

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

Minutes

September 24, 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 September 24, 2015 Board of Commissioners meeting to order at 7:06 p.m.

Invocation by Commissioner Randy Ognio

Commissioner Ognio offered the Invocation.

Pledge of Allegiance

Commissioner Rousseau led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of Drive Phase Track Club athletes who competed and won at the 2015 AAU Junior Olympics in Norfolk, Virginia.

Chairman Oddo introduced Coach Lamar Grant, and Coach Grant introduced the Drive Phase Track Club athletes to the Board and audience. Chairman Oddo then read and presented the recognition to Coach Grant and the athletes. Copies of the request and Recognition, identified as "Attachment 1," follow these minutes and are made an official part hereof.

2. Presentation from Executive Director Scott "Rock" Donahue of the Georgia Military College.

Chairman Oddo introduced Executive Director Scott "Rock" Donahue of the Georgia Military College to the Board. General Donahue spoke about the great strides taken over the year to successfully open Georgia Military College and he played a promotional video of the college. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Presentation of the Georgia Forestry Commission's Annual Report for Fayette County.

County Administrator Steve Rapson informed the Board that Ranger Harold Quigley, who was scheduled to make the presentation, was unable to attend the meeting. He stated that Ranger Quigley's presentation had previously been provided to the Board in the published Agenda package. Copies of the request and presentation, identified as "Attachment 3," follow these minutes and are made an official part hereof.

4. Presentation of the Government Finance Officers Association Distinguished Budget Award for Fayette County's annual budget document for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

The Board, County Administrator Steve Rapson, and Chief Financial Officer Mary Parrott commended Fayette County's Budget Officer Sergio Acevedo and the Finance staff for their hard work in accomplishing the Government Finance Officers Association Distinguished Budget Award. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 5," follows these minutes and is made an official part hereof.

5. Public Hearing of Petition No. 1249-15, Betty S. Allen, Owner, and Vee Jokijphor, Agent, request to rezone 29.491 acres from A- R to R-40 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 70 of the 7th District and fronting on SR 54 and Dockstreet Alley.

Community Development Director Pete Frisina briefed the Board on the petition. He stated that the petition complies with the Land Use Plan and that owners would have to obtain a preliminary and final plat. He added that both staff and the Planning Commission recommended approval of the petition with no conditions.

Agent Vee Jokijphor: Ms. Jokijphor asked the Board to approve the petition. She added that she is a homeowner for a property in Phase I of Longboat Subdivision and she supported the petition since it would increase equity in the community.

No one else spoke in favor of the petition.

Eddie Hill: Mr. Hill, Homeowners Association President for Longboat Subdivision stated he was not totally against the petition, but he had an issue with the additional properties since it would increase the number of homes to 46 with only one entrance and exit for all the homes. He asked why an existing driveway that belongs to part of the property under consideration could not be used as a second entrance and exit into the subdivision. Mr. Hill mentioned that an autistic child lives in the neighborhood and that additional traffic in the neighborhood could be a concern. He mentioned the developer had agreed to keep initial traffic on State Route 54 but the actual construction of the homes would require construction traffic to come through the only entrance and past existing homes.

Brian Lambert: Mr. Lambert, Homeowners Association Head of the Architectural Committee for Longboat Subdivision, said he was one of the first homeowners in the subdivision and that during and after the construction process he saw a number of things that gave him concern. He stated that the builders left concrete washout and construction debris on people's property and that that he had to clean a computer monitor and drink bottles off his property that the builders left behind. Mr. Lambert stated that curbs were damaged and that the homeowners have taken efforts to repair the damage. He said the homeowners did not want to repair new damage after the same builders return. He said there have been discussions with the developer

with an effort to get guarantees on cleaning up the properties but there have not been any answers. He said he was opposed to the petition until the developer gives guarantees about cleaning up the subdivision and maintaining the standard of living in the neighborhood.

No one else spoke in opposition to the petition.

Agent Vee Jokijphor: Ms. Jokijphor replied to those who spoke in opposition saying the developer met with the Home Owners Association regarding their concerns with the entrance, but it is a work in progress. She said the developer is trying to assure that the petition is a win-win agreement for both parties. She said she did not have anything in writing at the time.

Commissioner Brown stated that concrete washout and busted curbs should not be allowed in subdivisions. He said the developers need to meet the county's standards and the county can enforce the standards with the developers, and he stated Homeowner's Association's money should not be spent on problems that the developers are responsible for. Commissioner Brown asked Mr. Frisina if there could be a temporary easement issued for construction traffic from State Route 54. Mr. Frisina replied that an easement likely could be issued by the Georgia Department of Transportation (GDOT), but it would not address the need to use the existing subdivision streets for the actual home constructions. It was pointed out that the subdivision's streets were adequate to allow emergency traffic during construction. Commissioner Brown explained there would be a logistical problem with adding a second subdivision entrance since it would require traffic to slow down on State Route 54 and he stated GDOT would not pay for a traffic light for 40 houses. He could tell the homeowners take great pride in the Longboat Subdivision, and he said he would be inclined to allow the subject property to be an extension of the subdivision since, should the property sell on its own, it could cause problems for many people. He encouraged the homeowners to contact the county with its problems and the county can make sure the developers do what needs to be done.

Commissioner Rousseau asked Mr. Hill if he was at ease based on what Commissioner Brown stated. Mr. Hill replied that Commissioner Brown's comments made sense but the "questions had to be asked," and he added that Mr. Lambert's concerns had also been addressed by Commissioner Brown. Discussion followed.

Commissioner Brown moved to approve Petition No. 1249-15, Betty S. Allen, Owner and Vee Jokijphor, Agent, request to rezone 29.491 acres from A-R to R-40 to develop a Single-Family Residential Subdivision, with said property being located in Land Lot 70 of the 7th District and fronting on State Route 54 and Dockstreet Alley, and to request that the contractor and developer use a temporary easement off State Route 54 for heavy construction traffic as needed. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 5-0. Copies of the request, Rezoning Ordinance 1249-15 and Rezoning Resolution 1249-15, identified as "Attachment 6," follow these minutes and are made an official part hereof.

6. Public Hearing of Petition No. RP-057-15, Betty S. Allen, Owner, and Vee Jokijphor, Agent, request to add 24 lots to the Final Plat of Longboat Subdivision. This property is located in Land Lot 70 of the 7th District and fronts on SR 54 and Dockstreet Alley.

Community Development Director Pete Frisina briefed the Board on the petition. He stated that the rezoning properties did not come to staff at the same time and that he worked to get all 29 acres for rezoning. He said that progress resulted in the developers not having a concept plan available but staff estimated there could be 24 lots added to the subdivision.

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

Commissioner Brown moved to approve Petition No. RP-057-15, Betty S. Allen, Owner, and Vee Jokijphor, Agent, request to add no more than 24 lots to the Final Plat of Longboat Subdivision with said property being located in Land Lot 70 of the 7th District and fronting on State Route 54 and Dockstreet Alley. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

7. Public Hearing of Ordinance 2015-11- Administrative Variances, amending the Fayette County Code of Ordinances by adding in its entirety Section 110-106. Administrative Variances to Article III. General Provisions.

Community Development Director Pete Frisina stated in 2010 staff did research and review of the Zoning Ordinance that resulting in “global changes” to the Zoning Ordinance. He said at the time there was an Administrative Variance procedure that was in the Zoning Ordinance since its inception in 1980, and that the procedure gave staff latitude to provide variances for setbacks and similar situations. He said most Planning and Zoning Directors were apprehensive to use the procedure due to the latitude it gave, so in 2010 he ratcheted back the latitude from a 20% variance to a 10% variance with a cap of no more than two feet. Mr. Frisina stated that in 2012 there was another global revision of the Zoning Ordinance and it was apparently during that time that the Administrative Variance procedure was accidentally removed from the Zoning Ordinance. He asked for the Administrative Variance to be returned to the Zoning Ordinance to give staff the ability to grant a 10% variance for an existing structure and not to exceed two feet. He stated that most jurisdictions, including the cities of Fayetteville and Peachtree City and the Town of Tyrone, have Administrative Variance provisions even though the provisions have different ranges.

No one spoke in favor of or in opposition to Ordinance 2015-11.

Commissioner Brown said he was not necessarily opposed to Administrative Variances but that he worried about getting into problems by granting the variances. He stated he wanted language in the ordinance requiring if a person is not following the procedure then they should not be granted an Administrative Variance. He said the county has procedures that need to be followed and that 99% of everyone follows the procedure, so there should be no room to allow for those who do not follow the procedure and then seek an Administrative Variance.

Commissioner Ognio stated there are procedures for variances and he could not imagine why there was a need for an Administrative Variance. He stated that if a builder makes a mistake then the builder needs to correct the mistake. He suggested that the builders could take advantage of the Administrative Variance. Commissioner Ognio stated that if someone needs a variance then they need to go through the proper procedures. He further suggested that not having an Administrative Variance would actually burden staff since it has to deal with these decisions.

Commissioner Barlow asked how long the Administrative Variance had been in the Zoning Ordinance. Mr. Frisina replied that the Administrative Variance had been in the Zoning Ordinance since 1980 but that it was revised in 2010, although it was deleted in 2012. Commissioner Barlow asked whether Mr. Frisina has had to give Administrative Variances during his years with the County. Mr. Frisina replied it has been used from time to time and that, since 1980, there have been 199 Administrative Variances approved by whoever was the Zoning Administrator at the time. Commissioner Barlow asked what kind of hardship staff would have without the Administrative Variance. Mr. Frisina replied that people make mistakes and that the Administrative Variance gives him the ability to alleviate builders from having to go to the Zoning Board of Appeals. He said the Zoning Board of Appeals only meets once a month and that currently the county was in a position of holding up a builder for up to eight weeks due to a minor infraction. Discussion followed. Commissioner Barlow stated that good intentions sometimes do not go right or are successful, and he agreed with Commissioner Ognio that the builders should be the responsible parties. He thought there may be room for the Board to look at errors caused by the County in these matters, but this Administrative Variance could be abused even though something good was intended.

Commissioner Ognio moved to deny Ordinance 2015-11—Administrative Variances, amending the Fayette County Code of Ordinances by adding in its entirety Section 110-116. Administrative Variances to Article III. General Provisions. Commissioner Barlow seconded the motion. Brief discussion followed. The motion passed 5-0. A copy of the request, identified as “Attachment 8,” follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Brown moved to approve Consent Agenda Items 8, 9 and 10. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

8. **Approval of staff's recommendation to accept the 2015 Georgia Association of EMS (GAEMS) grant in the amount of \$15,811.86, to be used in purchasing emergency medical equipment, and authorization for the Chairman to sign any documentation associated with this grant request. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.**
9. **Approval of the disposition of tax refunds, in the aggregate amount of \$15,722.16, as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.**
10. **Approval of the September 10, 2015 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There were no items of Old Business for consideration.

NEW BUSINESS:

11. **Consideration of a recommendation from the Selection Committee comprised of Commissioner David Barlow and Commissioner Randy Ognio, to appoint both Sharon White, with a three-year term beginning July 1, 2015 and expiring June 30, 2018, and Margaret Sisson, with an unexpired term beginning immediately and ending on June 30, 2017, to the McIntosh Trail Community Service Board.**

Commissioner Ognio stated the two applicants were outstanding and he was glad Fayette County has these kinds of applicants.

Commissioner Ognio moved to accept the recommendation from the Selection Committee comprised of Commissioner David Barlow and Commissioner Randy Ognio, to appoint both Sharon White, with a three-year term beginning July 1, 2015 and expiring June 30, 2018, and Margaret Sisson, with an unexpired term beginning immediately and ending on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

12. **Consideration of a recommendation from the Selection Committee comprised of Chairman Charles W. Oddo and Commissioner Barlow, to appoint Pete Daniel to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for an unexpired term beginning immediately and expiring on June 30, 2016.**

Chairman Oddo stated that the comments just given by Commissioner Ognio could be said about Mr. Daniel. He spoke about Mr. Daniel's qualifications and life-calling. Commissioner Barlow agreed saying Mr. Daniel is very qualified for the position.

Commissioner Brown moved to approve the Selection Committee's recommendation to appoint Pete Daniel to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for an unexpired term beginning immediately and expiring on June 30, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

13. Consideration of the Public Art Committee recommendation to approve the concept design to prominently display the national motto, "In God We Trust" in the Board of Commissioners Public Meeting Room.

Commissioner Brown stated that in December 2014, former Commissioner Allen McCarty put a motion on the floor to use the motto "In God We Trust" in the Public Meeting Room. He said there are many jurisdictions across the nation and in Georgia displaying the motto and the motion won by unanimous vote. He stated that the assignment of how to display the motto was given to the Public Art Committee and that he and Commissioner Coston were going to take the motto to the Public Art Committee, but it was delayed due to the illness and untimely passing of Commissioner Coston. He said the Public Art Committee looked at different ways to display the motto and had recommended "Option Two," which is a cursive-type print.

Commissioner Rousseau asked what was being accomplished by this effort. Commissioner Brown replied that this effort was initiated by Commissioner McCarty, but that there was an organization that is looking at different local and state governments across the nation and proposing they use the motto in the local format. Commissioner Rousseau asked if this effort would open the door to the question about the separation of church and state, and if so, how should the county proceed in light of that assumption. Commissioner Rousseau stated he is a believer but displaying a motto does not change anything since it is how a person acts that defines his beliefs. County Attorney Dennis Davenport stated that a door was being opened since the Board is taking a blank wall and putting "In God We Trust" on the wall. He said the change would get attention and the wording would get specific attention. Mr. Davenport stated if there was a reason for someone to file an action as a result this would give a reason, however, just about anything the Board does could give someone a reason to file an action. He said this would open a specific door since it is a "hot button issue."

Commissioner Brown moved to accept the Public Art Committee's recommendation and to go with "Option 2" as posted in the documentation. Commissioner Barlow seconded the motion.

Commissioner Barlow stated that those who know him know his beliefs that "we need more God in America." He thought displaying the motto on the wall, even though it is on the money, would offend some people, but he added that there are some who are offended just to be offended. He said he was thankful that the Public Art Committee had made the recommendation and he would support it.

Commissioner Rousseau moved to table the motion until the October 22, 2015 Board of Commissioners meeting.

Commissioner Ognio clarified that the motion to actually put the motto in the Public Meeting Room has already been approved and that this agenda item was addressing how to put the motto in the Public Meeting Room. Chairman Oddo said he wanted to review other options since he wanted to display the motto appropriately. He asked for the options to come through the staff. He pointed out that the size of one's faith is not indicated in the size of letters in a motto, and he agreed to the request to tabling the item. County Administrator Steve Rapson stated that staff had provided options in the past and he stated he would send those options to the Board.

The motion to table the request to October 22, 2015 passed 5-0. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

14. Consideration of Ordinance 2015-09- Ethics, amending Fayette County's Code of Ordinances pertaining to ethical standards.

Chairman Oddo stated this Ordinance has been "a long time coming" and he briefly explained how the Ethics Ordinance was reviewed and amended for changes. He said the proposed ordinance was a composite of work gathered by a very good group of people. He said the proposed changes were sent to the Board in April 2015 for comments and those comments were incorporated into the proposed ordinance.

Commissioner Ognio moved to adopt Ordinance 2015-09—Ethics, amending Fayette County's Code of Ordinances pertaining to ethical standards. Commissioner Barlow seconded the motion.

Commissioner Brown stated he was going to take a different tact and look at the proposed ordinance from a different angle. He said he was the target of the ethics complaints in 2013 and that the Ethics Board threw out one complaint and a judge threw out the second complaint. Commissioner Brown stated that the County's current Ethics Ordinance was a "farce." He said he reviewed the proposed ordinance and he found the edits to be very appropriate. He said he was willing to go with the proposed ordinance since, if changes need to be made in the future, the Board could make changes.

The motion to adopt Ordinance 2015-09—Ethics, amending Fayette County's Code of Ordinances pertaining to ethical standards passed 5-0. Copies of the request and Ordinance 2015-09, identified as "Attachment 14," follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

No one spoke during Public Comment.

ADMINISTRATOR'S REPORTS:

- A. Notification of the awarding of Bid #1006-B to Remac, Inc. for Crack Sealing Services in an amount not to exceed \$74,030.00; Bid #1012-B to Middle Georgia Outdoor Lighting for lighting Kiwanis Park Athletic Field #9 in an amount not to exceed \$85,885.00; and Bid #1018-P to Peach State Ambulance for the purchase of a Type I Ambulance in an amount not to exceed \$147,090.00.**

County Administrator Steve Rapson briefed the Board on the awarding of Bids 1006-B, 1012-B, and 1018-P. He added that the awarded amount for Bid #1006-B was actually \$74,030.00 instead of \$7,030.00 as printed in the Agenda. A copy of the notification report, identified as "Attachment 15," follows these minutes and is made an official part hereof.

Fayette County's Water System Maintains AA Bond Rating: County Administrator Steve Rapson stated that staff met with representatives from Standard and Poor's who conducted peer-like reviews of the County's bond rating. He said the County's Water System has an AA bond rating, and that just prior to the meeting Standard and Poor's reaffirmed that the Water System's bond rating is still rated AA. He concluded that the AA bond rating is outstanding for any water system.

Board of Commissioners to meet on Tuesday, October 6, 2015 at 2:00 p.m.: County Administrator Steve Rapson reminded the Board that its next scheduled meeting would be held on Tuesday, October 6, 2015 at 2:00 p.m.

Word of Appreciation: County Administrator Steve Rapson said he appreciated all the votes being unanimous at the meeting, even though one item was tabled. He stated it was nice to see "5-0s" again.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport informed the Board that he had three items of Pending Litigation and the review of the September 10, 2015 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow:

Congratulations Extended to Commissioner Rousseau: Commissioner Barlow thanked everyone for coming to the meeting. He congratulated Commissioner Rousseau for his recent election saying a 70% vote is considered a landslide. He said he appreciated Commissioner Rousseau's comments during the meeting and he looked forward to working with Commissioner Rousseau as matters move forward. He thought Fayette County would be well-served with Commissioner Rousseau.

Commissioner Brown:

Scarecrow Contest and Pumpkin Carving and Sculpting Contest: Commissioner Brown reminded everyone of a couple of projects coming up. He said the first project was a Scarecrow Contest on October 17-18, 2015. He said the county would provide the stuffing and there would be prizes. He added the scarecrows would be on display for the City of Fayetteville's Trick or Treat Event in October, providing a great time for the artwork to be on display. Commissioner Brown stated that there was also a Pumpkin Carving and Sculpting Contest in Peachtree City at Saville Studios on October 25, 2015. He said the pumpkin contest would cost \$10.00 for the pumpkin and supplies. He concluded that additional information could be obtained from the Public Art Committee's page on the County's website.

Report on the Possibility of Rowing Coming to Fayette County: Commissioner Brown stated that Dr. and Mrs. Graddick live in Peachtree City, that they are very much into rowing, and that Mrs. Graddick represented the United States in the World Rowing Championships. He said they have found an opportunity for the county to start high school rowing teams on Lake McIntosh in Peachtree City. Commissioner Brown stated that this effort has revealed a large number of people living in Fayette County who did rowing either in high school or in college, and he said the college scholarship rate for women in rowing is fifty percent. He explained that the University of Georgia has just established a rowing team and that rowing is a sport of choice for colleges with large bodies of water. He stated that Fayette County may have the first rowing program for public high schools in the State of Georgia even though there are some private schools and clubs that already offer rowing. Commissioner Brown suggested that this effort may bring all of the rowing crews from all levels to Fayette County; increasing tourism to Fayette County. He said the rowing teams have tournaments and championship matches, presenting the possibility of having the NAACP Rowing Championships taking place in Fayette County. Commissioner Brown stated this is the beauty of Fayette County since citizens find opportunities, bring them to the government, and are able to get things done.

Commissioner Ognio:

Congratulations Extended to Commissioner Rousseau and Comments on Events in Fayette County: Commissioner Ognio congratulated Commissioner Rousseau on his recent election. He commented on the Inman Heritage Day and how it is a fun, low-cost event for the family. Commissioner Ognio added that the Dragon Boat Race would take place on Saturday, September 26, 2015 at 9:00 a.m. and he encouraged everyone to attend.

Chairman Oddo:

Events in Fayette County and Establishment of the United States Supreme Court: Chairman Oddo stated that the Inman Heritage Day Event and the Tyrone Founder's Day Parade was a great event. Chairman Oddo added that on September 24, 1789, the United States Judiciary Act was passed by Congress that created the Supreme Court. He said the first case was held by the Supreme Court in January 1790. He mentioned that the Court had six members and he joked if the decisions were split 3-3.

Congratulations Extended to Commissioner Rousseau: Chairman Oddo congratulated Commissioner Rousseau for his recent election.

Commissioner Rousseau:

Words of Thanks from Commissioner Rousseau: Commissioner Rousseau thanked the Board for its warm welcome and he thanked the staff saying he looked forward to working with each and every one. He then thanked the public for overwhelmingly demonstrating their support and for their prayers. He asked for time to continue getting his footing with respect to scheduling all the events. He said he and the Board would continue the good work that the people of Fayette County expect. He concluded by saying he was glad to be on board.

EXECUTIVE SESSION:

Three Items of Pending Litigation and Review of the September 10, 2015 Executive Session Minutes: Commissioner Ognio moved to go into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The Board recessed into Executive Session at 8:51 p.m. and returned to Official Session at 9:26 p.m.

Return to Official Session and Authorization for the Chairman 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 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 16," follows these minutes and is made an official part hereof.

Settlement with Mr. Robert D. Burcher: County Attorney Dennis Davenport stated he had an item to update the Board about pending condemnation along the West Fayetteville Bypass (Case # 2011V-0657.) He said one of the properties belongs to Mr. Robert D. Burcher and that there is a potential settlement with Mr. Burcher. He said when the County filed for condemnation it paid in \$8,200.00 in the Court's Registry and that there has been a request to look at settling the condemnation in the total amount of \$74,812.83. He said that would mean if the settlement is looked at with favorable consideration the County would pay an additional \$66,612.83 into the Court's Registry, which would be the complete settlement amount for the property. He said the settlement would also include statutory interest of 7% for 4 ½ years.

Commissioner Ognio moved to approve the settlement as described by the County Attorney. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

Settlement with Don and Carole Galimore: County Attorney Dennis Davenport reported he had a second proposed settlement for condemnation on the West Fayetteville Bypass for property owned by Don and Carole Galimore's (Case #s 2011V-0980 and 2011V-0981.) He said Fayette County has already paid \$206,800.00 into the Court's Registry. Mr. Davenport reported that the attorney for the Galimore's spoke with his office earlier in the afternoon and there is belief there can be a settlement for the condemnation for an additional \$205,250.00. He said that amount splits the difference between the two appraisers representing the County and the Galimore's. He said the Galimore's would be willing to waive interest over the last four years and that amount is approximately \$60,000.00. Mr. Davenport concluded that the offer is to settle for an additional \$205,250.00.

Commissioner Ognio moved to approve the settlement as described by the County Attorney. Commissioner Barlow seconded the motion.

Commissioner Brown, who opposed construction of the West Fayetteville Bypass from 2004, said this is a perfect example of getting burned badly and costing the taxpayers a fortune when things are not done the right way. He said the current Board was "bailing out" the previous actions from the previous Board of Commissioners, and while it hurt him to make the vote, he had no choice since the road was built on property before there was ownership of the property. He said that action was absolutely the wrong thing to do and now everyone is paying for it. Commissioner Ognio agreed with Commissioner Brown's comments.

The motion to approve the settlement as described the County Attorney passed 5-0.

Approval of the September 10, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the September 10, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the September 24, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The September 24, 2015 Board of Commissioners Meeting was adjourned at 9:30 p.m.

Floyd L. Jones, County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 6th day of October 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk