

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

Minutes

October 6, 2015
2:00 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 October 6, 2015 Board of Commissioners meeting to order at 2:00 p.m.

Invocation by Commissioner Charles D. Rousseau

Commissioner Rousseau offered the Invocation.

Pledge of Allegiance

Chairman Oddo 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 the 125th Anniversary of the Founding of the National Society Daughters of the American Revolution and proclamation of Sunday, October 11, 2015 as "National Daughters of the American Revolution Day of Service" in Fayette County.**

Commissioner Oddo asked representatives from the National Society Daughters of the American Revolution (DAR) to come forth. Commissioner Oddo then read and presented the recognition to Ms. Phyllis King, a representative of the James Waldrop Chapter of the Daughters of the American Revolution. Ms. King thanked the Commissioners and spoke briefly about the organization. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

There were no Public Hearing items on the Agenda.

CONSENT AGENDA:

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

2. Approval of the September 24, 2015 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

3. Consideration of staff's recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way.

County Administrator Steve Rapson briefed the Board on this request saying it concerned an existing contract with Crown Castle that was entered into in 1999. He stated that the Agenda packet incorrectly read that the tower under consideration is one of two towers based on some confusion on the tower's address; however, he clarified Fayette County has only one tower. Mr. Rapson stated that the proposed extension included a \$10,000.00 bonus payable upon approval. He added that even though the contract was extended about five years ago, the issue was back before the Board since Crown Castle is in the process of negotiating with some of its wireless tenants.

Commissioner Brown moved to deny the request and to have the lease bid out or researched to determine what the market rates are and what other companies would like to participate. Commissioner Ognio seconded the motion.

Commissioner Brown stated that the meeting packet shows the previous contract was approved on August 22, 2010. He said he had a copy of that meeting's minutes, that he attended that meeting, and at the end of the meeting the previous County Administrator pulled a document from a folder and said "By the way, gentlemen, there is another thing we need to approve." He said the Board voted on the document and everyone in the audience was left wondering what happened since something passed that was not on the Agenda. Commissioner Brown maintained that the approval was "unlawful" since the item was required to be on an Agenda, and he told the Board that if he had the votes when he came onto the Board in 2011 he would have nullified the contract at that time. He did not know if the County was getting a good rate since Crown Castle is the only company the county has worked with since 1999, and he asked to see if there was another company willing to pay more money. He clarified that if the research demonstrates that Crown Castle is the best company then he would be willing to consider them. Commissioner Brown said he asked the previous administration why the extension was rushed through the approval process in 2010 and he was told it was due to time sensitivity; even though the contract still had two years left on it. He asked for the Purchasing Department to review the contract to see if a better deal could be reached.

Mr. Rapson replied he had sent two emails to the Board answering many of the questions raised by Commissioner Brown. He stated that staff had looked at the competitive rates, particularly with wireless carriers, and the rates are comparable to surrounding counties. He added that there are five tenants currently on the tower, and he explained that the County has been given free access to another Crown Castle tower per an agreement passed earlier in the year. He said if the County had more than one cell tower then a procurement process might be warranted, however, since Fayette County only has one cell tower the county's leverage in the market is limited. He reported that 50/50 splits are common when there are about eight to ten towers, and he stated that even if staff conducted the research it would probably end up with the same solution as presented today.

Commissioner Ognio said he did not have heartache about this request since he understood one tower results in having a smaller market, and he added the \$10,000.00 bonus was good. He stated that the income from the tower was being directed into the Fire Fund but he wanted to ensure that the General Fund was being made whole due to payments for insurance. Mr. Rapson replied that the tower's insurance policy was about \$3,000.00 and, should the Board desire, that portion of the money could be taken from the Fire Fund and provided to the General Fund so that the General Fund would be made whole.

Commissioner Barlow asked if the Board would waive off the \$10,000.00 bonus if it did not approve the extension. Mr. Rapson replied that it was hard to say. He mentioned that the company appeared to be very honorable and that the County was working through the Crown Castle's attorneys. He said those attorneys handle all of the FCC filings, makes sure the tower is in regulatory compliance, and makes sure the tower boxes for the five tenants are properly managed. He said if there was no contract then it would be county staff managing the tower. Commissioner Barlow asked how much of the "tower portion" was contributed to the county. Mr. Rapson stated the company gave the prime location at the top of the tower to the county thus providing the best coverage to the entire county. Commissioner Barlow asked Mr. Rapson how many companies have approached the county to take over the tower's operations, and Mr. Rapson answered no other company had come to him.

Commissioner Brown replied that if he were Crown Castle he would do all kinds of wonderful things for the County too since it is a strong tower with five tenants. He said Crown Castle has a sweetheart deal that has been locked up since 1999. He emphasized that, as a fiduciary responsibility to the citizens of Fayette County, the Board needs to determine if it can do better with someone else. He repeated that if Crown Castle was the best company he would vote for them but until research is done he would not vote for the extension.

Commissioner Rousseau asked how long it would take to complete the bid solicitation. Mr. Rapson briefly described the various steps required to complete the bid solicitation and some of the potential complications with the process, but he said the County could begin the process if directed.

Chairman Oddo said he understood Commissioner Brown's concerns but he thought it was a good deal.

The motion to deny the request and to have the lease bid out or researched to determine what the market rates are and what other companies would like to participate failed 1-4 with Commissioners Oddo, Ognio, Barlow and Rousseau voting in opposition.

Chairman Oddo moved to approve this recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way. Commissioner Ognio seconded the motion.

Commissioner Ognio asked for an amendment to the motion to make the \$3,000.00 payment for the tower's insurance policy be returned to the General Fund to make it whole. Chairman Oddo amended his motion to make the General Fund whole. Commissioner Barlow seconded the amendment.

The motion to approve this recommendation to extend a Site Lease Agreement with Crown Castle, also known as Pinnacle Towers, for two additional five-year terms expiring on December 31, 2025, for the leasing of the county's wireless tower located at 110 Volunteer Way, and to make the General Fund whole passed 4-1 with Commissioner Brown voting in opposition. Copies of the request and Site Lease Agreement, identified as "Attachment 2," follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

Fire Chief David Scarbrough: Chief Scarbrough provided the Board with Breast Cancer Awareness T-shirts for them to wear. Chief Scarbrough shared that the Fire Department did a fund raiser and the proceeds will be given to the Breast Cancer Survivors Network, Inc. in Peachtree City.

Donald Fowler: Mr. Fowler stated he has resided in Fayette County for 55 years. He brought an American flag to the podium, suggested that many people do not seem to recognize it, and that he have four years of his life defending the flag. He said 53 years ago he was stationed in Key West, Florida, and he helped the country fight back against a bully whose country was only a few miles away. He concluded that the National Association for the Advancement of Colored People (NAACP) was bullying the citizens of Fayette County and he asked the Board to not give up without a fight.

Ginga Smithfield: Mrs. Smithfield stated that the Board of Commissioners and the Board of Education should not settle the NAACP lawsuit before it is decided in court. She provided an informational document to the Board that she said included a statement from Judge Batten's court order that read: "The Court agrees with County Defendants that in contrast to many plaintiffs, these plaintiffs have not proffered evidence relating specifically to discrimination in Fayette County." Mrs. Smithfield said there were compelling reasons not to settle the lawsuit but she thought there was no better reason than Judge Batten's own words.

Derrick Jackson: Mr. Jackson said he came to Fayette County in 2004 after serving 22 years in the Navy. He said he respects anybody's patriotism, duty, and service, but he also encouraged the Board to mean what they say and do what they mean. He said if the Board wants to be fiscally responsible then it needs to be fiscally responsible. He said the majority of Georgia's counties operate through District Voting so it makes sense. He said the Board was fighting against a tidal wave while in a canoe and that the people did not want to continue the lawsuit. He said the issue is not about bullying but about doing the right thing for everyone and moving Fayette County forward for all. He pointed out that the business community was already behind the effort and he asked the Board where it would be when the tidal wave hits shore.

Terrance Williamson: Mr. Williamson stated that there have been two elections using District Voting and the County has witnessed overwhelming support of the candidates who were elected. He said the candidates were not just selected by black people or Democrats, but by whites and all citizens of District Five who decided on who they wanted as Commissioner. He stated that some of the comments accompanying the newspaper articles about District Voting did not reflect well on Fayette County. He said everyone wants the best for Fayette County but not everyone can be satisfied. He said the Board needs to use wisdom to make the best rational decisions for the County. He added that if there are proposals before the Board then they need to be discussed but kept in private until consensus is reached and brought forward to the public. He said if there is a settlement that prevents the county from spending another one million dollars then that is what the Board needs to do.

Linda Conley: Ms. Conley stated that she is for At-large Voting since District Voting disenfranchises four-fifths of the voters of Fayette County. She said South Hampton Village, which is directly across the street from where she lives, did not exist when she moved to Tyrone in 2002. She stated that under the gerrymandered District Voting the residents of South Hampton Village could vote for the County Commissioner while she could not. She expected a say in what goes on in Fayette County for every election, and she said if she cannot have a say then she could and eventually would move away from Fayette County.

Angela Bean: Ms. Bean commended the Board for the ability to exercise First Amendment rights in its meetings. She stated that many who are new to the process of local government may not realize that Fayette County is probably the only County Commission that allows unlimited public comments. She said Fayette County is unique not only because it is the most open and transparent government but because it appears that Fayette County is the only county whose members are not under indictment for corruption. She stressed that Fayette County is unique and that people move to Fayette County due to its government, people, property values, schools and safety that other counties with District Voting do not have, and she was unsure why people want to copy other counties when Fayette County is a good county. She stated that when she ran for County Commissioner she had an opportunity to meet many people and she was asked about District Voting and of her support of At-large Voting. She said one questioner indicated that the majority of citizens support District Voting but she did not know where that information was obtained. She continued telling the Board

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that as she was campaigning she learned that thousands of Fayette's citizens are not aware of this issue. She said as she enlightened the people she never had a single person express support for District Voting. She added that there were members of the black community who told her they did not support District Voting since they moved from neighboring counties because of the governments, people, and divisions of those counties. She concluded there are thousands of citizens in Fayette County who support the Board, who encourage it to stand fast, and who want their day in court in order for the judge to hear both sides of the argument and make a decision.

Harold Bost: Mr. Bost said he has lived in Fayette County since the late 1980s and that he has a beach home in Port St. Joe, Florida. He stated that Gulf County, where Port St. Joe is located, has District Voting and that District Voting is one of the worse things that happened to Gulf County. He said it encouraged three Commissioners to get together and do things that were not in the interest of the County as a whole, and he gave examples of how District Voting hurt Gulf County. Mr. Bost stated District Voting requires people to give up 80% of their voting rights when it comes to voting for County Commissioners since the people can only vote for one of the Commissioners. He hoped that, given the gerrymandering of the district borders that has even splits precincts, the Board would not agree to any settlement. He asked for the case to go to court and for the judge to make a decision.

Rick Halbert: Mr. Halbert said he loves Fayette County but this issue was beginning to be an embarrassment to the County. He said he lives, works and worships in Fayette County, but this issue was not a political, patriotic, or white-black thing. He said this was a lawsuit matter that needs to be resolved and that Fayette County needed to take care of its business without being in a public forum. He said he would not move from Fayette County and he encouraged the Board to take available opportunities. He said if the issue goes to court it will embarrass Fayette County and will give the county a black-eye at a time when there are too many good things going on in Fayette County to have a black-eye.

Charles Bennett: Mr. Bennett said he had written an opinion to *The Citizen* newspaper since the paper provides great opportunities for people to express opinions. He said his comments followed a congratulatory note to Commissioner Rousseau. He said he was a poll watcher for Precinct 29, which was newly created under the gerrymandered districts and added to the 5th District. He reported that he observed Precinct 29 for thirteen hours from the time the machines were opened up, and he reported that he saw 92 people come to vote. He reported that one person took a card to vote but she did not complete the process, and it indicated to him that a person who had the right to vote did not vote. He reported that there were numerous people, including African-Americans, who had certificates for Precinct 29 who came to vote but were unable to vote simply because of where they live, and he concluded that District Voting has disenfranchised many people. Mr. Bennett also commented on Judge Batten's rulings.

Steve Smithfield: Mr. Smithfield said many people were in favor of District Voting. He said the Board is responsible for the fiscal well-being of Fayette County and so far the lawsuit has cost more than one million dollars. He said this lawsuit needs to be fought and that the majority of the citizens will salute the Board as long as it continues fighting the lawsuit. He added that there is a lot of news in Fayette County about the settlement of the lawsuit and of Commissioners who know about it. He asked the Board to address the issue since it is October 6 and if the news is that a settlement was known about prior to October 6 then it would not bode well for any of the Commissioners.

Jane Trammell: Ms. Trammell said she flew for Eastern Airlines beginning in 1964 affording her the opportunity to meet many important black leaders including Dr. Martin Luther King. She said she adored Dr. King and she had great respect for the NAACP during those years. Ms. Trammell stated that at last year's NAACP gathering, two conservative black people asked to have a display booth but were not allowed to have one. She stated that black conservatives are not allowed to have very much to do with the NAACP. She said the NAACP has not been the NAACP for years but, rather, it is the NAADP or National Association for the Advancement of the Democratic Party. She said the NAACP is now a wing of the Democratic National Committee and that black conservatives are not treated with respect, are not allowed to speak, and are not allowed to be that big a part of it at all. She said so long as the NAACP is working for one political party then she resents it coming into Fayette County and trying to change the county into the type of voting system that they want only to enable a "divide and conquer situation." She resented paying so much money to fight the NAACP and she challenged the NAACP to open its doors and allow black conservatives in nationally.

Jim Sehirn: Mr. Sehirn said the Board needs to do what is right. He said he wanted to know who he was voting for and he wanted one person to hold responsible for his vote. He said he did not want to vote for all five Commissioners but only for one Commissioner. He said while the issue is about more than race it all comes down to simple rights.

Walter Triche: Mr. Triche said the Special Election was something Fayette County could be proud of. He said it was a democratic process and that a successful county is a place where everyone's voice is heard. He commended the Board on the successful election and he welcomed Commissioner Rousseau to the Board.

Varner Holmes: Ms. Holmes said she had heard a lot about District Voting versus At-large Voting. She said she just heard Mr. Triche refer to a fair election and she said it might have been a fair election if it were not for the gerrymandered districts. She said her precinct was divided due to the gerrymandered district. She thought she could vote and she thought she was in District Five only to find out she was not. Ms. Holmes said the big issue is gerrymandering and while she was unsure how the lawsuit would be resolved it would be a waste of money to not see the lawsuit continue to its end. She added that if At-large Voting loses then the County could contend against the gerrymandered districts since the current districts are not fair districts.

Bonnie Williamson: Ms. Williamson said the gerrymandering excuse is just an excuse. She said the fight for District Voting is based on a desire for everyone to be represented. She said people can vote for the Commissioner from their district, however, the people should still be able to go to each of the Commissioners sitting on the Board. She said just because she chose Commissioner Rousseau for her district does not mean she is unable to approach any Commissioner when there is a problem since, when the Board votes, it votes as a group. She stated that if there is something going on in a district the people should be able to go to the District Commissioner so it can be taken back to the others. She said if she wanted to complain about a hole in her street then she would talk to her District Commissioner but if she wanted to talk about a larger issue she would talk to each Commissioner since some things concerns some people and other things concern all people. She stated that she is for District Voting and she said the Commissioners should settle. She said the County has spent enough money doing nothing and it is time to stop throwing the money away.

ADMINISTRATOR'S REPORTS:

There were no Administrator's Reports.

ATTORNEY'S REPORTS:

Notification of Executive Session: County Attorney Dennis Davenport reported that he had one item concerning Real Estate, one item of Pending Litigation, one item of Threaten Litigation, and review of the September 24, 2015 Executive Session Minutes to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Chairman Oddo cautioned care in replying to the public comments due to Pending Litigation.

Commissioner Brown

New Definition of Racism: Commissioner Brown addressed Ms. Smithfield and stated that the video with the commentary on it that was shown at the Board of Elections meeting was disgraceful. He stated that she was holding a campaign sign for a candidate with American flags and she was accused of carrying the Confederate flag and being a racist. He said it was absolutely disgraceful. He said he understood Mrs. Smithfield since he had someone called him a racist while he was making comments at one of the Board meetings. He said he was the only non-black person in his household and a member of the NAACP for ten years in an effort to correct some injustices, and that he was accused of racism under the new definition of racism in Fayette County. He said when the woman accused him of being a racist he saw ten people who he worked with for years sit in silence and not say a word causing Mr. Bernie Coston to stand up and quiet the crowd. He explained that the new definition of racism is "if you don't agree with me you are a racist." He concluded saying he hoped Fayette County would not embrace the new definition of racism.

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Lawsuit: Commissioner Brown read the following prepared statement into the record:

Several days ago, a local television news reporter contacted me saying that the ***“local NAACP president thinks the board is going to settle instead [of pursuing the district voting lawsuit].”*** He was asking me to comment. I have reason to believe Chairman Charles Oddo was having settlement discussions with the Plaintiffs in the lawsuit without the Board of Commissioners’ consent.

Previously, I had asked in writing for the Chairman to provide a written report for the Commissioners and our legal team of any Plaintiffs he had spoken to and detail what was discussed. To the best of my knowledge, nothing has been provided.

It is important to note that executive session is not a protective shield from prosecution for illegal, unethical or improper activities.

In a very hasty interview, crimped by a print deadline, I told a local newspaper reporter that School Board Member and Democrat Party Chairman Leonard Presberg had told a colleague that it appeared the lawsuit would be settled by the county. Mr. Presberg stated that I misconstrued the conversation that he had with his colleague Dr. Barry Marchman. Even though Mr. Presberg and I differ greatly on political ideology, I have always found him to be an open and honest about his positions, so I apologize for mentioning him in my conversation with the reporter if he says he did not discuss a settlement with Dr. Marchman specifically. Mr. Presberg has stated publicly that he has had discussions with Dr. Marchman regarding settlement of the lawsuit, but states he did not say anything about his personally negotiating a settlement.

As many know, Democrat Chairman Presberg is pushing settlement. He said, ***“I haven’t spoken personally with Chuck Oddo since the night the Commission forced the Election Board to make the Special Election voting county-wide.”*** Actually, the Commission did not force anything and Judge Batten said as much in his ruling. Mr. Presberg continued, ***“I urged him [the Chairman] at that meeting to settle. And I hope he’s met with the citizens and the businessmen of the County who also believe in settling.”*** The Democrat Chairman readily admitted, ***“I still strongly advocate for settling and hope the School Board and County Commission do so,”*** (September 30, 2015, <http://www.leonardp.com/blog>).

Mr. Presberg gets points for honesty. On the lawsuit, he says, ***“In the past 50 years, various Court cases and Congressional amendments have provided a three-part test and six general factors to determine whether our at-large system is allowed. I believe that, using this analysis on the 2010 Census figures that the lawsuit is based on, you can make a rational, but not strong, argument that our at-large system isn’t technically illegal.”*** Continuing, ***“Because of some procedural issues, we now have the opportunity to argue the same facts before the same Judge. Could he change his mind? It’s possible, I guess,”*** (February 19, 2015, (http://www.leonardp.com/voting_rights_in_fayette_county)). I agree with Mr. Presberg, it certainly is possible.

You might recall that an earlier and different version of the Board of Education attempted to settle the lawsuit but mislead the judge and it was overturned. Then-Republican Board Member Terri Smith defected to the Democrat Party to run for re-election.

Local African-Americans came to the podium at the Board of Elections hearing on the Special Election date and stated they wanted to see district voting not because of racial discrimination, but rather to inject more Democrat Party politics into the county. Likewise, prominent local Democrat politician Joel Cowan had a half-page ad in the newspaper asking for a settlement to the lawsuit citing fiscal responsibility and not racism (Citizen, September 30 2015). In his previous ruling, the Federal Judge could not find racism present.

Peachtree City Councilwoman Kim Learnard tried to create a smoke screen around the county filing a Federal appeal calling the effort ***“insanity.”*** She claimed, ***“The notion that Fayette County can be successful in this appeal has no reasonable basis in legal precedent”*** (Citizen, April 1, 2014, “Learnard: ‘Stop the insanity!’”). The county won the appeal.

It would certainly be better if our Democrat friends attempted to convince people that they had an ideology worth following rather than using covert legal tactics to force their way in.

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Reply to Derrick Jackson: Referring to Mr. Jackson's public comments, Commissioner Brown replied that he is doing exactly what he said he would do when he was voted At-large and he is doing exactly what he said he would do when he was voted through District Voting. He concluded that if anyone knows of a settlement plan to please let him know what is in it because he does not.

Commissioner Ognio

Thank You and Congratulations Extended to County Administrator Steve Rapson: Commissioner Ognio thanked the citizens for attending the meeting in the middle of the day. Commissioner Ognio also congratulated County Administrator on his 30th wedding anniversary. He stated that is a milestone worth noting.

Lawsuit: Commissioner Ognio stated that he does not know of any backroom deals. He stated that he is at a point that the county cannot continue to go in the way that it is going. He stated that the county needs to look at one another as citizens and not as black or white. He stated that district voting will divide the county and will undo what Dr. Martin Luther King worked for, namely, uniting people.

Commissioner Rousseau

Congratulations Extended to County Administrator Steve Rapson: Commissioner Rousseau commended the County Administrator on reaching his 30th year wedding anniversary, and he welcomed Mr. Rapson to the club.

Lawsuit: Commissioner Rousseau stated that he has received emails regarding District versus At-large Voting and that he will not comment directly or specifically pertaining to this issue because the Board is still in discussions about what to do. He stated that he appreciates the comments from the citizens. He stated that when speaking to citizens he recalled a Mark Twain quote that he would paraphrase: "It is easier to fool people than to convince them that they have been fooled." He stated that "we are to be healers in this situation as oppose to dividers." He said people may find themselves on opposite ends of the spectrum on any given issue, but careful deliberations based on facts help people make the best decisions.

Staff Commended: Commissioner Rousseau commended staff for the work that they are doing. He stated that he met with many of them over the last few days. He said he would dig a little deeper but he appreciates what he has seen and the direction toward which the county is moving.

Commissioner Barlow

Fayette County Ranked Number One in Health Care: Commissioner Barlow commended Carlotta Ungaro, CEO of Fayette Chamber of Commerce, for her work with the *Fayette Community Source Magazine*. He stated that the magazine reported Fayette County ranks number one in clinical care in Georgia. He stated that people do not hear enough good things about Fayette County but, as a member of the Fayette County Board of Health, he appreciated that report.

District or At-large Voting: Commissioner Barlow stated that in 2011 there was a Fayette County forum at the county library and everyone that was running for office that year was on the stage. He stated that Dawn Oparah, who was the moderator, asked all the candidates if they supported District or At-large Voting. He stated that his response was: "What did Jesus say was the number one commandment that we are to follow? And Jesus said, 'That to love the Lord thy God with all thy heart, soul, mind and strength and the second was like unto it. Love thy neighbor as thyself.'" He stated that until we learn to love each other, neither District nor At-large voting would solve anything.

Chairman Oddo

South Carolina Flooding: Chairman Oddo asked everyone to remember those in South Carolina since they had up to two feet of rain. He asked everyone to keep them in their prayers.

Thank you: Chairman Oddo thanked Chief Scarbrough for the Breast Cancer t-shirts and for the cause.

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Lawsuit: Chairman Oddo stated that the lawsuit is ongoing litigation and it is a difficult subject for all. He stated that the Board is doing their best as a group. He emphasized that he has the deepest respect for the citizens of the county, for the rules of this organization and for his colleagues. He stated that at no time has he or will he ever do anything unethical or out-of-bounds. He stated that he is not perfect but that he is working for the betterment of the county. He stated that we don't know where this lawsuit will end, but he is asked for everyone to have tolerance and understanding since "we are all trying to get to a common end that will unify the county."

EXECUTIVE SESSION:

One item of Real Estate Acquisition, one item of Pending Litigation, one item of Threatened Litigation and Review of the September 24, 2015 Executive Session Minutes: Commissioner Brown 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 3:21 p.m. and returned to Official Session at 5:16 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 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 3," follows these minutes and is made an official part hereof.

Approval of the September 24, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the September 24, 2015 minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the October 6, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The October 6, 2015 Board of Commissioners meeting was adjourned at 5:16 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 22nd day of October 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk