

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

ACTION AGENDA

August 25, 2016
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 25, 2016 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Vice Chairman Ognio

Chairman Ognio offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and the audience in the Pledge of Allegiance

Acceptance of Agenda

Commissioner Brown moved to accept the agenda as published. Commissioner Barlow seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Presentation of award to Firefighter/EMT Wendell Madison for "Firefighter of the Year."

Chief David Scarbrough and the Board recognized Firefighter/EMT Wendell Madison as Firefighter of the Year. Chief Scarbrough gave some brief words about Firefighter Madison.

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

Chief Ranger Harold Quigley gave a presentation regarding forestry services that are available to Fayette County. The Board made brief inquiries regarding the services offered from the Forestry Commission. There was no action required for this item.

PUBLIC HEARING:

3. Consideration of Petition No. 1258-16. Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent request to rezone 5.89 acres from A-R to C-H to develop a Plasma Donation Center located in Land Lots 168 and 185 of the 5th District and fronting on SR 85 North. The applicant has requested to withdraw the rezoning petition.

No one spoke in favor or against Petition No. 1258-16.

Chairman Oddo moved to accept Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent's request to withdraw the application for the rezoning of 5.89 acres from A-R to C-H to develop a Plasma Donation Center located in Land Lots 168 and 185 of the 5th District and fronting on SR 85 North. Commissioner Brown seconded. No further discussion followed. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Brown moved to accept the Consent Agenda, excluding Items 4, 5, and 7 for discussion. Commissioner Barlow seconded. The motion passed 5-0.

4. Approval of staff's recommendation to adopt text amending the Fayette County Code of Ordinances, Chapter 6, Article II, Sec. 6-19., Sec. 6-25., Sec. 6-26.5., Sec. 6-27., and Sec. 6-33. to reflect the changes made to State law regarding the definition of dangerous dogs and how they are classified.

Chairman Oddo asked that Mrs. Rodenberger to step up to the podium. Mrs. Rodenberger spoke of an incident that occurred on July 28 on the golf cart path in the City of Fayetteville. She stated that she and her husband were walking their dog and another dog crossed an electric fence and attacked her dog. She stated that a dog that vicious should not be allowed that close to a public walk-way and golf cart path. She stated that this was not the first incident with this dog. She stated that her request is that a vicious dog not be allowed to be fenced with an electric fence near a public walk-way.

Chairman Oddo asked County Attorney Dennis Davenport if he could address any of the comments made. Mr. Davenport explained that the amendments proposed involve labeling a dog as dangerous or vicious. He stated that the county ordinance, as well as the cities in Fayette County, follow the state's guidelines and statues in this matter. He further explained the text amendments and how the changes proposed would affect the county and a situation such as what Mrs. Rodenberger mentioned.

Commissioner Brown moved to adopt the text amendments of the Fayette County Code of Ordinances, Chapter 6, Article II, Sec. 6-19., Sec. 6-25., Sec. 6-26.5., Sec. 6-27., and Sec. 6-33. to reflect the changes made to State law regarding the definition of dangerous dogs and how they are classified. Vice Chairman Ognio seconded. No further discussion followed. The motion passed 5-0.

5. Approval of staff's recommendation to adopt Resolution 2016-14 pertaining to the bond issue of the Fayette County Hospital Authority.

Commissioner Brown stated that there is an \$85 million hospital bond that is on the agenda. He stated that traditionally there is someone representing the Board of Commissioners on the authority. He continued that the Board no longer has that representation. He stated that he spoke with the hospital officials and he will vote for the item although there was no Board representation.

Commissioner Rousseau moved to adopt Resolution 2016-14 pertaining to the bond issue of the Fayette County Hospital Authority. Commissioner Barlow seconded. No further discussion followed. The motion passed 5-0.

6. Approval of the Sheriff's request to authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of Treasury.

7. Approval of the Water Committee's recommendation to adopt the revised Reservoir Management Plan as presented.

Commissioner Barlow addressed some typos that need to be corrected to the cover letter from Laura Bentz. He stated that he did not know that skiing was allowed at Lake Peachtree. He expressed his concern regarding the gasoline motored water crafts used by Row America. He asked would Row America have an exemption. County Administrator Steve Rapson stated that there was an exemption allowed for Row America and also for the Marshals' boat to be allowed on the water.

Ms. Bentz also addressed some concerns expressed with the Reservoir Management Plan including the use of drones to be used at the lakes, camping at the parks and discharge of firearms on the reservoirs.

Vice Chairman Ognio commended Ms. Bentz for a job well done.

Commissioner Barlow moved to adopt the revised Reservoir Management Plan as presented. Vice Chairman Ognio seconded. Further discussion followed. The motion passed 5-0.

8. Approval of the August 11, 2016 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

9. Consideration of a recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board.

Vice Chairman Ognio moved to deny the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Brown seconded. Further discussion followed.

Vice Chairman stated that this appointment was a unique situation. He stated that he interviewed Mrs. Stepherson a few times before. He explained that Mrs. Stepherson was the only applicant for the McIntosh Trail Community Service Board and he knew she was perfect for this board. He stated that at the time he did not know she was on another board. He stated that he wanted to give more citizens the opportunity to participate on the committees. He stated that when he realized she was on another committee, he changed his mind and he would like to re-advertise for this position.

Commissioner Brown stated that this was nothing against Mrs. Stepherson, but that there were a bizarre set of circumstances that lead to her being re-appointed to the Hospital Authority. He stated that the Board has tried to spread out the appointments among citizens. He stated that the County had people serving on multiple boards and authorities when he was first elected as Commissioner and he felt that was terrible. He stated that the Board has done its best to spread out appointments, geographically, racially and by areas of expertise. He stated that the Board has done a good job at doing that. He stated that he would like to put someone on this board that is not already on an existing board.

Commissioner Barlow stated that he disagrees with Commissioner Ognio and Commissioner Brown. He stated that Lavonia is the person for the job. He stated that she is fulfilling an unexpired position and other interested applicants can apply when her term expires. He stated that she is also on the Hospital Authority and that being on both, the Hospital Authority and McIntosh Trail Board, would not be cumbersome for her.

Chairman Oddo stated that Mrs. Stepherson was the only applicant to apply for this position, therefore no else is being denied an opportunity. He stated that she is extremely qualified and that he takes issue with the statement regarding policies to spread out commissions to people including racial. He stated that is not his policy or the Board policy and that the policy is to find the best person available. He stated that he has no problem appointing Mrs. Stepherson to this position.

Commissioner Brown stated that he has never not chosen someone without basing it on merit. He stated that he pointed out race because when he was elected to office a person could count the number of African Americans on committees, authorities and commissions on four fingers. He stated that it was not representative of the County's population. He stated that he met with Dawn Oparah who brought the issue to him and he asked her to provide applicants that are qualified and willing to serve and she did.

Vice Chairman Ognio stated that Mrs. Stepherson is definitely qualified for the position. He stated that the Board should re-advertise because normally when there is just one applicant the Board re-advertises and this time the Board did not do so. He stated that is the reason he made the motion to re-advertise.

Commissioner Rousseau stated that his concern is the difference between policy and practice or desired practice. He asked if there is one applicant does the Board traditionally re-advertises. He asked if it was policy or practice.

County Clerk Floyd Jones stated that there is a policy in place that states how to advertise for positions. He stated the position was advertised for a month and when that month was over the Selection Committee was notified that there was one application. He stated the Selection Committee made the decision to move forward with the one application. He stated that typically if there is one person the Selection Committee has said to re-advertise.

Commissioner Rousseau inquired if that happen in this particular instant. He asked the Clerk if that was practice or policy. Mr. Jones stated that it was policy.

Mr. Rapson interrupted and stated that there is nothing in the policy that says the Board has to re-advertise if there is one person. He stated that staff has always deferred to the Selection Committee which is established by the Board of Commissioners. He stated that the Selection Committee makes the decision whether to re-advertise. He stated that the policy would be if there is one applicant that staff would defer to the Selection Committee and the Selection Committee would give direction accordantly.

Commissioner Rousseau asked if that occurred in this particular situation. Mr. Rapson stated that in this particular situation it occurred and the direction from the Selection Committee was to move forward with the one applicant. Commissioner Rousseau stated he has a problem with penalizing the sole applicant and then trying to go back and fix something that has gone forward. He stated that he has heard several times that the individual is eminently qualified, that she followed the County's procedure, was interviewed and has been recommended by the Selection Committee for the Board's consideration. He stated that he has trouble with that because the applicant has done nothing wrong. He stated that the Board gets into the danger zone when picking and choosing when to enforce and when not to enforce the policies. He asked Mr. Davenport what the County would open itself up to with the inconsistency in making these appointments.

Mr. Davenport stated that consistency is the rule and when you take exception that is when issues start arising.

Further discussion followed.

Commissioner Barlow called for the vote. The call passed 5-0. Chairman Oddo restated the question.

Vice Chairman Ognio moved to deny the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Brown seconded. The motion failed 2-3 with Chairman Oddo, Commissioner Rousseau and Commissioner Barlow in opposition.

Commissioner Barlow moved to accept the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Rousseau seconded. The motion passed 3-2 with Vice Chairman Ognio and Commissioner Brown in opposition.

NEW BUSINESS:

10. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Angela Hinton Fonda to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Angela Hinton Fonda to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Brown seconded. The motion passed 5-0.

11. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Pete Nelms to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.

Commissioner Rousseau moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Pete Nelms to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Barlow seconded. The motion passed 5-0.

12. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Major Anthony Rhodes, of the Fayette County Sheriff's Office, to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Major Anthony Rhodes, of the Fayette County Sheriff's Office, to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Rousseau seconded. The motion passed 5-0.

13. Consideration of Commissioner Ognio's recommendation to adopt Ordinance 2016-10- Records Retention and the Records Retention Schedule as set forth by the Division of Archives and History of the University System of Georgia.

Mr. Davenport explained the proposed ordinance provided to the Board. He stated that the ordinance is subject to being amended. He stated that any amendments would go to the state for approval. He informed the Board that agenda item #14 is a recommendation to dissolve the current Records Management Plan effective upon the adoption of this ordinance.

Vice Chairman Ognio stated that this was one of the things he felt should be an ordinance rather than a policy. He stated that it took longer than he imagined to get to this point. He stated that now the County has something that is enforceable.

Vice Chairman Ognio moved to adopt Ordinance 2016-10- Records Retention and the Records Retention Schedule as set forth by the Division of Archives and History of the University System of Georgia. Commissioner Brown seconded. The motion passed 5-0.

14. Consideration of staff's recommendation to adopt Ordinance 2016-16 and, in so doing, amend the Policies and Procedures for Fayette County Georgia by repealing Policy 100.21 pertaining to "Records Management Plan."

Commissioner Brown moved to adopt Ordinance 2016-16 and, in so doing, amend the Policies and Procedures for Fayette County Georgia by repealing Policy 100.21 pertaining to "Records Management Plan." Vice Chairman Ognio seconded. The motion passed 5-0.

15. Consideration of Commissioner Barlow's recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250.

Human Resource Director Lewis Patterson briefed the Board regarding this item. He stated that this would be an update to the study completed in 2007. He stated that the process would begin in January 2017 with preliminary results to come back in early May of 2017 for incorporation into the 2018 budget. He stated that the cost is \$28,250 and that the cost of implementing the study recommendation is anticipated to be \$50,000. He stated that the reason for that is because staff has worked with University of Georgia (UGA) since 2007 to perform work at no cost with the exception of the study done for the Water System, production areas and the Information Technology Department. He stated that staff does not anticipate changes, but that can only be validated by the study. He stated that this study is not going to address compressions. He stated that it is not an automatic increase for each and every employee. He stated that any recommendation would have Board approval before implementation.

Commissioner Barlow stated that in June Commissioner Rousseau mentioned redirecting \$60,000 in funds to a Compensation and Class Study. He stated that at the time he did not have enough information to go along with that recommendation. He stated that this is a continuation of what Commissioner Rousseau recommended. He stated that during a conversation with a Department Head, he found out that in 2007, the Department Head at that time filled in her job description as "answer the phone and light typing" and that was the extent of the job classification. He stated that in that one instant there needs to be a study completed because there is more done by that position. He stated that he would highly recommend approving this item.

Commissioner Rousseau stated that he would like to place emphasis on the fact that this is a study to make recommendations and not to carry out any changes. Mr. Patterson stated that anything that comes out of the study regarding increase in salary is a budgetary impact and requires Board action and will come back before the Board of Commissioners. Commissioner Rousseau confirmed that this is a recommendation to see where the County stands in relation to our most value asset; the employees.

Mr. Rapson stated that during the budget process any pay changes that are down a classification level are outlined in the budget presentation that comes before the Board. He stated that the Board would see any impact from this study highlighted as part of the budget.

Commissioner Rousseau stated that one of the things that was disheartening was that some of the departments had an evaluation and others did not. He stated that when talking about equity or an employment contract there is a reasonable expectation that the individual would be evaluated at some point and time. He stated that if a study was completed for one or two [departments] then it is important to be consistent across the board. He stated that this issue for him is about equity.

Commissioner Rousseau moved to accept the recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250, for recommendation purposes, with any changes to be brought before the Board of Commissioners for consideration once the report has been administered. Commissioner Barlow seconded. Further discussion followed.

Commissioner Brown read a prepared statement into the record.

Mr. Rapson asked for clarification regarding the miscalculation mentioned in Commissioner Brown's statement. He stated that he was not sure what the remark eluded to and asked for clarification.

Commissioner Brown stated that an across the board pay increase was voted on by the Board of Commissioners and at the County Retreat the Board was told that the revenue projections were not calculated as previously projected.

Mr. Rapson stated that the revenue projections were higher. Commissioner Brown stated that the County Administrator informed the Board that it would be new development which would be new tax that was not currently stated. Mr. Rapson inquired if Commissioner Brown was referring to "growth versus reassessments". Commissioner Brown stated yes. Mr. Rapson stated that he understood.

Vice Chairman Ognio stated that Peachtree City did their reevaluation with other counties that did not match up and ended up with a major increase and yet the County is proposing to do a comparison with Peachtree City. He stated that because they have been compared to the other counties, the County should not include Peachtree City. He stated that comparisons are terrible and it is hard to get "apples to apples and oranges to oranges". He stated that in the real business world that is not the way it works because it is a competitive issue and not a cycled increase issue and he has always had an issue with these type studies.

Chairman Oddo asked if adjustments could be made to the list of comparisons. Mr. Patterson stated "Absolutely."

Mr. Rapson stated that Peachtree City's approach to their pay and class study was radically different from what is being proposed. He stated that the purpose is to validate the positions based on the job duties, at the right classification and at the right grade for the starting pay; the minimum and maximum pay for the position. He stated that Peachtree City could be removed and it would have no impact on the findings. He agreed that Peachtree City should be removed and that the reason they were included was because as a county, the competition for the Sheriff's Department is the police officers being hired in the cities. He stated that they can be excluded if that is the Board's direction.

Commissioner Brown stated that he believes Carl Vinson Institute's methodology is conveniently flawed. He stated that Carl Vinson has a regional base line that includes Fulton, Cobb, DeKalb and Gwinnett counties and this county in no way compare with those counties.

Mr. Rapson stated that is why the County will dictate to Carl Vinson Institute in regards to how and what jurisdictions are included. He stated that if the Board is not comfortable with the matrix of the pay and classification system as a county, then that is a different discussion. He stated that it would require looking at every employee and setting the employee on some other type of system and scale and involves a more comprehensive study. He stated that type study is a \$150,000 to a \$175,000 evaluation. He stated if the Board would like a totally different system, then staff would need to have that direction from the Board, however that is not the recommendation of staff.

Chairman Oddo stated that every now and then it is good to see where the County stands. He stated that he thinks it is appropriate to conduct this study now after nine years of not having one.

Commissioner Rousseau stated that he wanted to be certain that whatever the outcome of the vote, beyond the initial outlay, that there is no other action item until the recommendations come before the Board. He stated that he realizes that Commissioner Barlow is capable of defending his own actions, however to suggest that he should not bring this item before the Board because he is leaving, would be a disservice as he currently sits, deliberates and votes on other matters, with equal weight until his term expires. He stated that Commissioner Barlow still has a responsible to perform his job duties. He continued that there is no other action item until the next Board is seated. He stated that individual will be here with the recommendation. He stated that it is wise and prudent to see where the County stands in fairness to the staff whom the County relies on.

Commissioner Brown stated that it will definitely have an impact on the FY2018 budget. He stated that is why he thinks it would be more appropriate for the person that is going to vote on the FY2018 budget to vote on the steps to get there.

Commissioner Rousseau stated that person would vote on this issue after a recommendation comes before the Board.

Commissioner Barlow stated that Commissioner Brown was being consistent. He stated that Commissioner Brown used a term, "I don't care about the staff's time." He stated that Commissioner Brown has not voted for any cost of living and so he has been very clear that he does not care about the individuals that perform the services for Fayette County. He asked the Chairman to call the vote.

Commissioner Brown stated that he does care about the employees.

Commissioner Barlow moved to call the vote. The motion passed 5-0.

Commissioner Rousseau moved to accept the recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250, for recommendation purposes, with any changes to be brought before the Board of Commissioners for consideration once the report has been administered. Commissioner Barlow seconded. The motion passed 3-2 with Vice Chairman Ognio and Commissioner Brown voting in opposition.

16. Consideration of Commissioner Brown's request to change the hours for fishing on county lakes, to sunrise to sunset to allow more prime fishing opportunities and to align hours of operation with other outdoor parks.

Commissioner Brown moved to approve the hours for the lake to be consistent with other Fayette County parks, to promote consistency from sunrise to sunset that would include more daylight hours for park users that would be safer for the users of

the lake and give more opportunities for fun for Fayette County families and the Board would be listening to the citizens for usability. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown presented a PowerPoint presentation that showed that patrons of the park would be in the dark with the current park open and close schedule. He stated that it is a safety issue when arriving to the park and it is too dark and patrons have to wait until sunrise. He stated that this would give citizens the opportunity to use the lake more in the light. He continued that there needs to be consistency with the parks. He stated that it is confusing. Commissioner Brown stated "consistency and safety" and maximum enjoyment of the amenity.

Mr. Rapson stated that the motion before the Board is different than the request that was submitted. He stated that the request says, "Commissioner Brown's request to change the hours for fishing on county lakes, to sunrise to sunset to allow more prime fishing opportunities and to align hours of operation with other outdoor parks." He stated that when the Water Committee looked at the request it was about fishing and when focusing on fishing, there would be a loss of fishing hours with a sunrise and sunset schedule.

Commissioner Barlow asked Marshal Chief Harold Myers to come to the podium. He asked Chief Myers if he had been consulted.

Chief Myers stated that the only reason Lake Kedron does not have a gate is because there is a golf cart path that goes through the park. He stated that when he was comparing the sunrise to sunset compared to when the gate opens and closes, he looked at the gain or loss to visitors to the park. He stated that is what the graph is showing. He explained the graph. He stated that the gates were set to open at 6:30 a.m. because staff could not be there to open the gate at sunrise each time.

Justin Krohn and Andrew Pancake spoke regarding this issue and stated that they fish at Lake Horton all the time and the Marshals office is always waiting on them to come out. He shared his experience fishing on the lake.

Chairman Oddo stated that if the concern was a safety issue then the request should have reflected that.

Commissioner Brown stated that the Water Committee made it a safety issue. He stated that the only thing that is cited in the memorandum from the Water Committee is safety.

Mr. Rapson asked Mr. Krohn and Mr. Pancake if they are at the park lined up to get on the lake before sunrise. Mr. Krohn stated that is true but that the months highlighted on the graph are mostly times that they are not fishing.

Donna Rosser spoke regarding this item. She stated that she uses the parks and as a photographer is to get there early. She stated that she has a flashlight and that less light is better when taking the photographs. She stated that the winter light is wonderful and she does walk in the winter time during the darker hours.

Mr. Rapson stated that the question has morphed into a different discussion. He stated that the request that was sent was focused on the fishing aspect of opening and closing. Commissioner Brown interjected, "No! No!" He stated that he made the request and that he said that he had been approached by some fishermen and other people who use the lake. He stated that he had been approached by kayakers, canoers, SUP and people who fish and people who walk at the lake. He stated for staff not to misrepresent what he was saying.

Chairman Oddo asked Mr. Rapson to finish his statement. Mr. Rapson stated that in the Board of Commissioners package is a memorandum written by Commissioner Brown to the Board with the subject, "Change hours for fishing on county lakes".

He then read the memorandum. He stated that is the question that the Water Committee considered and that the current discussion has morphed into something different. He stated that he suggests that staff be allowed to take what has been discussed and adjust the timing issues and then go to the Water Committee to see if the things that have been suggested can be done regarding sunrise and sunset without major impact.

Chairman Oddo stated that the Water Committee discussed the memo that was provided and not the safety after dark. He stated that he would like to table this item.

Commissioner Brown withdrew his original motion.

Commissioner Brown moved to table this discussion to the September 22, 2016 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed at 9:20 p.m.

The Board returned from recess at 9:27 p.m.

17. Consideration of Commissioner Brown's request to allow children 12 years and older to operate a canoe, kayak, and stand-up paddle board solo, to exempt children under the age of twelve participating in the RowAmerica Peachtree program provided they are directly supervised by a certified instructor and all safety guidelines are followed, and for the Recreation Department to explore related activities.

Commissioner Brown stated that this is not in the form of a motion, but to see if the Board would like to move forward with a discussion.

Chairman Oddo asked Commissioner Brown if this was a request or an item for discussion.

Commissioner Brown moved to allow staff to move forward on provisions stated in item #17. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Barlow expressed his concern that the slides presented had not been provided prior to the meeting. Commissioner Brown stated that it was the same information presented in the package.

Commissioner Brown stated that the County has requested exemptions through the Department of Natural Resources (DNR) for access to the water. He stated that he has been approached by families regarding the age requirement for solo paddling. He stated that if the Board is willing to pursue this issue, staff could be directed to see if DNR would allow ages 12 and up to paddle solo without a parent on the County's water reservoirs. He stated that the second part of the request is regarding the rowing program that consists of all ages. He stated that if there are eight 13 year old rowers in the boat then they would be violating the regulations. He stated that if the County could get an exemption for the regulation to allow the rowing program to have younger children participate in the program as long as there is a coach directly supervising and has been trained and certified along the water. He stated that he would like to see Parks and Recreation offer paddling and water safety courses as part of their curriculum. He stated this request is to see if the Board wanted to direct staff to explore these concerns. Commissioner Barlow stated that this should have gone before the Parks and Recreation before coming to the Board.

Chairman Oddo stated that this item might have served better during Commissioner's Report instead of as an agenda item.

Mr. Davenport stated that the Water Committee asked him to look into this request as written. He stated that he could share his findings. Chairman Oddo asked him to proceed.

Mr. Davenport shared his findings regarding this issue.

Commissioner Brown amended his motion to direct staff to explore the possibility of bringing back to the Board a set of ordinance amendments that are aligned with State law for approval and to look at a possibility of legislative remedy for the January session at which time there can be exemptions created for the rowing program and paddling and to have the Parks and Recreation program explore paddling and water safety courses. Vice Chairman Ognio seconded. The motion passed 5-0.

18. Consideration of Commissioner Brown's request to adopt Resolution 2016-12 to improve Voter Access and Participation in Fayette County, and by so doing formally changing the polling hours of every Tuesday and Thursday within the 21-day advanced early voting period to 10:00 a.m. to 7:00 p.m., and to use fund balance in an amount not-to-exceed to \$69,000.00 to pay for the extended hours.

Commissioner Brown moved to allow discussion on this issue before taking action. Vice Chairman Ognio seconded. The Board took no action with a 2-2-1 vote with Commissioner Rousseau abstained. Further discussion followed.

Chairman Oddo asked why the need to make a motion to discuss the item. Commissioner Brown stated that the top page of the agenda request was different and not what he had written and some of the backup material that was presented, he did not supply was different what he had intended.

Chairman Oddo stated that could have been done by vetting the item through staff before bringing it to the Board. Commissioner Brown stated that the not-to-exceed \$69,000.00 and to extend the hours beyond normal business hours using the existing business hours as the base was not what he was proposing. He stated that he contacted the Secretary of State's office and his proposal was to skew the hours on certain days instead of using the normal, 8:00 a.m. to 5:00 p.m. hours to be 10 a.m. to 7:00 p.m. which would allow the majority of the population to reach a polling place without having to take time off work. He stated that the gentleman he spoke with said that he had "heartburn" with that request. He stated that he offered an amended resolution. He read the resolution as proposed.

Commissioner moved to adopt Resolution 2016-12 as amended. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Rousseau asked if the Board had jurisdiction over this decision.

Mr. Davenport stated that this is a general statue issue and it says that the office will be open during normal business hours and for that department, normal business hours is 8:00 a.m. to 5:00 p.m. He stated that the Board has the ability to expand the hours. He stated that he attended the meeting on Tuesday. He stated that the Board of Election stated that they cannot change the hours prior to the upcoming election. He stated that part of the discussion was a report from Leigh Combs decreasing the number of precincts. He stated that the Board of Elections is moving forward with decreasing the precincts to nineteen. He stated that this is not just a matter of expanding the hours, but it is also a matter of man power and capacity and personnel and the two hours makes a difference.

Board of Election Member Lester Addisen spoke regarding this matter. He stated that after polling other counties, they were advised not to shift the hours and that if they were to extend the hours it would serve better for five consecutive days. He stated that they asked if there was an increase in voters and the corresponding county replied that there was not an

increase. He stated that the Board of Elections has to look at how much it is willing to pay for the convenience of a few if it does not increase voter turnout. He stated that 19 precincts might be where the Board of Elections ends up, but he requested that the Board not tie them to 19 in case analysis show a different result.

Commissioner Brown responded to some of the comments made.

Commissioner Barlow stated that this item should have been vetted through the Board of Elections before coming to the Board. He stated that the federal law states that the employer has to allow individuals to vote.

Board of Election Member Aaron Wright stated that the Board of Elections agreed with the intention to improve access for all voters. He stated that their Board is of the like mind in repairing some of the things that have happen with the last administration and previous leadership. He stated that if the Board of Commissioners would allow them to implement the changes and new ideas that they have the Board might like them. He stated that one of the concerns with the Resolution is the specifics. He stated that he realizes that Commissioner Brown is looking at past suggestions, but the Board of Elections is looking at doing things even more different than what is presented.

Commissioner Brown asked if the decrease in the precincts would have to come before the Board of Commissioners for approval.

Mr. Davenport stated that it is difficult to say. He stated that Title 21 of the Code is regarding elections and it includes the formation of precincts. He stated he could not say definitely, but that is what the Board of Elections does.

Mr. Lester stated that no change will be made without the Commissioners, municipalities, citizen and the community being informed and educated on why the change is being made and what the changes will consist of.

Commissioner Brown withdrew his motion and asked the Board of Election to pursue the consolidation and to bring the Board the proposal.

19. Consideration of Commissioner Brown's request to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech.

Commissioner Brown moved to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech and to committee to standing behind the media's legal rights to government records without fear of retribution by virtue of the first amendment of the Constitution and laws allowing access to government documentation and that the Board would request that our judiciary always comply with Open Records Law and acknowledge our democratic form of government that stands upon government openness and transparency and protection of our liberties as written in the Resolution. The motion died for lack of a second. Vice Chairman Ognio then offered a second for discussion purposes. Further discussion followed.

Commissioner Brown stated that there was recently a well-publicized incident where a member of the judiciary in the state of Georgia, not only tried to stop a member of the media from access public documents related to expenditures of the court, but also had the district attorney of that jurisdiction file felony charges against the newspaper publisher and his 70 year old attorney. He stated that she had them both thrown into jail and had them post a significant bond and forced them to take a mandatory drug test at their own expense. He stated that the judge in question was also the chairman of the Judicial Qualification Committee which is the body that oversees judicial conduct. He stated that after much pressure she has since resigned as the chairperson of the Judicial Qualification Committee.

Vice Chairman Ognio stated that he is all for open records but he wish the Resolution did not go into detail about Judge Weaver. He stated that if the Resolution was provided without the names he would feel better.

Commissioner Brown stated that all the references are not from the Board of Commissioners and have been sighted in the Resolution. He stated that there has been three judges removed from Fayette County and they control that entire domain. He stated that if the Board does not want to vote on this he understands, but he thinks the Board should "tell it like it is".

Chairman Oddo stated that he had an article from the Atlanta Journal about Fayette County that says, "City rejects 150 days zoning moratorium". He stated that while there are accuracies, he does not think they are known for being perfect. He stated that he shares the same concerns as Vice Chairman Ognio by naming specific people. He stated that he could support a stand on judicial integrity in general, but he could not support a Resolution that was not vetted by the legal department.

Commissioner Brown stated that the liability falls on the people who made the statements.

Mr. Davenport read a paragraph from the Resolution that did not provide quotations. He stated that when that type statement is made, the Board is saying that the judge filed frivolous felony charges. He stated that there could be an article in the paper that says she did that, but that comment is not attributed to an article in the paper. He stated that it is a statement being made by the Board of Commissioners in a Resolution and it has the potential for liability. He stated this is still a pending litigation and if this Resolution is approved the Board would be opening the County up for potential liability.

Commissioner Brown stated that the statement was coming from the references listed.

Mr. Davenport stated that everywhere there is a quote there are quotation marks. He stated that the portion he read does not have quotation marks and it attributes the comments to the writer of the Resolution and the writer would be the Board of Commissioners if it is passed. He stated that if Commissioner Brown would like to add quotations around the phrase and attribute it to another source then that is allowed, however without the quotation marks, from a legal perspective, that is potentially a liable statement.

Commissioner Brown amended his motion to remove paragraph six.

Commissioner Barlow called for the question.

Vice Chairman Ognio seconded the amended motion.

The vote to call the question passed 5-0.

Chairman Oddo read the motion as Commissioner Brown's request to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech. The vote failed 1-4 with Commissioners Oddo, Ognio, Barlow and Rousseau voting in opposition.

20. Consideration of Commissioner Brown's request to discuss Hospital Authority appointments by the Board of Commissioners.

Commissioner Brown moved to discuss Hospital Authority appointments by the Board of Commissioners. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown stated that the Board of Commissioners have made a point to have representation on the Hospital Authority Board. He stated that most recently it was Jack Krakeel the County Manager and after that, Commissioner Oddo. He stated that there is an \$85,000,000 bond issue with no representation on the authority. He stated that becomes an item of Executive Session and that is why there has been traditionally someone from the Board on the Authority. He stated that he would ask all Commissioners if they have committed to applying for a position for the point of representing the Board that the representative contact the Board immediately and the Board could take a proactive step to get someone else on the board.

Hospital Authority Vice Chairman Darryl McKinney read a prepared statement into the record.

Chairman Oddo also read his prepared statement into the record.

Chairman Oddo moved to close the discussion. Commissioner Barlow seconded.

Mr. Davenport interjected that there was not a vote made on the original motion to discuss this item.

Commissioner Brown moved to discuss Hospital Authority appointments by the Board of Commissioners. Vice Chairman Ognio seconded. The motion passed 3-2 with Chairman Oddo and Commissioner Barlow in opposition.

Further discussion followed.

Commissioner Barlow moved to close the discussion. Commissioner Brown seconded. The motion passed 5-0.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATOR'S REPORTS:

Millage Rate Special Called Meeting: Mr. Rapson stated that September 1, 2016 is the Special Called Meeting at 10:00 a.m. to establish the county's millage rate as well as the Fayette County Board of Education.

Docks at Lake Horton and Lake McIntosh: Mr. Rapson reported that the dock work would start on September 12, 2016.

Sailboat Regatta: September 17 and 18 is the Sailboat Regatta at Lake McIntosh.

ATTORNEY'S REPORTS:

Executive Session: Three Items of Threaten Litigation and Review of Executive Session Minutes.

COMMISSIONERS' REPORTS:

Vice Chairman Ognio:

Transportation Committee: Vice Chairman Ognio stated that the Transportation Committee is having issues with appointing a secretary. He stated that no one in the group is stepping up to take the role of secretary. He stated that he was hoping to get some assistance with the appointment.

Iman Heritage: He announced that September 17, 18 and 19 is Iman Heritage Day. He encouraged citizens to attend.

Labor Day: He wished everyone a Happy Labor Day and a safe Labor Day weekend.

Commissioner Rousseau:

Mediation suggested: Commissioner Rousseau stated that he would highly recommend bringing in a third party to “get some things out”. He stated that the Board gets things out but it does not resolve anything. He stated that it is disconcerting because of the accusations and miscommunication. He stated that he would like to have staff explore resources from ACCG or through RFP. He stated that the Board talked about policy versus practice and practice gets the Board in trouble. He stated that he would like the Board to consider a retreat to lock in on specific issues: establishing protocols for the Board, for agenda items and for parliamentary procedures. He stated that he has no problem with the Board not agreeing with one another. He stated that the problem is how far we go with the disagreement that takes the Board away from the mission and responsibility of the Board. Commissioner Rousseau stated that he would draw up the RFP if needed.

Commissioner Barlow:

Thank you: Commissioner Barlow thanked the audience for remaining throughout the meeting.

Agenda items: He stated that the items that were discussed on the agenda were placed there by Commissioner Brown without vetting through staff first. He stated that none of the other Commissioners do that. He stated that until that happens there will always be long drawn out discussions.

Comments to Chairman Oddo: Commissioner Barlow stated that he would like to lift up Chairman Oddo. He stated that the Chairman gets “beat up on” and the backstabbing from Commissioner Brown’s office is tremendous. He stated that he blogs and it is ashamed that he will not use his own name.

Commissioner Brown:

Comments: Commissioner Brown stated that he would agree to disagree with Commissioner Barlow. He stated that he is probably the only person that gets accused of being too open and too blunt with comments and hiding comments behind something else. He stated that he does not know how that can be played on both sides. He stated that he does not know who the blogger is, but he would be happy to give his honest comment at any time as he has always done.

Water Guardian: He stated that the Water Guardian event was held at Lake McIntosh and there were all ages involved. He stated that they pulled two car tires out of the lake and two plastic chairs and that is the only time there has been a “double-double”. He thanked Mr. J.R. Romas who cooked lunch for everyone. He also thanked CH2MHill who donated some of the hamburgers and hot dogs.

Thank you to Commissioner Rousseau: Commissioner Brown stated that he agrees with Commissioner Rousseau and that is why he loves him. He stated that he has been on three iterations of the County Board of Commissioners and he feels like he is stuck in the mud. He stated that to be honest, the Board has to figure out what is the system. He stated that for the past two month it has been to present the agenda item then make the motion, and tonight it was motion then presentation. He stated that the Board needs to communicate. He stated that it is embarrassing when one of the Commissioners has to find out what is going on in the newspaper. He thanked Mr. McKinney for his service and his time.

Chairman Oddo:

Thank you: Chairman Oddo thanked everyone for attending and stated that communication is key.

EXECUTIVE SESSION:

Three Threatened Litigation and Review of the August 11, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 11:29 p.m. and returned to Official Session at 11: 45 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

August 11, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the August 11, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the August 25, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The August 25, 2016 Board of Commissioners meeting adjourned at 11:45 p.m.

Tameca P. White, Chief Deputy Clerk