

## 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  
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

February 22, 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

Chairman Eric Maxwell called the February 22, 2018 Board of Commissioners meeting to order at 6:33 p.m.

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

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

Chairman Maxwell informed those present that he was under doctor's orders and that he would have to leave at 9:30 p.m. He stated that the meeting can continue, but that he would have to leave.

### Acceptance of Agenda

Commissioner Charles Oddo moved to move items #13 through #18 before Old Business on the agenda.

Commissioner Steve Brown stated that item #12 needed to be moved up because it was tabled in absence of the Chairman and he just announced he would have to leave at 9:30 p.m.

Commissioner Oddo stated that there were elected officials in the audience and the Board had moved items up as a courtesy in the past. Commissioner Brown reiterated that he would like to move #12 up and move items #10 and #11 to the end.

Chairman Maxwell stated that the Service Delivery Strategy (SDS) items (#13 through #18) had to be approved. Commissioner Brown stated that because item #12 was tabled because the Chairman was not present, it should be heard first and that the SDS could be heard whether the Chairman was present or not.

Vice Chairman Randy Ognio confirmed that the Board would normally move items, concerning municipality leaders, up on the agenda when they are present. He stated that he did not believe it would take a long time to go through the SDS items.

County Attorney Dennis Davenport reminded the Board that a motion had been made with no second and discussion had ensued.

Commissioner Oddo moved to move items #13 through #18 before Old Business on the agenda. Vice Chairman Ognio seconded the motion.

Commissioner Brown stated that he would agree to move the SDS items up with the provision that if the Chairman had to leave before discussing item #12, that the Board would continue and not table that item to the next meeting.

Commissioner Oddo moved to move items #13 through #18 before Old Business on the agenda. Vice Chairman Ognio seconded the motion. The motion passed 4-1 with Commissioner Brown voting in opposition.

Commissioner Brown moved to move item #12 immediately following the SDS items (#13 through #18). Commissioner Charles Rousseau seconded. The motion passed 5-0.

Commissioner Oddo moved to accept the agenda as indicated by the previous motions. Commissioner Brown seconded. The motion passed 5-0.

## **PROCLAMATION/RECOGNITION:**

## **PUBLIC HEARING:**

- 1. Consideration of Petition No. 1270-17, Richard C. Dickson, Owner, request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition.**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. He briefed the Board that the one recommended condition was for the dedication of right-of-way. He stated that since the tabling at the last Board of Commissioners meeting, Mr. Dickson had indicated that he would like to consider less property to be zoned. He stated that a letter and legal description of the property was provided. He stated that it was approximately 1.8 acres instead of 11.862 acres. He stated that under the zoning ordinance; Sec. 110-298, the Board can make a zoning for less property if there was a legal description.

Commissioner Brown stated that the current request was not what was voted on by the Planning Commission. Mr. Frisina stated that it was not. He stated that staff did not take it back to the Planning Commission because it was tabled to this meeting. He stated that staff had no problem with the request.

Mr. Dickson stated that he would like the Board to approve the 1.8 acres be rezoned from A-R to R-45 on Dixon Circle.

Commissioner Brown asked Mr. Dickson why he was altering the request. Mr. Dickson stated that he wanted a cul-de-sac and that did not happen. He stated that he initially wanted three lots, so he cut it down to the existing lot and was cutting 1.8 acres to have two lots. He stated that the larger lot would remain A-R for horses, cows, and etcetera.

No one spoke in favor or in opposition.

Chairman Maxwell stated that it was unusual to get a request on 11 acres down to one acre without it going to the Planning Commission. He stated that he recommended sending it back to Planning Commission for a recommendation.

Mr. Dickson stated that during his last visit, the Board agreed with the 11 acres until he stated that he did not want to do the setback of 30 feet as a condition.

Chairman Maxwell stated that by Mr. Dickson making a change in the request it would delay the time. Mr. Dickson stated that he went through Mr. Frisina to get to this point and after reviewing the books and manuals, all the paperwork was correct.

Commissioner Brown stated that all the backup material was relevant to the 11 acres and not the one acre. He stated that the Board made decisions based on the decision of the Planning Commission and the Planning Commission made their decision on a request for 11 acres and not one acre.

Commissioner Oddo stated that it was permissible to do what was being requested. He stated that Mr. Dickson had come before the Board twice and that he was asking for less than what the Board was going to vote on at the last meeting.

Mr. Frisina stated that the rezoning would be for the 1.8 acre as the new parcel and through the final plat process, where the dedication would come from. He stated that the A-R lot was already an established lot with an address and a house. He continued that the lot was depicted on the original site plan.

Commissioner Oddo moved to approve Petition No. 1270-17, Richard C. Dickson, Owner, request to rezone 1.824 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition of dedication of the right-of-way. Vice Chairman Ognio seconded.

Commissioner Brown stated that the Board should be consistent by having the Planning Commission review.

Commissioner Charles Rousseau stated that the Board tabled this request of the applicant because he was not clear how he wanted to proceed. He stated that Mr. Frisina stated that it was procedurally correct and that Commissioner Brown was cautioning setting a precedence.

Mr. Davenport stated that the Board had the authority to take action to rezone, consistent with what the Board had in the zoning code. He stated that the Board could rezone less property than requested. He stated that it was his recollection that the Board had already set precedence of rezoning property to a different district than what was requested because it made it a less dense district, which the Board could do. He stated that this was similar to that type change. He stated that the only issue was to be sure to have a valid legal description, which Mr. Dickson had. He stated that if he was requesting more property, the Board would not have an option, but in this case, the Board does have an option.

Commissioner Rousseau stated that precedence had already been set and it would be consistent with previous situations such as this. Mr. Davenport reiterated that the precedence that he referred to was when property had been rezoned to a less dense district than originally requested. He stated that this was consistent with that analogy. He stated that it was his opinion that the Board would be on "good footing" if decided to move forward with this request.

Commissioner Oddo moved to approve Petition No. 1270-17, Richard C. Dickson, Owner, request to rezone 1.824 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition of dedication of the right-of-way. Vice Chairman Ognio seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Brown voting in opposition.

**2. Consideration of Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45 & R-40 to R-45 to add to an existing .827 acre R-45 lot; property located in Land lot 250 of the 4th District and fronts on McBride Road and Antioch Road.**

Mr. Frisina briefed the Board that this was a strip of land that was the old road bed of McBride Road. He stated that it was abandoned by the county and deeded back to the adjacent property owners. He stated that Mr. Boyd's wife had acquired both strips of land; two 20-foot strips. He stated that the Boyd's owned property to the north, zoned R-45 and the property to the south was R-40. Based on the premise that the strips assume the zoning it was abandoned back to, in this case there are two different zonings, R-40 and R-45 and that Mr. Boyd would like to zone this one to the R-45 lot. He stated that staff and the Planning Commission recommended approval.

Mr. Boyd gave a brief history of this property. He stated that his request was to add the .471 acres to the .827 acres to make it a nicer lot. He requested that the Board approve it to R-45 which was the corner lot.

No one spoke in favor or opposition.

Commissioner Brown moved to approve Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45 & R-40 to R-45 to add to an existing .827-acre R-45 lot; property located in Land lot 250 of the 4th District and fronts on McBride Road and Antioch Road. Vice Chairman Ognio seconded. The motion passed 5-0.

### **CONSENT AGENDA:**

Chairman Maxwell moved to approve the Consent Agenda items #3, #4, #5, #6 and #7. Commissioner Rousseau requested to remove item #4.

Chairman Maxwell amended the motion to approve Consent Agenda items #3, #5, #6 and #7. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Brown moved to approve Consent Agenda items #8 and #9 as written. Vice Chairman Ognio seconded. Vice Chairman Ognio requested to remove item #9.

Commissioner Brown amended the motion to approve Consent Agenda item #8. Vice Chairman Ognio amended the second. The motion passed 5-0.

- 3. Approval of Ordinance 2018-02 to update the Public Swimming Pool, Spa and Recreational Water Park regulations.**
- 4. Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2019 which begins July 1, 2018 and ends June 30, 2019.**

Commissioner Rousseau stated that he wanted to advise the Board that he had conversations with the County Administrator where he reiterated that for the past two years he had been advocating for the Board to take the budget process on the road. He stated that he would like to amend the budget calendar to include one or two dates to go to the public in addition to the public coming to a Board meeting to educate them on the nuances and to hear concerns they may have about priorities when establishing spending.

Commissioner Brown asked if he was looking for a presentation format where there would be a question and answer session afterwards and not necessarily a formal board meeting. Commissioner Rousseau stated no, not a formal board meeting, but a community workshop. He stated just something where Finance would make a presentation and the Board can attend if they like.

County Administrator Steve Rapson stated that some proposed dates are May 3 and May 8. He stated that the possible locations were at New Hope North Campus on May 3 and at the Town of Brooks on May 8.

Commissioner Rousseau moved to accept the annual Budget Calendar for Fiscal Year 2019 which begins July 1, 2018 and ends June 30, 2019 with the conditions that May 3 and May 8 were tentative dates for a community budget workshop with the time and location to be determined. Commissioner Brown seconded. The motion passed 5-0.

5. **Approval of staff's request for approval to accept the Assistance to Firefighters Grant for a breathing air compressor in the amount of \$52,000 with the match amount of \$4,727.**
6. **Approval of staff's request to accept the donation of two Physio Control Lucas CPR compression devices from the Fayette Fire Foundation.**
7. **Consideration of staff's recommendation for Fayette County Fire and Emergency Services Department employment contract for Paramedic Training.**
8. **Approval of the January 31, 2018 Board of Commissioners Special Called Meeting Minutes.**
9. **Approval of the February 8, 2018 Board of Commissioners Meeting Minutes.**

Vice Chairman Ognio stated that on page 19 of the minutes where Commissioner Brown called the question, it stated that he voted in opposition. He stated that it was not clear in the video, but that he did vote in favor of the motion. He stated that it should read that the motion passed 4-0 instead of 3-1.

Vice Chairman Ognio moved to approve the February 8, 2018 Board of Commissioners Meeting Minutes with the noted change. Commissioner Brown seconded. The motion passed 4-0-1. Chairman Maxwell abstained because he was absent from the meeting.

#### **OLD BUSINESS:**

10. **Approval of the January 25, 2018 Board of Commissioners Meeting Minutes. This item was tabled from the February 8, 2018 meeting.**

Discussion of this item began at 9:25 p.m. Chairman Maxwell left the meeting under doctor's orders. Prior to leaving he announced that he had just received word that former County Commissioner Herb Frady had passed.

Vice Chairman Ognio chaired the meeting.

Commissioner Rousseau asked the County Clerk to read the statement into the record.

Ms. White read the correction into the record: "He stated that the Board dealt with a lot of information and there are times when their heads may get turned; not willingly, intentionally or purposely and that he was ready to admit that when he missed something."

Commissioner Rousseau moved to accept the January 25, 2018 Board of Commissioners Meeting Minutes with the change. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

11. **Consideration of a proposal from Commissioner Brown for changes to the agenda deadline schedule. This item was tabled from the February 8, 2018 meeting.**

Commissioner Brown stated that in the past when the Board said they wanted something added to the next meeting it was added to the next meeting. He stated that the policy stated that it had to be submitted prior to be placed on the agenda and the Board had been working around that policy. He stated that he was asking for the weeks where there

was a board meeting, to alter the policy to say, that if the Board wanted to have something added to the agenda, then it could be added on the following Friday be included on the upcoming agenda.

Commissioner Brown moved that on weeks when the Board had a meeting, that if the Board saw the need to place an item on the upcoming agenda that the Board could make that request by Friday at noon. The motion failed for lack of a second.

**12. Discussion and action related to the complaints and investigation of the working environment of the county's 911 Department. This item was tabled from the February 8, 2018 Board of Commissioners meeting.**

The Board recessed at 7:46 p.m.  
The Board reconvened at 7:58 p.m.

Commissioner Brown stated that he was not asking for any decision from the Board related to personnel or departmental policy. He stated that he was asking for an impartial examination of what occurred. He read the following statement into the record:

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Introduction

After hearing the previous comments related to this postponed agenda item, I believe it would be vital to remind everyone that the government works for the citizens and not the other way around.

Government continually proves why transparency and accountability are absolutely necessary.

I have personally endured a County Attorney who intentionally removed the hard drive from his county computer and had it wiped clean, knowing he was suspected of wrong-doing. I also experienced a County Administrator wiping his hard drive clean on the way out.

I was shocked to find the Human Resources Director and the County Administrator (past employees) secretly securing their own platinum parachute retirements with no disclosure to the full Board of Commissioners. Likewise, I have watched as certain department heads were shown the exit for their bad behavior.

It is also worthy of noting that all the county departments have issues with a specific employee or supervisor at some time or another. There is no such thing as perfect employees or perfect managers, and we must all seek to improve our performance every day.

It is not the function of the Board of Commissioners to manage the day-to-day business of the county government. Certainly, the commissioners have little exposure to the normal workings and activity occurring in each department. However, when an issue escalates to a certain magnitude, either through public outrage or institutional collapse, it is imperative that the commissioners play an active role in the process.

A perfect example of such a situation was the water crisis several years ago. At that time, we experienced both public outrage and an institutional breakdown. Initially, the situation was left up to the Water System leadership to resolve and everyone thought the odor and taste issues would be handled in short order.

Unfortunately, the Water System leadership failed to give an honest appraisal of the situation and the problems grew and the public became more enraged. Because the system was failing, I felt that I had no choice to but to get involved. The findings were shocking, the system director was in denial and the state government had to become heavily involved as well. I personally kept my colleagues informed on situation by phone, email, in person, etc.

Hopefully, we can apply that experience to the county's 911 Call Center. I originally had individual consultations with Chairman Maxwell and Commissioner Rousseau. I conveyed in those discussions my desire to move on an independent investigation of the call

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center related to issues that were raised in the public comment portion of the December 14, 2017 Board of Commissioners meeting and the documentation we received. I accepted the advice of offering this as an executive session item related to personnel; however, the County Attorney advised that the issue should be discussed in a public meeting.

#### What We Knew About the 911 Call Center

We have been paying serious attention to the 911 Call Center for years. Through interaction sessions with the 911 Call Center management years ago, the Commissioners were made aware of the employee turnover rates at the call center.

One of the suggestions that I made years ago was implementing a psychological evaluation process for hiring to aid in selecting appropriate candidates who could deal with the stress and the hours of the job. The evaluation was included in the hiring process.

Ergonomic furniture was also purchased years ago to create a better work environment for those staff manning the equipment and responding to 911 calls from Fayette County residents.

Bernard Brown became the new 911 Call Center Director around mid-2015. I was given the impression that we hired a seasoned professional who could work with the staff on taking the program further.

Obviously, a department responsible for being the intermediary between panicked citizens requiring public safety emergency assistance and our public safety agencies is stressful enough. Add to that the fact that the department is routinely down several staff members or more and you have the makings of a catastrophe if management and the subordinates cannot communicate effectively and be a cohesive unit.

The Board of Commissioners has consistently been told that the staffing problems at the 911 Call Center were due to the pay scale in that department. No other reasons were given. The commissioners generously budgeted an additional sum for salaries to make our 911 Call Center employees some of the highest paid in the state of Georgia.

According to employee testimony and documentation, the system began failing as management began to decompensate and anger management issues surfaced. Terminations, resignations, in-fighting and yelling at subordinates became the norm.

As best as I can tell, none of the commissioners had been made fully aware of the scope and magnitude of the problems. Based upon the documentation and testimony that I have received, I can only refer to the situation as a crisis.

I received documentation or testimony from employees at several levels within the 911 Call Center. Some had spotless employee records and resigned, some were terminated, and others were cut-off from the department under dubious circumstances.

#### Conundrum on Records

After reviewing the documentation given to us by the former employees in December, I was incredibly disheartened and distressed. It was another instance of our County Administrator not keeping us fully informed. Another reason why we should have had all the department directors giving presentations at the 2017 Annual Retreat. Accountability is not optional, it's mandatory.

I went to meet with Human Resources Director Lewis Patterson and I asked him about the validity of the claims made by the employees.

Patterson could not deny the truthfulness of the claims. I asked what kind of repercussions Director Bernard Brown received for his unruly behavior. His reply was Brown was officially told not to do it again, a minor gesture in my mind.

I asked Patterson for whatever documentation he had related to these crisis situations in the 911 Call Center. He informed me that the County Clerk already had those documents. He called the Clerk's Office and asked that the documents be printed, and I brought those documents home with me.

Searching through the documents, I failed to find any official admonishment of Director Brown. I went back to the Human Resources Department and asked for Patterson. The Human Resources professional on duty stated he was not in the office so I requested access to the Brown's employee file from her.

The top document in the file was the February 20, 2017 Employee Notice on Brown launching a vicious and aggressive verbal, profanity laced outburst challenging 911 Supervisor Dana Evans in front of other staff members. I asked for copies of the document and went home.

The legal opinion from the County Attorney dated January 30, 2017, entitled "Access to Personnel Records" made it clear that elected officials and the public had access to government personnel files according to the Georgia Open Records Act. The act calls for personal information such as birthday, social security number, medical information, etc. to be redacted.

I thought the attempt at intimidation in the form of a grievance from the 911 Call Center Director asking for an official censure of me for accessing public government documents and letting the citizens of Fayette County know what is written on them was also an indicator of problems.

It also happened that I received a message from a reporter asking me if I had copies of the resignation and no-lawsuit agreements that three 911 Call Center staff members had to sign. Frustrated, I had to admit that I had not been given copies of those documents either.

It was later apparent that I was not given the topical summary of call center issues from the EAP representative given to Human Resources Director Patterson, disappointing.

More disturbing, the Board of Commissioners was never made aware of threatened litigation and the letter received dated June 29, 2017 from the law firm of Spielberger Law Group on behalf of their client Dana Evans. Not making the commissioners aware of the situation was inexcusable and approaching negligence. Then I found out that we were not made aware that the administration felt the need to call-in the outside law firm of Elarbee, Thompson, Sapp and Wilson, LLP without notifying the commissioners.

My guess is there are still some important documents that are not being turned over related to the 911 Call Center crisis. I can say with great authority that when government suppresses public speech and public access to government records, the disdain for government is amplified. The lack of responsiveness on turning over documents to elected officials is disgraceful.

#### Findings

Bernard Brown did verbally assault 911 Supervisor Dana Evans (Employee Notice, 2/20/17). Testimony that I have received said that Brown began to physically engage, and an administrative staff member had to place her body in front of Evans to shield her. Brown received a simple written reprimand.

The Marshal's Office was notified of the incident and issued a report. The employees were told to handle any concerns over Brown not following county policy with the Human Resources Department.

It was noted that some of the employees were asked to ascertain written statements from the other employees regarding Brown's behavior.

In an audio recording given to us, the entire Board of Commissioners, by the former 911 Call Center employees, the Human Resources Director Lewis Patterson acknowledged Brown had exhibited bad behavior related to a hostile working environment. The employee states that Brown continued to yell at him. Patterson told the employee that Brown "was in the process of changing" which to me denotes the environment was still volatile at the time and had been for a while.

An employee turned over copies of email conversations with the independent Employee Assistance Program (EAP) representative. The correspondence distinctly notes that the EAP representative was aware of the serious behavioral issues in the 911 Call Center, stating that she presented all the information to Patterson. She also stated that Patterson had shared the information with the County Administrator Steve Rapson.

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The EAP representative acknowledges asking 911 Call Center Shift Supervisors to collect documentation regarding the hostile work environment. The EAP representative stated she told Patterson all about the documentation.

It was noted in correspondence the presence of a hostile work environment.

County Administrator Steve Rapson recently called Director Bernard Brown's management style "authoritarian," ("Fayette board angry over release of records, AJC, February 2, 2018). And authoritarian, which is strict obedience and domineering at the expense of personal freedom, does seem to fit the description offered by the former employees that I have spoken to over the last few weeks. I admit that I find the fact that we allow this type of leadership in our system a bit repulsive.

We know that two Supervisors and one Communications Officer, all women, were terminated under dubious circumstances.

- The three were asked by the EAP representative to collect information on the hostile work environment around May 1, 2017.
- By June 1 the three were placed on administrative leave based on some light accusations that some co-workers later refuted. At the time, no reason was given for the forced leave and no explanation of the leave was given as required by county policy.
- Unfortunately, the investigation meeting reviewing the allegations on June 1 had Rapson, Patterson, 911 Assistant Director Amber Smith, Communications Officers Lea Brown, Hazel Holcomb and Terminal Agency Coordinator Sharon Battle all in the same room hearing each other's testimony instead of interviewing them individually, alone. The lack of separation ruins the credibility and it should be noted that none of the witnesses corroborating the testimony of the three were asked to be present at this meeting. Additionally, none of the three accused were given the opportunity to represent themselves or have a representative present in that meeting. This kangaroo court atmosphere is discriminatory and poor judicial practice.
- Brown announced twice to the staff in radio room on that day that he placed the three on leave apparently as an example to the rest.
- There was ample contradictory testimony in the June 21, 2017 "Investigation Findings: Complaint of Harassment, Hostile Work Environment and Discrimination at the Fayette County 911 Center" report. In mindboggling fashion, in the report *Findings and Recommendation* section is the statement, "Supervisors are held to a higher standard as they set the example for their subordinates." This coming from a Human Resources Director that on a recording hopes Bernard Brown will change his bad behavior? This coming from a County Administrator who gives Brown a slap on the wrist when Brown verbally assaults a subordinate while moving toward physical aggression? This from top administration officials who largely ignored a plea from the independent EAP representative who thought the 911 Call Center was a hostile work environment? Reviewing the complaints, I am wondering why "foster[ing] a work environment of negativity, intimidation and distrust" never applies to Director Brown?
- On June 26, Brown fired all three. Even though HR recommended the Communications Officer only be suspended for three days, Brown terminated her.
- After a recent review, I questioned the merit of the terminations and apparently so did County Administrator Steve Rapson in 2017 because he re-hired all three with back pay, then the three told me they felt coerced into signing a resignation agreement that had a clause stating they could not sue the county or the Brown, Rapson or the elected officials. They told me that Rapson said their "POST" certification could be lost if they did not sign the agreement with the no-lawsuit clause. They needed to be able to find a job and said they signed under duress.
- Since Rapson acts as the prosecutor and final judge on the personnel matters with no other avenue for relief other than the courts, the three felt trapped.
- I must question the commissioners not being notified under the threat of litigation.
- I must question the authority of the County Administrator to even be able to sign those contracts containing the no-lawsuit clause in exchange for government action.

All the employees that I had contact with mentioned Human Resources Director Lewis Patterson's name. Even the EAP representative noted contacting Patterson about the work environment. Every employee I spoke to asked me why Patterson ignored them and refused to act on behalf of the affected employees?

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The complaints on the work environment extend well beyond the two supervisors and communications officer who were fired. It is important to note that some of the former employees noted they were not the best of friends with each other, but they all gave consistent testimony regarding the department director.

It was mentioned over and over again that Director Brown continually verbally harassed employees, including remarks of a sexual nature, profanity and racially insensitive remarks. Yelling at and humiliating employees in front of their colleagues was common.

Brown showed little concern for the 911 Call Center staff with work schedules requiring mandatory overtime and an on-call schedule. Inconsistency in scheduling was also cited, making it difficult for staff.

A local television news station requested a copy of a 911 radio communication transaction concerning the Peachtree City Police Department. The Police Chief released the audio. Brown continuously refused to turn the audio over to the media.

Mass resignations and terminations were common.

We have experienced significant errors related to dispatch of police and fire units.

Director Brown told staff that they had to call him personally when they were going to be out on sick leave and specifically tell him what the illness was. On several occasions Brown shared this information with other employees. Apparently, Human Resources Director Lewis Patterson instructed Brown not to ask for such personal information and Brown continued to do so, according to testimony.

There are accusations of fraudulent time modifications in the Kronos system. In some instances, employees could leave early, but their time was adjusted to account for the entire shift.

Unequal enforcement of the tardiness policy on a "case-by-case" basis violated policy and caused dissention.

A supervisor indignantly called a trainee a "pussy" in front of other staff members and apparently was not formally reprimanded.

On July 26, 2017, Director Brown stated to an employee, "Steve [Rapson] and Lewis [Patterson] gave me permission to do whatever I need to do and people will either get on my ship or leave." Yet Rapson told a reporter that he was unaware of any issues beyond the verbal assault in the employee file.

Females stated that they had cried in the 911 Call Center on multiple occasions after being screamed at or humiliated in front of other staff.

Many people said they went to work every day in fear of losing their job and that Brown was unpredictable.

Brown approved of staff who were not CTO's instructing trainees.

It was noted in an AJC article that the County Administrator said Brown had "been put on notice for several things," but several paragraphs before admitted that "Bernard Brown only has the one reprimand in his personnel file" dating back to February 2017. No other notices were found.

Several ex-employees stated that they were afraid to offer public comment at our Board of Commissioners meetings or provide statements out of fear that the Brown might attempt to get them fired from their current jobs.

One female employee, crying, confided in me that her self-esteem was so low after her tenure at the 911 Call Center that her co-workers on her new job thought she was the victim of spousal abuse. She made me swear that I would never let anyone know that she said anything bad about "Buster."

#### Judgement of the Process

The one disturbing element that I have not heard in testimony or seen in documentation is any sign of remorse from Director Bernard Brown. Brown's behavior has been noted as a regular hindrance since his arrival. To have subordinates consistently say they felt

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humiliated and often cried after encounters with him, and the entire time he never offers any signs of remorse and never offers an apology, has me deeply concerned for the employees in the department. Furthermore, it appears the County Administrator and Human Resources Director are enabling Brown's behavior by not taking any significant corrective action. Failing to turnover significant documents is also a red flag.

One of the greatest management minds of our time, Stephen Covey, listed as the chief asset to possess in his book "The 7 Habits of Highly Effective People" is the ability to seek first to understand others and then to seek to be understood. Brown's style has been an authoritarian "my way or the highway" approach that had over 20 employees heading out the exit turnstile in a very short period of time.

Why, in early February of 2017, did the County Administrator not place Brown in anger management training after a vicious verbal assault of a subordinate which created an atmosphere of fear and unpredictability within the department? Then documents show, four months later, that victim is terminated through a sloppy process that allows no defense for the accused until after termination.

The fluffy team building exercise punishment placed on Director Brown occurred months later and after the supervisors were fired. Unbelievable? Cut the teammates and claim you tried afterward?

I truly worry about what appears to be a power play where the rules do not apply to everyone. The evidence and testimony certainly provide ample fuel for an independent investigation.

Why do our other department directors not have to rely on yelling and humiliation to achieve their departmental goals?

Looking at the Board of Commissioners "Core Values and Beliefs" statement which says, "The Board respects each individual staff member and believes that members who are treated with respect and given responsibility respond by giving their best." It goes on to say, "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."

Those statements do not say "look the other way" nor "keep the commissioners in the dark."

I am not going to look at my mother, my wife and my two daughters and tell them, "I knew about it, but I did not act."

Commissioner Rousseau suggested to me a while back and that we look at changing some of our processes to create a more reasonable and impartial way to look at the discipline process, possibly by employee committee. I think that is a wonderful idea.

In our current internal judicial process, the same person can act as accuser, prosecutor and judge. I much prefer an employee committee format with employees elected from their respective departments.

We have an obligation to the citizens of Fayette County. Again, full disclosure and accountability is mandatory. I ask for the independent investigation so that we can have a clear, impartial record of what has transpired. The public needs to know. The Board of Commissioners needs to know.

I am deeply worry about the "Buster Brown will change" philosophy that has been employed. Supposedly, the County Administrator said he hired a trained and effective manager for the department. I am worried about the new \$18 million radio installation without an impartial investigation.

I offer no apology for my deep concern over what I have read and heard. Likewise, I offer no apology for demanding transparency from the county's administrative leadership.

The citizens of Fayette County should not have to jeopardize their personal safety and wait for a director to "change" as the Human Resources Director is hoping. Those same citizens deserve an accurate, impartial review of the department since Director Brown's arrival.

Commissioner Brown moved for the Fayette County Board of Commissioners to act on hiring an independent third party, preferably someone with prosecutorial and investigative experience, to conduct an investigation including both former and current 911 Call Center employees and active county parties outside of the 911 Call Center such as, but not limited to the County Administrator, HR staff, Marshal's Office, EAP Representative and the municipal law enforcement agencies. An investigative report would then be compiled and submitted to the Board of Commissioners for review and action. Commissioner Rousseau seconded.

Chairman Maxwell stated that he had an opportunity to speak with Commissioner Brown regarding this item. He stated that he felt that Commissioner Brown believed it was the proper way to go. He stated that he appreciated Commissioner Brown reaching out to him. He stated that he visited the 911 Center and spoke to a few of the employees and waved at the others. He asked those who was in support of Buster Brown to stand. Commissioner Brown stated that there were letters on file from most of the individuals. Chairman Maxwell asked if there were people present who did not support Buster Brown.

Commissioner Brown stated that he was not doing a pole on Buster Brown. Chairman Maxwell stated that he was not taking a vote. Commissioner Brown stated that the question was about seeking an independent investigation. He stated that it was not a referendum on Buster Brown.

Chairman Maxwell stated that he understood that. He stated that he had a package of letters from the 911 employees and from organizations that Director Brown was a member of or had been a member of. There were three documents that he had staff copy and place in the back of the room. He stated that one was from the EAP service. He stated that the person that ran the EAP was not a county employee, but an independent person that had been associated with the county for ten years. He stated that she wrote an assessment of the 911 Center. He stated that it was supportive of the system at 911. He stated that the other document was from Frank Mercer, the Chaplain for the Fire Department. He stated that he provided a letter to the Board about his visit at the 911 Center and how he felt the center was operating. He stated that the other document was a letter from the municipalities in Fayette County. He stated that it was signed by all five mayors in Fayette County, a first for him. The letter asked the Board to "please make it stop" and if there was a problem to address it. He stated that he wanted to hear something new that he did not already know and he did not hear that in Commissioner Brown's presentation. He stated that if 911 was missing calls because there were bad dispatchers, he would be up-in-arms, but this was not the case. He stated that Commissioner Brown had the right to view employee files, but just because he had a right did not mean that he should take the next step and publish it. He stated that he did not see a need for an independent investigation based on the information he received.

Commissioner Brown stated that the letters from the EAP representative and the Chaplain refer to the current condition of the call center and he had no reason to disbelieve what was in their letters. He stated that he had many pieces of correspondence from former employees that would all say there were dire circumstances at times at 911. He stated that he knew nothing about this and the only thing he was told was that there was a problem at 911 that dealt with the wages. He stated that the Board had always voted on the request from 911 and had been extremely supportive of 911 center.

Vice Chairman Ognio stated that he took exception to some Commissioner Brown's comments. He stated that Commissioner Brown stated that he had conversations with employees. He stated that they were disgruntle ex-employees. He stated that Commissioner Brown called it a crisis, but never visited the 911 Center. He stated that Commissioner Brown stated that he would admit that things were great there and that he would not discard any of the comments on the letters provided. Why would the Board do an investigation on something that was working fine? He stated that Director Brown was reprimanded for his action during the first case in the first part of 2017. He stated that EAP noted that they were contacted by the Human Resource Director to come out, yet Commissioner Brown criticized Mr. Patterson when he took the steps to make things better. He stated that when HR and EAP recommended that two people be fired and that one be disciplined. He stated that Director Brown stayed out of the investigation. He stated that there was no indication that Director Brown was the issue after he was reprimanded. He stated that some of the statements in the statement that Commissioner Brown read was not correct

and he wished he had it prior to the meeting to look up the correct information. He stated that the Board should not do an investigation and move on. He stated that he would be voting not to do an investigation.

Commissioner Oddo stated that he wanted to commend staff for performing the way they have in this situation. He stated that there was a subjective line that the Board would cross when deciding to do an investigation. He continued that the Board placed their belief in the people who was working the system and performing as asked. There are procedures in place and policies in place. He stated that staff went through the process and the process had been resolved. He stated that he had not heard anything negative about Director Brown since his reprimand. He stated that everyone made mistakes. He recalled a meeting where Commissioner Brown stormed out of a meeting before it was over. He stated that it was disrespectful. He stated that he talked to the people working there now and whatever it was, was done and currently the rapport among staff was excellent. He stated that the staff's respect for Director Brown was excellent and if there were something amiss that would not be the case. He stated that every organization had issues. He stated that he never had someone in his own organization to be fired and thank him for it. He stated that he did not see any reason to continue. He stated that his vote was not to do an investigation. He stated that if it had not been played out so much in social media it might have been different. He stated he would not be voting for an investigation.

Commissioner Rousseau stated that the Board was in a delicate position to give an assessment. He stated that it was dangerous to use the methodology as though it was a referendum of an individual. He stated that it was unfair to have people say they support Director Brown or that they do not support Director Brown. He stated what was at stake was the Board doing an assessment of the environment that caused the angst. He stated that it was the Board's responsibility. He stated that his position had nothing to do with support or lack thereof. He stated that was not the issue. He stated that to put it to rest, in his opinion was to take it out of the hands of internal system and allow the external individual or organization to give a blueprint of what the Board did not see. He stated that an assessment could not be done by visiting there for a couple of hours. He stated that the Chaplain had not been there in four months. He stated that the Board was not qualified to do an investigation. He stated that all the things read and said were allegations. He continued that until the Board got deeper into this, they would be wondering. He stated that his vote was to do an investigation. He stated that he would defy anyone who put him into a box to suggest that his vote to do that was because he did not like someone. He stated that an investigation put it out of the Board's hand and allowed someone to do a climate assessment and to put it to bed and to give the Board a blueprint on what they may or may not want to do. He quoted Dr. King, "A true measure of a man or woman is not where they stand in times of comfort and convenience, it's where they stand in times of challenge and controversy." He stated that this was a challenging and controversial time and it was uncomfortable. He stated that he would not abdicate his responsibility and duties on the basis of whether he liked or did not like someone. He stated that he reviewed the contract of EAP and he was not sure if an assessment was in the scope of what they are hired to do.

Vice Chairman Ognio stated he wanted to address the resignations. He stated that the resignation came about through an email sent to the County Administrator with the request from one of the three women, to be allowed to resign so that she would not lose her certification. He stated that they were not coerced into resigning as Commissioner Brown would lead others to believe. He stated that in response to Commissioner Rousseau, he had no problem making the hard calls on things. He stated that he had a measurement of success when there are reprimands and there are really good results for what was done at the 911 Center. He stated that he did not see the need for an investigation when the center was running so well.

Vice Chairman Ognio called the question.

Mr. Davenport explained the "call the question". He stated that it was a motion that caused all discussion to cease and to address the issue of whether or not to end the discussion by calling the vote for what the motion was made on. A second was not required for the motion and did not require discussion, but it did require a vote on whether or not to call the question of the motion on the floor.

The motion was to call the question. The motion passed 3-2 with Commissioner Brown and Commissioner Rousseau voting in opposition.

Commissioner Brown moved for the Fayette County Board of Commissioners to act on hiring an independent third party, preferably someone with prosecutorial and investigative experience, to conduct an investigation including both former and current 911 Call Center employees and active county parties outside of the 911 Call Center such as, but not limited to the County Administrator, HR staff, Marshal's Office, EAP Representative and the municipal law enforcement agencies. An investigative report would then be compiled and submitted to the Board of Commissioners for review and action. Commissioner Rousseau seconded. The motion failed 2-3, with Chairman Maxwell, Vice Chairman Ognio and Commissioner Oddo voting in opposition.

Vice Chairman Ognio stated that Commissioner Brown did not need a reason to do an open records request, but to spend that kind of money, he needed to give a reason for the request and since he did not give a reason, he believed the Board should put a stop to the \$15,000 to be spent. He stated that Commissioner Brown stated that he could review records and not have them redacted and that would be more prudent. He continued that he would also motion to not fund the \$15,000 for redaction and that the Board never post employee records to the public. Commissioner Brown stated that it was against state law.

Vice Chairman Ognio moved not to fund the \$15,000 to redact employee records requested by Commissioner Brown.

Mr. Davenport stated that it did not stop the request, just the payment for the request. He stated that if he was the one given the duty to redact the records, with that motion, he would have to do it and not get paid for it. He stated that he was not saying he would not work with the county in some fashion, but the heart of the matter was not the funding, but the ability to make that request without there being a majority of the Board of Commissioners standing behind that request.

Commissioner Brown stated that he never made a \$15,000 request. He continued that the request was elevated to \$15,000 because certain colleagues insisted that the county attorney do the redaction at \$175 per hour. He stated that the clerk's office was trained and very capable of doing the redaction. Human Resource is capable as well because they have had the training. He stated that he sent the Board an email stating that he was willing to go to the attorney's office to review the files and if there was a file with something he wanted to make a copy of that he would set the file aside and let the county attorney redact that document at a low cost, because it would take two minutes to do, if that. He stated that if the Board was going to insist that the highest paid official do the redaction, then he was going to call him out on it. He stated that was not the requirement. He continued that the state statute on Georgia Open Records required that the lowest paid eligible employee to do something should do it. He stated that if Vice Chairman Ognio wanted to withhold his ability to review government records, then he did not care if he agreed or not.

Commissioner Oddo stated that was exactly what Vice Chairman Ognio stated. That it was prudent for Commissioner Brown to look through the records to see what he wanted, then have them redacted.

Commissioner Rousseau called a point of order.

Chairman Maxwell stated that there was an open records request made. Commissioner Brown stated no, he did not do open records request because he was the government. He stated that the open records act was for citizens making a request of government and he was a government official.

Mr. Davenport stated that the rules and procedure state that a motion would be made before discussion.

Commissioner Oddo moved that Commissioner Brown would have access to the records and determine what he need. Vice Chairman Ognio seconded.

Vice Chairman Ognio stated that on February 2 Commissioner Brown sent an email requesting 3 copies of every employee at 911 from the time Director Brown started until present. He stated that was an open records request and was 4,338 pages that had to be pulled by HR and scanned in and that was not including the \$15,000 cost which was over a week of time from HR.

He stated that the time to have the County Attorney view the records because Commissioner Brown wanted to publish the records. He stated that there was nothing inflated about the request and he never offered to review them at the attorney's office until after he found out he was costing the county \$15,000 because he never bothered to ask the cost. He stated that he wanted everyone to believe that they had prevented him from getting records, which they have not. He stated that he tried to make that clear in his first motion and he was still trying to say he was being prevented from viewing the records.

Commissioner Brown stated that state law supersedes any policy the county had. He stated that state law said he had access to the documents unredacted and can get copies of the documents unredacted. He stated that there was no requirement for an elected official to have documents redacted before view. He stated that state law also required that the lowest paid employee eligible to do the work must do the work, not the \$175/hour attorney, which Vice Chairman Ognio suggested. He stated that he had the right to review the records unredacted so there was no \$15,000 cost for redaction.

Vice Chairman Ognio stated that in the email Commissioner Brown stated that he wanted three copies and that he wanted them posted on the agenda, so they had to be redacted. Commissioner Brown asked by whom. Vice Chairman Ognio stated that they had to make sure that out of 4,338 pages that nothing was missed.

Mr. Davenport stated that he had to clarify something. He stated that state law did not require the lowest paid employee to "do" the work, state law required the work to be done by a competent person, but the charge can only be equated to the lowest paid employee who was competent to do the work. Commissioner Brown stated that he took his comment back; that was correct. Mr. Davenport continued that there was liability exposure because if the person that did the work did it incorrectly and did not take out all the exempted material there was potential criminal liability as provided by legislation several years ago. He continued that Fayette County's response to open records request, generally speaking, was to involve the county attorney's office; not every time, but most times; specifically, for personnel records. He stated that this was not him opening a file and scanning and taking two minutes to do that. He stated that each file ranged from 50 pages to several hundred pages and each page had to be reviewed line by line, by line. He stated that there are about 25 different exemptions to the open records act that he had to compare for the exemption. He stated that it was not as easy a process as lead to believe. He stated that it was a time-consuming process and very laborious. He stated that his estimate was based on information from the County Clerk Tameca White when she reviewed three personnel files that took four hours. He stated that for 68 files that was roughly 90 hours of redaction time. He stated that he was not charging the person making the request \$15,000, but if the county wanted him to review 68 personnel files, he did not stop what he was doing in his office to do that for the next three weeks. He stated that it was placed on the schedule, the same as Ms. White did and it would take approximately 30 to 60 days to complete the task and if the task was not accomplished by the 60<sup>th</sup> day, then he would say he needed more time. He stated that was how the public was treated and that was how the Board voted to make all the request to be treated the same as the public. He stated that if the Board wanted him to treat it differently then he would need direction from the Board because he was trying to work with the direction provided.

Commissioner Brown stated that was why he stated that he would go to the county attorney's office to review the files. Mr. Davenport stated that 68 files with an average of about a hundred fifty pages a file would take, nonstop about a week to review the files. Commissioner Brown stated that he was not asking Mr. Davenport to go through the files. Mr. Davenport stated that he did not need his assistance to do that. He stated that if he wanted him to look at files after he had selected what he wanted, then he could redact them, that was a different request.

Commissioner Oddo moved that Commissioner Brown have access to the records and determine what he needed and that the records be reviewed to be sure there was no information on the document that required redaction. Vice Chairman Ognio seconded.

Vice Chairman Ognio called the question. The motion to call the question passed 5-0.

Commissioner Oddo moved that Commissioner Brown have access to the records and determine what he needed and that the records be reviewed to be sure there was no information on the document that required redaction. Vice Chairman Ognio seconded. The motion passed 5-0.

### **NEW BUSINESS:**

Items #13 through #18 were moved before Old Business at the acceptance of the agenda.

#### **13. Consideration of a disclosure of possible conflict of interests from the County Attorney regarding agreements between Fayette County and the Town of Tyrone for the inmate services, recreation services and road paving services agreements.**

Mr. Davenport stated that this was on the agenda because his firm represented both Fayette County and the Town of Tyrone; both parties to three of the agreements to be discussed. He stated that the letter was a potential conflict waiver letter. He stated that his firm did not see a conflict, but the potential for conflict was present and to the extent that the Board would like other advice aside from his firm, then the Board should take time to do so. He stated that if the Board was comfortable with this position, then approval was needed. He stated that the Town of Tyrone had already approved.

Commissioner Brown stated that the Board received a letter on the back end of the SDS and would it not been proper to receive this on the front end. Mr. Davenport stated that he did not negotiate SDS. He stated that he only prepared the agreements as a result of the SDS that was negotiated by others, not him or his firm.

Commissioner Rousseau asked how this had been handled in the past. Mr. Davenport stated that there had not been an issue in the past. He stated that there may have been agreements between Fayette County and Town in the past and the potential conflict waiver letter had not been produced prior to this meeting and that his firm was doing this out of the abundance of caution because the SDS impacted more than Fayette County and the Town of Tyrone, but also indirectly impacted the other cities as well.

Mr. Rapson stated that the only other conflict that would have generated this type letter would have been the Local Option Sales Tax negotiations which he, the city managers and Commissioner Brown, who was chairman at the time, did not believe a letter was needed.

Commissioner Brown asked who negotiated SDS for the county. Mr. Rapson stated that the inmate agreement and pavement agreement were the same as the city of Peachtree City and Fayetteville. He stated that there were two attorneys that looked at the contracts in addition to Mr. Davenport, but he basically relied on the two attorneys reviewing the contracts.

Commissioner Rousseau asked were they independent attorneys. Mr. Rapson stated the municipal attorneys.

Mr. Davenport stated that he did review the agreements, however he did not do the negotiations.

Commissioner Brown stated that he had no problem with the language in the SDS and it did not occur to him in the past to have a conflict letter; he suggested that in the future, the Board should bring someone else in to do a legal review in this type situation.

Mr. Rapson stated that staff could do that. He stated that it would be a few times where this issue would occur.



Commissioner Oddo stated that when there had been times in the past where Mr. Davenport felt that another attorney would be more responsive, Mr. Davenport had suggested that to the Board.

Commissioner Brown moved to accept a disclosure of possible conflict of interests from the County Attorney regarding agreements between Fayette County and the Town of Tyrone for the inmate services, recreation services and road paving services agreements. Vice Chairman Ognio seconded.

Town of Tyrone Mayor Eric Dial stated that he had made it clear to Mr. Davenport and he would like to make it clear to the Board, that if the Board would force him one way or the other, that the Town of Tyrone would defer to the county. He stated that he trusts Mr. Davenport implicitly.

Commissioner Brown moved to accept a disclosure of possible conflict of interests from the County Attorney regarding agreements between Fayette County and the Town of Tyrone for the inmate services, recreation services and road paving services agreements. Vice Chairman Ognio seconded. The motion passed 5-0.

**14. Consideration of the updated Inmate Intergovernmental Agreements (IGA) between;**

- a. Fayette County and City of Peachtree City**
- b. Fayette County and City of Fayetteville**
- c. Fayette County and Town of Tyrone**

Mr. Rapson stated that the contract was negotiated between him and the city managers. He stated that the agreement effected Peachtree City, Fayetteville and the Town of Tyrone. He stated that he took the current inmate agreement, which primarily benefited the cities and made it a more fair and equitable distribution. He stated that the cities would pay a daily \$50.00 inmate rate which covered the operating cost to the jail and eliminated a lot of the credits and some of the free inmate days. He stated that he was proud of the way the cities and county came together in consensus and made this work.

Vice Chairman Ognio moved to approve the updated Inmate Intergovernmental Agreements (IGA) between Fayette County and the City of Peachtree City, the City of Fayetteville and the Town of Tyrone. Commissioner Oddo seconded.

Commissioner Rousseau asked for the current rate versus the newly negotiated rate.

Mr. Rapson stated that the current rate was roughly \$52.00 and the new rate was \$50.00 He stated that last year's rate included expenses associated with the build out of the old jail, which would not be included in this rate.

Commissioner Brown stated that he would like to see the jail work with the McIntosh Trail Community Service Board to assist with the mentally ill that come through the jail.

Vice Chairman Ognio moved to approve the updated Inmate Intergovernmental Agreements (IGA) between Fayette County and the City of Peachtree City, the City of Fayetteville and the Town of Tyrone. Commissioner Oddo seconded. The motion passed 5-0.

**15. Consideration of the updated Road Resurfacing Intergovernmental Agreements (IGA) between;**

- a. Fayette County and the City of Peachtree City**
- b. Fayette County and City of Fayetteville**
- c. Fayette County and Town of Tyrone**

Mr. Rapson stated that the Road Resurfacing “pavement” agreement was similar to contracts where the county did projects like Redwine Road with Peachtree City. The county paved a certain part and then the city paved the other part. He stated that with this agreement the county would pave five miles. He stated that he wanted to ensure that this paving would not infer with the existing pavement schedule and with the pavement to be done through SPLOST. He stated that the agreement required the cities to reimburse the county for all materials and the county would basically provide the labor. He stated that Peachtree City had 2.5 miles, Fayetteville had 1.5 miles and the Town of Tyrone had one mile.

Commissioner Oddo asked if the agreement was the same as what was in the agenda. Mr. Rapson stated that the agreements mimic each other apart from the number of miles for each municipality.

Commissioner Brown moved to approve the updated Road Resurfacing Intergovernmental Agreement (IGA) between Fayette County, the City of Peachtree City, the City of Fayetteville and the Town of Tyrone. Vice Chairman Ognio seconded. The motion passed 5-0.

**16. Consideration of the updated Recreation Intergovernmental Agreements (IGA) between;**  
**a. Fayette County and the City of Peachtree City**  
**b. Fayette County and Town of Tyrone**

Mr. Rapson stated that the agreement for Peachtree City was slightly different from the agreement with the Town of Tyrone. He stated that this agreement provided \$150,000 allocated to the City of Peachtree to maintain and operate the recreational facilities in the city which allowed the county residents to use all the city recreational activities at the same fee as the city residents. He stated that this agreement restores the cities to where they were ten years ago. He stated that it was a little more money for Peachtree City and Tyrone based on participation uses at the facilities. He stated that it was one of the contracts that go into effect on July 1 and an adjustment would be made to the budget to reflect the increase.

Commissioner Oddo moved to approve the updated Recreation Intergovernmental Agreements (IGA) between Fayette County and the City of Peachtree City and the Town of Tyrone. Vice Chairman Ognio seconded.

Commissioner Rousseau asked how long had the agreement been in place. Mr. Rapson stated at least 15 or 16 years for Peachtree City and at least that long for Tyrone as well. Commissioner Rousseau asked what data was used to determine the usage of the facilities which effected the fees.

Mr. Rapson stated the associations capture the data of the number of Fayette County residents that do not live in Peachtree City. That information was used to determine the amount.

Commissioner Rousseau stated that the document stated that any permanent fixtures would become the property of the jurisdiction. He asked if there was an inventory of any fixtures “left” behind at the facilities and if so, how was it inventoried in the supplies and equipment.

Mr. Rapson stated that he did not have a list, but both Peachtree City and Tyrone capture that information. Commissioner Rousseau stated that when equipment was left behind as service delivery, should there be a proration of the rate on an annual basis.

Vice Chairman Ognio stated that he did not think the county had done any of that since he had been on the Board.

Commissioner Rousseau stated that the county needed to track if any equipment or supplies are left behind and he would proffer to the Board that there needed to be consideration if the asset was of considerable portion that it be prorated. He stated that he also read that there was a need to expand the green space and active recreation footprint. He stated that he would encourage the Board to look at a capital campaign to begin to set aside dollars to enhance what we already have.

City of Peachtree City-City Manager Jonathan Rorie stated that there were no assets provided by the county. He stated that it was to support recreation programs in Peachtree City for the benefit of unincorporated Fayette County residents.

Commissioner Oddo moved to approve the updated Recreation Intergovernmental Agreements (IGA) between Fayette County and the City of Peachtree City and the Town of Tyrone. Vice Chairman Ognio seconded. The motion passed 5-0.

**17. Consideration of the updated Emergency Services Intergovernmental Agreements (IGA) between Fayette County and the City of Fayetteville.**

Mr. Rapson stated that the City of Fayetteville passed the intergovernmental agreements and the final redlined version of the agreement was on the dais. He reviewed the changes. He stated that this was a brand new IGA. He stated that it would be a unified response and when the ambulance and fire engine were dispatched, the officers would fight a fire if needed. He stated that the sentence was added, "Whereas, the city provides basic life support, first responder, EMS for the purpose of providing emergency medical and other emergency services" and "advance life support" was included because they provided basic life support. He stated that when an ambulance was dispatched if the basic life support was there and a certified paramedic was there, then he/she could help. In addition, the sentence, "a unified command shall release the ambulance from the scene once it is determined that a standby is no longer required" to make sure that both commanders can get in sync and make sure it was ok to release the ambulance.

Commissioner Brown asked for the definition of unified command.

Fire Chief David Scarbrough explained unified command. (comments inaudible)

Mr. Rapson stated that if there was a call and it was a basic life support and the city was there first, the county would reimburse the supplies used. He stated that it was nothing new, but he wanted to edify that in the agreement. The last change was the term of the agreement from 30 days to 90 days to terminate the agreement.

City of Fayetteville Fire Chief Alan Jones stated that this was something that had been done for a very long time and automatic aid had been provided for 15 to 16 years. He stated that when the ambulance was not needed, they wanted to be able to get it back in service. He stated that if the emergency was in the city, they work with the battalion chief and they would do the same if it was in the county. He stated that it worked very well.

Vice Chairman Ognio moved to approve the Emergency Services Intergovernmental Agreements (IGA) between Fayette County and the City of Fayetteville. Commissioner Oddo seconded.

Commissioner Brown asked if this was being done in lieu of a fire agreement. Mr. Rapson stated that there would still be a fire automatic aid agreement; instead of modifying that agreement, an agreement was created for EMS with the City of Fayetteville. There would be two distinct agreements.

Commissioner Brown stated that unified command worried him and that whoever was in leadership on the scene should be in control. He stated that he was concern about someone being on the phone making a decision. He asked if an ambulance was dispatched for all fires. Mr. Rapson stated that it was residential and commercial. Commissioner Brown asked if the person would stay on the scene if not needed. Mr. Rapson stated that was when the unified commander would come into play.

Chief Jones stated that the primarily reason for the ambulance was for the patient, but the second reason was for the fire fighters. He stated that as the operation was winding down, the ambulance would be released. He stated that everyone recognized the value of the EMS. He stated that the primary purpose for the EMS was to be there for EMS standby, but if there was a situation, and the EMS was trained as fire fighters, they could be used but the primary purpose was EMS standby.

Vice Chairman Ognio moved to approve the Emergency Services Intergovernmental Agreements (IGA) between Fayette County and the City of Fayetteville. Commissioner Oddo seconded. The motion passed 5-0.

**18. Consideration of the Fayette County Service Delivery Strategy (SDS) submittal to the Georgia Department of Community Affairs for approval and authorization for the Chairman to sign all related documents.**

Mr. Rapson stated that this was the document that would be submitted to Department of Community Affairs (DCA) to ensure qualified status for the county and the municipalities. He stated that the executive summary was provided to the state outlining what services were being provided.

Commissioner Oddo moved to approve the Fayette County Service Delivery Strategy (SDS) submittal to the Georgia Department of Community Affairs for approval and authorization for the Chairman to sign all related documents. Commissioner Brown seconded. The motion passed 4-0. Commissioner Rousseau stepped out.

**19. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Southmill Fayette Homeowners Association (HOA) for tax years 2015, 2016 and 2017 in the total amount of \$3,726.00.**

Mr. Davenport briefed the Board that each property owner was billed for the lights and the HOA was also billed for the lights and this simply was to refund the double billing.

Commissioner Rousseau moved to approve the disposition of tax refunds, as requested by Southmill Fayette Homeowners Association (HOA) for tax years 2015, 2016 and 2017 in the total amount of \$3,726.00. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**20. Discussion to ensure that the Annual Retreat format includes all county departments and offices of the Constitution Officers and non-agencies, incorporating discussions related to policy, staffing programming, capital expenses and department goals, and to add an additional day if necessary, and that staff have the retreat books ready for distribution at least five days prior to the Annual Retreat.**

Commissioner Brown moved to follow the schedule as listed on the Budget Calendar (item #4) for April 18, 19 and 20, 2018 for the annual retreat and have all the county departments and Constitutional Officers and non-agencies offer presentations and incorporating discussions related to policy, staffing programming, capital expenses and departmental

goals and that staff have the retreat books ready for distribution at least five prior to the annual retreat. Commissioner Rousseau seconded.

Commissioner Oddo stated that this was already what staff was doing, so what was the vote for. Commissioner Brown stated formalizing it and that there was nothing that said the Board would receive the books five days prior to the retreat on the calendar. Mr. Rapson stated that was not a problem.

Commissioner Brown moved to follow the schedule as listed on the Budget Calendar (item #4) for April 18, 19 and 20, 2018 for the annual retreat and have all the county departments and Constitutional Officers and non-agencies offer presentations and incorporating discussions related to policy, staffing programming, capital expenses and departmental goals and that staff have the retreat books ready for distribution at least five prior to the annual retreat. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

Commissioner Rousseau apologized to the citizens, but that he had to leave the meeting because he was not feeling well.

#### **PUBLIC COMMENT:**

**Bonnie Williamson** stated that she was seeing a pattern that was concerning to her. She stated that she had seen where the majority of the audience had come before the Board and spoke and the Board had voted against it. She stated that her concern was for the staff at 911 and if Buster was the problem she wanted to know that and if he was not the problem she wanted to know that. She stated that if he was the problem, personalities do not change.

**Terrence Williamson** stated that this was the first time that he was privy to the call to question procedure. He stated that he was disappointed that before it was time to vote, several Board members had already stated how they would vote, prior to hearing the public speak. He stated that he was disappointed that he heard a Commissioner say that it did not matter what happened in the past because things were better now. He stated that it did matter. He stated that it was not how government should run, because the policies and process mattered. He continued his comments regarding the EAP letter. He stated that he trusted the Commissioners individually, but that he did not trust the decision of the Board regarding not having an independent investigation of the 911 Center. He stated that he would get to the bottom of what transpired and it will come out.

**Sharon Battle** stated that she continued to be disappointed that this was being tried in social media. She continued that the Commissioner stated that the three employees were fired under "dubious circumstances". She stated that the employees whose lives were being threatened and in danger of physical harm did not think there was anything "dubious" about the three employee's termination. She stated that there were issues at 911 in the past and that Director Brown had issues when he first arrived, but that it had all been resolved. She stated that Commissioner Brown had not been out to the 911 Center to assess the current situation. She continued her comments. She stated that Commissioner Brown accused Director Brown of withholding a recording from 911. She stated that open records for 911 was her job and that if she withheld a recording then she provided reference to state law that allowed for the exemption. She stated that the \$18 million radio system was a necessary update to assist the dispatchers with their job and none of that had anything to do with this. She stated that it was inappropriate to draw into question whether or not it was appropriate to spend that money in light of what was happening. She thanked the Commissioners who came to visit the 911 Center.

**Leigh Brown** stated that she was at 911 before, during and after all this took place. She gave supporting comments regarding Director Brown. Regarding comments made about "dubious circumstances", she stated that she was in the room and heard "snitches get stitches". She continued comments regarding the current atmosphere at 911.

**Cal Turner** stated that he was a training manager at the 911 Center and had been employed at the 911 Center for 28 years. He stated that he wanted to thank those who supported 911. He stated that there are things about Director Brown that he liked and things that he did not like. He stated that any personal disagreements he had with Director Brown did not matter when it came to running the 911 Center. He stated that Director Brown was the best person to run the Center. He stated that there was a culture of new employees being intimidated and mistreated by the supervisors and trainers. He stated that employees would come to him and ask to work a different shift, but the employees were afraid to give administration the information to solve the problems. It wasn't until employees were willing to stand up and give names that administration was able to turn things around. He stated that he had never met a director who cared for his employees the way that Director Brown did.

**Denise Ognio** stated that 99% of the time she came before the Board as an individual and tonight she was coming before the Board as Commissioner Ognio's wife. She stated that when Vice Chairman Ognio called the vote it was with knowledge of time spent and with a lot of effort. She referenced the last meeting where several people gave comments regarding the 911 Center and where the same comments had been heard over and over. She stated that when he called the vote, there was a reason for it. She stated that when Commissioner Rousseau gave the comment that he did not like how people were asked to stand up if they were for or against an investigation, she saw it as there being three people wanting to speak against something and a lot of people who wanted to speak for something. She stated that she saw it as someone trying to determine if there would be a lot of people versus three people that the Board had already heard from over and over again. She continued her comments directed to Commissioner Brown. She stated that the vote tonight ended this to some degree. She pleaded with Commissioner Brown to stop the social media because it was a violation of policy and was one-sided and unnecessary. She continued that the people viewing the comments do not understand why other Commissioners are not responding, when the fact was that they are the only ones following procedures.

**Warren Oddo** stated that Commissioner Rousseau stated at the February 8 Board meeting that the crisis was among the Board. He stated that there was a "Commissioner Brown crisis". He stated that Commissioner Brown stated that he did not stand for bad behavior. He continued that Commissioner Brown was still on the Board and that he had pointed out a few times of Commissioner Brown's bad behavior. He stated that it was a personal vendetta and it was affecting what he was doing. He stated that the Board needed to determine how to make it better going forward.

**Leslie Jackson** stated that she worked for 911 for nine months and a CTO for five months. She stated that she was asked to read Royanda Caldwell's statement. She asked that the Board to read her statement because there were some very valid points that was not just a Fayette County issue, but a 911 Center issue. She continued her comments. She stated that she had never been a victim or witness Director Brown being "ugly" to anyone, not before February 20 or after. She made comments about comments made by Jordan Posey. She stated that she wanted to address comments made on social media regarding text to 911, she asked Commissioner Brown to come to the Center to see the advancements in technology that have been made. She concluded with a prepared statement to the Board.

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

##### **Pipe at Kenwood**

Mr. Rapson stated that there was pipe on Kenwood Road near the elementary school that was being filled. He stated that it was a Category II Tier II project. He stated that it was a SPLOST project that was currently in design. He stated that if the road had to be closed, that he would inform the Board.

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

He stated that the decision for the appointment was still outstanding.

Commissioner Brown stated that McIntosh Board stated that the Board could select a delegate from the Sheriff's office.

Mr. Davenport stated that the information provided from Ms. White regarding who could be placed on the board was straight from state law.

Mr. Rapson stated that he had spoken with Anthony Rhodes from the jail to have someone be part of the board.

Ms. White confirmed that the notices had been sent out and no response was given.

Mr. Rapson stated that we could send another notice to the council for consideration.

## **Public Arts Committee**

Re-advertise for the two open positions.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session minutes for January 25, 2018.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Brown:**

#### **Public Comments:**

Commissioner Brown stated that he always found Mr. Warren Oddo's comments interesting and that he would be a departing memory when he leaves at the end of the year.

He stated that he had no problem with the \$18 million radio system and that he hoped it was being done in the proper way.

He stated that the text to 911 discussion was something that several citizens had asked him about.

He stated that he had reason to doubt the current conditions at 911 or the letter from the Chaplain. He stated that there were more than three people making allegation and if those in uniform were making the same allegations, he would feel inclined to get to the bottom of the problem because it was his job. He stated that he was not saying that the allegations were correct, but that based on the documents he had to take it just as seriously. He stated that he was not judging anyone's character. He stated that he was presented with a long list of allegations that he was compelled to look into and if he finds documentation that match that then he would ask for an independent investigation.

He stated that the vengeance comments were overblown. He stated that he did not really know Director Brown.

He stated that Commissioner Rousseau made a valid point, that when it felt really uneasy and uncomfortable it was then when you need to look the hardest. He stated that he holds the directors to the highest standard so when he got something related to a director he took that seriously. He stated that he wished 911 the best and he wanted to see everyone do well.

### **Billy Graham:**

Commissioner Brown stated Billy Graham passed away and that he played a vital part in his mother's life.

### **Herb Frady:**

He stated that he and Herb Frady was not the “best of buddies” and they did not always agree, but they did not always disagree either. He offered his condolences to the family.

**Commissioner Oddo:**

**Public Comments:**

Commissioner Oddo stated that he had heard it said more than once that the Board defied the “will of the people” when voting against the people who were at the meetings. He stated that the county consisted of 113,000 people and the number in the room was a small number and the Board was left to try to understand what was coming before them to decide. He stated that it was not based entirely on what was heard in the room at the night of the meeting. He stated that he was disappointed that this was all over Facebook and that he hoped it was settled. He stated that he took everything that the Board did as serious. He stated that just looking at the support among staff means a lot to him.

He also offered condolences to Fayette Factor Director Becky Smith for the loss of her sister.

**Vice Chairman Ognio:**

**Call to Question:**

Vice Chairman Ognio stated that the call to question meant the citizens did not get to speak, but that the Board listened to the citizens speak on this issue at the last meeting for hours. He stated that he felt it was appropriate to call the question. He stated that the Chairman wanted the chance to vote and so he wanted to be sure he had the opportunity.

**911 Center**

He stated that he judged things by the results. He stated that the results at the 911 Center from the actions taken last year have been phenomenal. He stated that Commissioner Brown said he agreed with the letter about the atmosphere at 911 and so the system worked.

**Herb Frady**

He offered his condolences to the family of Herb Frady.

**Race weekend**

He stated that the race was this weekend and for everyone to be mindful of traffic.

**Executive Session**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session minutes for January 25, 2018.

**One Item of Pending Litigation and Review of the January 25, 2018 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 3-0. Chairman Maxwell and Commissioner Rousseau had to leave the meeting.

The Board recessed into Executive Session at 10:37 p.m. and returned to Official Session at 10:47 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 passed 3-0. Chairman Maxwell and Commissioner Rousseau had to leave the meeting.



Mr. Davenport briefed the Board that there was a pending worker's compensation claim with employee, Crystal Singletary. He stated that Ms. Singletary will be leaving the county's employment effective February 23, 2018 and will be accepting a job with another governmental entity. He stated that the county had the open worker's compensation claim for an injury from February 9, 2018 of her right ankle and foot. He stated that a settlement was reached totaling \$1,500 as well as signing the documents releasing claim in favor of the county.

Vice Chairman Ognio moved to approve the settlement of \$1,500 for Crystal Singletary with the signing of all related documents releasing claim in favor of the county. Commissioner Brown seconded. The motion passed 3-0. Chairman Maxwell and Commissioner Rousseau had to leave the meeting.

**Approval of the January 25, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the January 25, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 3-0. Chairman Maxwell and Commissioner Rousseau had to leave the meeting.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the February 22, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 3-0. Chairman Maxwell and Commissioner Rousseau had to leave the meeting.

The February 22, 2018 Board of Commissioners meeting adjourned at 10:48 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

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Randy Ognio, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8<sup>th</sup> day of March 2018. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk