

BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman
Randy Ognio, Vice Chairman
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

February 8, 2018

6:30 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 6:30 p.m.

Call to Order

Vice Chairman Randy Ognio called the February 8, 2018 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present. Chairman Eric Maxwell was absent due to medical leave.

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

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

Acceptance of Agenda

Commissioner Steve Brown moved to accept the agenda with the tabling of item #8 to the February 22, 2018 meeting. Commissioner Charles Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. **Consideration of Petition No. RDP-014-17 Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout; property located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.**

Vice Chairman Ognio recused himself from discussion and vote of this item because his brother does a lot of business with Pulte Homes Company, LLC.

Commissioner Brown moved to appoint Commissioner Rousseau as the chairperson for this agenda item. Commissioner Oddo seconded. The motion passed 3-0-1. Chairman Maxwell was absent. Vice Chairman Ognio recused himself.

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. Mr. Frisina stated that this was the original development plan approved in 2015. He stated that there had been no movement on the subdivision and the road configuration was being changed. He stated that a cul-de-sac was going in and a loop road added. He stated that since there was a change, the petitioner had to go back through the process. He stated that there was a letter from Mr. Greene, who came to an agreement with the applicant to create a landscape between the rear of the lots. Planning Commission and staff recommended approval of the development plan.

Mr. Greene agreed to proceed with the hearing in the absence of a full Board of Commissioners. No one spoke in favor or in opposition.

Mr. Brian Ehram asked the Board for approval.

Commissioner Rousseau stated that his question was centered around whether Mr. Greene had reached a compromise and he was glad that he had. Mr. Greene was not present.

Commissioner Brown asked if the buffering with the neighbors was a condition of the plat.

Mr. Frisina stated that it was not, but that it would be shown on the preliminary and final plat stages.

Commissioner Brown asked how would the agreement become official.

Mr. Frisina stated that they have come to a contractual agreement and the developer would do that.

Commissioner Brown stated that it was between two private parties and did not include the county.

County Attorney Dennis Davenport stated that the plat revision would show the buffer on the plat, so it would be a written immortalization of what was agreed upon to be enforceable by the County.

Commissioner Brown asked if the County would have to officially adopt the buffer.

Mr. Frisina stated that the preliminary and final plat would come back to the Planning Commission.

Mr. Davenport stated that it would be enforceable as part of the final plat.

Commissioner Brown stated that it was the Planning Commission's responsibility to ensure that it was represented on the diagram and that it was approved.

Mr. Frisina stated that it was an agreement between two private parties that it would be shown and the homeowner's association would maintain the landscaping.

Mr. Davenport stated that it was two different options for enforcing; on the plat and the private agreement would give a private claim, as against the parties to the agreement.

Commissioner Brown asked if the buffer was in a deed restricted contract.

Mr. Ehram stated that the buffer would be on the final plat and it was a deed restriction.

Commissioner Oddo moved to approve Petition No. RDP-014-17 Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout; property located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North. Commissioner Brown seconded.

Commissioner Rousseau asked the petitioner if he had any objections to what had been stated as an agreement.

Mr. Ehram stated no sir.

Commissioner Rousseau asked if there was a homeowner's association that already existed.

Mr. Ehram stated that one would be established when the community was opened.

Commissioner Rousseau stated that it would be shown in the homeowner's association's restricted covenant as well as in the bylaws that the developer would provide this service.

Mr. Ehram stated that it was in the agreement.

Commissioner Rousseau asked if the community would be on public water or well water.

Mr. Frisina stated that it would be on public water.

Commissioner Oddo moved to approve Petition No. RDP-014-17 Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout; property located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North. Commissioner Brown seconded. The motion passed 3-0-1. Chairman Maxwell was absent and Vice Chairman Ognio recused himself.

Vice Chairman Ognio resumed the position as chairman of the meeting.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Oddo seconded.

Commissioner Rousseau stated that he would like to remove the January 25, 2018 Board of Commissioner Meeting Minutes to address changes on page 36, the final paragraph.

Commissioner Brown amended the motion to include item #2 as written. Commissioner Oddo amended the second. The motion passed 4-0. Chairman Maxwell was absent.

- 2. Approval of the Water Committee's recommendation to change the 2018 Water Committee Meeting dates and times.**
- 3. Approval of the January 25, 2018 Board of Commissioners Meeting Minutes.**

Commissioner Rousseau stated that he recalled his statement to be that "I apologize for that if I have missed something."

Commissioner Brown moved to table to the February 22, 2018 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

OLD BUSINESS:

- 4. Consideration of a Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County Water System to move county utilities from GDOT right-of-way. This item was tabled at the December 14, 2017 Board of Commissioners meeting.**

Commissioner Oddo stated that he was unavailable in December and the two items were tabled by Chairman Maxwell, who was absent. He stated that he would like to table items #4 and #5 until the next meeting when Chairman Maxwell was expected to return.

Commissioner Rousseau asked if there were any time sensitive decisions that needed to be made that could have a negative impact.

Water System Director Lee Pope stated that there were. He stated that Georgia Department of Transportation (GDOT) had requested draft documents for the design by the end of the month. He stated that it was tabled in December to have a letter sent and GDOT responded. He stated that there was no way to get the design documents drafted by the end of February, because the meeting would be taking place at the end of February. He stated that Matt Bergen with the Water System had completed a lot of work to collect data to try to expedite because of the delay from the tabling in December. He continued that staff could not get the field information to the engineer until the Board voted to give permission to develop the task order to have the engineer do the design and allocate the funds.

County Administrator Steve Rapson stated that the county received a letter from GDOT regarding the county's request to assist with the relocation of the utilities that stated that the county did not qualify for a hardship. He stated that the payment could be made in portions and that the \$779,000 would be part of the county's and water department's expense.

Commissioner Brown stated that this had become the most expensive roundabout. He stated that when the county was originally approached, it was going to be a federal government grant and all the county had to do was sign on the dotted line and everything would be done for the county. He continued that it had turned into a very expensive proposition.

Mr. Pope stated that it was important to add...

Commissioner Rousseau called the point of order. He stated that he had asked a specific question regarding whether there were any impacts and now the discussion was moving into something else.

Vice Chairman Ognio stated that the Board was to discuss the tabling motion.

Commissioner Rousseau asked if staff was anticipating, in addition to the deadline impact, if there were some financial impacts. He asked if the county would lose a grant or anything of that nature.

Mr. Bergen stated no, but..

Commissioner Rousseau interjected and stated that "no" was all he needed to hear.

Mr. Bergen stated that the MOU had nothing to do with approving the money and that basically the MOU was telling GDOT that the county was agreeing to roll that work into their contract.

Commissioner Rousseau stated that he understood.

Mr. Bergen stated that without the MOU the cost in the original estimate could go up.

Commissioner Rousseau stated that he got it.

Mr. Davenport stated that the motion would have to be tabled to a date certain.

Commissioner Rousseau asked Commissioner Oddo did he still want to table.

Commissioner Oddo asked if it was tabled to February 22, was there any way to meet the deadline, or did GDOT understand not having a full Board present.

Mr. Bergen stated that basically the deadline had already passed from the December meeting, and that GDOT had been gracious enough to allow it up to this point. He stated that he was not sure they would extend the deadline. He stated that at that point, staff would have to factor in more project management cost because that was rolled into the GDOT contract.

Mr. Rapson addressed Commissioner Rousseau. He stated that staff was trying to get approval to move forward to get a task order for a design. He stated that if the Board did not want to do the roundabout, then there was no point in doing the task orders for the roundabout.

Commissioner Oddo stated that he would leave the tabling and have the Board vote.

Commissioner Rousseau stated that he had made his position known on this item. He stated that the Transportation Committee had helped him with his position in stating that this did not rise to the level of top priority. He stated that in addition, he had stated that spending this kind of money to move water lines when there are individual in the community asking for fresh water did not justify the cost in his opinion. He stated that he did not want to lose money from GDOT, ideally. He stated that he was opposed to tabling this item because of the sensitivity. He stated that he wanted to be forthright and transparent in his objections to spending this kind of money. He stated that in his conversation with staff and reviewing the documents; \$780,000 was not necessarily allocated for this year and he did not think it was responsible.

The motion failed 2-2; with Commissioner Brown and Commissioner Rousseau voting in opposition.

Commissioner Brown moved to put in writing a statement to the Georgia Department of Transportation related to the roundabout projects at SR 92 at Seay Road and SR 92 at Antioch Road, telling them that the county no longer had an interest in the projects due to the cost related and if the money could be used for another project on the county's priority list that it be used for that. Commissioner Rousseau seconded.

Commissioner Oddo stated that the project had been in the works. He stated that the county changed Boards more frequent than GDOT changed staff. He stated that GDOT had a difficult time planning and projecting the needs of the county and this was GDOT coming to the county and received approval at the start. He stated that now this was a

subsequent Board changing their minds. He stated that this made it difficult to work with GDOT. He stated that he understood Commissioner Rousseau's thoughts on this project and that if the county did not contribute it would not receive anything. He stated that the county was leveraging \$700,000 into \$8 million and the county was losing that. He stated that this did not help the relationship with GDOT.

Commissioner Brown stated that it was a GDOT originated project and not a Fayette County originated project. He stated that the county was told that there was federal grant that was "somewhat" all-inclusive and the county accepted. He stated that it seemed to be a deal that was too good to be true and it was, because the county had to move seven water lines. He stated that GDOT was not going to be offended because the county was giving them \$8 million back to use anywhere in the state that they wanted to for a similar project. He stated that the money should be used for the higher priority projects.

Mr. Davenport stated that the Board was discussing the projects which was the next item on the agenda. He stated that the current item was for moving the utilities from the right-of-way. He stated that the motion should be amended to address the utilities issues first.

Commissioner Brown amended the motion to oppose the water utility movement. Commissioner Rousseau amended the second.

Commissioner Oddo stated that he would like to include that the decision was not unanimous.

The motion passed 3-1. Commissioner Oddo voted in opposition. Chairman Maxwell was absent.

5. Staff update on the proposed GDOT roundabout projects on SR 92 at Antioch Road and Seay Road (GDOT PI 009971 and 009972) and consideration of GDOT's request for Fayette County to enter into a Local Government Lighting Agreement and Landscaping Maintenance Agreement for the projects. This item was tabled at the December 14, 2017 Board of Commissioners meeting.

Commissioner Brown moved that the county would not go through with the plan as stated on the roundabout projects related to SR 92 at Antioch Road and Seay Road and that a letter be sent to state that the county was no longer interested in the project and if the money could be used on any other project on the priority list, then the county would use it for that project.

Mr. Mallon stated that he did not know if this action would stop the projects. He stated that GDOT may proceed regardless. He stated that if GDOT proceeds and the county elected not to participate in the relocation, then the county would still be responsible for the relocation and it would be on the county's "nickel" and would be even more expensive.

Commissioner Rousseau stated that the county was already doing it on "our nickel".

Mr. Mallon stated that GDOT had proposed rolling the cost into their contract and to have their contractor do it would offer the county savings and benefits. He stated that if GDOT continues with the project, which they may do, despite the Board's action, the Water System would still be required to relocate, but at a higher cost.

Commissioner Rousseau stated that he understood that, because the county was in the right-of-way.

Commissioner Rousseau seconded the motion.

Commissioner Brown stated that GDOT was here at the last meeting and heard the Board ask staff about the funding and he was disappointed that no one had come back to give answers to the questions. He asked if GDOT was invited to attend.

Mr. Mallon stated no. He stated that he did not expect to have an answer about the utilities by the meeting.

Commissioner Rousseau stated that he read through the documentation and he was confused. He stated that the documents had dates from November 19, 2013, May 9, 2014, April 5, 2017, March 14, 2016. He stated that GDOT heard what the Board's reservations were. The county would prefer not to spend \$780,000 on moving utilities. He stated that the Board asked for assistance in doing this. He stated that he had been notified that a response came in at 5:00 p.m. and that the dates were so long ago that it puzzled him as to why the response and coordination took so long. He stated that he felt bullied and he did not like it. He stated that he saw the trepidation on staff's face because these were projects that staff would like to see done. He stated that he was being asked to decide on the movement of traffic versus the use of dollars when people are asking for water.

Commissioner Brown stated that he agreed with Commissioner Rousseau.

Commissioner Oddo stated that the letter received was not a result of going back for three years. He stated that there was a lot of work going back three years. He stated that the letter was from a request made in December.

Commissioner Rousseau stated that he was compelled to consider how long this project had taken. He stated that the GDOT needed to coordinate better.

Vice Chairman Ognio stated that he had not approved the project from the start.

The motion passed 3-1. Commissioner Oddo voted in opposition. Chairman Maxwell was absent.

NEW BUSINESS:

6. Consideration of whether to object to Fayetteville annexation of property on Ellis Road and Banks Road, and the rezoning of said property from R-20 and A-R (Agricultural-Residential) to Residential townhouse-condominium district (RT-C).

Mr. Frisina stated that this annexation request was received from the City of Fayetteville on the 16th. He stated that if the Board chose to object, a response would be required by February 15. He stated that the property was approximately 44 acres. He stated that the proposal was to put in 162 residential lots at approximately 7500 square feet. He stated that it was substantially denser than what the county would allow. He stated that this was an area where the land use plan called for one unit per acre and this development was approximately 3.65 units per acre on gross. He stated that state law required that staff look at the material increase in burden. He stated that public works looked at the traffic system and they believe it would be an impact on the road system and environmental management looked at it and determined that it could increase flow. He stated that for these reasons, staff recommended objection. He stated that he had written a draft letter for the Chairman to sign with conditions. The conditions included: a traffic impact study to be provided by the owner/developer and mitigation major improvements, if warranted to be identified and agreed upon by the Board of Commissioners, City Council and developer, establishing a zone of influence and impact to level service litigation majors and concept cost estimates for the majors. Additional conditions included was that the owner/developer shall update the 2013 limited detailed flood study to incorporate the increase density as requested to stay in compliance with the Metropolitan North Georgia Water Planning District requirements. The owner/developer shall perform all design improvements to meet the standard and any other data systems impacted downstream, the owner/developer shall submit a flood management plan to demonstrate there was no increase in current or future condition flood hazard areas

of the properties downstream and Fayette County Environmental Management would review and approve all hydrology and stormwater management plans prior to development.

Commissioner Brown moved to object to Fayetteville annexation of property on Ellis Road and Banks Road, and the rezoning of said property from R-20 and A-R (Agricultural-Residential) to Residential townhouse-condominium district (RT-C). Commissioner Rousseau seconded.

Mr. Davenport asked if the motion included the fact, that if the objection could be adequately addressed, if the conditions of the draft letter are met. He asked if that was the intent of the motion.

Commissioner Brown stated no. He continued that it would be a pipeline full of cars coming through with the widening of McDonough Road. He stated that it would open a ton of capacity. He stated that the state was going to make it a state highway and it would hit near this development. He stated that it was going to be a bottleneck in the historical part of downtown. He stated that the church and historic courthouse would not be moved from the median because they were all protected under one right or another. He stated that it would be a massive traffic jam in downtown Fayetteville. He stated that he prayed that Fayette would learn from the counties north of Fayette; north of I-20. He stated that they have all done this and created traffic nightmares. He stated that the other counties are willing to pay for mass transit trains that only 7% of the commuting population used. He stated that the only thing that Fayette had going for it was the high quality of life. He stated that Fayette County was the only county of the 10-county metropolitan Atlanta area that was not on the interstate highway system. He stated that citizens have stated in the recent surveys and through input with the Comprehensive Plan Study that they wanted to "protect the rural residential lifestyle". He stated that it was an abundantly clear message from all the citizens of both the county and municipalities. He stated that he wished all the members of the City of Fayetteville council the best and that they make good successful decisions, but that if we continued to do this on a piece mill basis and continued to develop lots with this density, people will not want to live in Fayetteville because they will not be able to go anywhere in reasonable period of time. He stated that corridors were being created with no ability to expand.

Commissioner Oddo asked Commissioner Rousseau if he agreed on Commissioner Brown's conclusion of what he was making the motion on. Commissioner Rousseau stated he was clear.

Commissioner Brown stated that he was willing to come back to talk about some of the things. He stated that one thing that he saw on the plan that he did not like was the recreation amenity on the main road which was a dangerous thing because there would be a lot of small kids.

City of Fayetteville Mayor Edward Johnson stated that there had been lengthy conversations with the commissioners about the project. He stated that staff had given an excellent recommendation on conditions that allowed the city to manage this development to the point that there would be a traffic study and infrastructure study. He continued that the city would not allow the density if it could not be accommodated by either infrastructure or traffic. However, just as the county's comprehensive plan had indicated that the citizens would like to maintain the rural atmosphere, the city's comprehensive plan indicated that people want downtown development. He stated that there could not be successful retail in the downtown without density. He stated that there needed to be a variation of the types of homes to attract young people who are bringing their families to be able to afford housing in the Fayette County area. He stated that the City of Fayetteville was willing to take the gamble and annex additional property and taking on the burden of the increase on the infrastructure to be able to handle this. He stated that the staff and Council for the City of Fayetteville were capable and competent enough to manage the growth. He stated that many people in the homeowner's associations and town hall meetings, consistently stated that they wanted a vibrant walkable downtown, retail and chef driven restaurants. He stated that the city could not provide that unless there was the density and people in the city to support that. He

stated that he felt the conditions allowed the city to manage the density and if the Board wanted to approve it without the conditions, then the Board was not given the City of Fayetteville the respect to believe that they could manage the property.

Commissioner Brown stated that he had no problem with having this come back. He stated that it was not an absolute rejection for anything going on that site. He stated that this development was in a really bad spot.

Mayor Johnson stated that it was discussed and solutions made to mitigate the anticipated massive amount of traffic that would flow in that area. He stated that the city was willing to do a traffic study. He stated that the city wanted to increase traffic because it would have people slowing down to see the retail and activity in the downtown area and attract people from outside of Fayette to want to come in to enjoy the amenities.

Commissioner Rousseau stated that he publicly apologized because he had not spoken with staff at the city on this particular project. He stated that he did speak to city staff about another project, around the corner from this one, and discussed how this impact could be mitigated. He stated that when he saw this project so close to the other, his antenna went up in terms of impact, hence his posture on this particular position. He stated that he did have some concerns that he would be happy to discuss with the Mayor.

Mayor Johnson stated that the city would prefer to have some open dialogue and conversation before coming to the Board to be rejected by the Board without having the benefits of the rationale or reasons that probably could be adjusted to make it a more palatable project for the Board to accept and allow the annexation.

Mr. Frisina stated that there was one opportunity to make a decision and deliver it to the City of Fayetteville by February 15, 2018. He stated that beyond that date there would be no authority to object. He stated that once the Board objected it would begin the arbitration process.

Commissioner Brown stated unless the City withdrew the request to further the conversations. Mayor Johnson stated that he would have a conversation with the council and that the City was willing to do that.

Commissioner Oddo stated that he was ready to object with the conditions. He stated that he believed the city was doing its best. He stated that he did have concerns. He stated that the only problem he had was that the annexation seemed to be backwards and by the time the county found out about it, the Board was in a position to have to vote on something that is not clear if it had been accepted by the city. He stated that he did not have any particular objections. He stated that he would appreciate if the City of Fayetteville was gracious enough to discuss this further.

Mayor Johnson stated that he agreed that the process was not perfect. He stated that city staff was overwhelmed with the number of request and staff was gearing up for the tremendous growth that has occurred.

Commissioner Rousseau stated that he was concerned that the county and city was not collaborating as best as they could. He stated that he would like for all the cities and the county to pull out a huge map and begin to look at where we would ideally like to see expansion and what could fit that would accommodate the mutual interest and needs to grow the county; managed growth. He stated that he learned that there are some periodic meetings that take place and he was disappointed to know that he never knew what came out of the meetings.

Mayor Johnson stated that he welcomed the opportunity to sit down with the county staff to make sure it was in the best interest of all parties.

Commissioner Rousseau stated that he would like to “throw that out” futuristically. He asked for clarity on the proper way to procedurally proceed.

Mr. Davenport stated that there was a time frame of ten days at the end of the thirty-day period after the objection, where DCA would have to be notified. He stated that as long as the Board was within that window, Fayetteville was free to act in the way they choose. He stated that if they choose to withdraw, it would take away the obligation of notifying DCA and if the City did not withdraw then the obligation was there.

Mr. Frisina stated that the motion would be to object and it would be great to include the conditions, but it had to be delivered to the City no later than February 15. He stated that in the meantime, if the developer was to withdraw the application and the County received notification of the withdrawal, then this would all become mute.

Commissioner Oddo stated that the Board should object with the conditions.

Commissioner Brown stated that he did not necessarily agree with the conditions.

Mayor Johnson stated that he agreed with Commissioner Brown and Rousseau. He stated that the City needed to have a Special Called meeting to withdraw this, then have it come back.

Mr. Frisina stated that if the Board was to make a motion to object, it was good to add conditions. He stated that if the Board wanted to add conditions, now would be the time to do it. He stated that once the Board objected, it would have to be delivered to the City by February 15 and within 15 calendar days from the objection, DCA would have to set an arbitration panel. He stated that if it was withdrawn in that amount of time then the objection was mute.

Director of Planning and Zoning Jahnee Prince stated that she and Mr. Frisina met to discuss the conditions and what needed to be done. She stated that the city staff would start working on this right away to get it done as fast as possible. She stated that staff would ask the applicant to withdraw to buy more time if needed.

Vice Chairman Ognio stated that the objection had to state the burden for the county.
Mr. Davenport stated that the report from Mr. Frisina described that burden.

Commissioner Oddo asked if this was a motion without conditions. Commissioner Brown stated correct.
Commissioner Oddo stated that he would vote against that. He stated that in the event that the Board had to go to arbitration he would rather have conditions provided.

Commissioner Brown moved to object to Fayetteville annexation of property on Ellis Road and Banks Road, and the rezoning of said property from R-20 and A-R (Agricultural-Residential) to Residential townhouse-condominium district (RT-C). Commissioner Rousseau seconded. The motion passed 3-1. Commissioner Oddo voting in opposition.
Chairman Maxwell was absent.

7. Consideration of staff's request to allow Joe Scarborough to assist the Virgin Islands Territorial Emergency Management Agency, ICC, FEMA and GEMA in recovery effort by volunteering his knowledge and experience in permitting, plan review and inspection of all construction repairs and rebuilds.

Commissioner Rousseau moved to approve to allow Joe Scarborough to assist the Virgin Islands Territorial Emergency Management Agency, ICC, FEMA and GEMA in recovery effort by volunteering his knowledge and experience in permitting, plan review and inspection of all construction repairs and rebuilds. Commissioner Brown seconded.

Commissioner Oddo stated that he thought it was a good idea and thanked Mr. Scarborough for agreeing to do it.

Building Safety Director Joe Scarborough stated that four months ago, two Category 5 hurricanes struck the U.S. Virgin Islands within two weeks of each other. On September 20, 2017 Hurricane Maria struck St. Croix with 175 MPH winds and continued northwest, also devastating St. Thomas and St. John Islands. Two weeks later, Hurricane Irma, one of the strongest hurricanes on record, again ravaged all 3 islands with 185 MPH winds. In an effort to aid in the recovery efforts, the International Code Council, FEMA, GEMA and VITEMA are requesting certified Building Officials, Plans Examiners and Inspectors to assist with the permitting and inspections of almost every structure on the islands. The amount of construction need is astronomical for existing personnel to handle. Volunteers are asked to participate in this effort for a 30-day period. The salary, airfare, motel, meals and car rental are reimbursed. Department of Building Safety has funds to cover all expenses up front. Emergency Management Director Mike Singleton will assist in filling all required forms for complete reimbursement. Departmentally, the department is in the off-season for new construction starts. In his absence, the staff will be able to meet the daily permitting and inspection workloads without assistance. Assistant Director Steve Tafoya was prepared and exceedingly capable of assuming the duties as Director until he returned. GEMA advised that there are areas of cell phone and internet service so he should be able to periodically check in with Steve Tafoya, Pete Frisina, his immediate supervisor and Steve Rapson, the County Administrator.

Commissioner Brown stated that the total cost was \$22,929.80 that would be reimbursed from the agencies mentioned. Mr. Scarborough stated yes.

Commissioner Rousseau stated that he objected to the use of operation dollars from Building Safety account. He stated that it should come from contingency and wait for reimbursement in case the funds are needed while he was gone.

Commissioner Rousseau amended the motion to include that the funds come from contingency if appropriate.

Mr. Rapson stated that if approved, staff would set up a separate revenue stream and expenditure for this. He stated that none of it would come from the general fund operating account, but from a special revenue fund from the fund balance.

The motion passed 4-1. Chairman Maxwell was absent.

8. Consideration of a proposal from Commissioner Brown for changes to the agenda deadline schedule.

At the acceptance of the agenda, this item was tabled to the February 22, 2018 Board of Commissioners meeting.

9. Consideration of Commissioner Steve Brown's request to approve Resolution 2018-05 to remove Fayette County from Regional Transit Planning and the burden of funding such projects.

Commissioner Brown stated that there were two emails on the dais; one email from Shane Robinson, Vice Chair of the Transportation Committee and a memorandum from Mayor Eric Dial. He stated that in the Georgia General Assembly, which was in session, there have been one bill that dropped and another one that was about to drop that would create regional mass transit authorities. He stated that he had a lot of hesitation on how it would go through the legislature. He stated that some of the bills appear to be "opted-in" and others may not, but by the time the bill goes through the committees it could look completely different. He stated that was how the T-SPLOST was passed in 2012. He stated read the following Resolution into the record:

RESOLUTION TO REMOVE FAYETTE COUNTY FROM REGIONAL TRANSIT PLANNING AND FUNDING

- WHEREAS,** Fayette County has a population of approximately 110,000 and a land mass of almost 200 square miles; and
- WHEREAS,** Fayette County's projected population for 2040 is expected only to be 143,255; and
- WHEREAS,** MARTA and the Georgia Legislature are considering regional oversight, consolidation and funding of mass transit for the metropolitan Atlanta Region; and
- WHEREAS,** Transit projects for Fayette County would be cost prohibitive and not suited for the county's low density land use plan; and
- WHEREAS,** Fayette County commuters make up an extremely small portion of the ridership with mass transit in metropolitan Atlanta; and
- WHEREAS,** Fayette County's ability to draw economic development and quality residents is not dependent upon mass transit, but, rather upon its unique rural quality of life; and
- WHEREAS,** The culture within Fayette County frowns upon a system that is not close to self-sustaining, requiring enormous subsidies; and
- WHEREAS,** It is the duty of all jurisdictions in Fayette County to focus on protecting our quality of life, keeping residential density low, maintaining our excellent school system, keeping our roads less congested, preserving our green spaces and continuing our exceptional commitment to public safety, all of which keeps our community strong and able to attract high paying jobs to Fayette County, and we should avoid attempts to mimic the more rampant growth patterns and drawbacks of other parts of the region; and
- WHEREAS,** Fayette County has no transit projects in the regional Concept 3 transit plan; and
- WHEREAS,** Neither the State nor the Atlanta Regional Commission have yet to identify future transit expansion and maintenance revenue sources; and
- WHEREAS,** Neither the State nor the Atlanta Regional Commission have yet to identify the maximum cost per transit rider they are willing to accept or offer solid projections on cost-benefit analysis versus other forms of transportation; and
- WHEREAS,** Neither the State nor the Atlanta Regional Commission have clarified whether citizens and their local governments will be forced to sacrifice State and Regional funding for road infrastructure and maintenance at the expense of funding open-ended transit agendas;

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request to all regional and state entities that Fayette County be exempt from implementation and funding of regional transit planning.

So resolved this 8th day of February 2018,

Commissioner Brown continued that all the transits had plus billions of dollars in their budgets. He stated that Fayette's budget was one miniature project for them. He stated that in past April 4, 2012 minutes, the county had Cain Williamson, ARC come in and he gave a presentation on the regional transit scenario called T-SPLOST in 2012. He stated that it failed in every county in metropolitan Atlanta. He read an insert from that minutes. He stated that there was no additional funding for future maintenance. He stated that the mayor of Roswell and the Fulton and DeKalb County Commission Chairmen stated that it was time for everyone in the region to start paying for mass transit. He stated that the resolution just says that the county would rather not pay for someone else's transit. He stated that it was good to let legislation know where the county stood on this topic.

Commissioner Brown moved to approve Resolution 2018-05 to remove Fayette County from Regional Transit Planning and the burden of funding such projects. Commissioner Rousseau seconded.

Ms. Robinson stated that the Transportation Committee met and discussed the resolution. She stated that the committee did not have enough time to go over the resolution. She stated that the committee felt that it was left in the dark and perhaps it would have been better to have more conversation on this topic. She stated that the committee did not feel it was wise; it was premature to pull back at this minute. She stated that it was a lot of benefit to being present in the discussions. She stated that it would be an opportunity to opt-out or opt-in. She stated that the Transportation Committee would like to place it on their next agenda and have Commissioner Brown present to discuss it.

Commissioner Rousseau stated that was a reasonable request. He stated that Georgia was one of only a few states that use their gas tax to put towards roads. He stated that there were missed opportunities to expand transit, by right-of-way and etcetera. He stated that some things have changed and the contributing factor was what created this. He stated that the money was only used for roads and not invested in other things like other big cities. He stated that he recognized the county was not the city and that was the difference. He stated that he was sensitive to that. He stated that he was open to having more dialogue before a decision was made. He stated that the county was outdated in its position because the county did not belong in the region as of 2012, but that it was changing. He stated that he was interested in hearing more before adopting the resolution as the county's official position. He stated that when he received information the night before a meeting he was almost a no vote, because he did not have time to digest the information and ask questions.

Vice Chairman Ognio stated that in Mayor Dial's defense, he did not know this would be on the agenda and when Mayor Dial realized it, he contacted him and asked that he send him what was on the agenda so that he could respond. He stated that in the letter that it was important to note that almost 10 years ago under former Chairman Herb Frady, Fayette County opted-out of regional transit committee and the county does not pay the accompany \$5,000 per year fee. This action was taken due to the lack of interest to bring mass transit in any form to Fayette County. He stated that the county did not participate in the planning or funding of transit at this level. He stated that the resolution was not clear about whether the county was "re-upping the opt-out" at the Atlanta Regional Commission. He stated that he realized the bills are being dropped and they are supposedly opted-in processes, but anything could happen. He stated that he was not clear on what ARC was developing. He stated that ARC was creating a new department for transit and he did not know what the final reaches of that department would be. He stated that he agreed in principle that the county did not need to be a part of the payment for regional transit, but he worried that if Fayette was totally removed from the picture then how would we know what was coming until it was too late. He stated that when he spoke to Senator Marty Harbin, he was told that anything that was sent past last Tuesday would not have any effect on anything going forward. He stated that he agreed that it would have been nice to have this come before the Transportation Committee.

Commissioner Oddo stated that he would like to point out that it would behoove the Board to use the Transportation Committee to help plan transportation in the community. He stated that the Board should route items like this through the committee for input. He stated that this was the suggestion from the members of the committee. He stated that the county

did not know what the ramifications of pulling out would be. He stated that the county may not want mass transit, but should consider all the ramifications before saying no. He would like to see this vetted through the committee.

Commissioner Brown stated that it was on the agenda because it would be voted on by the time the Transportation Committee meets again, so the county would have no voice. He stated that there was nothing in the resolution that the county had not committed to year after year. He referenced the legislation that created the 2012 T-SPLOST. He stated that he did not want the county to be voted into something from a majority of voters and then have the county pay for it.

Commissioner Rousseau asked if there had been conversation with the delegation to say that the county was ambivalent about this.

Commissioner Brown stated that this was not an opt-in or opt-out, but it was to say that the county did not want to participate in the planning and funding of a regional transit system right now. He continued that it was not saying vote anything, it was just a statement of fact. He stated that last year the county had Matt Ramsey and Ronnie Chance and he worked with them on this. He stated that the county did not have that type seniority in leadership anymore. He stated that it was nothing against those in the post currently, but they were brand new and their leverage was weak at best due to seniority.

Vice Chairman Ognio asked for a friendly reminder to send the resolution and remove "planning" in the "Therefore statement" and in the title.

Commissioner Brown amended the motion to strike "and planning" from the title and remove "planning" from the "Therefore" clause. Commissioner Rousseau amended second.

Commissioner Oddo stated that the Board created a Transportation Committee was going around the committee. He stated that the Board does legislative packages every year and this should have come to the Board earlier instead of the last minute. He stated that the wording was all Commissioner Brown and he did not know if he agreed with the wording. He stated that the Board was rushing this through for worry of being in the ARC. He stated that this was not the way to govern.

Commissioner Brown stated that the county was not in the planning now.
Commissioner Rousseau stated that Commissioner Oddo's point were well taken.

Commissioner Oddo stated that if this should be approved, that the letter would indicate that this was not a unanimous decision.

The motion passed 3-1. Commissioner Oddo voted in opposition. Chairman Maxwell was absent.

The Board recessed at 8:25 p.m.
The Board reconvened at 8:39 p.m.

10. Discuss and act on staff's privatization RFP for the Animal Shelter without authority to do so from the Board of Commissioners.

Commissioner Oddo stated that the next two items on the agenda had risen to a level of great importance and Chairman Maxwell was absent. He stated that due to the seriousness of the nature of the items he really felt a full Board should be present to discuss these items. He stated that he was respectfully asking the Board to table items #10 and #11 until the next meeting when Chairman Maxwell was due back.

Commissioner Oddo moved to table items #10 and #11 to the February 22, 2018 meeting.

Commissioner Brown asked to have the motions done separately; one at a time.

Mr. Davenport stated that he would defer to Commissioner Oddo as to whether he wanted to split the motions up. He stated that if he wanted to split the motion it was his prerogative to do so.

Commissioner Brown stated that he would appreciate it if Commissioner Oddo would split the motion.

Commissioner Oddo stated that the discuss can be had for both items and the Board can decide.

Commissioner Brown stated that there were people who have flown in from other states to be here for this agenda item. He stated that he understood that Chairman Maxwell was absent, but government did not stop because one commissioner could not be present. He stated that he had a very legitimate excuse. He stated that if there was someone who spent a great deal of money to fly here, the Board should at least allow them to come to the podium to speak regarding the issue they came to speak about. He stated that the animal control issue was not an earth-shattering issue and he could not understand why the Board would table it. He stated that the ones who came from out of town deserve to have item #11 heard or the county owed them a check for their airfare.

Commissioner Oddo stated that sometimes these things happened. He stated that Chairman Maxwell should be here to discuss. He stated that the items had been raised to this level by Commissioner Brown and based on the conversations Commissioner Brown stated that he had with Chairman Maxwell, he would want to weigh in on this discussion. He stated that anyone could speak during public comments.

Commissioner Rousseau stated that he agreed that there was serious issues and items, particularly for item #11. He stated that he had reservations and concerns that when a quorum of the Board was present, the county business did not stop because someone was not available. He stated that it may rise to the level, as indicated, that it was serious enough for all members to weigh in, but the Board still had an obligation to handle the county business. He stated that he had some concerns for request for volumes of documents that the Board had gone back and forth about with request to various departments and to the clerk. He asked if all the documents that had been requested were in his possession.

County Clerk Tameca White stated no.

Commissioner Rousseau continued that he was concerned that if anything was brought up that he did not have documentation for, that he was inclined to table to give enough time to get the documents. He stated that if the Board did not have it then he did not know if the Board was being fair in the deliberation of this issue.

Commissioner Brown stated that there was no additional information for item #10. He stated that the Board could ask for any document and receive that document. He stated that he had been asking for documents and sometimes he was getting them and sometimes he was not getting them. He stated that he was getting a lot of documents from third parties that was not on file with the county so there was always going to be an instance where the Board may not have all the documentation. He stated that he may never receive all the documents requested and that this the request to table could arise at every meeting.

Commissioner Rousseau stated that the request was asking specifically for quite a bit of documents and he was concerned about giving this matter fair, open deliberation without all the documents which would color his decision making.

Commissioner Oddo stated that five years ago, Commissioner Brown stated to him that when a commissioner asked for a tabling it was professional courtesy that it be done. He stated that he was asking for professional courtesy to table this item to have Chairman Maxwell here to discuss this item.

Commissioner Brown stated that the Board did try to accommodate when there was a request to table, however not two items at a time. He stated that was above decorum to ask that two agenda items be tabled simultaneously.

Vice Chairman Ognio stated that on February 1st he sent an email to the Board that he was planning to move to table the items if Chairman Maxwell was not here, in order to avoid the issue of having people show up and not be able to speak on the items. He stated that he sent it to everyone.

Commissioner Brown stated that there was no guarantee that Chairman Maxwell would be present at the next meeting. He stated that he would like an agreement that if Chairman Maxwell was not present at the next meeting that the Board would proceed with this item regardless.

Commissioner Rousseau stated that separating the items was the best course. He stated that his concern was for item #11 and not having all the information at his disposal there.

Commissioner Oddo amended the motion to table #10 to February 22, 2018.

Commissioner Brown stated that he just had it on the agenda to decide what to do because the County Administrator acted without proper authority. He stated that it was not the way it should have been done. He stated that the RFP had already come back and no one responded and he was disappointed in the way it was done.

Vice Chairman Ognio asked if this was the discussion to table. Commissioner Brown stated yes.

The motion failed 2-2. Commissioner Rousseau and Commissioner Brown voted in opposition. Chairman Maxwell was absent.

Commissioner Brown stated that he had mentioned in several meetings why things were not proceeded that were approved with a 5-0 vote. He stated that there was no good explanation to why certain things were not proceeding. He stated that there were things such as the animal shelter and having department heads speak at the annual retreat that had not been done as voted on and the other error was that something was done that was not approved and was not consulted. Commissioner Brown stated that Commissioner Rousseau brought this up as a suggestion and the Board was told something would come back to the Board on October 26 and nothing came back to the Board. He stated that he got a call from a citizen to chide him on how poorly the RFP was written and he had to admit he did not know what she was referring to because the Board had not approved anything. He stated that the day after, the Board received an email from the County Administrator saying that no one had responded to the RFP. He stated that the animal shelter was the biggest issue of 2016. He continued that the County Administrator did not have the authority not to go forward on

projects that the Board had approved and the inverse was also true. He asked if the Board wanted to see an RFP go out with Board consultation and Board vote and bring in animal advocates to review before sending it out.

Vice Chairman Ognio stated that staff had the authority. He stated that it is stated in policy 200.01. He stated that the Board had never, since his time on the Board, voted or had input to an RFP. He stated that it was good reason for that. He continued that it was separation of powers. He stated that the county did not want anyone saying that the RFP was created in a way to give advantage to someone that a member of the Board knows. He stated that staff had the authority. He stated that no one mentioned or asked questions about why it was not on the October 26 agenda. On November 3 there was an email that informed the Board that there were questions about the RFP and that it was in the process of going out. November 14 there was the weekly County Administrator's report that updated the Board about what was happening in the county. It is emailed every Tuesday. He stated that the next Tuesday it was on the report and on the next. He stated that he did not know how the Board could not know that it was moving forward. He stated that he did not agree with the wording "had the authority" because staff had the authority. He stated that the Board did not have input of privatizing the permit department in 2013. He stated that he felt the staff was doing due diligent to keep the Board from wasting time talking about something that was not going to happen anyway. He stated that if the RFP had gathered proposals, it would have then come to the Board for approval. He stated that there were conversations between the County Administrator and the animal advocates when this was going on and there were changes made to the RFP. He referred to the County Administrator.

Mr. Rapson stated that he would not characterize this as a misunderstanding. He stated that this started in August and he had several conversations about should privatization be an issue. He stated that he had a conversation with Commissioner Rousseau and looked at Dekalb as a possible model. He stated that he was not surprised in September. He stated that the minutes stated that "he [Commissioner Rousseau] stated that he would like for the Board to consider giving instruction for the County Manager to look at someone else to, or another agency running, the animal shelter." He stated that on page 201 of those minutes, "Commissioner Rousseau stated that he would like to have the Board approve staff exploring a RFP for the privatization of the animal shelter. Mr. Rapson stated that staff would bring that to the Board at the October 26 meeting." He stated that he meant that staff would turn that around as quickly as possible and come back with a staff's recommendation after the RFP hit the street at the October 26 meeting. He stated that was an over reach on his part because it was a more complicated process. He stated that on October 9 he instructed Animal Shelter Director Jerry Collins to look at Dekalb RFP and another email was sent on November 3. He stated that Purchasing Director Ted Burgess sent a consultant RFP out. He stated that he had him pull that back because that was not what the Board instructed. The direction was for an RFP to privatize. He stated that the email from Leah Thomson came because Mr. Burgess did not pull the RFP from the county's website. He read an email sent to Ms. Thomson explaining why the consultant RFP was pulled and that Mr. Collins would be sharing the scope of work with Stephanie Cohan from the Humane Society once a draft was ready. He stated that email went to the Board of Commissioners. He stated that on November 11 he sent his final edits and on November 14 he sent his County Administrator's report. He stated that Ms. Cohan sent back questions, the questions were answered and the RFP was released on November 28. He continued that the bid opening was December 27 and he notified the Board on November 28 that RFP was on the way with a letting in December. Addendum #1 was sent out with an updated organizational chart and December 12 it was released. He stated that Rebekah Tate, who was another advocate, sent various RFP questions and Addendum #2 was sent out on December 19 and the Board received another update of that update. He stated that on December 27 there were no bids and the first thing he did was to have Mr. Collins reach out to the advocacy groups to find out why they did not bid. He stated that there were various reasons, but none was because that the procurement was bad. He stated that on January 5 he notified the Board that no bids were received and at that point Commissioner Rousseau stated that he did

not know the RFP was out. He stated that staff was not acting without authority. He stated that when saying that, the Board was questioning the integrity of the Purchasing Director. He stated that Mr. Collins did not want to privatize the shelter, but staff was proceeding with the belief that they had clear Board direction. He stated that from now on, staff will ask the Board to vote on direction that they want staff to take. He stated that staff had never brought a RFP before the Board to vote on.

Commissioner Brown stated that he did not hold Mr. Burgess responsible, he held Mr. Rapson responsible because he was Mr. Burgess' boss. He stated that if the Board was going to do a RFP then staff would waste a lot of time. He stated that no one said send out a RFP. He stated that the email referenced for October 10 did not have the Board copied. He stated that in response to Vice Chairman Ognio's comments, the Board voted on the stormwater project RFP's because the projects were approved by the Board. He stated that when Public Works needed gravel the RFP's are sent out because the Board approved it in the budget. He stated that the Board voted on everything. He stated that any project that the county did had to have Board approval.

Commissioner Oddo stated that this was totally disingenuous. He stated that the Board had never weighed into the creation of an RFP. He stated that if there was a misunderstanding it had been acknowledged. He stated to disparage what staff had done, so incredibly well over the last five years was ridiculous. He stated that they had not exceeded authority and staff had performed exactly the same since both had been on the Board. He stated that he believed staff should take a vote because he could not trust the group.

Commissioner Brown stated that when the Board approved the expansion of the animal shelter and he asked why the project was not moving along, after a 5-0 vote, and now it was finally going. He stated that the RFP was released because the Board approved it. He stated the Board voted for all the department heads to speak at the 2017 annual retreat and that did not happen.

Vice Chairman Ognio asked Commissioner Brown to stick to the topic.

Commissioner Brown reiterated that all the projects were voted on. A single commissioner should not be able to say to do a RFP and staff go do an RFP.

Vice Chairman Ognio stated that he totally disagreed. He stated that in 2013 staff did an RFP to outsource building and permits on Commissioner Brown's request; one commissioner. He stated that the policy did not say anything about needing Board approval to go out for an RFP. He stated that it was a policy that Commissioner Brown agreed to abide by. He stated that it was in the policy. He stated that staff did not need anything to do an RFP because it was not contractually binding to the Board. After the RFP was complete it was brought to the Board for consideration. He stated that the separation of the Board from the RFP process was critical for separation of power so there was no insinuation that one Board member might be swaying the vote. He stated that if Commissioner Brown would like to change the policy, then change it. The policy gave staff the authority and the wording on the agenda was false.

Commissioner Rousseau stated that Mr. Rapson stated that he would bring something back at a certain date. He stated that did not happen. He stated that the lowest common dominator of the issue was for staff to safeguard themselves by taking a vote. He stated that was why Mr. Burgess thought it was for a consultant and the County Administrator thought it was for privatizing. He stated that getting a vote ends it for him. He stated that he said that the County should look at all

options, best practices and one might be an RFP for privatization. He stated that the County Administrator's reply was that he would bring something back and that did not happen.

Commissioner Brown stated that the question was if the Board wanted to do a RFP that everyone can give input on and talk to the animal advocates to get input and send it out.

Commissioner Rousseau stated that he read the documents, but he did not know how reasonably assured that staff talked to some of the individuals that were engaged in the discussion and then they chose not to bid. He asked Ms. Cohan why they did not bid.

Stephanie Cohan stated that one of the reason they did not bid was because it was a very constricting RFP. She stated that she had been very vocal about some of the ordinances and to be able to follow the strictness and the guidelines that were set in the RFP were too constricting. She stated that other agencies had been given a lot more leeway in being able to run the facility along their philosophy.

Commissioner Rousseau asked if she made recommendation for language for a style of running the facility in this RFP. Ms. Cohan stated that they did not come back with that before the RFP went out.

Commissioner Rousseau stated that concerned him. He asked if there was a reason why.

Ms. Cohan stated that she did not know that was the official portion that would be going out in the RFP. She stated that she thought it was the starting point.

Commissioner Brown stated that he had received some things from individuals on what to include in the RFP. He stated that some of the advocates stated that it was so restricted that they did not want to touch it.

Mr. Rapson stated that there were others who thought it was restricted. He stated that the restriction was that it had to adhere to the policies that the Board set.

Commissioner Oddo was not inclined toward privatizing. He felt the staff was doing a fine job and this was something kept well in-house.

Commissioner Brown asked if the Board would be willing to appoint a task force of interested parties and look at privatization option in terms of developing a RFP and bringing it back to the Board for comment, approval or denial.

Commissioner Rousseau stated that he took exception to Commissioner Oddo's comments. He stated that his suggestion was not to replace staff, but to look at best options. He stated that he wanted to be clear. He stated that he did not deny that staff was doing a great job, he was asking for staff to look at all options. He stated that he was pushing process not the outcome. He stated that his objection was not to replace staff.

Commissioner Oddo stated that with all due respect, he was not referring to Commissioner Rousseau's comment. He was referring to Commissioner Brown who had just said to get a task force to look at privatization.

Vice Chairman Ognio reiterated that staff acted with authority as outlined in the policy. He stated that he did not like Commissioners having input into the RFP for the reason stated before.

Commissioner Brown stated that gathering public comment on what was the best-case scenario on privatization would be what the Board would philosophically review.

Commissioner Brown moved to ask for public input on what the citizens and staff would like to see in a privatization concept and to bring it to the Board to see if the Board can agree on the vision and if not, then let it go. Commissioner Rousseau seconded.

Commissioner Oddo stated that the agenda was perpetual and should not read "acting without authority". He stated that it should come off. He stated that it was not appropriate and it was what the discussion was supposed to be about and not a task force. He stated that Vice Chairman was correct and the Board had never helped to design a RFP. He stated that it was dangerous to have commissioners weigh in on RFP's. He stated that he did not know what staff did wrong. He did not see that anything was done wrong.

Commissioner Brown stated that RFP was not in his motion. He restated the motion.

Commissioner Brown moved to solicit public input to bring ideas that they would like to see so the Board could form a vision for what the Board would like to see in terms of privatization.

Commissioner Rousseau stated that there were certain things that had to come before the Board to get approval. He stated that the motion was not for an RFP process in this instance. He stated that the Board did discuss the issue of the County Administrator moving without authority, but did not vote on it. He stated that he did say he would bring something back and he did not do that. He stated that he had a problem putting it back out because Ms. Cohan and others were included in the process.

Vice Chairman Ognio stated how could the language "without authority" be on the agenda when the policy clearly stated that staff did not need Board authority. He stated that it was in the policy.

Commissioner Brown called the question. The motion to call the question passed 4-0.

Commissioner Brown moved to ask for public input on what the citizens and staff would like to see in a privatization concept and to bring it to the Board to see if the Board can agree on the vision and if not, then let it go. Commissioner Rousseau seconded.

Martine Yancey, asked Vice Chairman Ognio about his comment "it wasn't going to happen anyway" as it related to the animal shelter RFP. Vice Chairman Ognio stated that he did not recall making that statement. Ms. Yancey stated that it led her to believe Vice Chairman Ognio was bias to the vote. She continued comments regarding the public comments during the discussion of the animal shelter at the Board of Commissioner meeting for a no-kill shelter. She stated that the RFP was restricting them from being able to do what they intended in the beginning. She stated that she hoped the Board would go back and find a way to rework the RFP to work with the community.

Mr. Rapson stated that he did not think even with the level authority that the Board had given him that he had the freedom to ignore the policies that the Board had just gone through. He stated that staff had met the no-kill status for the last year and a half.

Linda Flowers stated that she hoped the Board would consider Ms. Yancey's comments. She stated that she did feel like the Board was not having the same conversation during this meeting and that it was frustrating. She stated that there might need to be some clarification between the Board and the County Attorney. She stated that it would be nice to have the policy read into the record. She stated that she would appreciate if the County Attorney would address whether having Mr. Rapson get a vote from the Board when the policy said he didn't have to would "hold water".

Lynn Lasher stated that the positive of the meeting was that Commissioner Rousseau seemed to listen to everyone else and interpret it. She stated that she was at the meeting where Commissioner Rousseau said that staff should consider everything and she was surprised when the RFP was out for bid. She stated that she liked that he questioned the money. She stated that she was relieved to know he did not know about it and that he was still open to look at it. She continued comments regarding the animal ordinances, the meaning of a no-kill shelter and legalizing trap, neuter, vaccinate and release.

Dennis Chase stated that the Board was asking questions about an animal shelter that was working, functioning properly and doing its job. He questioned why the Board was trying to fix something that was not broken. He shared a personal story regarding two dogs who attacked him. He called the animal shelter and they addressed it. The dogs attacked him a third time and he reported them to the animal shelter again. He stated that it was working. He stated that if the animal shelter director came requesting help, then the Board should take action and only form a task force to find out what was wrong and if nothing was wrong then it was done. He stated that the animal advocates were not speaking for the whole county, but a portion of the county. He urged the Board to let the staff do their job.

Commissioner Brown stated that the animal shelter was working because he was paying his taxes to Fayette County and writing checks to the Royal Animal Refuge to pick up the dogs that the county would be putting down.

Dawn Oparah stated that she was confused because the agenda said that it was one discussion item, but the Board was discussing something different. She stated that any motion should have to do with what was on the agenda.

Commissioner Brown stated that the bottom part of the document that ask for action was "what actions to take" and that was his motion.

Vice Chairman Ognio stated that when the Board exited Executive Session, the night Commissioner Rousseau made comments about privatization, he stated that he would like to have the Board approve staff explore an RFP for privatization of the animal shelter. He stated that the authority was in Policy 200.01.

Commissioner Brown moved to ask for public input on what the citizens and staff would like to see in a privatization concept and to bring it to the Board to see if the Board can agree on the vision and if not, then let it go. Commissioner Rousseau seconded. The motion failed 1-3. Commissioner Rousseau, Commissioner Ognio and Commissioner Oddo voted in opposition. Chairman Maxwell was absent.

11. Discussion and action related to the complaints and investigation of the working environment of the county's 911 Department.

Commissioner moved to table item #11 to the February 22, 2018 Board of Commissioners meeting. The motion passed 3-1. Commissioner Brown voted in opposition. Chairman Maxwell was absent.

PUBLIC COMMENT:

Joe Scarborough, Director of Building Safety. He stated that his statement was his opinion and not the opinion of anyone else. He stated that he was a Fayette County citizen. He voiced his concern regarding Commissioner Brown's method of obtaining personnel files and the accusations against Mr. Rapson and certain department heads. He continued his comments. He asked the Board to seek clarification of all the facts and all the extenuating circumstances involved which prompted the decision that have been made. He stated that once revealed he believed that an apology and a thank you for a very difficult job, very well done would be in order.

Terrance Williamson, Fayetteville; stated that he was coming before the Board to speak regarding what had transpired with the 911 operational challenges. He stated that he wanted to make it clear that he realized there was two sides to every story and the truth in between. He stated that many in the public are looking at it from the outside and the public had to form opinions from what was witnessed in the public which may or may not be correct. He stated that his comments would be based on that perception. He offered a statement to the Board. He stated that the NAACP was made aware of some of the concerns and allegation that had been shared in the public regarding the 911 center director and operational challenges. He stated that another meeting he noticed the lack of diversity at 911 when a group of 911 employees came to be recognized for an award by the Board of Commissioners. He stated that in the summer of 2017 several of the former employees filed a formal complaint with the NAACP and they met with them to hear their grievances. After the meeting, the NAACP felt there was a clear basis for the group to move forward with a higher-level escalation to the EEOC for a formal investigation. Several days later the NAACP realized that a settlement had been reached whereby the terminations had been rescinded and the employees could resign with some form of financial settlement. He stated that the added benefit was that the employees would be able to retain their certifications which allowed them to quickly gain re-employment in neighboring counties. He stated that for the NAACP this closed the case. He stated that he personally expected that the County Administrator and Commissioners would follow up with the appropriate actions to address the underlining faults. He stated that he wanted to commend Commissioner Brown for exposing what could best be perceived as rot within the system. He concluded the comments requesting that an independent investigation be conducted regarding 911.

Sheryl Weinmann stated that her view points are also the viewpoints of other staff members. She stated that there was a culture of harassment at the county, but that it had nothing to do with the administration. She stated that she was proud of the County Administrator and the directors and that she was proud to live and work in Fayette County. She stated that most of the meetings were a little about legitimate county business and mostly about other agendas. She continued comments regarding the County Administrator. She stated that in closing they would like to address a few of the service delivery principles in Fayette County.

Martine Yancey, stated that she had three issues to address. She stated that she was concerned about the situation taking place at the 911 center. She stated that she could not imagine working for someone who was yelling, cussing or walking out of the room during tense situations. No one should be in fear of their manager. She continued her comments. She referenced an open records request that indicated that 31 employees had left employment with 911 over a two-year span. She expressed her concerns based on the documents that she received. She asked Mr. Rapson if he had a prior relationship with Bernard Brown before hiring him to work for the county and if he hung out with Bernard Brown outside of work hours on a personal level. She stated that her second issue dealt with the handling of open records. She stated that only one person on the Board of Commissioners had completed the specialty training with ACCG; Vice Chairman Ognio. She stated that Vice Chairman Ognio was the one who stated that he had never received training regarding what information needed to be redacted from documents to be released to the public and subject to open records. She stated that a slide she found on ACCG's website stated what should be redacted. She continued her comments. She stated that her last issue was that Mr. Rapson mentioned that he followed the county policy regarding a car accident that he was involved in. She continued that the other employees are required to fill out a Safety Form #7 and an investigation is done by the supervisor and reviewed by the accident committee. She stated that in this

case the supervisor would have been the county commissioners. She continued concerns regarding Mr. Rapson's accident and obtaining records.

Commissioner Rousseau stated that he would like to have individuals who get up to speak and state things as though they are facts to use the term "allegedly". He stated that unless someone had witnessed something, that they would use the term "allegedly".

Tameca White stated that as County Clerk and a citizen of Fayette, she would like to address some of the statements made by Ms. Yancey regarding open records. She stated that all sitting Commissioners are currently certified with core training through ACCG. She continued that in terms of the letter that was referenced by Ms. Yancey, that came from Mr. Rapson, her original open records request did not request that letter. She was informed that Ms. Yancey wanted the information and sent it in a separate email. She stated that the law did not allow her to make interpretations of a request and that the requester must be specific in making request to get what they want. She continued to address statements made and to ensure the Board that all open records are handled under the guidance of the open records law.

Commissioner Oddo commended Ms. White for a superb job under incredibly difficult conditions the last few days.

Heather Brown stated that she had been an employee of 911 since 2010. She stated that she started as a communications officer and through promotions, was the current assistant training manager. She stated that upon being hired, 911 Director Bernard (Buster) Brown asked her if she saw any problems at the center. She stated to Buster that the biggest problem in her opinion was the shift supervisors. At that time, she was a shift supervisor. She stated that Mr. Brown did not take immediate action, but instead got the "feel of the center" and saw what was happening for himself. She continued comments regarding shift supervisor meetings where she would voice her opinions when she did not agree with the statements made by other shift supervisors. She gave her account of a meeting she was involved in with Mr. Brown, Lewis Patterson, Human Resource Director and Mr. Rapson and the other shift supervisors. She then gave comments regarding a meeting with the shift supervisors and Employee Assistant Program (EAP) Director Nancy Wesselink. She continued her comments with her positive experiences working under Mr. Brown and the dedication of the employees at the 911 center.

Wendy Coulter stated that she had been employed at Fayette County 911 since July 2015 and a Fayette County resident for over 10 years. She stated that working at 911 was more than just a job to her; it was her final career. She stated the conflict that the Board had been informed about begin when Mr. Brown started and came from the "pre-Buster" employees. She stated that people do not like change. She stated that it started when the schedule changed from tenure to merit. She stated that she was the employee that filed the hostile work environment complaint her two supervisors and a former employee on June 1, 2017. She stated that the investigation was over and once those individuals were no longer employed at the center, the environment changed to a welcoming, supportive and professional environment. She continued her comments regarding alleged threatening statements made by the individuals named in her complaint. She stated that the complaints and interview paperwork was submitted to the media before she or any of the other employees were contacted by the commissioners for their side of the story. She stated that she spoke with Commissioner Oddo and that Vice Chairman Ognio came to speak to her but she was unable to meet. She gave positive comments regarding Mr. Brown and his efforts to improve equipment at the 911 center to provide better service to the citizens and the first responders. She stated that the recent events in the media and on social media created an environment full of stress, anger, confusion and unrest. She stated that there was no crisis at the 911 center.

Nicole Smith stated that she was a former 911 employee, who worked for the county for 17 years. She stated that everything that she did when she worked for the county was in support of policy and to do what was right for the employees. She stated that she hoped the Board would open an independent investigation to learn the facts and not what allegedly happened. She gave her accounts of several meetings and situations that occurred that violated policies at the 911 center. She stated that she hoped the Board would not support directors generating their own policies. She stated that she urged the Board to have an open

independent investigation regarding the issues at 911. She stated that it was more to the story involving Janika Terrell, Dana Evans and Rebekah Acosta. She stated that they were not racist and that they were honest and forthright individuals.

Roy Bishop stated that his comments would be brief because he had to leave. He stated that he had to call 911 the morning of this meeting for his wife who was having chest pains. He stated that the dispatcher asked if he wanted her to send a fire truck and he said no. He continued that it seemed that about two minutes later they were at his door; 911 had sent an ambulance and his wife was still at the hospital. He wanted to thank 911 because they did a good job.

Chris Coulter stated that he spent six years in the United States Marine Corp, 14 years in the Army and retired from active duty in 2012, multiple combat deployment and was currently a post certified peace officer for the state of Georgia. He stated that he worked at the sheriff's office for a year and the City of Fayetteville police department for three and half years and was currently serving at a small agency in Fulton County. He stated that the Fayette County 911, by far, gave the best customer service to the first responders and citizens than any other county in metro Atlanta. He stated that when the investigation into the alleged misconduct of three employees from 911 was going on, he received a phone call from the former 911 assistant director Peggy Glaze. He stated that she asked if his wife had filed a complaint against her supervisors. He stated that Mrs. Glaze told him to tell his wife to write a letter to human resource about everything that Mr. Brown was doing at 911 because "that bastard took my job". He concluded that the 911 employees do an outstanding job and he wished he had that level of service from everyone.

The Board recessed at 11:30 p.m.

The Board reconvened at 11:41 p.m.

Janika Terrell stated that she currently resided in another state, but that she was an employee of the 911 center for ten years. She stated that she started in May 2011 and ended her career in July 2017. She stated that the last six years of her employment she held the position of shift supervisor under Director Bernard Brown and Assistant Director Amber Smith. She stated that she was coming to the Board to ask the Board to consider conducting an independent investigation regarding the allegation that have been brought forward pertaining to the inappropriate hostile behavior of Mr. Brown and Ms. Smith. She stated that she was not speaking to bash anyone. She continued that she would not speak on anything if she did not have substantial proof to support her claims. She gave a general timeline of some of the occurrences at 911. She spoke regarding an introductory meeting with Mr. Brown, multiple violations of the tardiness/attendance policy with employees, statements from Mr. Brown at a department wide meeting attended by Mr. Rapson and Mr. Patterson, violation of the time and attendance policy and Mr. Brown's response to being questioned about the policy, repeated allegations of degrading and intimidating comments made by Mr. Brown, falsification of training records, her accounts of a meeting with Dana Evans, Ms. Smith, Kyle Turner and Mr. Brown where Mr. Brown became very irate and cursed Ms. Evans, her accounts about the treatment received from Mr. Brown and Ms. Smith while collecting information for her statement to provide to the Marshall's office regarding the aforementioned meeting, her request for a statement in writing from HR that it was determined that she was following the Marshall's orders when placed on administrative leave, a supervisor meeting where she was told by Mr. Brown that he would be going to three supervisors instead of five and she and Ms. Evans were later terminated, a meeting with EAP where she was told to document all the verbal abuse from Mr. Brown and Ms. Smith, hostile work environment allegations made against her and Ms. Evans from Wendy Coulter and meetings and actions that occurred from this complaint. She concluded that she was asking the Board to consider an independent investigation.

Jason Passmore stated that he was a lifelong Fayette County resident. He stated that he was speaking in support of Bernard Brown and County Administrator Steve Rapson. He gave comments of some of the improvements that Mr. Brown made at the center. He referenced some documents that were released to the media. He stated that everyone hired at 911 entered an agreement to work at the center for at least three years or pay the county back up to \$3,000 to recover training cost; the amount was prorated based on time worked. He continued with statements regarding employees attempts to be released from the obligations of this agreement. He stated that as an employee and Fayette resident, he was concerned that one commissioner,

Commissioner Brown, was acting irresponsibly and recklessly, tarnished the credibility of Fayette, undermined the credibility and possibly harmed the operability of Fayette County 911. He gave examples.

Cary Ann Ross stated that she was the person that came forward because she was tired of being treated poorly. She gave her experiences and alleged threats and bullying of Dana Evans and Janika Terrell. She made comments regarding the turnover rate and the current work environment at the 911 center.

Sharon Battle stated that she was a resident of Fayette and employee at the 911 center. She commended Ms. White on the handling and her knowledge of open records request. She continued by reading a Facebook post that she made on Telecommunications day in 2013 that referenced the center being understaffed. She stated that staff turnover was not a Buster Brown issue and never had been. She shared some of her evaluation comments that were made prior to Mr. Brown's employment. She noted that most of the comments were made by Nicole Smith, who was her supervisor at the time. She stated that she was saddened and disappointed that one of the commissioners, who recently voted to be bound by Fayette policies and procedures, had continually posted information that would paint Fayette County in a negative light to social media. She stated that he did not consult a single current employee at the center regarding the work environment. She stated that unfortunately, per Fayette policy and procedures 250.03, an employee posting on social media may not expressly or implicitly represent themselves as an employee and "it is recommended that employees refrain from identifying themselves as an employee of FCBOC on their personal social networking site", therefore the people manufacturing the crisis are allowed to continually slander employees on social and news media and the employees are prohibited by county policy from defending themselves in the same forum. She concluded her comments with statistics that support the message that there is not a crisis at 911.

Kyle Turner stated that he was a training manager at 911. He stated that he would reserve his statement for the February 22 meeting when this item will come up. He read the statement of Larry Moyer, a new employee who was unable to attend. His statement gave his positive personal experience of working under Mr. Brown. The statement continued, "... people hearing this are going to say of course he's going to write something positive, he works for him, but the truth of the matter is that I am currently on administrative leave for actions that were of my own doing, and I still can sit here and write that Buster is the best director Fayette County or any county can possibly have.... there's no one more qualified to lead this call center." Mr. Turner thanked Commissioner Oddo and Vice Chairman Ognio for visiting the center to see the current situation.

David Barlow commended the 911 center and staff. He stated that he was coming before the Board to register serious concerns that he had about the "pollution of the internet and newspaper regarding county personnel matters" that could be handled in a non-public manner. He stated that Commissioner Brown had gone on social media and print media that his goal was to have the county manager fired. He asked if this was the manner that commissioners should go about handling a "beef" with county employees. He asked, was it now, through the court of public opinion that elected officials use to handle internal personnel issues. He stated that this public display was an abuse of power and reflects badly on the county. He stated that if Commissioner Brown was clear about hiring the county manager as an outcome of his investigation, it begs the question of, "is there a personal vendetta against the county manager or is there just cause". He stated that if there was just cause, shouldn't the other commissioners be engaged in the concern. He continued his comments. He stated that publishing online or copying and giving out personnel records of county employees was wrong and unethical. He stated that even if a commissioner had the right there should be some guidelines for accessing personnel files are in order, in addition how those files can be shared beyond those who need to know. He shared his experience while a commissioner on the Board with Commissioner Brown. He asked the Board to take all necessary steps within their authority to ensure that this did not happen again. He addressed Commissioner Rousseau and urged him to "step up" and "man up" to do what he knew was right.

Katie Vogt stated that she was the CAD Manager at 911. She read her prepared statement to the Board. She thanked the commissioners who came to 911 to speak to the current employees. She stated that the current crisis at 911 was external to the center. She stated that she had worked for Fayette County 911 for 25 years. She stated that there had not been a lot of turnover

on the administrative side of 911 and so individuals become accustomed to the way things are. She stated that some of the issues discussed at 911 were taking place long before Mr. Brown even thought about moving to Georgia. She stated that many of the individuals on social media had been threatening to leave the center for some time for various reasons. She stated that she had noted that the work environment at the center had improved significantly in the last eight months due to the departure of some of the individuals directly responsible for the low morale. She stated that it was a statement that she had heard over and over while working the radio room. She stated that Mr. Brown was passionate about his profession and defends both it and employees with exuberance; "there is no inside voice". She stated that he had recognized and acknowledged that he had exhibited unprofessional behavior and received disciplinary action. She continued with positive programs and initiatives that Mr. Brown had instituted at the center. She concluded that she was one of the three final applicants, along with Mr. Brown, for the position of Director for the 911 center. She stated that Mr. Brown got the job and she can say without reservation that the right person got the job.

Lewis Patterson stated that he was the Human Resource Director. He stated that Dr. Nancy Wesselink conducted a follow up on-site visit from her October 2017 team building and shared some observations with him. He stated that the employees had "circled their wagon" and she was impressed with support of the employees to the director and the support of the director to the employees. He stated that the new employees do not understand what this is all about and why their personnel files are being pulled. He stated that the employees are very upset about the negative light that was being cast on the 911 center. He stated that it was unfortunate because of what the employees went through last year and all the improvements made since then. He stated that Dr. Wesselink stated that when the three ladies in question departed, the atmosphere made a dramatic and quick change and he agreed with that. He stated that Human Resources had not advertised or conducted any interviews for the position of 911 communications officer since October 30, 2017. He stated that all 35 budgeted positions have been fully staffed since December 16, 2017. He stated that there had been no exists since November 16, 2017, which was unheard of. He stated that turnover at 911 was not new at any center throughout the United States. He stated that he was not going to comment on the investigation because it was an improper forum to do so. He stated that he wanted to go on record as the Human Resource professional that releasing the investigation notes in an agenda package was wrong in so many ways; countless. He stated that he was concerned about the release of the 68 personnel records for both current and former employees of 911 center because of the collateral damage it could have on them. He stated that there was now morale at the center and there was not morale before in his opinion. He concluded his comments that he, his staff, the County Administrator, the County Clerk, the Deputy County Clerk, the Director of Animal Control, the Director of 911 are all working in an unwelcoming abusive work environment because of all the things going on. He thanked the 911 employees for all that they do.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that there had been a lot of allegations. He stated that to the extent that he was aware of any allegation, it was always taken extremely serious and staff had always meted out appropriate actions. He stated that he felt he needed to run through the entire investigation because there was a lot of confusion.

Commissioner Rousseau interrupted and asked if anyone had knowledge if EEOC had accepted the complaint and was opening an investigation. He stated that the Board had been advised that EEOC, centered around this issue, had been contacted.

Mr. Rapson stated that he was only aware of one incident that involved one individual with an active EEOC that did not involve either of these incidents.

Commissioner Rousseau asked if the complaint would touch on any of this or was it germane to a Title VII violation. Staff responded that it was speculative at best.

Commissioner Rousseau stated that if there was an active EEOC investigation, there was a lot of things stated that would jeopardize that. He stated that he could not stop the County Administrator but he would like to stop throwing things out. He stated that if there was a EEOC investigation then all the things being thrown out could open the door. He asked staff to cease and desist. He stated that he had plenty of documents and was it wise and prudent to continue if there was investigation surrounded around this.

Mr. Rapson stated that it was wise advice. He stated that he had briefed Commissioners and he had some concerns that certain things are not out, and misleading statements being made.

Mr. Rapson stated that staff provided the Commissioners a document of the trend and statistics of the turnover at the 911 center. He stated that of the 31 employees that have left since August 24, 81% resigned, 13% were discharged and 6% retired.

Mr. Davenport stated that in response to Commissioner Rousseau's question, none of this had been a prudent decision to go in this direction from the word "go", but we have chosen to do this for whatever the reason. He stated that the more we do it and the more it is out there, the more potential negative effect it could be for the outcome.

Vice Chairman Ognio stated that he requested that Commissioner Brown not put this on the agenda for the very reasons that Commissioner Rousseau shared.

ATTORNEY'S REPORTS:

Notification of Executive Session: None

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Commissioner Rousseau thanked the County Administrator for yielding his comments. He stated that he valued and understood the work that staff did and he applauded the work done. He stated that there are issues surrounding this business unit that, in his 35 years of government, are titillating and sensitive to the ear. He stated that there are Title VII issues being thrown out, whether there are violations or not, that are serious. He stated that he realized that things had been adjudicated internally, but there are some things still happening externally.

He stated that he had been in conversation with a few staff members to defend their work, integrity and reputations. He stated that he did not fault staff for that; he applauded staff for that. He stated that he used the term that the county was in crisis at the Special Called meeting. He stated that some disagreed with him. He stated that he talked about "us" [the Board] being in crisis about how to proceed. He stated that he was not talking about the organization. He stated that he wanted to clarify that and he apologized.

Commissioner Rousseau responded to comments from Commissioner Barlow. He stated that his manhood was not in question. He stated that he continued to stand tall on issues that he needed to speak up on and he had no qualms about doing that, no matter how unpopular they may be. He stated that he was not Commissioner Coston, he was Commissioner Rousseau and he would weigh and adjudicate matters based on how he processed things. He stated that the Board had an obligation to take things that come to the Board more seriously and look into it more deeply.

Commissioner Oddo:

Commissioner Oddo thanked everyone for coming and expressing themselves and he understood the sensitivities and that some of the staff may need to get to work soon. He stated that what they did was quite outstanding.

Commissioner Brown:

Commissioner thanked staff for attending. He stated that he made no apologies for the open records act because it was state law. He stated that you can call it unethical, but it was state law. He stated that if you did not like your records exposed, do not work in government because the state law states that the files are applicable to the open records act. He stated that he did not know why anyone was surprised that the records are open to the public view. He stated that when you go for records and cannot get the records there was going to be a problem with him. He stated that he was a big open records person and he helped to fight for the open records act years ago.

He stated that he was disappointed that the Board was still hashing out what a policy meant and what it did not mean. He stated that may mean that the Board needed to write clearer policies or change some policies. He stated that he could not imagine staff doing a RFP whenever they felt like it.

He stated that he initially went to Executive Session to try to talk about this topic, but he was instructed that he could not talk about the issue in Executive Session and that it had to be discussed in open meeting. He stated that it was then that he tried to obtain documents that he started running into problems. He stated that the attorney offered a fine opinion on the open records law and the Georgia First Amendment Foundation also offered an excellent document. He stated that the reason Tameca did not have time was because he kept asking for records all the time. He stated that he did not apologize for asking for tons of documentation. He stated that he read all of them and that he marked them up and he kept two or three sets going at a time.

He stated that he and Mr. Rapson have had friction and it was in his annual reviews. He stated that it had been a strained relationship for the last few years and they would work through them.

He stated that he made no apologies for standing up to open records law and demanding access to records without being charged a fee for doing government business and without someone claiming that he was doing something illegal because he was not. He stated that he hoped if the Chairman was unable to attend the next meeting that the Board would continue with the agenda item.

Vice Chairman Ognio:

Vice Chairman Ognio stated that the 911 Director's discipline was not trying to be withheld from Commissioner Brown. Commissioner Brown submitted an open records request and that document was not included. He stated that he did not issue that request through the County Clerk's office as required. He stated that Commissioner Brown issued it through HR and HR told the County Clerk and nothing was in writing. He stated that we do not know what was requested. He asked should that information been included in the request. He stated that he didn't know. He stated that Commissioner Brown went to HR and got the document. He stated that a Special Called meeting was called to discuss commissioner's access to personnel files. He stated that this was not to prevent him from getting the file he already had. The meeting was a concern about the proper access for the commissioners to access those files and the potential for unredacted information to be in the news. Commissioner Brown's spin on the meeting was to deny him access to something he already had. He stated that since then Commissioner Brown requested access to 68 personnel files without giving reason. He requested that the files be posted on an agenda. He stated that this request would cost the citizens \$15,000 or more not including staff time. He stated that it could possibly cause people not to apply for jobs in the county. He stated that this was bad for the employees and bad for the county. He stated that Commissioner Brown was creating a bad work environment.

He stated that Commissioner Brown also made an open records request for 1,600 emails and he did not know what that cost would be. He stated that Commissioner Brown's accusations that there are still issues at the 911 center are just that, there was no proof. The investigation that was done by HR and EAP for the June 2017 issue was completed and actions were taken. He stated that since then there had been ex-employees making accusations that have been posted on Facebook as facts. He posed this question to Commissioner Brown: "If you were so concerned that these accusations were true and that there was a crisis at the 911 center why have you not been to the 911 center?" He stated that he and Commissioner Oddo had been to the center. He stated that the whole issue had been like a trial where the prosecution had presented its case and judge refused to let the defense present its side. He stated that putting the defense side on Facebook was not the proper way to handle this. He stated that after all this, Commissioner Brown wanted to waste money on a private investigator. How much money should a commissioner be allowed to spend without Board approval? Should it be unlimited? He stated that Commissioner Brown was spending tens of thousands of tax dollars without Board approval. "He's gone fishing on your dime." He stated that lastly, he would like to mention that Commissioner Brown cursed at a department head, "should he still be in office?"

Commissioner Brown stated that he was the government and as an elected official he did not do open records request. He stated that he did not have to give a reason for requesting records. He stated that was the way it is. He stated that he did not know about "tens of thousands of dollars of stuff" and he would have to speak to Tameca about it. He stated that the citizens gave him justification for doing their business. He concluded with "I do not do open records request, I'm the government."

Commissioner Rousseau stated that he wanted to follow up on his statement made to Mayor Johnson about the group that traditionally had or that currently gets together. He stated that he would like to expand that to look at all the vacant areas and a plan of where things can go that the Board can agree on to begin to shape "manage growth". He stated that he would bring it back on another agenda.

Mr. Rapson stated that he would add that under the retreat topic for Commissioner Rousseau.

Vice Chairman Ognio stated that he supported staff and the dedicated 911 employees. He stated that the leadership had bled through to the employees. He mentioned animal control and the hard work to communicate to citizens to make the center better.

Commissioner Rousseau stated that he supported staff and that he would challenge the staff through the County Administrator when appropriate and that he would not avocate his responsibility to look deeper. He stated that he supported staff as well.

EXECUTIVE SESSION:

ADJOURNMENT:

Commissioner Brown moved to adjourn the February 8, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 4-0. Chairman Maxwell was absent.

The February 8, 2018 Board of Commissioners meeting adjourned at 1:21 a.m.

Tameca P. White, County Clerk

Randy Ognio, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22nd day of February 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk