

## BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell  
Randy Ognio  
Steve Brown  
Charles W. Oddo  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. White, County Clerk  
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

January 11, 2018

6:30 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

### **Call to Order by County Attorney Dennis A. Davenport**

County Attorney Dennis Davenport called the January 11, 2018 Board of Commissioners meeting to order at 6:35 p.m.

All members of the Board were present.

### **ORGANIZATIONAL SESSION:**

#### **1. Election of Board Chairman for the year 2018.**

Mr. Davenport opened the floor for nominations for the Chairman.

Commissioner Steve Brown nominated Commissioner Eric Maxwell as Chairman. There were no other nominations.

Commissioner Charles Oddo moved to close the floor for nominations. Commissioner Randy Ognio seconded. The motion passed 5-0.

Commissioner Ognio moved to elect Commissioner Maxwell as Chairman. Commissioner Charles Rousseau seconded. The motion passed 5-0.

#### **2. Election of Board Vice Chairman for the year 2018.**

Chairman Maxwell opened the floor for nominations for Vice Chairman.

Commissioner Oddo nominated Commissioner Randy Ognio as Vice Chairman. There were no other nominations.

Commissioner Oddo moved to close the floor for nominations. Commissioner Rousseau seconded. The motion passed 5-0.

Commissioner Oddo moved to elect Commissioner Ognio as Vice Chairman. Commissioner Rousseau seconded. The motion passed 5-0.

#### **3. Invocation and Pledge of Allegiance by Commissioner Steve Brown**

Commissioner Brown offered the Invocation and led the audience and the Board in the Pledge of Allegiance.

#### **4. Acceptance of Agenda**

Vice Chairman Ognio moved to accept the agenda and to move item #19 prior to discussion of item #12. Commissioner Brown seconded.

Commissioner Rousseau expressed that he and the other Commissioners have received emails regarding this item. He continued that moving this item up on the agenda may not give those who are interest in the topic time to arrive to speak regarding this item. He stated that he had reservation about moving item #19.

The motion passed 4-1. Commissioner Rousseau voted in opposition.

**PROCLAMATION/RECOGNITION:**

**5. Proclamation to proclaim January 11, 2018 as “Rose Marie Harper Day” in Fayette County.**

Chairman Maxwell read a proclamation on behalf of the Board in honor of Rose Marie Harper first Republican woman commissioner in Fayette County. Ms. Harper gave comments and thanked the Board for the presentation.

**6. Proclamation honoring Martin Luther King, Jr. Day.**

Commissioner Rousseau read a proclamation on behalf of the Board in honor of Martin Luther King, Jr. Day. Mr. Terrence Williamson, president of the NAACP accepted the proclamation. Mr. Williamson reminded the community that there would be a parade in downtown Fayetteville.

**7. Recognition of the Fayette County 5th Annual Merry Door Decorating Contest winners.**

County Administrator Steve Rapson recognized the Human Resource department for 3<sup>rd</sup> place and presented the Planning and Zoning department with a 2<sup>nd</sup> place trophy and the Fayette County Public Library with a 1<sup>st</sup> place trophy in the Merry Door Decorating Contest. Planning & Zoning Director Mr. Frisina, Librarian Gloria Thomas and Library Director Chris Snell gave comments.

Mrs. Snell led the audience in singing “Happy Birthday” to Human Resource Director Lewis Patterson.

**PUBLIC HEARING:** None.

**CONSENT AGENDA:**

Commissioner Oddo moved to approve the Consent Agenda as presented. Vice Chairman Ognio seconded. The motion passed 5-0.

8. **Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
9. **Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
10. **Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
11. **Approval of the December 14, 2017 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

12. **Consideration of Commissioner Randy Ognio's request to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes.**

Vice Chairman Ognio stated that there was a statement in the minutes that was misleading. He stated that he reviewed the video and Mr. Sparks did not say that the county appointed him. What he said was, that he was "attorney paid for by the county in the case representing Marilyn Watts." Vice Chairman Ognio stated that he was getting phone calls and he wanted to have the minutes corrected for historical record keeping.

Chairman Maxwell recused himself from this discussion.

Commissioner Brown moved to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes. Commissioner Rousseau seconded.

Commissioner Brown stated that he contacted the Clerk and Deputy Clerk to see if the recording had been verified to the context of the statement made and the Clerk's office did agree that it was the proper context.

Commissioner Brown moved to approve the April 25, 2017 Board of Commissioner minutes with a revision to the statement made by Attorney John Sparks on page 11 of the minutes. Commissioner Rousseau seconded. The motion passed 4-0-1. Chairman Maxwell abstained from the vote.

### **NEW BUSINESS:**

#### **13. Consideration of staff's recommendation to amend an Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property.**

County Administrator Steve Rapson stated that this was an amendment to the existing Intergovernmental Agreement for county owned property. He stated that Main Street Fayetteville Director Brian Wismer was present for this item. Mr. Rapson stated that this agreement cleaned up some of the language, incorporated non-city related events and also included the request to add distilled spirits to malt beverages and wines.

Mr. Wismer stated that this agreement was started in 2013 because most of the events that the Clerk's office was scheduling was city events. He stated that there was the occasional outside non-city sponsored event and the city coordinates that on behalf of the county. He continued that the city's ordinance changed to allow distilled spirits as an off-premise catering option and the city asked that it be added in order to be consistent with the city ordinances.

Mr. Rapson stated that he spoke to some of the Commissioners who had concerns with that language. He stated that the agreement could be put in place without the distilled spirits and it could come back to the Board for approval.

Commissioner Brown stated that in section 2.1 it stated, "county consents to allow the city to hold and coordinate events...and also to coordinate and collect use of grounds fees for non-city events". He asked if that was not already being done.

Mr. Wismer stated yes. He stated that he wanted to be sure the language was added so that there would be no misunderstanding that fees were being collected on behalf of the County. Both the city and county get a portion of the revenue collected from the fees.

Commissioner Brown asked why go from a two week notice to a six-week notice. Mr. Wismer stated that it was added to allow time to vet non-city events through the county administrator for final approval. Mr. Rapson stated that there may be non-city events that the city was ok with, but that the county may not be ok with and it would give enough time for review.

Commissioner Brown continued, "all applications for non-city events shall be subject to the final review and written approval by the county administrator and his/her designee." He stated that he would like for that to come before the county commissioners and not the county administrator.

Chairman Maxwell stated that would explain the change from two weeks to six weeks because if it had to come before the Board, it would have to go through pre-agenda meeting and then come to a meeting and that was a ten-day process within itself. Mr. Rapson stated six weeks may not be sufficient. He suggested making it ten-weeks. Chairman Maxwell suggested having any event outside of "Attachment A" to be brought to the Board for approval.

Mr. Wismer stated that there are not many non-city events that come to them. It was the occasional wedding or prayer vigil.

Mr. Rapson stated that if the Board wanted to look at all non-city events then it would come back as a contract modification for any event not listed on "Attachment A".

Commissioner Oddo stated that the Board could approve the agreement and then have anything that "might" be on it come back to be approved so that time would not be wasted.

Mr. Rapson stated that staff would bring back an addendum and replace "Attachment A" with the original contract. He reminded the Board that some of the non-city events that the Board may be thinking of, take place on city property, i.e. the gazebo and was not included in the contract. The contract only covers events at the courthouse grounds.

Commissioner Brown stated that he had no concerns about city events. He stated non-city events could be an issue. He stated that he would change "county administrator" to "county commissioner". He stated that if someone wanted to have a prayer vigil on the county sidewalk, they can come to the county, they did not have to go through the city.

Mr. Wismer stated that if they want to have it on the grounds, the procedure had been that they would be directed to the city to document and reserve the event.

Commissioner Brown stated that he would like for the Board to have right of refusal if the Board did not agree with the event.

County Attorney Dennis Davenport stated that if the Board was going to have the Board be the reviewing body for non-city events, the first sentence in Section 3.1 would have to qualify "any event" to "any city event".

Commissioner Brown moved to approve Intergovernmental Agreement (IGA) between the City of Fayetteville and Fayette County for use of county owned property and in Section 3, Stipulations; the up to six-week notice apply to "city events" and to change "County Administrator" to "Board of Commissioners and/or their designee". Commissioner Rousseau seconded.

Commissioner Oddo asked to remove distilled spirits. Commissioner Brown amended the motion. Commissioner Rousseau amended the second. The motion passed 5-0.

#### **14. Consideration of Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs.**

Chairman Maxwell moved to approve Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs. Vice Chairman Ognio seconded.

Commissioner Brown stated that he wrote this resolution years ago and there have been some years that he doubted that the Board followed it. He stated that paragraph ten, states, "the entire Board, each department director and each individual in our

organization is expected to understand our mission and our goals realizing that doing so it is extremely critical to our success". He stated that in 2017 there had been several instances where a county employee or citizen brought up something to him that should have been an official Board action that was not, in which he had no idea what they were talking about. He stated that nothing was more embarrassing than having business be conducted and the entire Board not be informed. He stated that there are five members with equal authority. He stated that if someone conducted business without the consent and/or approval of the entire Board and then says, "we told the Board Chair" he was going to get "off the chain" because he had heard it so many times. He stated that this was his last year as county commissioner and he wanted to leave on a good note. He was asking that the Board communicate across the board and call the person out on it. He stated that the communication channel needed to stream five ways to all Board members.

Chairman Maxwell moved to approve Resolution 2018-01: Resolution of the Fayette County Commissioners Pledge to Citizens and County Staff on Core Values and Beliefs. Vice Chairman Ognio seconded. The motion passed 5-0.

**15. Consideration of an appointment to the McIntosh Trail Community Service Board.**

Commissioner Brown moved to have a letter sent to those listed as eligible to assume the post to see if there is an interest to serve on the McIntosh Trail Community Service Board, and if there was more than one person interested, then the Board could decide who to appoint. Chairman Maxwell seconded.

Commissioner Rousseau stated that he had conversations with the Chief Jailer at the Sheriff's office and the McIntosh Trail Director. He stated that one of the things he discovered was the disconnect. He stated that there was a reasonable population of people with mental illness that populate the jail. He stated that one of the challenges was to reduce the stay for individuals with psychotic episodes or undiagnosed disabilities. He stated that the Sheriff's office was not aware of the various supports groups such as the McIntosh Trail Community Service Board. He stated that he would like to see a press on the Sheriff's office to work with this entity.

Mr. Rapson stated that the County Attorney had informed him that it had to be the Sheriff specifically and not a designee to serve on this board, according to the State law. He stated that he could speak to the Sheriff to have a non-voting member if the Board would like.

Commissioner Brown moved to officially contact those listed as eligible to assume the post to see if there is an interest to serve on the McIntosh Trail Community Service Board and if there was more than one then the Board could decide who to appoint. Chairman Maxwell seconded. The motion passed 5-0.

Commissioner Brown moved that he and Commissioner Rousseau serve as the Selection Committee for the McIntosh Trail Community Service Board. Vice Chairman Ognio seconded. The motion passed 5-0.

**16. Consideration of Resolution 2018-02 establishing Qualifying Fees for the 2018 elections in Fayette County.**

Commissioner Brown moved to approve Resolution 2018-02 establishing Qualifying Fees for the 2018 elections in Fayette County. Commissioner Oddo seconded. The motion passed 5-0.

**17. Consideration of staff's recommendation to demolish the old Department of Driver Services (DDS) building at 278 McElroy Road for the new location of Fire Station #4 approved in the FY2017 SPLOST.**

Assistant Fire Chief Tom Bartlett briefed the Board regarding this item. He stated that Fire Station #4 was approved in the 2017 Special Purpose Local Option Sales Tax (SPLOST) for relocation to the McElroy Road area. He stated that it was determined that it would take a substantial amount of dirt to raise the site to the point to be ready for building. He stated that the estimate was

\$450,000 to prepare the site. He stated that Environmental Health looked at the septic requirements and have agreed there was a spot for the primary and secondary septic fields. He asked for Board approval on this item.

Mr. Rapson stated that the way the building was currently structured, it was not feasible to use it for anything else for the county. He stated that the remaining \$50,938 in the General Fund for the DDS parking lot could be used to knock the building down instead of tapping into the \$2.4 million for the fire department fund. He stated that using the \$50,000 for the fire department would be mixing funds.

Commissioner Rousseau moved to approve to demolish the old Department of Driver Services (DDS) building at 278 McElroy Road for the new location of Fire Station #4 approved in the FY2017 SPLOST and to have the design include an auxiliary package plan for sewer. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Ognio stated that the driveway was in a curve and that there was a line of trees that need to be removed so that cars traveling from the south could see the vehicles exiting the building. Mr. Rapson stated that the drawing was a rendering and he requested that the driveway be moved further away from the building.

Commissioner Brown moved to use the \$50,000 from the General Fund for the demolition of the structure. Commissioner Oddo seconded. The motion passed 5-0.

**18. Consideration of the proposed Memorandum of Agreement (MOA) with the Georgia Department of Transportation for replacement of the Coastline Road bridge over the CSX railroad (GDOT PI 0015647) and approval to allocate \$83,500 from the 2004 Transportation SPLOST, Project No. B-1.**

Commissioner Brown asked who would own the bridge. Public Works Director Phil Mallon stated that he asked that questions and once the bridge was rebuilt it would belong to Fayette County.

Commissioner Oddo moved to approve Memorandum of Agreement (MOA) with the Georgia Department of Transportation for replacement of the Coastline Road bridge over the CSX railroad (GDOT PI 0015647) and approval to allocate \$83,500 from the 2004 Transportation SPLOST, Project No. B-1. Vice Chairman Ognio seconded. The motion passed 5-0.

Vice Chairman Ognio stated that if the right-of-way exceeded the \$83,500, GDOT capped it at \$83,500 and the county would not have to pay more. Mr. Mallon added that the county would get a refund if it was less than the \$83,500.

**19. Consideration of Resolution 2018-03 to adopt the text of House Resolution (HR) 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text.**

This item was discussed prior to item #12 on the agenda.

Vice Chairman Ognio stated that this item was a resolution in support of Senate Bill 233 sponsored by Senator Marty Harbin. Senator Harbin gave a five-minute presentation on what was the Religious Freedom Restoration Act (RFRA). He stated that in 1993 the RFRA passed unanimously through Congress and with three dissenting votes in Congress. He stated that President Bill Clinton signed it into law. He continued that in 1997 the Supreme Court ruled that the federal law did not apply to the states. He referenced the movie *Hacksaw Ridge*, a movie about Desmond Doss, a conscientious objector who received the medal of honor. Senator Harbin stated that Desmond Doss lived in Georgia. He stated that the RFRA part of the story was that the government had a compelling government reason to have young men fight a war. He stated that Corporal Doss was a Seventh-day Adventist and said that he would not carry a firearm, but that he was willing to go into battle. He stated that the government allowed him to do that. He stated that Texas, Florida and Alabama were among states that already have a RFRA in place. He continued that Georgia and Ohio were the only states among the "Top Ten States to Do Business" that do not have a RFRA law and it hinders business. He stated that it was the mirror image of the federal law and that the bill that was vetoed had a lot of "other things"

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added to them. He stated that state law or local law would have to hold a strict scrutiny standard and show a compelling government reason for that law to be enforced and to violate someone's "deeply held religious convictions". He stated that Governor Nathan Deal voted for the bill in 1993. He stated that the federal government said that it was not an issue that was being dealt with at a federal level, therefore it was the responsibility of the states to handle.

Public Comments:

**Kimberly Hearn**, Fayetteville; stated that she was the mother of two gay sons and a gay son-in-law. She stated that she did not understand all the nuances, verbiage and legal stuff that goes in the RFRA. She stated that she and her loved ones want to be allowed to live with all the rights given to non-LGBT people. She stated that they did not want special treatment just equal treatment.

**Representative Derrick Jackson**, Town of Tyrone; went through his notes of things that the video presentation did not cover. He stated that religious freedom/liberty, the legislation or ordinances are not conducive to good governing. He stated that elected officials took an oath to do no harm. He stated that Governor Deal continued to veto Senate Bill 233; for such a measure does not belong in the state of Georgia. He quoted Governor Deal, "Our state is doing exceptionally well and we've seen rather disastrous consequences from other states. I see no reason or justification or rationale for this type of legislation in Georgia." He asked the Board to consider the economic consequences for such an ordinance. He stated that he would use the filming industry as an example. He stated that ten years ago the filming industry for the state of Georgia was \$241 million and today it was \$9.5 billion. He stated that it created opportunities for infrastructure, quality schools and excellent quality of life in Fayette County. He stated that Senate Bill 233 disrupts quality of life. He stated that it sent a message of discrimination. He referenced Luke 10. He stated that Senate Bill 233 was bad for Georgia and it will be vetoed again.

**Carol Gillespie**, Town of Tyrone; stated that no one was forcing anyone to run over someone else's religious freedom. She stated that she did not see where anyone's individual religious freedom should be trampled on.

**Representative Debra Bazemore**, House Representative District 63; stated that as Dr. Martin Luther King Jr. Day approaches, she did not think that Dr. Martin Luther King Jr. would approve Senate Bill 233. She stated that the bill was very divisive. She stated that she reads the bills that come before her and then makes her vote. She stated that she voted for the people that she represent and officials must do what was good for the whole. She stated that this bill had been defeated time and time again including a veto from Governor Deal. She asked the Board to be considerate of the whole.

**Marcia Hendershot**, Peachtree City; stated that after reading the proposed resolution, she asked why was it necessary. She stated that these freedoms are already in place and she did not understand the need for a separate resolution, unless, a skeptical person would say, that it allowed for discrimination.

**Bonnie Williamson**, Fayetteville; stated that as a person who had been discriminated against in this country and other countries, this bill was a way to use religion to discriminate against others. She stated that as long as someone was doing business with the public, then the public should be allowed to come into a business to purchase or do whatever was offered at that facility. She stated that everyone who signed this bill was turning their backs on a growing portion of the Americans in the United States. She stated that this bill should not be passed.

**Carol Carver**, Fayetteville; spoke in opposition of the resolution. She stated that this was a country and community divided and this resolution was contributing to the division. She stated that a business that worked with the general public, it should be done in the atmosphere of mutual respect and not based on religious opinion.

**Terrence Williamson**, Fayetteville; stated that it was ironic that at the beginning of the meeting he stood with the Board and spoke on how great it was to celebrate Martin Luther King Day and how citizens should come together and stand unified behind

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this great man and what he stood for. He stated that in the presentation from Senator Harbin, he said that he was about planting seeds. He stated that it was the planting seeds that scared him because of the unintended consequences. He stated that in Fayetteville there was the largest film industry in the world that was offsetting the citizens' taxes, improving the infrastructure, it was giving more proceeds to the school system and attracting growth in industry. He stated that sometimes politicians need to leave well enough alone and concentrate on what works.

**Jane Galloway**, Fayetteville; thanked Senator Harbin for the video. She stated that the video clarified things for her. She stated that it mirrored the federal bill which prevents discrimination. She stated that she supported the resolution because she believed everyone's rights should be equally defended and this bill would do that.

**Derryl Anderson**, Fayetteville; stated that she loved Fayette County and she was honored to be a hometown resident. She stated that this bill would put Fayette in the "hairs" of all the media. She stated that it would be on CNN, MSNBC, Facebook, AJC "and on and on". She stated that the county was growing and have one of the most diverse, highly educated communities and the county did not need this bill. She stated that she was disappointed that this resolution was even coming before this Board. She stated that she wanted the Board to consider the repercussions of passing this resolution. She applauded Governor Deal for vetoing this bill.

**Randy Hough**, Peachtree City; stated that he supported the proposed resolution. He stated that the resolution reflected, in its basic sense, what the constitution already provided; the right to religious freedom. He stated that it seemed there would be no argument in opposition. He stated that "this is a diverse country", was a bogus argument because this had always been a diverse country. He stated that where the idea of dividing people was an "un-reflected" position based on ways of opinions that had no real basis in fact.

**Harry Bolton**, Peachtree City; stated that the right to religious liberties were inscribed in the constitution and he was not sure why the need to add to that. He stated that as a reminder, Christ was called upon at the beginning of the meeting and Christ would be pleased to have citizens to love one another, rather than inscribing in the law, the right to discriminate.

**Leonard Presberg**, Unincorporated Fayette County; stated that the video accused people who had concerns about RFRA as being "misinformed". He stated that he wanted to address some of the things in the video. He stated that the video talked about the generation of the federal RFRA law in 1993 and the court standard of changing from compelling interest to a reasonable interest. He stated that there are standards in society and there was no "religious trump card" to get out of them. He stated that to talk about what the RFRA really meant and ignore the fact that in the business community it meant something very specific. He stated that it was not hard to Google what the big named companies in Georgia thought about the RFRA. He stated that he was confused about what the commissioners were voting on. He stated that he saw in the agenda package that it was to adopt a House Resolution and when he arrived at the meeting it was a public presentation on a Senate Bill. He stated that he had some concerns about the House Resolution. He stated that he was not sure of the implication of the resolution that was proposed. He stated that the previous speaker stated that Fayette County did not have "these" problems. He stated that he was someone who, very publicly, had his religious freedom infringed. He stated that he took offense to someone saying that he was misinformed or confused about what it meant to be an American who can practice religion and believe what he wanted. He stated that this was a real issue for school kids and as a school board member, he had to object.

**Peter Lewin**, Unincorporated Fayette County; stated that he was a former teacher of government at Fayette High for 15 years. He stated that the first amendment was not the first thing considered by the "Founding Fathers", it was instead the first amendment; first addition to a document that was already ratified. He stated that the Constitution of the United States did not mention anything about religion. He explained the reasons. He stated that the first amendment was written in two parts; the Establishment Clause and the Free Exercise Clause. "Congress shall make no law respecting an establishment of religion." He



stated that this meant that government should not be in the religion business. He stated that this bill should not be debated or voted on because it was government getting involved in religion.

**Charles Bennett**, Unincorporated Fayette County; stated that his great-great grandfather, had a grand-nephew, the second signer of the Declaration of Independence. He stated that he was here to talk about RFRA because of what happened in 1993 when the federal government would have this resolution. He stated that the Georgia Constitution specifies religious freedom. He stated that if we needed to have a RFRA until things get back right, then have it.

**Jane Owens**, Fayette County resident; stated that she supports the RFRA because it might affect her. She stated that she was a musician that played at a lot of weddings and if asked to play for a same sex wedding, she would have to say she could not do that. She stated that she did not consider herself discriminatory. She stated that everyone's rights must be protected.

**Judi Wilson**, Fayetteville; thanked Vice Chairman Ognio for supporting this resolution. She stated that the Board was elected by the community and represent the Christian values of Fayette County. She stated that the resolution was sending a message that the citizens of Fayette County are exercising their first amendment rights to exercise free religion. She stated that it was not bigotry, but a response to the assault on the first amendment, the church, the children, values and God. She stated that this resolution was necessary. She referenced Mark 12:29-31 King James version.

**Jennifer Mouath**, Town of Tyrone; thanked Senator Harbin for being present and for showing the video. She stated that she supported RFRA. She stated that liberty was the most cherished possession and it should be protected. She stated that good law was profitable for local, state and federal government and good law could not be reduced to dollars.

**Ann Knowles**, Fayetteville; stated that she supported the RFRA.

The Board recessed at 8:23 p.m.

The Board reconvened at 8:35 p.m.

**Frank Gardner**, stated that he was not speaking for or against the RFRA, but that it was out of place to have the Commissioners make a religious statement.

Vice Chairman Ognio wanted to clarify that the bill that was vetoed was a totally different bill and it had "other things" added to it. He stated that the fact was, the governor, at the federal level, voted for this bill.

Vice Chairman Ognio moved to support Resolution 2018-03 to adopt the text of House Resolution (HR) 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text. Commissioner Oddo seconded.

Commissioner Brown stated that he heard a lot about "what would Amazon think", "what did the Georgia Chamber of Commerce say", "what some in legislator say" and he was disappointed over and over by the legislator. He stated that he had seen times when people say that they stand on something and then flip the other way. He stated that there was a lot of talk about "division" pertaining to this bill. He stated that in 1993, Senator Ted Kennedy adamantly supported the federal RFRA bill that was introduced by Senator Chuck Schumer and signed by President Bill Clinton. He stated that it had bipartisan support. He stated that religious freedom was directly linked to the identity of the American system. He stated that the RFRA asserted that government had to show a compelling interest for why its policies should override an individual's religious freedom. He stated that the bill was saying that the government could not suppress religious freedom. He stated that the bill directly addressed oppression by the government. He stated that civil suits against two private parties was not covered and was not in the bill. He stated that 20 states have RFRA and that there was not one discriminatory ruling using the RFRA bill in any of those 20 states in the state or federal courts or government. He gave examples of the RFRA bill. He gave an example of a student at Gwinnett

County college and an example at Savannah State University. He stated that the federal penitentiary was covered by RFRA and that federal prisoners have more religious freedom than states that do not have a RFRA bill. He stated that anyone who said that the bill was about LGBTQ couples or anyone who could not get a wedding cake or flowers, had not read the bill.

Commissioner Rousseau stated that he wanted to understand what was attempting to be accomplished and if it moved the county toward elevating the quality of life in the community. He stated that the Board missed the opportunity to write ACCG as an organized body that does lobbying for the county regarding this matter. He stated that many people are confused, including himself. He asked if this was a litmus test to see how religious the county was and to see where the Board stands. He quoted Dr. Martin Luther King, "the true measure of a man or woman is not measured by where they stand in time of comfort and convenience, but where they stand in times of controversy and challenge." He stated that the Board was being pulled into this and he was not sure why and if it met the requirements of why the Board was here. He stated that there had been mention of the Constitution, Bill of Rights and Declaration of Independence...all things that supposedly provided safeguards. He asked for clarity on what was being asked.

Vice Chairman Ognio stated that it was simply a resolution to move Senate Bill 233 forward. He stated that it would be part of the legislative package. He stated that it was not being brought as a litmus test, but to educate people and to get the word out. He stated that if the Board supported the resolution, then it would be sent as part of the legislative package.

Commissioner Rousseau thanked Vice Chairman Ognio for the clarification and he did understand why the Board was doing this, but that it had turned into something else. He stated that the legislative package that he had been associated with in the past, normally dealt with something that the Board was responsible for within its jurisdiction. He stated that this did not meet that criteria in his opinion. He stated that the diversity was explained in this very topic. He stated that procedurally, his desire to not move forward with this resolution was because of the number of emails received in opposition and because he was not aware that there would be a presentation and it was a disservice to the citizens. He stated that if it had been published, more people may have come out. He stated that procedurally the Board needed to be cautious and careful of that going forward, to ensure transparency.

Commissioner Oddo stated that he knew people on both sides of this issue which made it harder when voting. He stated that he had looked at the bill and he had heard the citizens. He stated that this bill was a mirror image of the federal law and he did not see it as a discriminatory bill. He stated that he looked at discrimination as proactive rather than defensive and he did not see that with this. He stated that he was optimistic that things would work out.

Commissioner Brown stated that the thing that brought this into the Board's "arena", was that the Board did take an oath to defend the United States Constitution and the Constitution of Georgia and to abide by the ordinances of Fayette County and this was under the Constitution of the United States. He stated that when the bill states that the government had to show a compelling interest for why its policy would override an individual's religious freedom, it did not say that it could find a compelling reason and restrict religious freedom. He stated that the bill did not eliminate anything because the government could find a reason.

Chairman Maxwell read a portion of Resolution 2018-03 into the record:

NOW, THEREFORE BE IT RESOLVED that it is hereby the sense of the Board of Commissioners that:

- (1) Fayette County shall not infringe upon the ability of individuals to act in accordance with their sincerely held religious beliefs; and
- (2) Fayette County condemns any behavior by any other government that limits the ability of individuals to express their religious beliefs.

He continued that he did not know how anyone could reasonably argue with that premise. He stated that he would prefer not to deal with these type issues because he agreed with Commissioner Rousseau that this was “kinda” out of the Board’s area. He stated that last year there was a legislative package that included resolutions for fluoride, operating of the boats and the “veterans’ tax exemptions”. He stated that it was this County Commission that sent a resolution that got the law changed. He stated that he heard the arguments and he took some notes, but this was a fairly easy one to decide. He stated that it was based on the portion of the resolution that he read into the record. He stated that he agreed with Commissioner Brown and that this was protecting people.

Commissioner Rousseau stated that he did not see this as the Board not protecting the Constitution. He stated he did not recall a time when the Board was not protecting the Constitution.

Vice Chairman Ognio moved to support Resolution 2018-03 to adopt the text of House Resolution (HR) 514 of the 114th Congress of the United States to take any necessary action to protect religious freedom in Georgia and to request that the General Assembly also adopt said text. Commissioner Oddo seconded. The motion passed 4-1 with Commissioner Rousseau voting in opposition.

**20. Consideration of Resolution 2018-04; requesting the passage of House Resolution (HR) 158 (Sponsored by Rep. Jay Powell, R-Camilla), a measure allowing the Georgia General Assembly to dedicate fee collections for specific programs.**

Commissioner Brown stated that the state levies a number of fees; disposal of old tires, oil changes and others. He stated that the fees are there with the intent of solving a problem. He stated that the problem with the fees that were being collected was that the funds do not go into a lot of the uses that it was created for. He stated that House Resolution 158 states that the Board supported Representative Powell’s efforts on the resolution and that Fayette County stands behind using fees for what the fees are actually intended for. He stated that environmental groups are supporting this. He stated that for the record, the state, during the legislative session, was proposing to ask for a pay raise. He stated that was the last thing he wanted to do.

**Nick Kilburg**, Unincorporated Fayette County; stated that he was with the Director of Conservation and he was here on behalf of the Flint Riverkeepers. He stated that as a citizen of Fayette, citizens vote on taxes and fees to go toward what they are intended for. He continued that as the Director of Conservation, they oversee six nature areas and depend heavily on the sheriff’s department and police. He stated that any funds that goes toward toxic waste and solid waste was very important to the Flint River system.

Commissioner Brown moved to approve Resolution 2018-04; requesting the passage of House Resolution (HR) 158 (Sponsored by Rep. Jay Powell, R-Camilla), a measure allowing the Georgia General Assembly to dedicate fee collections for specific programs. Commissioner Oddo seconded.

Chairman Maxwell asked where did the numbers in the resolution come from. Commissioner Brown stated that they were numbers collected by the various environmental groups.

Vice Chairman Ognio stated that when there are resolutions citing specific numbers there should be footnotes that show where the information came from. Commissioner Brown stated that he would supply the footnotes.

Commissioner Brown amended the motion to include the footnotes citing all the dollar figures. Commissioner Oddo amended the second. The motion passed 5-0.

**PUBLIC COMMENT:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County’s website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Frank Gardner made comments about the hunters and fishermen.

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

#### **2018 Legislative Package:**

County Administrator Steve Rapson stated that he needed the Board to give direction on the items for the legislative package. He stated that currently included are: TAVT, Fluoride, RFRA, operating boats for people under 16 years old and Support of HR 158.

Commissioner Brown asked to add something for Georgia Department of Transportation working on finding funding opportunities for the county and municipalities for multi-use paths and road projects.

Mr. Rapson stated that staff would look at that one as well.

#### **Firearm Training Center Reminder:**

January 25, 2018, the Firearm Training Center ribbon cutting is scheduled for 4:00 p.m.

#### **Audit Report:**

The audit report will be on the January 25, 2018 agenda.

#### **Dr. Martin Luther King Jr. Holiday:**

County offices will be closed in observance of the Martin Luther King Jr. holiday.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items involving real estate acquisition and review of the Executive Session minutes for December 14, 2017.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Oddo:**

**Happy New Year:** Commissioner Oddo wished everyone a Happy New Year. He stated that he was with his wife in Columbia for Christmas. He stated that he was looking forward to a good year.

**Congratulations:** He congratulated the Chairman and Vice Chairman on their appointment.

#### **Vice Chairman Ognio**

**Thank you:** Vice Chairman Ognio thanked the Board for support as Vice Chair.

**Transportation Committee:** He stated that the first Transportation Committee meeting for the year and it went well. He stated that there were hopefully some federal funds coming to the county for repaving. He stated that some of it may depend on the Service Delivery Strategy (SDS). He stated that he would encourage the municipalities to think about the effect it might have if the SDS was not approved. He stated that he would encourage the municipalities to at least let the Board know what they did not approve of, so that the county and municipalities would not be penalized financially.

**Fayette Transportation Plan:** He stated that the Fayette Transportation Plan was in progress. He stated that there was a survey that people can complete online at [www.fayettecountyga.gov/transporation-planning.htm](http://www.fayettecountyga.gov/transporation-planning.htm). He stated that he encourages everyone to go online and take the survey.

### **Commissioner Brown**

**State Legislation:** Commissioner Brown stated that there was legislation that would give people tax incentives to move to Fayette County. He stated that Fayette, as one of the two affluent counties in the state of Georgia, would give state tax incentives for people to move here. He stated that was the “dumbest dad-blasted” thing he had heard. He stated that the negative repercussion could be that people move from Fulton, DeKalb, Cobb and other places, and create more traffic and burden on the highway system in Fayette County. He stated that the Board may want to look at a resolution to voice concerns about this. He stated, what about the people who moved here in the last four years, they would get no tax incentives.

He stated that one other piece was rural internet service that included the southern part of Fayette County. He stated that this was using existing utilities poles to broadcast WIFI in both directions.

### **Chairman Maxwell**

**Letter from Congressman David Scott:** Chairman Maxwell stated that he got a letter from Congressman David Scott that stated that Fayette County had received grant money in 2017 totaling \$1.592 million. He stated that the City of Fayetteville Fire Department received \$1.545 million and Fayette County Fire and Emergency Services received the fire fighter’s grant for \$47,000. He stated that he did want to say thank you.

**Financial Audit:** He stated that he read the audit quickly and the county got a great audit report.

### **EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items involving real estate acquisition and review of the Executive Session minutes for December 14, 2017.

**Two Items of Real Estate Acquisition and Review of the December 14, 2017 Executive Session Minutes:** Commissioner Oddo moved to go into Executive Session. Vice Chairman Ognio seconded.

Commissioner Brown requested to add one personnel item to Executive Session.

The motion passed 5-0.

The Board recessed into Executive Session at 10:37 p.m. and returned to Official Session at 11:25 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Vice Chairman Ognio moved to amend the Executive Session to two real estate acquisitions and review of the December 14, 2017 Executive Session minutes. Commissioner Brown seconded. The motion passed 5-0.

**Approval of the December 14, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the December 14, 2017 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the January 11, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The January 11, 2018 Board of Commissioners meeting adjourned at 11:26 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25<sup>th</sup> day of January 2018. Referenced attachments are available upon request at the County Clerk's Office.