

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chairman
David Barlow
Steve Brown
District 5, Vacant



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

August 27, 2015
7:00 p.m.

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

Call to Order

Chairman Oddo called the August 27, 2015 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Commissioner David Barlow

Commissioner Barlow introduced Pastor Kenneth Koon, who works in association with the McIntosh Trail Community Service Board, and he asked Pastor Koon to offer the Invocation. Pastor Koon spoke about his work for the prevention of suicides before he offered the Invocation.

Pledge of Allegiance

Commissioner Barlow led the audience in the Pledge of Allegiance.

Introduction of Mr. Dave Wills

Chairman Oddo introduced the Association of County Commissioners Georgia (ACCG) Government Relations Manager Dave Wills to the Board and audience. Mr. Wills briefly remarked about his work at ACCG and said he looked forward to learning more about government during the meeting.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0.

PROCLAMATION/RECOGNITION:

1. **Presentation of two Lights of HOPE luminary bags to the American Cancer Society Cancer Action Network, in memory of Vice Chair Pota Coston, that will be placed at the U.S. Capitol's Reflecting Pool during the 2015 Lights of HOPE ceremony in Washington, D.C. on September 29, 2015.**

Commissioner Brown introduced Ms. Kim Westwood and Mr. Eric Bailey who represented the American Cancer Society. Commissioner Brown stated that bags were signed by the Commissioners and county staff in memory of late Vice Chair Pota Coston. Ms. Westwood and Mr. Bailey spoke about the American Cancer Society's ongoing work and of its "Lights of HOPE" program, and a short video was played.

2. **Recognition of Special Olympics' World Game's Athlete Michael Crofton.**

Chairman Oddo introduced Parks and Recreation Director Anita Godbee, Therapeutic Program Coordinator Debra Parrish, Mr. Michael Crofton, and Mr. Crofton's family to the Board and audience. Mrs. Godbee spoke about Mr. Crofton's accomplishments, and a video was played showcasing Mr. Crofton's experience with the 2015 Special Olympics' World Games that was held in Los Angeles. The Board presented a Certificate of Recognition to Mr. Crofton in recognition of his accomplishments at the games.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* and he introduced Public Hearing #3 to the Board.

3. **Public Hearing of Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr., Agent, request to rezone 10.56 acres from A- R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive with one (1) condition.**

Community Development Director Pete Frisina introduced Petition No. 1248-15 to the Board and he reminded the Board that this petition was tabled at the July 23, 2015 meeting. He also reminded the Board that at the previous meeting, Mr. Knight volunteered the following condition:

"That a 50 foot undisturbed buffer, inclusive of the setback, is required along the western and southern boundary of the subject property. Said buffer shall be shown on the Final Plat and each property deed for the proposed lots shall also state the buffer requirements."

Mr. Frisina added that Public Works Director Phil Mallon had provided additional information for the petition.

Jay Knight: Mr. Knight spoke in favor of Petition 1248-15.

Frank Love: Mr. Love spoke in opposition to the petition.

Jacqueline Bennett: Mrs. Bennett spoke in opposition to the petition.

No one else spoke in favor or in opposition to the petition.

Jay Knight: Mr. Knight responded to the concerns expressed by Mr. Love and Mrs. Bennett.

Commissioner Barlow moved to approve Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in

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Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive with one condition. Commissioner Ognio seconded the motion.

Commissioner Barlow asked if Mr. Knight accepted the condition and Mr. Knight indicated that he accepted the condition. Discussion followed.

Commissioner Barlow amended his motion to include a second condition, namely, that the two driveways would service the four homes. Commissioner Ognio seconded the amendment. Commissioner Brown asked for the amendment to include that the shared driveways must be approved by the Public Works Director. Commissioner Barlow amended his motion that the driveways must be approved by the Public Works Director. Commissioner Ognio seconded the amendment.

The motion to approve Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive with one condition as recommended, and to include as a second condition that the four lots will be serviced with two driveways as approved by the Public Works Director passed 3-1 with Commissioner Brown voting in opposition.

4. Public Hearing of Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr., Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive.

Community Development Director Pete Frisina introduced Petition No. RP-056-15 to the Board saying it was a companion request to Petition 1248-15. He explained that this petition was needed for the extra lots as previously discussed.

Commissioner Barlow moved to approve Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr., Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive. Commissioner Ognio seconded the request. No discussion followed. The motion passed 3-1 with Commissioner Brown voting in opposition.

CONSENT AGENDA:

Commissioner Ognio asked to remove Consent Agenda #5 for discussion.

Commissioner Barlow moved to approve Consent Agenda Items 5 and 6. Commissioner Brown seconded the motion. No discussion followed. The motion passed 4-0.

5. Approval for the Fayette County Juvenile Court to file a grant application, in an amount of \$99,000.00, on behalf of the Board of Commissioners with the Criminal Justice Coordinating Council, ratification of the Chairman's signatures required to submit with the grant application by August 21, 2015, and authorization for the Chairman to execute any related documents.

Commissioner Ognio stated that it was obvious that the grant application had to be submitted by August 21, 2015 and that the Board was approving something that has already been submitted. He asked the County Administrator to explain how the request "came about." County Administrator Steve Rapson briefed the Board on the request and provided several options.

Commissioner Brown stated that he supports the grant program and that Georgia's counties are eligible to receive the grant up to \$100,000.00. He suggested that in lieu of having signatures prior to a Board action that the authorization for the Chairman to sign these types of grant applications, in an amount not to exceed \$100,000.00, be placed on an earlier Agenda. Mr. Rapson stated that Commissioner Brown's request could be included on the first Agenda for each year delegating that the Chairman has the authority to sign for grant applications up to \$100,000.00. Mr. Rapson added that this request would be added to the next available Agenda for consideration.

Commissioner Ognio moved to approve the Fayette County Juvenile Court to file a grant application, in an amount of \$99,000.00, on behalf of the Board of Commissioners with the Criminal Justice Coordinating Council, ratification of the Chairman's signatures required to submit with the grant application by August 21, 2015, and authorization for the Chairman to execute any related documents. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

6. **Approval of the disposition of tax refunds, in the amount of \$657.15, as recommended by the Tax Assessor's Office.**
7. **Approval of the August 13, 2015 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items for consideration.

NEW BUSINESS:

8. **Consideration of the Selection Committee's recommendation to appoint Mr. Don Wellman, Ms. Letitia Naghise, and Commissioner Randy Ognio to the Public Facilities Authority for a one-year term beginning July 24, 2015 and expiring July 23, 2016.**

Commissioner Brown moved to accept the Selection Committee's recommendation to appoint Mr. Don Wellman, Ms. Letitia Naghise, and Commissioner Randy Ognio to the Public Facilities Authority for a one-year term beginning July 24, 2015 and expiring July 23, 2016. Commissioner Brown seconded the motion. No discussion followed. The motion passed 3-0 with Commissioner Ognio abstaining from the vote.

9. **Consideration of Resolution 2015-12 adopting the 2015 Property Tax Millage Rates.**

Chief Financial Officer Mary Parrott gave the Board a high-level PowerPoint presentation concerning the 2015 Property Tax Millage Rates, and she asked the Board to adopt Resolution 2015-12. County Administrator Steve Rapson pointed out that Fayette County was the only governmental entity among the cities and the school board not to raise taxes this year. He said when people get tax bills they will start complaining, but they cannot complain to the County since it did not raise taxes. Discussion followed.

Commissioner Ognio moved to approve Resolution 2015-12 adopting the 2015 Property Tax Millage Rates. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

10. Update on the West Fayetteville Bypass / Veterans Parkway Projects (SPLOST No. R-5 and R-28).

Public Works Director Phil Mallon gave a thirteen-minute PowerPoint presentation on the West Fayetteville Bypass / Veterans Parkway, and he reminded the Board that his update was for informational purposes only. The presentation discussed the history of the bypass, its current condition and considerations for the intersection at State Route 92, and a projected May 2016 timeframe for construction of the intersection. Discussion followed.

The Board did not vote or give direction on this matter.

11. Consideration of Chairman Oddo's recommendation to authorize the County Administrator, to allow the individual department heads, to reduce to minimal staffing beginning at 1:00 p.m. on Friday, September 4, 2015 in observance of the Labor Day holiday.

Commissioner Barlow moved to accept Chairman Oddo's recommendation to authorize the County Administrator, to allow the individual department heads, to reduce to minimal staffing beginning at 1:00 p.m. on Friday, September 4, 2015 in observance of the Labor Day holiday. Chairman Oddo seconded the motion. Extensive discussion followed.

Commissioner Barlow amended his motion to approve the individual department heads to reduce to minimal staffing beginning at 1:00 p.m. on Friday, September 4, 2015 in observance of the Labor Day holiday. Chairman Oddo seconded the motion.

Commissioner Ognio said this was not done much in the private sector and that it is the private sector that is paying the bill so he could not vote for it. Chairman Oddo sympathized with Commissioner Ognio's point of view but he added that he too is in the private sector and that he does do this.

The motion to approve the individual department heads to reduce to minimal staffing beginning at 1:00 p.m. on Friday, September 4, 2015 in observance of the Labor Day holiday failed 2-2 with Commissioners Brown and Ognio voting in opposition.

PUBLIC COMMENT:

Terrance Williamson: Mr. Williamson said he recently read Chairman Oddo's letter to the newspaper entitled *The Sky is Not Falling*, and he said it is delightful to see that the County is truly doing the right thing in being fiscally responsible. He said the County's bond rating is Aaa, the budget is balanced for three years, the county has sound infrastructure, and it is not raising taxes. He added that the Board is to be commended for all the good stuff it does. He said he worked for the government for over 32 years and that every single mission, objective and "positive" that was accomplished was due to the hard working people behind the scenes that made it happen. He said when he retired he was in a similar position to the Commissioners, but it is not Commissioners who do all the work but rather it is staff. He said staff "makes it happen." He said he generally supports Commissioner Brown but that there is nothing wrong with giving latitude and respect to the managers and department heads who are trying to reward "the little guy." He said they know what they are doing and will reward those doing good work. He asked the Board to give the department heads a little credit.

Aaron Wright: Mr. Wright said he did not believe any of the Board members wished to not reward the little guy. He thought the matter at hand was a policy matter. He said he worked in Human Resources consulting for many companies and to hear the County Administrator of a multi-million dollar governmental organization say "I'm just not worried about lawsuits because I don't see them coming in right now" is scary. He said if the intention is to reward the little guy then do so, but reward them with the same policies and procedures that the private sector utilizes. He stated that the Fair Labor Standards Act dictates how exempt and non-exempt employees are paid and the National Labor Relations Act also helps to protect the "little guy." He closed saying there are rules and he recommended that the Board take into account what other large companies do and follow their example.

Terrance Williamson: Mr. Williamson stated that he read in the newspaper that there has been a great debate about Lake Peachtree and its weeds. He said several of his neighbors in Peachtree City are pointing fingers at Fayette County and are saying it is the 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. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

county's responsibility to remove the weeds so that the fish do not die when the lake is refilled. He said he wanted the Board to clearly understand that he did not see it as his tax responsibility to pay for the weeds in the lake and he asked the Board not to pay to cut down the weeds.

Mayor Greg Clifton: Fayetteville Mayor Greg Clifton stated the grand opening ceremony just occurred for the Georgia Military College, which is Fayette County's first official resident college. He also stated that there would be a rededication of the Veterans Memorial at Patriot's Park on September 26, 2015 beginning at 9:00 a.m. He asked everyone to come to participate at the event.

Ray Nelson: Mr. Nelson stated his frustration at the Peachtree City Council who is asking Fayette County to take care of the weeds at Lake Peachtree. He said he has a real problem with the request since the city's code does not allow Fayette County citizens to use the lake and he was particularly upset with the Council for even making such an unfair request of the citizens.

Roy Bishop: Mr. Bishop said his property has been tied up for the last four years due to road construction at Westbridge Road. He said he cannot sell his house and now staff is doing more in-house engineering. He asked for movement on the issue since four years is long enough.

Alice Jones: Mrs. Alice Jones commended the Board for approving grant money in the amount of \$99,000.00 for juvenile programs. She hoped the money was being used for prevention instead of placing them in settings where they cannot become productive citizens.

Warren Oddo: Mr. Oddo spoke for nineteen minutes concerning recent blog posts submitted to *The Citizen* newspaper on August 12, 2015 and authored in part by Commissioner Steve Brown. Mr. Oddo stated that his family has spent a lifetime trying to ensure their family name is associated with proper ethics, morals, and values and so when he sees something that is negative or inaccurate then he will challenge the information. He added that he was proud of the Board of Commissioners and he wanted the Board to continue in the right direction, but that there was a problem with a Board member putting incorrect assumptions about the Oddo family into the newspaper. He stated that since the unidentified blogger gave a perception that Chairman Oddo is for deficit spending and tax increases and since Commissioner Brown affirmed that perception, he pulled the official county records to compare them to what was written in the blog. Mr. Oddo then compared and contrasted the official minutes and records to the blog post and he concluded that he found "nine conflicts and two material omissions." Mr. Oddo ended his comments stating he recently attended the play *Motown*, and during the play Berry Gordy stated "Perception unchallenged becomes reality." He said the issue is not whether or not he was right or wrong but rather whether or not Commissioner Brown's postings to the paper agree with the official records. He assured everyone that the three Oddo brothers are not in favor of deficit spending or tax increases and that it would have been a disservice to his family to let the perception go unchallenged.

ADMINISTRATOR'S REPORTS:

Lake McIntosh to Close from October 30 – November 1, 2015: County Administrator Steve Rapson stated that Lake McIntosh would close from October 30 through November 1, 2015 in order to safely accommodate the Georgia Air Show. He stated that the Peachtree City Council had been notified.

Suds on the Square to be held on October 10, 2015: County Administrator Steve Rapson stated that the Suds on the Square event would be held on October 1, 2015 at the Historic Courthouse Grounds. Commissioner Brown replied the event would actually be held on October 10, 2015.

Dixie Wings Plaque: County Administrator Steve Rapson reminded the Board that earlier in the year Fayette County's flag was flown over Washington D.C. by Dixie Wings in commemoration of the end of World War II in Europe. He stated that Dixie Wings had presented Fayette County with a plaque commemorating the event and he gave the plaque to the Fayette Historical Society for keeping along with the flag.

Lisbon Baptist Church: County Administrator Steve Rapson commended Lisbon Baptist Church for donating eight indigent burial plots to Fayette County. He said that was important since Fayette County has to bury indigent persons at the county's cost so the donations represented significant savings to Fayette County.

Introduction of E-911 Director Bernard "Buster" Brown: County Administrator Steve Rapson introduced Mr. Bernard "Buster" Brown as the new Director of E-911 Communications.

Brief Responses to Public Comments: County Administrator Steve Rapson replied to Mr. Wright's comment saying he never said he was unworried about lawsuits and he did not want anyone to leave with that perception. He clarified that there have been no lawsuits in regards to the policy that was under discussion, and he added that anyone who knows him knows that he is worried about any kind of county expenditures. He replied to the comments about the weeds in Lake Peachtree saying Fayette County has not received a formal request from the Peachtree City Council even though he has heard much about it. Mr. Rapson replied to Mr. Bishop's comments saying the County has submitted an offer to Mr. Bishop, but since this is a litigation matter nothing more could be said other than the County is trying to bring resolution. Mr. Rapson replied to Ms. Jones saying the entire \$99,000.00 in Juvenile Court grant funding goes towards prevention and pre-trial services.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport reported that he had three items of Pending Litigation, one item of Threatened Litigation and review of the August 13, 2015 Executive Session Minutes to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Brown

Response to Warren Oddo's Public Comments: Commissioner Brown stated that he "enjoyed the presentation" and he thought the people can judge for themselves what is going on.

2015 Millage Rate: He stated that the Board had rolled back the millage rate so it was using the same amount of dollars used in previous years.

Suds on the Square Event: Commissioner Brown stated that Suds on the Square would be held on Saturday, October 10, 2015, and that he was volunteering for the event.

Healthy Housing Market in Fayette County: Commissioner Brown stated that he had to move the contents of a house earlier in the day, but he was also able to sell that house at his asking price, which was higher than the "comparables" in the subdivision, in about sixteen hours. He said that was really good for Fayette County and Peachtree City since it bodes well for the entire county. He gave "kudos" to all of Fayette County's jurisdictions for doing the right things and he reiterated that Fayette County has a really strong housing market, and he suggested that Pinewood Studios would only strengthen the housing market.

Commissioner Ognio

Thanks for Congratulations: Commissioner Ognio thanked all the people who congratulated him on becoming Vice Chairman of the County Commission. He hoped that he could live up to their expectations. He stated that it has been an honor to serve a County Commissioner and that it was an even greater honor to serve as Vice Chairman.

Labor Day Holiday: Commissioner Ognio asked everyone to remain safe during the upcoming Labor Day holiday.

Birthday Announcement: Commissioner Ognio stated that his oldest son turned 27 years old yesterday. He joked that even though his son was getting older, he was not getting older.

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Commissioner Barlow

Clarification of August 13, 2015 Comments: Commissioner Barlow stated that at the August 13, 2015 meeting he commented that he had met with a psychiatrist during the McIntosh Trail Executive Retreat who had spoken about Commissioner Brown. He said he later spoke to Chief Executive Officer Mike Hubbard of the McIntosh Trail Community Service Board about what was said and he reported that the comments were not made at a McIntosh Trail event. Commissioner Barlow reaffirmed that the comments were made to him by a psychiatrist but he added that he misstated the venue where the comments were made. He emphasized that McIntosh Trail had nothing to do with the comments and he did not want the people at McIntosh Trail “to be suffering because I made an inappropriate remark.” Commissioner Barlow then reported that Commissioner Brown wrote a letter to McIntosh Trail Community Service Board complaining about the remarks, and he said Commissioner Brown’s action indicated to him that “he [Commissioner Brown] is a narcissist.” Commissioner Barlow said Commissioner Brown lies about him and no one questions him, but he said he would start calling Commissioner Brown “on the carpet” because he is tired of the innuendo and slander about both himself and County Administrator Steve Rapson. He said he would stand up for Mr. Rapson because “he’s never done anything wrong.”

Chairman Oddo

Chairman Oddo said everyone has passion but everyone needed to make the effort to keep their passion under key.

Grand Opening of the Georgia Military College: Chairman Oddo stated that the Georgia Military College is a beautiful facility and he encouraged everyone to take a look at it.

Anniversary of the Krakatoa Eruption: Chairman Oddo stated this was the anniversary of the eruption of Krakatoa; a volcano that erupted many years ago. He said he brought it up since there had really been no “volcanos” on the Board during the meeting, despite some tremors, and he said he appreciated that.

Proposed Ethics Revisions: Chairman Oddo reminded the Board members to provide their comments on the proposed ethics revisions to County Attorney Dennis Davenport by the end of the month so they could be incorporated into a product that the Board could vote on.

EXECUTIVE SESSION:

Three Items of Pending Litigation, One Item of Threatened Litigation, and Review of the August 13 Executive Session

Minutes: Commissioner Ognio moved to recess into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The Board recessed into Executive Session at 9:46 p.m. and returned to Official Session at 10:19 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

Settlement with Mr. Jesse Hill: County Attorney Dennis Davenport reported that former employee Jesse Hill was injured on the job in 2004 and as a result of the injury, despite continuing working for Fayette County for a number of years after the injury; he has since separated from employment on December 12, 2014. He said Mr. Hill has had residual impact from his injury dealing with pain medications and pain medication. He said a Workers’ Compensation claim has been ongoing since 2004 for primarily medical benefits although it includes income benefits. Mr. Davenport said he was recently able to reach an agreement with Mr. Hill for settlement of all claims and for payment of no future medical expenses. He said the terms of the settlement were for the lump sum of \$80,000.00 with Mr. Hill acknowledging separation of employment from Fayette County with no other claims against the county. He reported Mr. Hill

had executed a full release of any claim he has against Fayette County and has agreed no future medicals are obligated to him on behalf of Fayette County. He said the settlement would have to go to the State Board of Workers Compensation for its approval and would be effective when approved by the State Board of Workers Compensation.

Commissioner Ognio moved to approve the settlement according to the County Attorney's recommendation. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

Settlement with Mr. Craig Woods: County Attorney Dennis Davenport reported that a second settlement involved employee Craig Woods. He stated that Mr. Woods was injured from a camper shell on the back of a truck that hit him in the head. He said Mr. Woods has undergone medical costs as well as significant time away from work. He reported that the case was evaluated by Attorney Robert Goldsmith as approved by the Board of Commissioners. Mr. Davenport reported that Mr. Goldsmith took the case to mediation and was able to settle the case for \$103,000.00 with a waiver of subrogation. He said \$103,000.00 would be a full settlement with Mr. Woods and that Mr. Woods would resign from employment. He reported that Mr. Woods would sign a release of all claims against Fayette County and would agree close all medical obligations. He said the settlement would go into effect on the date of approval by the State Board of Workers Compensation.

Commissioner Brown moved to approve the settlement offered by the County Attorney. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

Approval of the August 13, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the August 13, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The August 27, 2015 Board of Commissioners meeting was adjourned at 10:23 p.m.

Floyd L. Jones, County Clerk