that the Board had to look at the ruling. He stated that the Board had a fiduciary responsibility, but that he looked at this and wondered how it would look if a special interest group that three of them was involved in asked for something special would they do it just because they are part of the group. He stated that this had put the Board in a weird situation that no one wanted to be in.

Commissioner Brown stated that he wanted to be certain it was clear that the Watt's verdict in the State Court was after the Board made the other decision. He stated that in fairness to the petitioner in this case there had been more evidence. He said for the record, "I would do this for the Democratic Party, I would do it for the Libertarian Party, I would do it for the Communist Party; anybody who petitions the government and as a decent grievance...something that is just not extraordinarily frivolous they have my full support. I will not allow the government to pursue them back."

Commissioner Rousseau stated that he could not allow that comment go forward as though he would not. He stated that speaking for himself he would defend that right, but he would also say the Board had a duty to be accountable when things are not comfortable. He commended Chairman Ognio for his comments because of the very difficult compromising position; yet he was able to wade through it.

A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part thereof.



Chairman Maxwell returned to the dais.

### **PUBLIC COMMENT:**

Public Arts Committee Chair Donna Thompson made comments regarding Vice Chairman Ognio's comments from the April 13, 2017 Board of Commissioners meeting regarding Martin birdhouses and the birdhouse project, Easter projects and the using of gift cards for prizes for the Public Arts Committee. She stated that the committee had kicked off the birdhouse project and it was doing well. She stated that Martin birdhouses are more expensive and the committee hopes that maybe an Eagle Scout project would get behind the Martin houses. She stated there are 80 birdhouses, 35 of the 80 have been donated and registered. She stated that 17 had gone to Southern Conservation Trust, 14 went to Tyrone and she was still holding three of them to go to public spaces. She stated that Martins are not the only birds that aid in the control of mosquitos. She stated that the committee did not pursue any Easter event because the county was saturated with Easter events. She stated that the cities and churches have them. She stated that in regards to going to gift cards for prizes. She stated the committee had a lengthy discussion on this and the thought was that it would elevate the competition and get more people involved because people would go for money. She stated that last year they had a hard time getting the gift cards donated.

Roy Bishop made comments regarding the West Fayetteville Bypass and the mowing on the county roads in the north end of the county and near his home. He stated that during the last meeting the Board talked about cutting grass. He stated that he was unable to determine if the discussion was to cut grass on the State roads. He stated that the Board should look at some of the county roads at the north end of the county because nothing had been done as far as cutting the grass. He stated that Commissioner Rousseau was the only one that had come out to view the new bridge. He stated that it looked good on top but it was never completed like the prints. He stated that Phillip said that he had to cut the grass three times a year, he stated that he would like to know how many of the Commissioners could get by with only cutting the grass three times a year in the growing season.

Board of Election Member Aaron Wright thanked the Board members who attended the Board of Elections meeting. He stated that the Board of Elections had gone through an overhaul and the Board of Elections are in the process of rebuilding the public's trust in the office. He stated that they were proud of Elections Supervisor Floyd Jones and that he was doing a phenomenal job as well as the rest of the staff. He stated that the Board of Elections are continuing to look at redrawing the precinct lines and they would keep the Board informed.

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

#### **West Fayetteville Bypass**

Mr. Rapson stated that the Notice to Proceed for the West Fayetteville Bypass had moved to June. He stated that staff cut 279, 314 and North 85 that was approved to enhance that grass cutting, but had not addressed the county area.

#### **Accolades to Mr. Jones**

He stated that he also thought Floyd was doing an outstanding job.

#### **Coweta County mowing contract**

Commissioner Rousseau asked for an update regarding the mowing contract. Mr. Rapson stated that the letter to Coweta County had gone out to terminate the contract.

#### **Selection Committees**

County Administrator Steve Rapson stated that he needed a Selection Committee for the Planning Commission.

Commissioner Rousseau moved to appoint Commissioner Brown and Chairman Maxwell to the Planning Commission Selection Committee. Commissioner Oddo seconded. The motion 5-0.

Mr. Rapson stated that he needed a Selection Committee for the Board of Assessors.

Commissioner Brown moved to appoint Commissioner Rousseau and Chairman Maxwell to the Board of Assessors Selection Committee. Vice Chairman Ognio seconded. The motion passed 5-0.

#### **Highway 54 utility relocate**

Mr. Rapson stated that he received a notification from Georgia Department of Transportation in regards to the Highway 54 utility relocate. He stated that they put out a bid and received quotes. He stated that the Board originally approved up to \$1,289,446 and the actual contract amount was \$1,124,653.05. He stated that the Board had already taken action on this but now the County had received an invoice so there would be a check released.

#### **Purchase of mowing equipment**

He stated that the Board approved staff to procure equipment for the right-of-way state route and to purchase equipment up to \$225,000. He stated that there was a state contract where all five of the equipment was on a state contract and the aggregate for all the pieces of equipment combined to Sun South was \$204,652,012. He stated that it was good that it was under \$225,000 but that it was bad that it breached \$200,000 because that was his cap for approvals and so he would need the Board to approve. Commissioner Rousseau moved to authorize the Chairman to execute the contract for the purchase of the mowing equipment that was approved at the April 13, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

#### **Retreat**

He reminded everyone that the retreat would be held on May 3 and 4 and the Board can pick up the retreat packages Thursday at noon.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and for review of the Executive Session minutes for April 13, 2017.

#### **COMMISSIONERS' REPORTS:**

##### **Vice Chairman Ognio:**

##### **County branding initiative**

Vice Chairman Ognio stated that he attended the reveal of the branding for Fayette County. He stated that the new tag was "Create Your Own Story, Fayette County, Georgia". He stated that "They said Fayette County had a lot of history so that was why they wanted people to create their own story." He stated that he was not sure how the Board would address this and if it would become something that the County would use and how to use it. He stated that it would need to be placed on an agenda. He stated that he just wanted the citizens to know.

##### **Mowing**

He stated that the mowing of the State right-of-ways would increase the mowing on the county roads because there was more equipment and staff would section off quadrants where the equipment would be used and therefore more mowing.

##### **Commissioner Brown:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Commissioner Brown stated that he received a letter from GDOT and it was a response to a letter that he wrote as Chairman in 2014 about the round-a-bouts on Highway 92. He stated that he asked that a copy be placed in the Commissioners' mailboxes.

### **County branding initiative**

He stated that a lot of people think the logo was all there was to the branding campaign. He stated that it was not it and that there was an entire three year marketing campaign with explicit instructions on what the local jurisdiction would do, how business could participate and how private citizens could participate through social media. He stated that he would ask that the County would start incorporating the new brand before making reorders of business cards and things of that nature.

### **Commissioner Oddo:**

Commissioner Oddo thanked everyone for attending.

### **Commissioner Rousseau**

### **Mowing staff**

Commissioner Rousseau asked staff when the Board would receive the update on the staff for the mowing. Mr. Rapson stated at the May 11 meeting. He stated that it was a huge thing for the residents to see that the County was responding and that their communities are being maintained.

### **Thank you to Elections Board**

He stated that he wanted to say, "thank you" for the comments from the Board of Elections especially with the work that was being done. He stated that he agreed that Floyd was a great addition.

### **Chairman Maxwell**

Chairman Maxwell stated that last week he wrote an email that said he would write a letter to GDOT if the issue with the Highway 54 speed limit had not been resolved. He asked Mr. Mallon if that was resolved. Mr. Mallon stated that he would recommend holding off because a work order had been entered by GDOT.

### **EXECUTIVE SESSION:**

**One Item of Pending Litigation and Review of the April 13, 2017 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:41 p.m. and returned to Official Session at 10:53 p.m. Chairman Maxwell was absent following Executive Session.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

**Approval of the April 13, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the April 13, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

### **ADJOURNMENT:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Commissioner Brown moved to adjourn the April 25, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

The April 25, 2017 Board of Commissioners meeting adjourned at 10:53 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11<sup>th</sup> day of May 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk

# COUNTY AGENDA REQUEST

Page 53 of 99

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of staff's recommendation to amend an Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property.

## Background/History/Details:

The current IGA was entered into in 2013, the proposed red-lined amendments are a result of the City of Fayetteville's and staff's requests for changes to address the following:

- 2.1 - allows City to collect use of grounds fees for non-city events;
- 3.1 - extends prior approval notice from 2 weeks to 6 weeks and includes requirement for non-City related events;
- 3.6 - describes set-up and take-down requirements to prevent interruption of County operations;
- 3.10 - adjustments in the area of the sale and consumption of alcoholic beverages (distilled spirits) to reduce constraints on events;
- 3.11 - clarifies fees collected to include non-City events, and,
- 3.12 - adds requirement of consultation prior to the placement of any signage on Historic Courthouse grounds.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to amend an Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

This agreement is a good example of intergovernmental cooperation and efforts.

**CITY OF FAYETTEVILLE**  
**COUNTY OF FAYETTE**

**USE OF COUNTY OWNED PROPERTY AGREEMENT**

**THIS AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by and between the CITY OF FAYETTEVILLE, a municipality duly incorporated in the State of Georgia, acting by and through its duly elected Mayor and Council, hereinafter referred to as the “City”, and FAYETTE COUNTY, a political subdivision in the State of Georgia, acting by and through its duly elected Board of Commissioners, hereinafter referred to as the “County”, for the use of certain County owned properties.

**WITNESSETH:**

**WHEREAS**, the City holds events on certain County owned properties, specifically these properties are the Old Courthouse and Square (200 Courthouse Square) and the Fayette County Administrative Complex and grounds including Heritage Park (140 Stonewall Avenue West); and

**WHEREAS**, the City and County desire by this writing to set forth the terms of their agreement for the City use of aforementioned County owned properties;

**NOW, THEREFORE**, for an in consideration of the mutual premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, both parties agree as follows:

Section 1. Legal Authority

1.1 This Agreement shall constitute a binding, legal contract between the parties hereto, in accordance with the authority granted by Article IX, Section III, Paragraph I of the 1983 Constitution of the State of Georgia. Each of the parties herein covenants that it has the requisite legal authority to provide the services, perform the functions, and otherwise do all things necessary, convenient, and expedient to carry out the obligations and responsibilities herein set forth, either expressly or by reasonable implication.

Section 2. Consent of the County

2.1 The County hereby consents to allow the City to hold and coordinate events, and also to coordinate and collect “use of grounds” fees for non-City events, on the aforementioned County owned properties through this agreement in return of the City meeting all stipulations set forth in this agreement. The County has the right of first refusal on any planned ~~city~~ events or activities of any kind.

Section 3. Stipulations

3.1 All applications require ~~a two (2)~~ up to six (6) week notice prior to any event being held. The City shall notify and get written approval from the County Administrator or his/her designee of any City event not included in this agreement (See Attachment A). Notice of event dates reflected in Attachment A will be provided at the beginning of each calendar year for



scheduling purposes to the County Administrator or his/her designee. All applications for non-City events shall be subject to final review and written approval by the County Administrator or his/her designee, and shall be considered non-binding until such approval is received.

3.2 The City shall provide security for any event via the Fayetteville Police Department and ensure coordination on such events with the county Marshal's Department.

3.3 The City shall submit a certificate of insurance for all non-City, sponsored events to the County Administrator or his/her designee no later than two (2) weeks prior to the event. The County shall be listed with respect to general liability in the amount of \$1,000,000.

3.4 The City shall provide for trash collection and disposal at the event and shall remove all trash and litter from the County owned properties after the event.

3.5 The City shall reimburse the County on an event basis for bathroom supplies (i.e. toilet paper, soap, paper towels, etc.) used in bathrooms of the Fayette County Administrative Complex based upon the cost reimbursement (See Attachment B). Payments shall be made to the County on a bi-annual basis.

3.6 The City shall not allow for the anchoring of tents and shade tarps that require driving stakes into County property. Tents, tarps and other items used for weekend events shall not block vehicular drive paths at the Stonewall Complex on weekdays. Items used for weekend events shall not be placed in such areas until after 5pm on Friday and shall be removed no later than 10am on Monday.

3.7 The City shall not allow anchoring tents or shade tarps by tying said items to trees, shrubs, or light poles in or around the aforementioned properties.

3.8 The City shall consult with the County Administrator or his/her designee for any large structures, including large tent covers or ~~stages, that~~ stages that are to be located at the aforementioned properties.

3.9 The City shall notify the County of any special needs for electrical power, above and beyond what is currently provided, for the County's review.

3.10 The County shall allow the sale and consumption of malt beverages, wine, and distilled spirits at events on the ~~Old Courthouse Square grounds~~ at the aforementioned County owned properties under the following stipulations:

- a. The event shall be a City sponsored event;
- b. The City shall issue the local event permit for the sale of malt beverages, wine and distilled spirits and ensure the vendor meets all applicable laws and regulations of the State of Georgia and City of Fayetteville Fayette County;
- c. The City will ensure that ~~the serving and consumption area be cordoned off by a temporary barrier with~~ police security at each area of ingress and egress; and is present as needed per event.
- d. ~~Signs shall be posted informing patrons that they may not consume the malt beverages and wine outside of the cordoned area.~~

3.11 The City shall pay the County an amount equal to twenty-five 25% of any "use of

grounds” fees collected for any non-City events on County property ~~not reflected in Attachment A~~. Payments shall be made to Fayette County no later than thirty (30) days after any such events.

3.12 The City shall ~~administer~~ consult with the County Administrator or his/her designee regarding the placement of signs at the Historic County Courthouse grounds.

#### Section 4. Indemnification.

4.1 To the extent allowed by law, the City shall indemnify the County against any losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses, including attorney fees, and any other liabilities incurred by, imposed upon, or suffered by the County in connection with or resulting from any claim, action, suit, or proceeding arising out of or in conjunction with the performance by the City of its duties and responsibilities under this Agreement.

#### Section 5. Term of Contract.

5.1 This agreement shall begin on the Effective Date as set forth on the Agreement page of the contract, and continue through June 30, ~~2014~~2018 2019. Thereafter, this agreement may be renewed by the County for one-year renewal terms (each a “Renewal Term” and together with the Initial Term, the “Term”), which renewal will be by letter or other written correspondence from the County to the City sixty (60) days prior to expiration of the Initial Term or then then-current Renewal Term. If the County fails to provide notice of renewal, this Agreement will terminate at the end of the Initial Term or the then-current Renewal Term. This agreement is subject to the multi-year contractual provisions of O.C.G.A. 36-60-13(a).

#### Section 6. Miscellaneous.

6.1 This Agreement shall constitute the entire agreement of the parties. No representations not contained herein have been relied upon or shall be binding upon either of the parties hereto. This Agreement may not be modified except by written agreement signed by both parties.

**IN WITNESSS WHEREOF**, the City and the County have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

FAYETTE COUNTY

By: \_\_\_\_\_

~~STEVE BROWN~~ ERIC K. MAXWELL,  
Chairman

ATTEST:

\_\_\_\_\_

~~Floyd Jones~~ Tameca P. White, County Clerk

THE CITY OF FAYETTEVILLE

By: \_\_\_\_\_

~~GREG CLIFTON~~ EDWARD  
JOHNSON, Mayor

ATTEST:

\_\_\_\_\_

Anne Barksdale, City Clerk



# Attachment A

CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE

## **AUTHORIZED FAYETTEVILLE MAIN STREET EVENTS**

1. Fine Art Show on the Old Courthouse Lawn
2. Taste of Fayette
3. Chili Fest
4. Pumpkin Festival/Trick or Treat on Main Street \*
5. Downtown Christmas Parade/Tree Lighting \*
6. Lunch on the Lawn / Dinner on the Lawn
7. Fayette Market Days \*
- 7.8. Movie nights

*~~All events signified with an asterisk (\*) are not permitted for the sale of malt beverages and wine at the Old Courthouse Square grounds as provided in Section 3. Stipulation 3.10 and subsections a-d.~~*

---

## Attachment B

CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE

### STONEWALL INVENTORY COST REIMBURSEMENT

#### **Women's Restroom:**

1. Rolls toilet tissue - ~~\$3.77~~ **\$3.40** [HGM1]
2. Multi fold packs paper towels - \$ 1.35
3. Hard roll paper towels ~~-\$2.80~~ **\$3.00**
4. Bag in box soap - ~~\$3.39~~ **\$3.35**

#### **Men's Restroom:**

1. Rolls toilet tissue - ~~\$3.19~~ **\$3.40**
  2. Multi fold packs paper towels - \$1.35
  3. Hard roll paper towels ~~-\$2.80~~ **\$3.00**
  4. Bag box soap - ~~\$3.39~~ **\$3.35**
-



# COUNTY AGENDA REQUEST

Page 60 of 99

Department: Board of Commissioners

Presenter(s): Chairman

Meeting Date: Thursday, January 11, 2018

Type of Request: New Business #14

## Wording for the Agenda:

Consideration of Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.

## Background/History/Details:

On January 2, 2013, the Fayette County Board of Commissioners approved Resolution 2013-01, and in so doing the Board made a pledge to the citizens of Fayette County and Fayette County's staff regarding the Board's Core Values and Beliefs.

The Board has often asked the citizens to hold them accountable to the public pledge and in recent years, each other.

The current resolution demonstrates an on-going commitment of the Board of Commissioners to the citizens and staff regarding the Board's Core Values and Beliefs.

## What action are you seeking from the Board of Commissioners?

Approval of Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? January 12, 2017

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

## RESOLUTION 2018-01

### RESOLUTION OF THE FAYETTE COUNTY COMMISSIONERS PLEDGE TO CITIZENS AND COUNTY STAFF ON CORE VALUES AND BELIEFS

- WHEREAS,** the 2018 Fayette County Board of Commissioners desire to affirm their core values and beliefs to our constituents and county staff; and
- WHEREAS,** the Board of Commissioners acknowledges they were placed in office by the voters of Fayette County and are responsible for conducting the official business of those citizens, looking out for their best interests; and
- WHEREAS,** the Board is determined to give the citizenry ample opportunity to voice their comments and concerns in all meetings; and
- WHEREAS,** the Board respects each individual staff member and believes that members who are treated with respect and given responsibility respond by giving their best; and
- WHEREAS,** although there may not be unanimous consent on every issue, the Board requires complete honesty and integrity in everything we do while valuing everyone's opinion; and
- WHEREAS,** the Board will take its commitments very seriously, and then do its utmost to live up to them, acknowledging the importance of doing what we say we are going to do; and
- WHEREAS,** the Board recognizes that the work performed by each staff member is an important part of their life, and it should be fulfilling and rewarding, so we encourage an open and welcoming workplace; and
- WHEREAS,** the Board vows to be good stewards of the citizen's resources, exercising the same vigilance that we would use to guard and conserve our own personal resources; and
- WHEREAS,** the Board insists that each commissioner and each staff member always give their best effort in everything we undertake, refusing to accept sloppiness or lack of effort; and
- WHEREAS,** the entire Board, each department director and each individual in our organization is expected to understand our mission and our goals realizing that doing so it is extremely critical to our success; and
- WHEREAS,** the Board believes in the Golden Rule, and we will strive to be friendly, courteous, fair and compassionate in all our dealings; and
- WHEREAS,** the Board and our staff members should always feel a sense of urgency on any matters related to our citizens, owning problems and always being responsive

**NOW, THEREFORE, BE IT RESOLVED** that we, the Board of Commissioners of Fayette County, Georgia do hereby pledge our acceptance of these core values and beliefs in the service of our citizens.

So resolved this 11<sup>th</sup> day of January 2018 by the

### FAYETTE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Eric K. Maxwell, Commissioner

\_\_\_\_\_  
Randy Ognio, Commissioner

\_\_\_\_\_  
Steve Brown, Commissioner

\_\_\_\_\_  
Charles D. Rousseau, Commissioner

\_\_\_\_\_  
Charles W. Oddo, Commissioner

# COUNTY AGENDA REQUEST

Page 62 of 99

Department: Board of Commissioners

Presenter(s): Chairman

Meeting Date: Thursday, January 11, 2018

Type of Request: New Business #15

## Wording for the Agenda:

Consideration of an appointment to the McIntosh Trail Community Service Board.

## Background/History/Details:

Commissioner Brown announced his resignation of the McIntosh Trail Community Service Board effective February 2018. Commissioner Brown's memo is provided as backup. The McIntosh Trail Community Service Board allows that the individual appointed to the board can be an elected or an appointed official. The state law's definition of an elected or an appointed official is:

1. The elected chief executive officer... of the county governing authority...;
2. An elected member of [the] county governing authority;
3. The county manager of such county governing authority...;
4. The sheriff of such county;
5. The elected chief executive officer..., an elected member of the governing authority, or an appointed city manager of any municipality lying wholly or partially within such county;
6. A member of the board of education of such county...;
7. The school superintendent of such county...;
8. The appointed public safety commissioner, police chief, or fire chief of such county or any municipality lying wholly or partially within such county; or
9. Any other elected official from within such county.

## What action are you seeking from the Board of Commissioners?

Approve an appointment to the McIntosh Trail Community Service Board.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



**ADMINISTRATION**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5400  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

---

## MEMORANDUM

**From:** Commissioner Steve Brown

**To:** County Clerk Tameca White

**Cc:** Board of Commissioners, County Administrator

**Date:** December 11, 2017

**Subject:** **McIntosh Trail Community Service Board**

This is to acknowledge that I will be leaving my position of the McIntosh Trail Community Service Board as of February 1, 2017.

The financial distress of the agency has been reversed and a new CEO is taking charge. I have valued the challenge.

With my limited time remaining on the Board of Commissioners I feel it best that someone with more longevity come in with the new administrative leadership on the service board.

# COUNTY AGENDA REQUEST

Page 64 of 99

Department: Clerk

Presenter(s): County Clerk Tameca White

Meeting Date: Thursday, January 11, 2018

Type of Request: New Business #16

## Wording for the Agenda:

Consideration of Resolution 2018-02 establishing Qualifying Fees for the 2018 elections in Fayette County.

## Background/History/Details:

In accordance with O.C.G.A. 21-2-131(a)(1)(A-B), the governing authority of all counties in Georgia must establish and publish qualifying fees for upcoming elections.

Each position's qualifying fee is calculated based on applicable Georgia law.

Once this resolution is adopted, the qualifying fees will be formerly advertised and published with the county's legal organ; Fayette News.

## What action are you seeking from the Board of Commissioners?

Adoption of Resolution 2018-02 establishing Qualifying Fees for the 2018 elections in Fayette County.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



**RESOLUTION ESTABLISHING QUALIFYING FEES  
FOR ELECTIONS IN 2018 IN FAYETTE COUNTY  
2018-02**

**WHEREAS**, the Board of Commissioners of Fayette County is commanded by the Official Code of Georgia, Section 21-2-131(1)(a-b) to establish official qualifying fees for each county office to be filled in each election in Fayette County;

**NOW, THEREFORE**, it is hereby resolved by said Board of Commissioners that the following qualifying fees are fixed and shall apply to the county offices to be filled during the General Election to be held in 2018 in Fayette County:

Board of Education, Districts 2 and 4	\$306.00
County Commission Districts 3 and 4	\$625.01
State Court Judge	\$3,409.16

So Resolved this 11<sup>th</sup> day of January 2018 by

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

\_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
Tameca P. White, County Clerk

# COUNTY AGENDA REQUEST

Page 66 of 99

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of staff's recommendation to demolish the old Department of Driver Services (DDS) building at 278 McElroy Road for the new location of Fire Station #4 approved in the FY2017 SPLOST.

## Background/History/Details:

The DDS building has been vacant since November 2016 and several groups, including some county departments have looked at renovating the building for office space but all determined it to be impractical. The building has existing moisture problems; an interior layout that is based upon a residential design and would require significant remodeling efforts to become usable and bring it up to existing building codes.

Existing fire station site would require significant elevation changes according to our civil engineer which would increase site development costs significantly since it would require 50,000 cubic yards of fill dirt (\$450,000) to align the existing proposed site.

Operationally the site egress and ingress would be located away from the intersection to avoid congestion and better line of site for emergency response from the station.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to demolish the old Department of Driver Services building at 278 McElroy Road for the new location of Fire Station #4 approved in the FY2017 SPLOST.

## If this item requires funding, please describe:

Funding included in FY2017 SPLOST.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

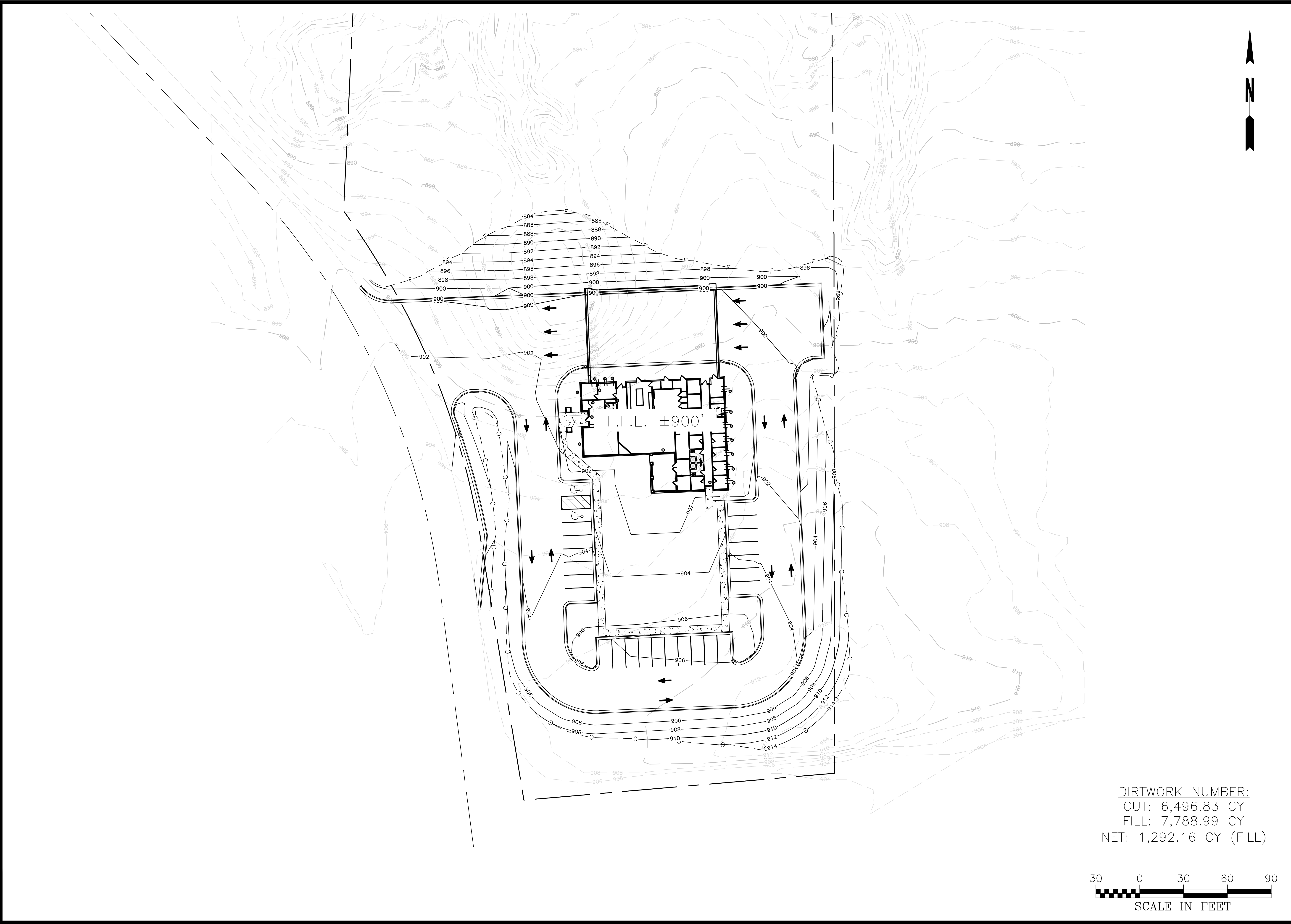
Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

Funding Sources: FY2017 SPLOST has \$2,405,160 allocated and there remains \$50,938 set aside for the DDS parking lot improvements in Capital Improvement Project (CIP) Fund 37540220-4220G.



Engineers  
Planners  
Surveyors

**CROY**  
ENGINEERING

200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413  
MARIETTA, GA 30062  
PHONE: (770) 971-5407 FAX: (770) 971-0620

FIRE STATION NO. 4

###

LAND LOT(S) ##  
OF THE ##### DISTRICT, ##### SECTION  
##, ## COUNTY, ####

PRELIMINARY

#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
NO.	REVISION REFERENCE	DATE

SEAL

SHEET TITLE  
PRELIMINARY GRADING  
PLAN

DRAWN BY SMM	CHECKED BY LCC
SCALE 1"=30'	ISSUE DATE 11/29/2017

PROJECT NUMBER  
1788.000

DRAWING NUMBER

PRELIMINARY GRADING PLAN

SHEET ##### of ##

Plot Scale: 1"=30' Drawing Path: P:\1788 K.A. Odum Design\1788.000 Fire Station No. 4\Engineering\Design\1788.000\_Design\_Sht 2.dwg  
Drawing Location: P:\1788 K.A. Odum Design\1788.000 Fire Station No. 4\Engineering\Design\1788.000\_Design\_Sht 2.dwg  
Printed by: Scott McMillan on 12/2/2017 2:45 PM



# CROY

200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413  
MARIETTA, GA 30062  
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CHRYSLER FINANCIAL LLC. NO PART THEREOF SHALL BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

FIRE STATION NO. 4

##

LAND LOT(S) ##  
OF THE ##### DISTRICT, ##### SECTION  
### ## COUNTY, #####

# PRELIMINARY

#		#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
NO.	REVISION REFERENCE	DATE

SEARCH

SHEET TITLE  
TRUCK TURNS

DRAWN BY SMM	CHECKED BY LCC
SCALE 1"=30'	ISSUE DATE 11/29/2017

PROJECT NUMBER	1788.000
DRAWING NUMBER	

## TRUCK TURNS

SHEET ##### of ##

# COUNTY AGENDA REQUEST

Page 69 of 99

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of the proposed Memorandum of Agreement (MOA) with the Georgia Department of Transportation for replacement of the Coastline Road bridge over the CSX railroad (GDOT PI 0015647) and approval to allocate \$83,500 from the 2004 Transportation SPLOST, Project No. B-1.

## Background/History/Details:

Last March, the BOC expressed support to participate in GDOT's Local Bridge Replacement Program (LOCBR) for the Coastline Road bridge. The existing wood bridge is posted with weight restrictions and is owned and maintained by CSX Railroad.

Since then, GDOT has prepared the attached MOA that documents each party's responsibilities for the project. Fayette County would be responsible for paying half of the right-of-way costs, estimated to be \$83,500. GDOT will manage and fund the preliminary engineering, reimbursable utility relocations, the remainder of the right-of-way costs and construction.

No information on project schedule is available at this time.

County funding for this project is available through the 2004 Transportation SPLOST, 321 Funds, Project B-1.

## What action are you seeking from the Board of Commissioners?

Approval and execution of the proposed Memorandum of Agreement (MOA) with the Georgia Department of Transportation for replacement of the Coastline Road bridge over the CSX railroad (GDOT PI 0015647) and allocation of \$83,500 from the 2004 Transportation SPLOST for the project (B-1).

## If this item requires funding, please describe:

Fayette County's funding responsibility for the project is \$83,500, with payment made to the GDOT. Money is available from the 2004 SPLOST, 321 Funds, Project B-1.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



Russell R. McMurry, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

December 21, 2017

Mr. Eric Maxwell, Chairman  
Fayette County Board of Commissioners  
140 Stonewall Avenue, W, Suite 100  
Fayetteville, GA 30214

RE: LOCAL BRIDGE REPLACEMENT OF CR 61 (COASTLINE ROAD) AT CSX #639500S 3 MI NE OF TYRONE – PI 0015647

Dear Mr. Maxwell:

The above referenced bridge has been programmed for replacement within the Georgia Department of Transportation's Local Bridge Replacement Program (LOCBR). The Department has received the County's letter of support and agreement to provide half of the right-of-way costs, with the Department funding the preliminary engineering, reimbursable utility relocations, the remainder of the right-of-way costs and construction.

Attached to this letter is the Memorandum of Agreement (MOA) for the County review and execute. The MOA provides details of the County's financial responsibility for the subject project. The GDOT State Right-of Way Office developed a concept level estimate for the right-of-way costs. Please use the figures indicated in the attached MOA for reference.

As the project continues through the design process, the right-of-way costs may increase or decrease depending on specific site characteristics. The County will only be responsible for the amount agreed upon in the MOA regardless of any additional acquisitions.

The Department requests that the County return the executed MOA to the attention of Kimberly Nesbitt, GDOT State Program Delivery Administrator, by February 28, 2018. As stated in Section I, Part a. of the MOA, the County will be responsible for providing payment for half of the right-of-way costs to the Department within 30 business days after notification that the Agreement is fully executed.

If you have any questions or comments concerning this project, please contact Carol Kalafut of the Office of Bridge Design at [ckalafut@dot.ga.gov](mailto:ckalafut@dot.ga.gov) or (404) 631-1882 or Sean Pharr of the Office of Program Delivery at [spharr@dot.ga.gov](mailto:spharr@dot.ga.gov) or (404) 631-1162. Thank you for your attention and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. DuVall".

William M. DuVall, P.E.  
State Bridge Engineer

PI 0015647, Fayette County  
**Georgia Department of Transportation**  
**Bridge Replacement Project**  
Page 2 of 2

WMD:CIK  
Attachments

cc:

Dana L. Lemon, Honorable Board Member Congressional District 13  
Albert Shelby, III, Director of Program Delivery  
Kimberly Nesbitt, State Program Delivery Administrator, ATTN: Sean Pharr  
Adam Smith, District 3 Preconstruction Engineer

**MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
GEORGIA DEPARTMENT OF TRANSPORTATION  
FAYETTE COUNTY  
FOR  
RIGHT OF WAY**

This Memorandum of Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia (hereinafter called the "DEPARTMENT" or "GDOT"), and **Fayette County, Georgia**, acting by and through its Mayor and City Council or Board of Commissioners (hereinafter called the "LOCAL GOVERNMENT").

WHEREAS, **PI No. 0015647 CR 61 (COASTLINE ROAD) AT CSX #639500S 3 MI NE OF TYRONE** (hereinafter called "PROJECT") has been added to the Statewide Transportation Improvement Plan; and

WHEREAS, the DEPARTMENT policy requires, and the LOCAL GOVERNMENT has agreed, that the LOCAL GOVERNMENT shall fund a portion of the DEPARTMENT expenses associated with Right of Way Phase Funding (hereinafter called "Right of Way Phase") for the PROJECT; and

WHEREAS, the estimated amount for the Right of Way Phase is **one hundred sixty seven thousand dollars (\$167,000)** ("Preliminary Right of Way Phase Estimate"); and

WHEREAS, the LOCAL GOVERNMENT has agreed to pay fifty percent (50%) of the Preliminary Right of Way Phase Estimate in the amount of **eighty three thousand five hundred dollars (\$83,500)** to the DEPARTMENT within thirty (30) days of notification of this fully executed Agreement; and

WHEREAS, the Constitution authorizes intergovernmental agreements whereby state and local entities may contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the parties are authorized by law to undertake or provide." Ga. Constitution Article IX, §III, ¶I(a).

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the LOCAL GOVERNMENT hereby agree each with the other as follows:

1. **PAYMENT BY THE LOCAL GOVERNMENT TO THE DEPARTMENT**

- a. Subject to the provisions of this section, the LOCAL GOVERNMENT will be responsible for providing payment of fifty percent (50%) of the Preliminary Right of Way Phase Estimate, or **eighty three thousand five hundred dollars**

(\$83,500) to the DEPARTMENT within thirty (30) days of notification of this fully executed Agreement.

- b. All payments by the LOCAL GOVERNMENT to the DEPARTMENT shall be sent to the following address:

For payments made by check:  
Georgia Department of Transportation  
P.O. Box 117138  
Atlanta, GA 30368-7138

For payments made by ACH:  
Bank Routing (ABA) # 021052053  
Account # 43125093

- c. If there is an unused balance after completion of all tasks and phases of the PROJECT, then pending a final audit by the DEPARTMENT, the remainder will be refunded to the LOCAL GOVERNMENT.
- d. The DEPARTMENT will prepare Specific Activity Agreements for funding applicable to other PROJECT activities, such as right of way, utilities and construction phases, when appropriate.
- e. Both the LOCAL GOVERNMENT and the DEPARTMENT hereby acknowledge that Time is of the Essence.

If, for any reason, the LOCAL GOVERNMENT does not make payment to the DEPARTMENT pursuant to Paragraph 1 above, the DEPARTMENT reserves the right, where applicable, to delay or cancel the PROJECT.

2. COMPLIANCE WITH APPLICABLE LAWS.

- a. The undersigned, on behalf of the LOCAL GOVERNMENT, certifies that the provisions of Section 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.
- b. The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated relating to the "Drug Free Workplace Act" have been complied with in full, as stated in Appendix A of this Agreement.
- c. The LOCAL GOVERNMENT has read and understands the regulations for STATE AUDIT REQUIREMENT and will comply in full with said provisions of O.C.G.A. § 36-81-7.

- d. By execution of this Agreement, I, on behalf of the LOCAL GOVERNMENT, certify under penalty of law that the LOCAL GOVERNMENT is in compliance with the service delivery strategy law (O.C.G.A. Sec. 36-70-1 *et seq.*) and is not debarred from receiving financial assistance from the State of Georgia.
  - e. The LOCAL GOVERNMENT hereby agrees that it shall comply with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101, *et seq.* and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.
  - f. The LOCAL GOVERNMENT hereby agrees that it shall comply with Official Code of Georgia Annotated Title 25, Section 9, Georgia Utility Facility Protection Act, CALL BEFORE YOU DIG 1-800-282-7411.
  - g. Pursuant to O.C.G.A. § 13-10-91, the LOCAL GOVERNMENT is and shall be at all times, in compliance with the Federal Work Authorization Program.
  - h. The LOCAL GOVERNMENT hereby agrees that it shall not discriminate on the basis of age, race, color, sex, national origin, religion or disability and that it shall comply, at a minimum, with the following Georgia laws: the Georgia Age Discrimination Act (O.C.G.A. § 34-1-2 *et seq.*); the Georgia Equal Employment for Persons with Disabilities Code (O.C.G.A. 34-6A-1 *et seq.*); and the Sex Discrimination in Employment (O.C.G.A. 34-5-1 *et seq.*). The LOCAL GOVERNMENT further agrees that it will comply with any and all state and federal laws not specifically stated herein addressing discrimination to the extent that such is applicable.
  - i. LOCAL GOVERNMENT acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement.
- 3. It is mutually agreed between the parties hereto that this Agreement shall be deemed to have been executed in Fulton County, Georgia, and that all questions of interpretation and construction shall be governed by the laws of the State of Georgia.
  - 4. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.
  - 5. If any provision of this amendment is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
  - 6. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the parties hereto, any rights or benefits under or by reason of this Agreement.



7. The above "Whereas" clauses are hereby incorporated by reference as though fully set forth herein.
8. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.

IN WITNESS WHEREOF, the DEPARTMENT and the LOCAL GOVERNMENT have caused these presents to be executed under seal by their duly authorized representatives.

GEORGIA DEPARTMENT OF  
TRANSPORTATION

**FAYETTE COUNTY, GEORGIA**

BY: \_\_\_\_\_  
Commissioner

BY: \_\_\_\_\_  
Name  
Title

ATTEST:

Signed, sealed and delivered this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_, in the presence of:

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

This Agreement approved by Local  
Government, the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

Attest

\_\_\_\_\_  
Name and Title

FEIN: \_\_\_\_\_

P.I. 0015647

**APPENDIX A  
CERTIFICATION OF LOCAL GOVERNMENT  
DRUG-FREE WORKPLACE**

I hereby certify that I am a principal and duly authorized representative of \_\_\_\_\_  
whose address is \_\_\_\_\_ and it is also certified that:

1. The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and
2. A drug-free workplace will be provided for the LOCAL GOVERNMENT's employees during the performance of the contract; and
3. Each subcontractor hired by the LOCAL GOVERNMENT shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. The LOCAL GOVERNMENT shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with \_\_\_\_\_, \_\_\_\_\_ certifies to the LOCAL GOVERNMENT that a drug-free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated Section 50-24-3"; and
4. It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## APPENDIX B

### CERTIFICATION OF COMPLIANCES

I hereby certify that I am a principal and duly authorized representative of \_\_\_\_\_ whose address is \_\_\_\_\_ and it is also certified that:

#### I. PROCUREMENT REQUIREMENTS

The below listed provisions of State Procurement requirements shall be complied with throughout the contract period:

- (a) Provisions of Chapters 2 and Chapters 4 of the Title 32 of the Official Code of Georgia Annotated. Specifically as to the County the provisions of O.C.G.A. § 32-4-40 *et seq.* and as to the Municipality the provisions of O.C.G.A. § 32-4-92 *et seq.*

#### II. STATE AUDIT REQUIREMENT

The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the "Requirement of Audits" shall be complied with throughout the contract period in full, including but not limited to the following provisions:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of \$300,000.00 or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than \$300,000.00 in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.
- (e) The audits of each local government shall be conducted in accordance with generally accepted government auditing standards.

#### III. SERVICE DELIVERY STRATEGY REQUIREMENT

The provisions of Section 36-70-20 *et seq.* of the Official Code of Georgia, relating to the "Coordinated And Comprehensive Planning And Service Delivery By Counties And Municipalities", as amended, have been complied with throughout the contract period.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Appendix C**  
**Georgia Security and Immigration Compliance Act Affidavit**

**GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT**

<b>Contractor's Name:</b>	
<b>Solicitation/Contract No./ Call No. or Project Description:</b>	

**CONTRACTOR AFFIDAVIT**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
Federal Work Authorization User Identification Number  
(EEV/E-Verify Company Identification Number)

\_\_\_\_\_  
Date of Authorization

\_\_\_\_\_  
Name of Contractor

**I hereby declare under penalty of perjury that the foregoing is true and correct**

\_\_\_\_\_  
Printed Name (of Authorized Officer or Agent of Contractor)

\_\_\_\_\_  
Title (of Authorized Officer or Agent of Contractor)

\_\_\_\_\_  
Signature (of Authorized Officer or Agent)

\_\_\_\_\_  
Date Signed

**SUBSCRIBED AND SWORN BEFORE ME ON THIS THE**

**\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_**

**[NOTARY SEAL]**

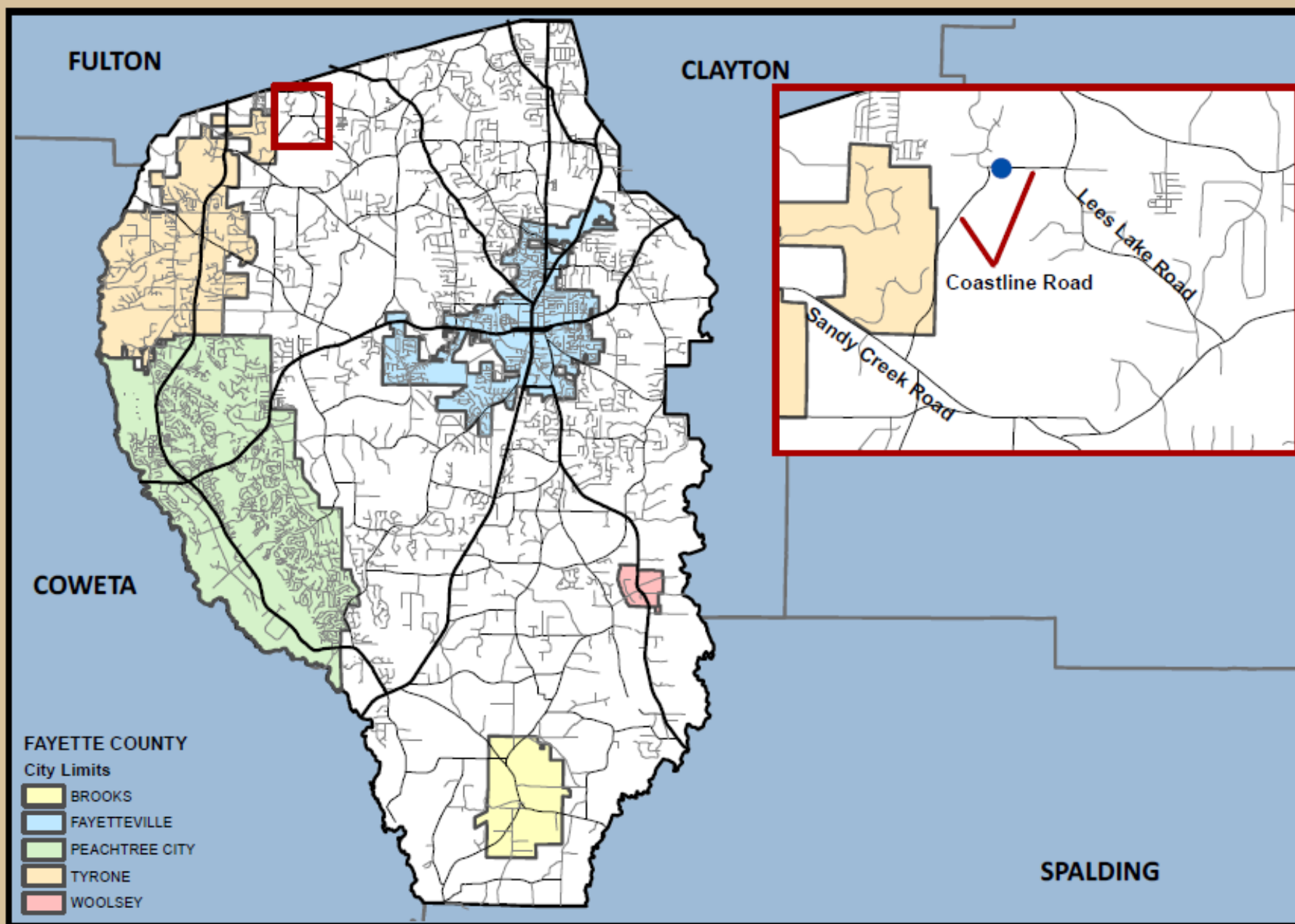
\_\_\_\_\_  
Notary Public

**My Commission Expires: \_\_\_\_\_**



# Coastline Road Bridge

Fayette County Board of Commissioners  
Thursday, January 11, 2018



Fayette County  
Vicinity Map - Coastline Road Bridge







Coastline Road looking west





Coastline Road Timber Bridge



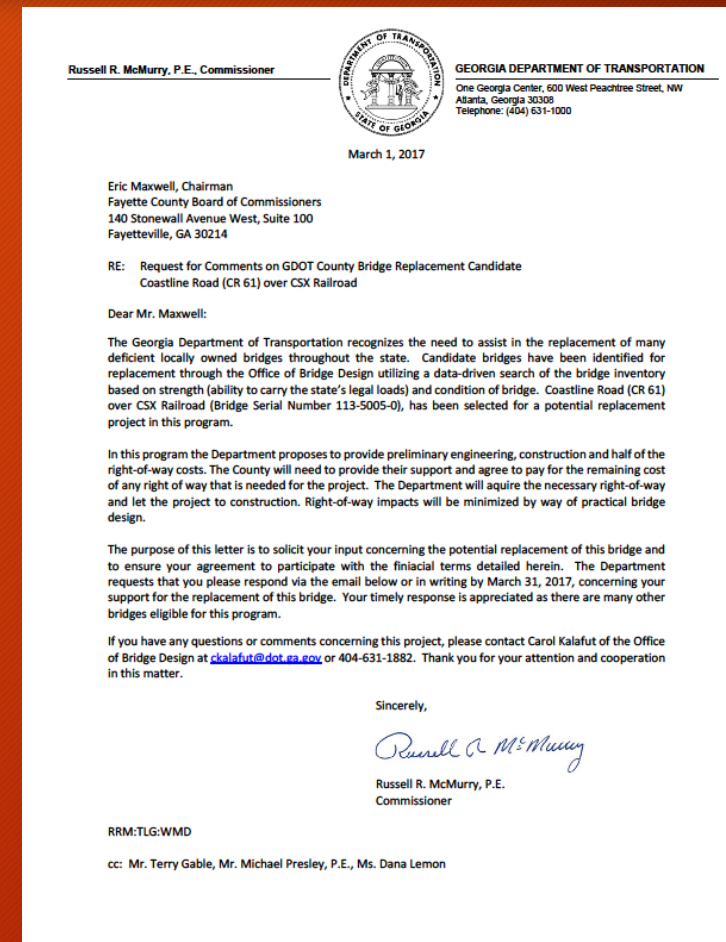


Coastline Road Bridge - looking east



# GDOT County Bridge Replacement Program

- Candidates identified based on weight restrictions and condition
- GDOT provides PE, ROW and CST
- County responsible for half of ROW costs
- No details or schedule known at this time
- Upon approval, GDOT will prepare formal Contract for County acceptance
- FY 2018 funding for approximately 50 bridges
- 1,400 known bridges across state with weight restrictions
- BOC voted to participate in program on March 29, 2017





GDOT Structure ID: 133-5005-0

Last Inspection: July 2016

Posted Weight Limit: 3 tons  
(typical school bus weighs 9 to 13 tons)

Sufficiency rating: 15.6 (out of 100)

Year Built: 1940

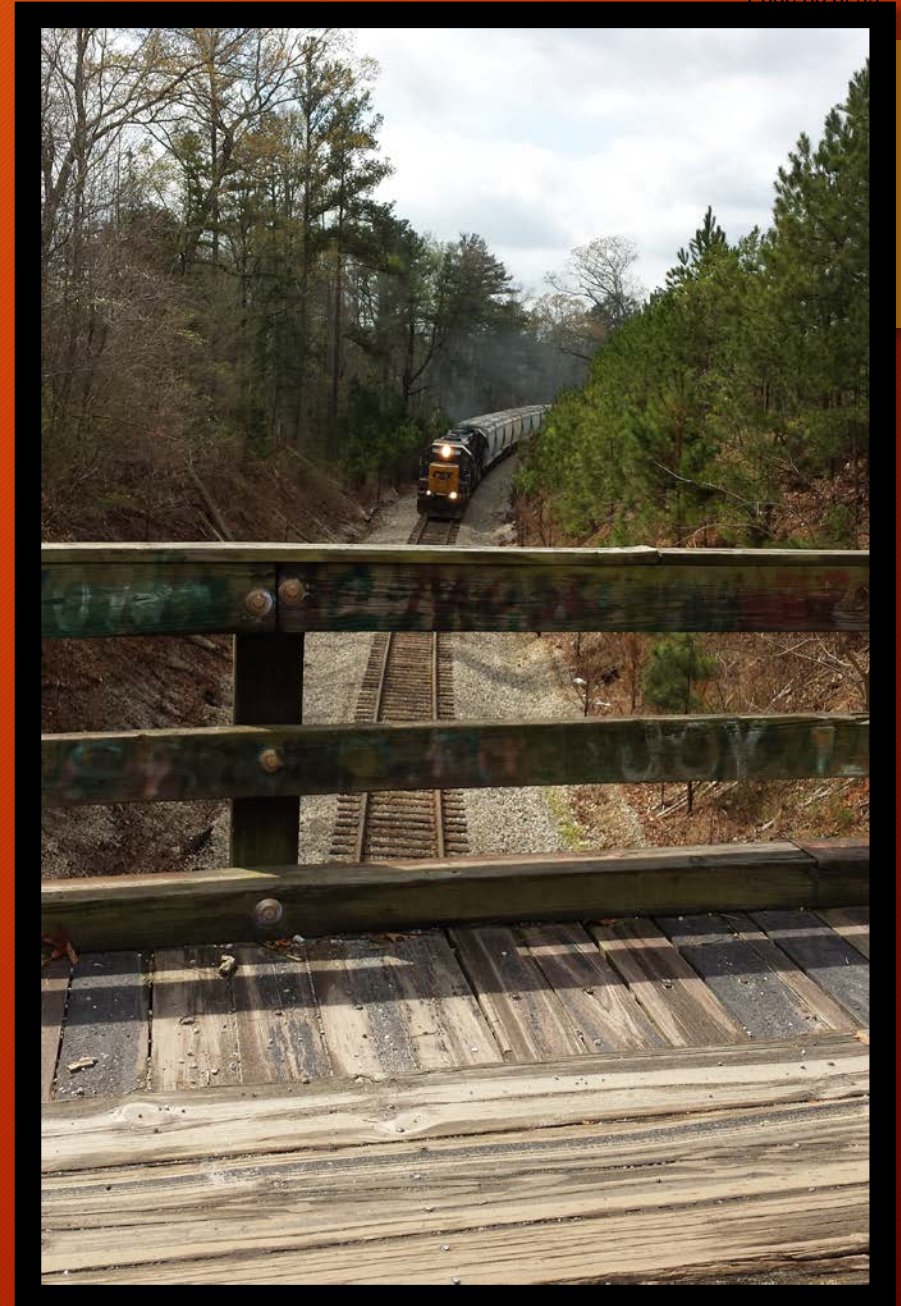
Material: Timber

Length: 79 ft / Width: 16 ft

Bridge owned by CSX

Bridge replacement is an eligible  
2004 SPLOST project (B-1).

Inspection Notes: Deck boards, runners, rails,  
piles and beams all have deterioration, rot,  
and/or splits.



# COUNTY AGENDA REQUEST

Page 87 of 99

Department: Board of Commissioners

Presenter(s): Commissioner Randy Ognio

Meeting Date: Thursday, January 11, 2018

Type of Request: New Business #19

## Wording for the Agenda:

Consideration of Resolution 2018-03 to adopt the text of House Resolution (HR) 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text.

## Background/History/Details:

House Resolution 514 of the 114th Congress was introduced in November 2015 by Representative Alexander Mooney (R-WV-2). According to the the U.S. Congress website, this resolution "expresses the sense of the House of Representatives that the U.S. Government: (1) should not infringe upon the ability of American citizens to act in accordance with their sincerely held religious beliefs, and (2) condemns any behavior by the states that limits the ability of individuals to express such beliefs."

This resolution is in response to Senate Bill 233; State Government; preservation of religious freedom and is provided as backup.

Commissioner Ognio will present this request to the Board.

## What action are you seeking from the Board of Commissioners?

Approval of Resolution 2018-03 to adopt the text of House Resolution 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**RESOLUTION**

**NO. 2018-\_\_**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO ADOPT AS ITS OWN THE TEXT OF H. RES. 514 OF THE 114TH CONGRESS OF THE UNITED STATES; TO REQUEST THAT THE GENERAL ASSEMBLY ADOPT AS ITS OWN THE TEXT OF H. RES. 514 OF THE 114TH CONGRESS OF THE UNITED STATES AND TAKE ANY NECESSARY ACTION TO PROTECT RELIGIOUS FREEDOM IN GEORGIA; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners for Fayette County, Georgia (the “County”) is the duly elected governing authority for the County; and

**WHEREAS**, on November 4, 2015, there was introduced in the House of Representatives of the United States of America a resolution designated as H. Res. 514 and entitled “Protecting Religious Freedom in America”<sup>1</sup>; and

**WHEREAS**, it is the belief of the Board that the General Assembly should take action to protect religious freedom in the State of Georgia by enacting a similar resolution; and

**WHEREAS**, the Board also desires to adopt as its own the text of said resolution to signify its dedication to the protection of religious freedom in Fayette County and in the State of Georgia; and

**WHEREAS**, it is the sense of the Board that Federal, State and local governments should not infringe on the ability of citizens to act in accordance with their religious beliefs; and

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<sup>1</sup> See H.R. Res. 514, 114th Cong. (2015).

**WHEREAS**, the United States was founded on the principles of freedom and democracy, and, as Benjamin Franklin stated in the Pennsylvania Gazette in 1737, “Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved, and tyranny is erected on its ruins.”<sup>2</sup>; and

**WHEREAS**, freedom from religious persecution motivated many to flee Europe and make a new life in America and approximately 20,000 Puritans left England and settled in America in search of the liberty to worship God according to their beliefs<sup>3</sup>; and

**WHEREAS**, the Declaration of Independence affirms the sovereignty of God: “... they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness ...”<sup>4</sup>; and

**WHEREAS**, the right to freedom of speech was codified in the First Amendment to the Bill of Rights, which states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”<sup>5</sup>; and

**WHEREAS**, the freedom of religion is not simply a blessing, but also a right and as our first President George Washington said, “The liberty enjoyed by the People of these States, of worshiping Almighty God agreeable [sic] to their Consciences, is not only among the choicest of their *Blessings*, but also of their *Rights*.”<sup>6</sup>; and

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<sup>2</sup> Benjamin Franklin, Editorial, *On Freedom of Speech and the Press*, PA. GAZETTE, Nov. 17, 1737.

<sup>3</sup> See ROSCOE LEWIS ASHLEY, *AMERICAN HISTORY* 52 (Macmillan 1908).

<sup>4</sup> THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

<sup>5</sup> U.S. CONST. amend. I.

<sup>6</sup> Letter from George Washington to the Society of Quakers (Oct. 13, 1789).

**WHEREAS**, George Washington also said, “[L]et us with caution indulge the supposition, that morality can be maintained without religion . . . reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.”<sup>7</sup>; and

**WHEREAS**, the right to freedom of speech applies to speech based on religious beliefs, and as Thomas Jefferson stated “[t]hat the opinions of men are not the object of civil government, not under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty.”<sup>8</sup>; and

**WHEREAS**, the Free Exercise Clause of the First Amendment, which protects the right to practice religion, is applied to the States through the 14th Amendment and as stated by the Supreme Court: “Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law.”<sup>9</sup>; and

**WHEREAS**, the Government may not determine which moral or religious beliefs are acceptable and “Religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.”<sup>10</sup>; and

**WHEREAS**, at the founding of our Nation, it was known even then that “nothing is more dreaded than the National Government meddling with Religion.” (John Adams)<sup>11</sup>; and

**WHEREAS**, American citizens must be confident that their speech is protected even if others disagree with what they say and as Justice Thurgood Marshall wrote in Police Dept. of City of Chicago v. Mosley “But, above all else, the First Amendment means that government has

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<sup>7</sup> President George Washington, Farewell Address (Sept. 17, 1796).

<sup>8</sup> Bill No. 82, 1779 Sess. (Va. 1779).

<sup>9</sup> Cantwell v. Connecticut, 310 U.S. 296, 304 (1940).

<sup>10</sup> Thomas v. Review Bd. Of Indiana Employment Security Div., 450 U.S. 707, 714 (1981).

<sup>11</sup> Letter from John Adams to Benjamin Rush (June 12, 1812).



no power to restrict expression because of its message, its ideas, its subject matter, or its content.”<sup>12</sup>; and

**WHEREAS**, protection of religious liberty remains undeniably intertwined with the freedoms inherent in democracy, and as Ronald Reagan stated “To those who cite the first amendment as reason for excluding God from more and more of our institutions and everyday life, may I just say: The first amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny.”<sup>13</sup>; and

**WHEREAS**, persecution because of religious beliefs will not be tolerated within Fayette County and should not be tolerated anywhere in the State of Georgia or the United States of America.

**NOW, THEREFORE BE IT RESOLVED** that it is hereby the sense of the Board of Commissioners that:

- (1) Fayette County shall not infringe upon the ability of individuals to act in accordance with their sincerely held religious beliefs; and
- (2) Fayette County condemns any behavior by any other government that limits the ability of individuals to express their religious beliefs.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby requests that the General Assembly of the State of Georgia adopt as its own the text of H. Res. 514 of the 114th Congress of the United States of America and that the General Assembly take any and all action necessary to protect religious freedom in the State of Georgia.

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<sup>12</sup> 408 U.S. 92, 95 (1972).

<sup>13</sup> President Ronald Reagan, Address Before a Joint Session of the Alabama State Legislature in Montgomery (Mar. 15, 1982).

**SO RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By: \_\_\_\_\_  
Eric K. Maxwell, Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

Senate Bill 233

By: Senators Harbin of the 16th, Stone of the 23rd, Payne of the 54th, Ligon, Jr. of the 3rd,  
Gooch of the 51st and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to provide for the preservation of religious freedom; to provide for related matters; to  
3 provide for an effective date and applicability; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
8 by adding a new chapter to read as follows:

9 "CHAPTER 15A

10 50-15A-1.

11 The provisions of 42 U.S.C. Chapter 21B as such existed on January 1, 2017, regarding  
12 government burdens on the free exercise of religion, shall in like manner apply to this state  
13 or any political subdivision thereof."

14 **SECTION 2.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law  
16 without such approval.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.

# COUNTY AGENDA REQUEST

Page 94 of 99

Department: Board of Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, January 11, 2018

Type of Request: New Business #20

## Wording for the Agenda:

Consideration of Resolution 2018-04; requesting the passage of House Resolution (HR) 158 (Sponsored by Rep. Jay Powell, R-Camilla), a measure allowing the Georgia General Assembly to dedicate fee collections for specific programs.

## Background/History/Details:

As stated by the General Assembly this resolution is A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for the dedication of revenues derived from fees or taxes to the public purpose for which such fees or taxes were imposed; to provide for procedures, conditions, and limitations; to provide for the redesignation of a current subparagraph of the Constitution; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

## What action are you seeking from the Board of Commissioners?

Approval of Resolution 2018-04; requesting the passage of HR 158 (Sponsored by Rep. Jay Powell, R-Camilla), a measure allowing the Georgia General Assembly to dedicate fee collections for specific programs.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

***\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**COUNTY OF FAYETTE  
STATE OF GEORGIA**

**RESOLUTION NO:**

**2018-\_\_\_\_\_**

**A RESOLUTION OF THE FAYETTE COUNTY BOARD OF COMISSIONERS, IN THE  
STATE OF GEORGIA, REQUESTING THE PASSAGE OF HR 158 (SPONSORED BY REP. JAY  
POWELL, R-CAMILLA), A MEASURE ALLOWING THE GEORGIA GENERAL ASSEMBLY  
TO DEDICATE FEE COLLECTIONS FOR SPECIFIC PROGRAMS**

**WHEREAS**, Georgia's 159 counties, more than 500 municipalities, local businesses, and citizens annually submit millions of dollars in fees and payments to the state; and

**WHEREAS**, in many cases these fees were created to aid local governments in implementing programs such as hazardous waste cleanups, clean community programs, indigent defense and judicial programs, peace officer training, and teen driver training; and

**WHEREAS**, the state government typically redirects these fees to fund unrelated portions of the state budget; and

**WHEREAS**, without funding from these fees, local governments are unable to implement programs designed to keep their citizens healthy and safe; and

**WHEREAS**, regarding the Hazardous Waste Trust Fund and Solid Waste Trust Fund, nearly 40 percent of the \$469 million collected since 1993 has been diverted from its intended purposes; and

**WHEREAS**, in the case of the teen driving program known as Joshua's Law, which generates between \$3-\$10 million annually, only about \$8 million has been used to fund teen driver programs since the program's creation in 2005; and

**WHEREAS**, with respect to the Peace Officer & Prosecutors Training Fund that generates an estimated \$27 million annually, an estimated \$70 million was redirected to fund unrelated portions of the state budget between 1987 and 2009; and

**WHEREAS**, because of these diversions of fees, tire dumps and hazardous waste sites remain untouched, teen drivers have inadequate guidance, and peace officers cannot get funding for additional and necessary training programs; and

**WHEREAS**, these diversions of fees are therefore detrimental to the health, safety, and welfare of our citizens; and

**WHEREAS**, the Georgia Municipal Association and the Association of County Commissioners of Georgia support legislation to end the practice of these fee collections becoming de facto taxes.

**NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN THE STATE OF GEORGIA, AS FOLLOWS:**

that the Board of Commissioners supports legislative efforts to address this ongoing funding problem for local governments by adopting a constitutional amendment authorizing the General Assembly to establish dedicated trust funds.

**BE IT FURTHER RESOLVED** that the Georgia General Assembly should adopt a resolution on this issue, such as HR 158, during the 2018 legislative session so that a constitutional amendment can be put before voters in November 2018.

**BE IT FURTHER RESOLVED** that the Governor of the State of Georgia should sign and approve such constitutional amendment resolution.

**ADOPTED** by the Fayette County Board of Commissioners, in the State of Georgia, this 11<sup>th</sup> day of January 2018.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(Seal)

By: \_\_\_\_\_

COMMISSIONER CHAIRMAN

ATTEST:

\_\_\_\_\_  
Tameca P. White, County Clerk

Upon adoption of this resolution, copies of the full resolution shall be mailed or electronically submitted to the Governor, Lt. Governor, Speaker of the House of Representatives, and the local legislative delegation.





## HR 158—RESOLUTION TO RESTORE TRUST IN STATE GOVERNMENT

If you paid your mechanic to replace the battery in your car, and they instead replaced your radiator, you would rightfully cry foul and demand the correct service. Now, what happens when your legislators collect money from you for one purpose and use that money for something completely different? In the private sector, that's considered fraud, but in the Georgia General Assembly, it's business as usual. The result: illegal tire dumps littering our communities, unfunded driver education for teens and lagging support for local law enforcement training.

### THE PROBLEM

While legislators can adopt laws creating fees to fund state programs, they can't ensure that those collections will be used for their intended purposes. Instead, the collections go into the state's general fund and it's left to budget writers to appropriate the money. Legislators can't "dedicate" the fees.

#### Solid Waste and Hazardous Waste Trust Funds

These environmental funds were created in the early 1990s to eliminate illegal tire dumps and cleanup hazardous waste sites. Fees are now assessed when we buy new tires or dump trash at a local landfill. Since the programs began, \$469 million has been collected, but about 40 percent (\$193 million) has been diverted.

#### Joshua's Law (Driver's Education for Teens)

Since 2005, this law has added extra fines to traffic violations to fund teen driver education in schools. It has generated \$3 to \$10 million annually, but only \$8 million has been used to fund teen driver programs.

#### Peace Officer & Prosecutor's Training Fund

This fund generated through criminal and traffic violation fines brings in an estimated \$27 million annually. It's supposed to be used to train more than 24,000 local law enforcement officers. Between 1987 and 2009, an estimated \$71 million was taken from these collections to pay for other portions of the state budget.

### THE SOLUTION

If the state collects fees for a specific purpose, those funds should be used for that purpose. HR 158, a resolution to create a constitutional amendment allowing legislators to "dedicate" fees is now being considered. If adopted and approved by voters in 2018, it will help restore our trust in our government and ensure that these important state programs are properly funded.

### **Ask your representative and senator to support HR 158 and restore the trust in our trust funds.**

For more information and to send your legislator an e-mail, visit: <http://www.protectgeorgia.org/#/>



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place, Howell said. He acknowl-  
edged the possibility that dis-  
gruntled drivers had taken mat-  
ters into their own hands by call-  
ing out sick.

Meanwhile, the Facebook page  
of the Amalgamated Transit Union  
Local 732 in Atlanta called for its  
members to stand in "solidarity"  
with their "brothers and sisters"  
in Cobb during this "work slow

down." First Transit "refuses ...  
to give our members their pay-  
check in a timely manner caus-  
ing major hardship to these mem-  
bers," the message said, compar-  
ing the company to the Grinch  
who stole Christmas.

Commissioner Bob Ott, the  
board's liaison to the county  
Department of Transportation,  
described the sickout as a "work

**Cobb bus** continued on B3

## CLOSER LOOK

# Ga. 911 agencies mysteriously lose \$5M in funding

Every county in state  
receives 25 percent less  
than it did last year.

**By Mark Niesse**

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Almost \$5 million in funding  
for Georgia 911 services disap-  
peared this year, and no one can  
say exactly why.

The money had been collected  
from a 75-cent fee on prepaid  
phones but was never distrib-  
uted by the state to local emer-  
gency 911 agencies. Every county  
in Georgia received 25 percent  
less than it did last year.

The only reason provided by  
Georgia Revenue Commissioner  
Lynne Riley is that the state issued  
a refund, reducing the amount 911

agencies thought they were owed.  
A Georgia privacy law makes tax  
information a state secret.

"I'd like an explanation," said  
Kenny Calhoun, the chairman  
of the Middle Flint Regional 911  
Authority, which manages 911  
services for eight Middle Geor-  
gia counties. "How does an over-  
sight that large, with that much  
money, how does that occur?"

The Middle Flint Regional 911  
Authority received \$46,688 less  
this year than in 2016, eliminating  
its ability to hire staff to improve  
911 call answering times, Cal-  
houn said.

The decline in funding for 911  
agencies statewide limits their  
ability to hire operators, reduce  
response times and upgrade

**911 shortfall** continued on B3

## Plant Vogtle's next move hinges on thorny vote



Georgia Power's decision to con-  
tinue construction of two new  
nuclear reactors at Plant Vogtle  
in east Georgia. The project has  
been brought to near-collapse



## METRO

## 911 shortfall

continued from B1

technology.

Across Georgia, fee payments for prepaid phones dropped from \$19.8 million last year to \$15 million this year, according to state Department of Revenue documents.

Major cellphone carriers such as AT&T, Sprint, T-Mobile and Verizon offer prepaid plans, which charge customers upfront for phones and data without a contract.

A company apparently overpaid its 911 fees to the state and then filed for a refund when it found the error. Information about the refund is confidential under state taxpayer protection laws, Riley wrote in an Oct. 25 letter to the state's 911 director. The Department of Revenue declined to comment.

"We were shocked because these prepaid plans continue to grow," said Debra Nesbit, associate legislative director for the Association County Commissioners of Georgia, which represents the interests of county governments. "Nobody ever imagined the amount would go down."

The General Assembly will probably consider changes to state law during the upcoming session to increase accountability of 911 fees.

Lawmakers passed a proposal last year, Senate Bill 222, that would have created a state agency responsible for collecting, auditing and administering revenue from 911 fees for emergency calls. The measure would have allowed the Local Government 911 Authority to audit Department of Revenue records – providing an explanation for refund pay-



Lawmakers passed a proposal last year, Senate Bill 222, that would have created a state agency responsible for collecting, auditing and administering revenue from 911 fees for emergency calls. AJC 2012

ments – but those records would still remain confidential from the public.

Gov. Nathan Deal vetoed the legislation because he said the authority would have been too independent from the state with little oversight. Deal then signed an executive order in May to start a similar 911 authority within the Georgia Emergency Management and Homeland Security Agency, and he said he'll support legislation in 2018 that codifies the authority and addresses his concerns.

The authority's chairwoman, Cheryl Greathouse, said local 911 agencies deserve to know what's happening to 911 fees paid by telephone users across the state. The revenue shortfall hurt their ability to provide services and plan for the future, she said.

"It created a hardship for a number of 911 centers," said Greathouse, who oversees instructional services at the Georgia Public Safety Training Center in Forsyth. "The 911 community hasn't been given an answer, other

## 911 FEES IN GEORGIA

Every phone line in Georgia is charged a fee to help fund local emergency 911 services. That charge costs 75 cents on prepaid phone plans and \$1.50 on other wireless and landline phones.

But 911 payments to every county in Georgia from prepaid phone plans abruptly declined this fall by 25 percent. Tax confidentiality laws prevent the state from explaining the decrease in payments other than disclosing that it was a refund. The lack of information left local 911 agencies uncertain of their future income and limits their ability to plan for emergency services.

than that it was some sort of refund."

The legislation also would

have doubled 911 fees from prepaid phone plans to make them the same as the \$1.50 monthly fee paid by other wireless and landline phone customers.

Money raised by the fees could be used to upgrade 911 technology across Georgia so emergency responders can quickly find wireless 911 callers, possibly by using GPS or other geolocation methods. Another potential improvement would enable text messaging or video calls to 911.

State Sen. John Kennedy, R-Macon, said he hopes the General Assembly and the governor can work together on a comprehensive 911 bill that better accounts for customers' fees and enhances 911 response.

"I'm always in favor of transparency so citizens know where the money comes from and how it's spent. Folks deserve that," said Kennedy, who sponsored SB 222. "We need to modernize our 911 system so that counties can provide this critical service."

## Galloway

continued from B1

bers of the PSC are Republican. Politically, the vote is a hazardous one. Two members are up for re-election in 2018. Chairman Stan Wise has announced he'll resign after the Plant Vogtle vote, allowing Gov. Nathan Deal to name someone to fill out the remaining months of his

"Political Rewind" (88.5 FM in Atlanta) at 2 p.m. today. In between he has fielded calls from homeowners and businesses. He's received about 400 emails in the past two weeks on the topic. Sixty percent want the over-budget nuclear project shut down.

I had 10 minutes of Echols' time on Tuesday morning. Politicians love win-win scenarios. This isn't one of them. In fact, Echols said, this is

cent, you'll have the premier nuclear plant in the United States, with the president of the United States probably flying down to Augusta on Air Force One cutting the ribbon."

Given that Georgia is a red state, a ribbon-cutting that featured Donald Trump would represent no political hazard. But it's also not a reason to make an energy decision that carries a risk

heads off over there," Echols said over the radio.

"It is frightening to think about the political ramifications of canceling this plan," Echols said to me over the phone.

"Sunk costs" in the Plant Vogtle project aren't just financial. In 2018, not a few statewide candidates – and many running for re-election in the Legislature – would be required to explain a 2009

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