

## 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

March 22, 2018

6:30 p.m.

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

### Call to Order

Chairman Eric Maxwell called the March 22, 2018 Board of Commissioners meeting to order at 6:35 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Commissioner Steve Brown

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

### Acceptance of Agenda

Vice Chairman Randy Ognio moved to accept the agenda as written. Commissioner Brown seconded. The motion passed 5-0.

Chairman Maxwell announced that he was still under doctor's orders and would be leaving the meeting at 9:30 p.m.

**PROCLAMATION/RECOGNITION:** None

### **PUBLIC HEARING:**

- 1. Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43; property located in land lot 63 of the 5th District and fronts on Brookshire Drive. The applicant requested to withdraw Petition RP-067-18.**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. Mr. Frisina briefed the Board that the applicant requested to withdraw the petition. Staff and the Planning Commission recommended approval of the withdrawal.

No one spoke in favor or opposition of the withdrawal.

Commissioner Brown moved to accept the applicant's request to withdraw Petition RP-067-18. Commissioner Charles Oddo seconded. The motion passed 5-0.

- 2. Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Tuner Estates Subdivision; property located in land lot 72 of the 7th District.**

Mr. Frisina stated that agenda items #2 and #3 are companion petitions, but needed to be voted on separately. He stated that staff and the Planning Commission recommended approval of both petitions.

Mr. Ron Godwin, Agent, stated that the idea was to combine the piece of property that was behind the existing lot 2, into lot 2. He stated that the lots had different zonings, so to combine the lots would require rezoning the property.

Commissioner Oddo moved to approve Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates Subdivision; property located in land lot 72 of the 7th District. Commissioner Brown seconded.

Ms. Winnie Anderson stated that on September 2, 2016 she was almost killed by an eighteen-wheeler truck. She continued that Dogwood Trail was a narrow road that allowed the large trucks and cars to speed down the highway. She continued comments regarding her concerns about Dogwood Trail road and the large trucks that traveled on that road. She concluded that the road needed to be widened or guardrails put along the road.

Chairman Maxwell stated that he owned the property next door to Larry Turner. He stated that it did not present a conflict and that he would be participating in the discussions and voting on this item.

Mr. Godwin stated that there were no plans to build a subdivision. He stated that the plan was to put it all into one parcel for Mr. Turner.

Commissioner Oddo moved to approve Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates Subdivision; property located in land lot 72 of the 7th District. Commissioner Brown seconded. The motion passed 5-0.

**3. Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail.**

Commissioner Oddo moved to approve Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail. Commissioner Brown seconded.

No one spoke in favor or opposition.

Commissioner Oddo moved to approve Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail. Commissioner Brown seconded. The motion passed 5-0.

**4. Consideration of Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses.**

Mr. Frisina stated that in September 2017, the Board, Planning Commission and staff received a letter from Bill Beckwith, the Zoning Board of Appeals Chairman. He stated that he had seen a lot of appeal request for corner lots. He asked staff to look at corner lots to find solution for how to allow accessory structures on a corner lot. Mr. Frisina presented various example diagrams. He stated that staff looked at trying to subdivide the two front yards into a "primary" front yard and a "secondary" front yard, in which flexibility to build accessory structures in the secondary front yard. He stated that the primary front yard would be based on the orientation of the home; the front door to the street. He stated that he was offering an amendment that was placed on the dais.

He stated that when a house did not directly face the street, staff went by where the address accesses the driveway to create a primary front yard. He stated that he rewrote the definition as provided in the agenda package.

Commissioner Brown stated that Mr. Frisina was using the driveway to determine the primary front, but if it was fronting three streets, it was an alley entrance to the back of the garage. He asked if an exception could be made. Mr. Frisina stated that he was going by where the address access was located. He stated that in a typical subdivision the access would be off the local road and not the exterior road.

Commissioner Brown asked if landscaping could be required. Mr. Frisina stated that staff had not talked about requiring landscaping.

Vice Chairman Ognio stated that he would like to see this item sent back to the Planning Commission to get better details and clarification. He stated that if the process was not spelled out correctly it would be very confusing. He stated that code system would not allow drawings, but that he would like to do research to see if the drawings could be included in the ordinance.

Vice Chairman Ognio moved to have Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses sent back to the Planning Commission. Commissioner Charles Rousseau seconded.

Commissioner Rousseau expressed his concern regarding items being placed on the dais the day of the meeting. He agreed that the better approach was to send it back to the Planning Commission. He continued that, in addition, the citizens did not have the opportunity to review the items on the dais.

Vice Chairman Ognio stated that there are things in the ordinance that he was told that it was existing language. He stated that it talked about not being able to have an electrical meter on the detached garage, unless otherwise required per Department of Building and Safety. He stated it was wasted text and he did not see a need for it. He continued that the ordinance called it a detached garage and then it stated that it "shall connect to the principle structure by at least one of the following methods". He stated that was not a detached garage.

Mr. Frisina stated that the images were presented as an example. He stated that he did not want anyone to think it was the only way that it could happen. He stated that staff was planning to provide a publication in the department with different images to help determine how to figure out the primary and secondary yards. He stated that this would give him the opportunity to change it when needed.

Travis and Sabrina Williamson spoke regarding this item. Mrs. Williamson stated that she wanted to build a pool in the back yard and their home was on a corner lot. She stated that she was told everything had to stay directly behind the house, but the problem was that the house was not as wide as it was long. She continued that there was a good buffer and she just wanted to show her home as an example.

Chairman Maxwell stated that the motion was to send this item back to the Planning Commission and that she may want to go the Planning Commission to discuss her concerns.

Tom Waller stated that the issue of curb cuts and the driveways should be included in any rewrite and the curb cuts should be on the secondary roads. He stated that should be pinned down when the subdivision was created.

Commissioner Brown stated that he would suggest that we use whatever leverage to juxtapose the houses on the corner and assume that an accessory structure would be built and try to put it in the right place to best suit that type of addition.

Mr. Frisina stated that staff did make that suggestion.

Vice Chairman Ognio moved to have Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses sent back to the Planning Commission. Commissioner Charles Rousseau seconded. The motion passed 5-0.

**5. Consideration of Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.**

Mr. Frisina stated that out of the discussion of corner lots, Mr. Beckwith was attending the Planning Commission meetings and there was variance requests for flag lots. He stated that Mr. Larry Blanks, Zoning Board of Appeals member, suggested staff to review. He gave examples. He stated that staff came up with a creative way of creating an ordinance within the subdivision regulations, the Planning Commission has purview and they created lots through final plats and permanent plats and the Planning Commission have final approval. He stated that this would have a procedure within the subdivision regulations to give the property owner the right to come in to speak with the Planning Commission. He stated that it would use the front of the house as the front yard. He stated that staff had not done anything like this before, but given the range of how these things were developed over the years, it was the solution that staff came up with for now.

Vice Chairman Ognio stated that he would like for this one to be sent back to the Planning Commission as well and to have a coordination between the drawing and the text included in the code. He stated that the issue that he had was determining the front of one house, may put the backyard at the front of the house next door. He stated that he did not see anything that referenced the houses around it.

Mr. Frisina stated that most of the flag lots were very large lots; five, eight and ten acres. He stated that what he would define as the front yard and what the property owner would define as the front yard could be two different things. He stated that he was trying to get this right so that staff did not have to "hammer" them when trying to do something on the lot and having to get a variance.

Vice Chairman Ognio moved to have Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot sent back to the Planning Commission to have a coordination between the drawing and the text. Commissioner Oddo seconded.

Chairman Maxwell stated that he agreed with Commissioner Rousseau. He stated that he received the information on the dais and he did not think it had been published to the public and it was hard to digest the information when that happened.

Vice Chairman Ognio moved to have Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot sent back to the Planning Commission to have a coordination between the drawing and the text. Commissioner Oddo seconded.

Commissioner Brown asked how would the Board request drawings. Vice Chairman Ognio stated that he was not sure, but that if staff had drawings it needed to be included.

Commissioner Rousseau stated that he knew the drawings were for visual and discussion purposes, but that it included language changes. He stated that it was not good for the Board to have things that are not available to the public.

Vice Chairman Ognio moved to have Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot sent back to the Planning Commission to have a coordination between the drawing and the text. Commissioner Oddo seconded. The motion passed 5-0.

**CONSENT AGENDA:**

Vice Chairman Ognio requested to remove item #7 and #13.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #7 and #13. Commissioner Oddo seconded. The motion passed 5-0.

- 6. Approval of staff's recommendation to include "Addendum 1" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.**
- 7. Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV).**

Vice Chairman Ognio stated that there was a drawing on the dais. He asked if the drawing in the package was the final design. Staff confirmed that it was.

Vice Chairman Ognio moved to approve to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV). Commissioner Rousseau seconded.

Commissioner Rousseau asked how far was this project from the North Fayette project and can the projects be combined so that they are not disruptive to school traffic. He asked the staff to coordinate with the school.

Mr. Mallon stated that it was the intention of staff to combine the two projects, however this was the same culvert that needed an emergency temporary repair. He stated that in his opinion, any potential benefit of coordinating the projects had to be put aside to get the project build and constructed properly.

Commissioner Rousseau urged staff to always put in the forefront to complete the projects during the summer. Mr. Mallon stated that they always do.

Commissioner Brown suggested sending letters home to with the children. Commissioner Rousseau agreed and commended staff on addressing the issue so quickly.

Vice Chairman Ognio moved to approve to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV). Commissioner Rousseau seconded. The motion passed 5-0.

- 8. Approval of staff's request to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan.**
- 9. Approval of staff's recommendation to award RFP #1431-P, Public Works' Transportation Engineer of Record to Croy Engineering, LLC for a 15-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions.**
- 10. Approval of Water Committee recommendation to provide the authority to do the Star Gazing Nights as outlined for Lake Horton on Friday June 22, 2018, 9:00 p.m. to midnight and July 27, 2018, 9:00 p.m. to midnight, to advertise accordingly and notify the Marshal.**
- 11. Approval of a single bid received from Middle Georgia Paving, Inc. for RFQ #1460-A Chip Seal service in the amount of \$114,125.00.**
- 12. Approval of the responsive bid from Pavement Technology in the amount of \$82,249.60 for Road Departments bid #1461-A Asphalt Rejuvenator.**
- 13. Approval of the February 22, 2018 Board of Commissioners Meeting Minutes.**

Vice Chairman Ognio noted a change on page four of the minutes, sixth paragraph, he corrected the sentence, "He stated that Seay Road intersection at SR16..." to "He stated that Seay Road intersection had 16 accidents."

Vice Chairman Ognio moved to approve the February 22, 2018 Board of Commissioners Meeting Minutes with the correction as stated. Commissioner Brown seconded. The motion passed 5-0.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**14. Consideration of Vice Chairman Randy Ognio's recommendation that it be the board's position to not post any employee file information on any published documents, agenda item or website.**

Vice Chairman Ognio stated that it was bad practice to randomly post employee files information in the agenda or on the website. He stated that it was one of those things that, "just because you can do something, it doesn't mean that you should." He stated that ethically he felt that, as a Board, this should not be made a practice.

Vice Chairman Ognio moved to approve that the Board's position be to not post any employee file information on any published documents, agenda item or website and that it did not limit any Commissioner from posting properly redacted information on their own. Commissioner Rousseau seconded.

Commissioner Brown stated that he would continue with his first amendment pleas and that he made no apologies for sticking up for the first amendment. He stated that the citizens are the supreme authority as stated on the organizational chart and they should be given every effort to review records in all government channels available. He read the following statement into the record:

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It is of the utmost importance that every jurisdiction in the State of Georgia, including Fayette County, strictly adhere to state open meetings and open records laws known as the "sunshine laws."

The true value of our government is determined by our ability to represent the best interests of our citizens and being honest brokers of the law.

There is no doubt what the state's sunshine laws mandate. We have received legal confirmation from our County Attorney and the Georgia First Amendment Foundation regarding access to government records.

Any attempt to subvert or limit the public viewing of government records in the public forum should be harshly rebuked. Additionally, the government should never price gouge on the costs of access to open records or create other obstacles to hinder access.

To quote reporter Gary Pruitt, "It's getting harder and more expensive to use public records to hold government officials accountable. Authorities are undermining the laws that are supposed to guarantee citizens' right to information, turning the right to know into just plain 'no.'"

The state law was created to give citizens information about their government and any attempt at keeping publicly accessible records out of the public forum in any way should be construed as a glaring sign that new political leadership is required.

What Vice Chairman Ognio is espousing on limiting exposure to open records in very public government channels is nothing less than government tyranny.

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Chairman Maxwell addressed County Attorney Dennis Davenport and asked if the motion as made was preventing anyone from getting the documents, who was entitled to get the documents.

Mr. Davenport stated no it did not.

Chairman Maxwell continued that the concern was that if Commissioner Brown asked for the records, then he should get the records. This would not block anybody from getting the records. He stated that after the records were properly redacted it would be easy to put on a thumb drive and he could do with the records as he pleased. He stated that he did not want to limit anyone's access to records.

Commissioner Brown stated that he understood, recognized and agreed with Chairman Maxwell's point. He stated that his problem was that if he asked to have a record put in the agenda package his agenda item or ask that it be included with a government agenda item, that this motion would prohibit that. He stated that he was not sure if with the motion that he could have a record placed in the minutes. He stated that was what he had a problem with. He stated that the website was there to inform the citizens of what the County did as a government. He stated that he felt that was a real hinderance and first amendment concern. He stated that the state created open meetings and open records laws for a very specific reason and a large part of it was to avoid what was being attempted with this motion.

Commissioner Oddo stated that this was relatively simple to him. He stated that the motion was for employee file information which has some confidential information that had to be redacted. He stated that he saw it as responsible, on the government's part, not to expose information, unnecessarily. He stated that the motion did not prevent anybody from requesting the information and getting it redacted and for it to be made available. He stated that the motion was saying that the Board would not take the employee's information and place it in documents, unless we have to. He stated that the law did not say that it had to be published, just that it had to be made accessible and that was what this motion said.

Commissioner Brown stated that Commissioner Oddo countered himself, by saying that "for whatever reason we would publish it", but the motion said it would never be published. He stated that he was not against having anything redacted in the official legal way and having it presented in that format. He stated that when the Board kept it out of official government channels; minutes, agenda and websites, those things are purposely created to inform the public and news media of what the government was doing. He stated that he wondered what the courts would say about even approving this motion because he thought it was affront to the Georgia Open Records Law.

Chairman Maxwell stated that it seemed to be a balancing test; a balance of the right of information to be published. He stated that some of the information was "right of privacy" of the individuals who are employees of the county. He stated that he did not know where the mid of the balance was. He stated that he would prefer not to publish employee records, redacted or not, which did not prevent anyone from accessing the documents. He stated that he was leaning toward the privacy rights of the employees' and their records. He stated that they are not 100% confidential because they are subject to open records.

Commissioner Oddo stated that he wanted to clarify his statement. He stated that if there was an unforeseen circumstance that required that the records be published, that was different and unless that happened, then he agreed that the Board should not publish the records.

Commissioner Brown stated that this was where the Board did the people's business and they look through the agenda packages and now the Board was going to be referencing things that they would not have access to. He stated that he had not seen an epidemic of these type request. He stated that there was one incident, in one department, where he asked to see records and most of those records were benign.

Chairman Maxwell stated that he agreed that it was a little restrictive to what was placed on an agenda, and he may he may have to join with Commissioner Brown and vote to change it.

Commissioner Rousseau stated that he wanted to take the opportunity to be clear of his position on this matter. He stated that he would not personally choose to put employee related disciplinary measures or other materials of that nature out in the public domain. He stated that it did have a negative impact on morale and could have a negative impact on retention, recruitment, and the image of this county. He stated that it was a balancing test and that the Board had placed itself in a quagmire. He stated that

he when deciding whether to use that as a tool to put the information in the public domain, he would ask, what usefulness was it toward the agenda topic. He stated that there was a format that dealt with personnel related matters internally. He continued that when talking about redaction, it was vital information that was not accessible to the public, so it would never be put out. He stated that we do create an unnecessary amount of fear when people think any disciplinary measures would be published. He stated that it was not sacred or protected information. He stated that when the Board precludes that it gets to the line of the Board exercising free speech to something that was accessible. He stated that he would prefer not to do it and he would not do it, so no one had to worry about that because he would deal with it on another level, but he was perplexed in the motion to limit something that the Board shouldn't have to limit, ideally. He stated that if someone challenged the Board on this position how close would the Board get to the area of limiting free speech to accessible documents.

Mr. Davenport stated that there was nothing about the access that was guaranteed by a particular forum. He stated that all someone had to do was go to the government and say they want a document and they would get the document.

Commissioner Rousseau asked if the Board made this as a policy, that the Board would govern itself in a manner that we would not put employee related matters on the agenda, was it an infringement on one of the Commissioners' rights to put information before the public.

Mr. Davenport stated that a favorable vote on this item would be paramount to saying that the Board was not going to allocate county resources to publish documents that are not required to be published.

Commissioner Rousseau stated that the Board was not required to, but can.

Mr. Davenport stated that it was like executive session. He stated that the Board was not required to go into executive sessions, but that the Board did so because of important reasons.

Commissioner Rousseau stated which he would probably prefer that the Board did not do executive session based on some of the things that he had seen that the Board had not respected the parameters of executive session. He asked what was the punishment.

Vice Chairman Ognio stated that there was no punishment. Staff just would not do it. He stated that it was not preventing any Commissioner from requesting to have a document redacted and putting it out in the public for anyone to see. He stated that he was not restricting that, but it would restrict putting it in the agenda. He stated that it did effect employee retention and application. He stated that publishing this could bring about lawsuits. He stated that although the employee may not be an employee of the county anymore, something that was published could affect their job and it could come back to the county in the form of a lawsuit. He addressed Commissioner Rousseau and stated, that he said he would not publish any of this information, or have the county publish any of this information, but it had come to the point to do this because somebody else would. He stated that he brought it forward because he did not think it was good for the county and he hated that it had come to this.

Commissioner Oddo stated that there was an ethic ordinance that would cover situations that were not clear cut and dry, but the Board wanted to conduct themselves in a certain way and he considered this along those lines. He stated that the ethics ordinance had no "real teeth", but that it was there as the Board's policy so that the public would understand what the Board was willing to do and not willing to do.

Commissioner Rousseau gave a scenario. If one of the Board members wanted to publish the salaries of the employees. He stated that it was fair game, legal and responsible to get a bird's eye view of spending. He stated that we are saying we would not publish that. He stated that he wouldn't because it was readily available, but was it an example of limiting the Board.

Mr. Davenport stated that he did not think the example was accurate based upon the discussion because the salary information, while it might be in an employee file, was in places other than the employee file; such as finance. He stated that someone could get that information without going into an employee's file and it was also a public record. He stated that you are not publishing a redacted version of an employee's file for the purpose of showing the employee's salary. He stated that the discussion was about something that was exclusively in an employee's file.



The motion was specifically about an employee's file.

Commissioner Brown stated that employee files are available under state law and state law supersedes all county ordinances.

Commissioner Rousseau stated that he understood what his colleagues were trying to achieve. He stated that they were trying to achieve not creating a scare among the employees; one of the most valuable resources in the county.

Commissioner Brown stated that while reviewing the chart, he realized that the County did not even inform new hires that the personnel files are subject to open records law. He stated that he thought there were a lot of things that the County needed to do to be competent, professional employers. He stated that if someone did not like their records made available to the public, then do not work for government. He stated that he could not put an item on an agenda and he had a serious legitimate reason to add it..." you explain that to the public."

Commissioner Rousseau stated that the Board had executive session that could deal with those type matters. Commissioner Brown stated that he was told it had to be discussed in open session. Commissioner Rousseau asked Mr. Davenport to address that.

Mr. Davenport stated rather than say what happened in executive session, he would state that a personnel item for executive session purposes was limited specifically to deliberation. He explained further. If the Board had an issue of discipline, then hiring and firing of an employee, or something along those lines, the factual part of that would happen in an open meeting. He stated that the employee had the right to be confronted and to provide their side of the story in public forum. Once the evidence had been brought forward to the Board and the Board was ready to make a decision, then the Board can, although not required to, go into executive session to deliberate on the evidence that was heard to reach a decision. The Board must come back in an open meeting to vote on the evidence.

Commissioner Rousseau asked how would the Board get "John Doe's" information on the agenda to deliberate, make the accusation and allow him to prove himself.

Mr. Davenport stated that the Board had made the decision not to do that and to delegate that responsibility to the County Administrator under the disciplinary policy framework. He stated that it all happened below this level. The appeals happen with County Administrator. He stated that if the Board choose to do that, the first thing to do would be to reword the disciplinary framework because it did not allow a step to come before the Board to discuss.

Commissioner Brown stated that the Board could hear anything that it opted to hear and view anything that it opted to view. He stated that the full Board, of equal authority, was the ultimate governmental authority and the people expect the Board to be open and transparent.

Mr. Davenport stated that he would caution the Board that if the Board decided to have a disciplinary framework that did not include the Board, that had been handled and was over with, and decided to resurrect the same set of facts and circumstances to re-adjudicated, there could be some problems.

Commissioner Brown stated that he was planning to offer changes to the way it was handled. Mr. Davenport stated that would be the first step. Commissioner Brown stated that he did not agree with the way it was done and that the Board could still discuss anything that they would like to discuss.

Commissioner Rousseau stated that the Board had conferred the power of personnel related matters over to the County Administrator and that was the county's form of government. He stated that the county's form of government delegated hiring, firing and disciplinary procedures to the County Administrator.

Commissioner Brown stated that the Board had the power to pull any information that they wanted. He stated that one of the measures that he brought up at one of the meetings was to have a committee made up of employees, with an employee elected from the employees in each department, to have the committee do the final adjudication of employee cases. He stated that he would make that proposal later.

Vice Chairman Ognio moved to approve that the Board's position be to not post any employee file information on any published documents, agenda item or website and that it did not limit any Commissioner from posting properly redacted information on their own. Commissioner Rousseau seconded. The motion passed 4-1. Commissioner Brown voted in opposition.

**15. Consideration of staff's request to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne.**

911 Center Director Bernard Brown briefed the Board regarding new technology that was tested at 911 from August 2017 to December 31, 2017. He introduced Eyal Elyashiv, CEO of Carbyne for North America based in New York City. He gave a brief PowerPoint presentation. He stated that Carbyne was based in Israel with operations throughout the Middle East, South East Asia and Europe. He continued that they wanted to come to North America and was looking for an agency to do a pilot program. He stated that he was approached regarding the program and after review of the technology, he spoke with Mr. Rapson and told him that he felt it was exactly what the county needed. He stated that this was something that would be happening at 911 in the United States and throughout North America. He continued the presentation. He stated that the benefits included: a shorter call duration, live video, text and messaging. He stated that text to 911 was not new and that it could assist those with hearing impairments, those in domestic situations and with someone hiding from an attacker that did not want to be heard. They would be able to communicate with the 911 telecommunicator. He stated that this would give 911 location accuracy which they do not have currently. He stated that the benefit for the citizen was the live video. He stated that this would allow the 911 telecommunicator to prioritize the calls. He stated that the medical profile was another benefit to citizens. He stated that there was also a feature for notification of family and friends. This allowed citizens to list up to five individuals that would be notified when the person called 911. He stated that this would be helpful for the elderly that would like their sons or daughters notified when they dial 911. He stated that Carbyne was the only company in the world that was doing location accuracy with radio frequency (RF). He stated that everyone else was using GPS. He stated that Carbyne's accuracy was 3 meters, 98% of the time and no one else had come close to that. He stated that others were at 80% - 85% at 10 meters. He stated that this was vital to get responders on the scene and to the callers a lot quicker. He stated that Carbyne wanted to make Fayette County the model for this product. He stated that Carbyne was waiving a majority of the fees to get the product up and running because the county would be the first to implement it. He stated that the county was saving 50% in the first year and for year two through five, it was approximately a 33% yearly savings across the board. He stated that it would be funded with the 911 Fund, which came from the surcharge that citizens pay on their cell phone for 911. He stated that Carbyne had agreed to remain at the \$192,000 whether the county choose to do another five-year contract or go year-to-year. He stated that this was a partnership. He stated that there would be an educational piece for citizens because this was new technology.

Mr. Rapson asked Mr. Brown to talk about the call-taker credit. Mr. Brown stated that Carbyne was working on implementing a call handling solution. He stated that if that was the case, the county would transfer over at a savings of approximately \$65,000 for the current call handling that the county had. It was the back-room equipment that was pushed out to the current phone system at the 911 Center. He stated that the county would move over to Carbyne's equipment.

Mr. Rapson stated that the upfront capitalization equipment was not part of this equation. He stated that the amount was closer to \$225,000 that would be waived to implement. The original cost would be \$387,000, but the county would pay \$192,000. He stated that capitalization part that Finance would add was \$195,000 upfront. That equipment would stay and the discounted 33% would be an operational savings of about \$95,000 each year after year one.

Vice Chairman Ognio moved to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne. Commissioner Oddo seconded.

Mr. Rapson stated that the authority to develop a contract working with the county attorney needed to be added to the motion.

Vice Chairman Ognio amended the motion to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne and for staff to work with the county attorney to develop a contract. Commissioner Oddo amended the second.

Commissioner Rousseau stated that he was glad that was added. He stated that he was concerned about the advance of technology and how it was used. He stated that he would suggest to his colleagues that any agreement that the county had with people using data collection, that the county was not the pervaers, or that it would be sold to any third party for any other use. He stated that he would ask the Board to consider that. He stated that he would ask that all the county contracts that deal with third parties that collect data include that language.

Mr. Brown stated that in terms of the record management, it was the property of Fayette County and would always remain the property of Fayette County and would be stored in the Cloud by Carbyne, but it would remain the property of Fayette County.

Commissioner Brown stated that he shared some of those concerns. He stated that he also had concerns that the Board was voting without a contract.

Mr. Rapson stated that staff was trying to get Carbyne up to speed to implement it in as part of the budget beginning July 1, 2018. He stated that he wanted to get conceptual approval from the Board. He stated that staff could bring the contract back to the Board for final approval.

Vice Chairman Ognio made a second amendment to the motion to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne and for staff to work with the county attorney to develop a contract and to bring the contract back to the Board for final approval.

Commissioner Brown asked if there was something the citizens had to upload to use this component.

Mr. Elyashiv stated that Carbyne developed the technology and technic to convert any regular 911 or 311 calls into a Carbyne call. He stated that the "app" was not mandatory to deliver this data to the PSAP.

Commissioner Brown asked if he made a call, would the government have access to what was in his cell phone. Mr. Elyashiv stated that the process would go in a way that the citizens would have to provide the government with permission to access the camera and location and that process would be done either verbally or by pop-up message on the caller's phone. Commissioner Brown questioned that the county would not have the ability to just access someone's camera. Mr. Elyashiv stated no. Commissioner Brown asked what about accessing files in the phone. Mr. Elyashiv stated no. The county would need permission from the caller to access the camera in order to capture the video, as well as, the device based location to provide accurate location. Commissioner Brown asked if there was an override on the permissions. Mr. Elyashiv stated no. He stated that it was important to highlight that permissions and privacies was something that Carbyne was very careful with. Commissioner Browns stated that Europe had a higher standard as it related to data access. He asked if the European standard as opposed to the United States would be used. Mr. Elyashiv stated that Carbyne was an American company and they operate by the laws in the United States. Commissioner Brown asked what protections where in place to protect the sensitive data that would be stored in the Cloud. Mr. Elyashiv stated that Carbyne would provide the same solution that the United States government was using for Cloud services, which was "Amazon Go", a military grade security.

Vice Chairman Ognio stated that Mr. Elyashiv said something about texting and then about messaging. He stated that some of the states that have texting could only receive text and not reply. He stated that the county would be on the forefront of that because it would allow replying to text messages.

Mr. Elyashiv stated that he would like to highlight that the texting capability was a critical asset especially with the recent events of active shootings. He stated that there was no better way to communicate with the 911 telecommunicator than with texting during those events.

Vice Chairman Ognio stated that he visited 911 and witnessed a demonstration and it was awesome. He stated that it was very unique and informative and that the accuracy was unbelievable.

Mr. Elyashiv stated that Carbyne managed to cut response time by 60% in countries all over the world and he believed that would be the case in Fayette County and the United States.

Vice Chairman Ognio stated that prioritizing the call system would save a lot of time and lives.

Commissioner Rousseau stated that his question was in term of reduction of response time. He stated that since Carbyne had been monitoring the 911 Center since August, what did the data say that the County's reduction had been. Mr. Brown stated that the beta test was a stand-alone and was not connected or integrated with the county's current system. He stated that it was for demonstration purposes only. Commissioner Rousseau asked Information Technology Director Phil Frieder if this could be incorporated without any real challenges.

Mr. Frieder stated that if the Board voted on it, then staff could integrate it into the existing system. He stated that staff tried to ensure with any department, that the technology that would help them achieve their goals can be done efficiency and effectively. He stated that he had reviewed the technology and it can be integrated and supported. Commissioner Rousseau asked would we tie into Carbyne's system or would their system tie into the county's network and could Carbyne "mind" any of the other sensitive information that the county had, once "tapped" in. Mr. Frieder stated that the word "can you" was risky when talking security. He used the term "likely". He stated that staff could put measures in place so that it would be highly unlikely, but no person in his profession could say 100% as shown through the incident in the City of Atlanta.

Ingrid Moore-Barnes asked with the demographics in Fayette County, what would be the adoption rate of the citizens of this technology.

Mr. Elyashiv stated that the technology was basically seamless. He stated that it was at the control of the citizen to decide if to escalate the call to a Carbyne call or remain as a regular 911 call. He stated that it was there and if the citizens want to use it they could and if not, it will remain a regular 911 call.

Mr. Rapson stated that it would not be an automatic thing. He stated that the citizens would have the option and as soon as they disconnect (hang up) the line, they would be off the system. He stated that there would not be any residual data collection from the phone.

Vice Chairman Ognio stated that he understood that there would be some education that would take place about how to use the system. He stated that there would be an app and he asked would citizens have to pay for the app. Mr. Brown stated no. He continued that the app was free.

Vice Chairman Ognio made a second amendment to the motion to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne and for staff to work with the county attorney to develop a contract and to bring the contract back to the Board for final approval. Commissioner Oddo amended second. The motion passed 5-0.

The Board recessed at 8:47 p.m.

The Board reconvened at 8:58 p.m.

**16. Consideration of Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road.**

Commissioner Brown moved to move item #20 after #16. Commissioner Rousseau seconded. The motion passed 5-0.

Commissioner Brown stated that this was a consideration of Resolution 2018-07 to cease the widening project for McDonough Road. He stated that he included material on the dais for the Board. He continued that he was beset with anxiety related to this

project. He stated that he had watched one county after the next get into a grid locked traffic situation. He stated that one of the problems that caused the grid lock traffic situations was development patterns that brought in people and their automobiles. He stated that transit was not a good option. He stated that the geographic was so large that connecting light rail and heavy rail any further would cost more than the federal highway transportation budget. He continued that I-75 had been a constant problem for Metro-Atlanta and Georgia Department of Transportation (GDOT). He stated that it was constantly backed up. He stated that GDOT was a reactive body and they do not do anything proactively, probably because they do not have the funds. He stated that the main problem that Fayette County would have was what to do with future land uses and commuters from other counties cutting through Fayette County to get somewhere else. He stated that GDOT was already starting the phases to create a State Route 920. He continued that SR920 would originate at I-75 and it would take up McDonough Road. He stated that when I-75 backed up, that would probably be the way that the GPS would send the commuter. He continued with comments on the material provided in the agenda package. He stated that to protect the county's interest and to see what would happen he wanted to ask GDOT not to proceed with the widening and the creation of the capacity and speed enhancements in Fayette County. He stated that he would like to see if GDOT would use the East Fayetteville Bypass as a cut off for the McDonough Road widening. He stated that if the county would hold this back, then GDOT could always do it in future years.

Commissioner Brown moved to approve Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road. Chairman Maxwell seconded.

Chairman Maxwell stated that he could not vote for this at this time. He stated that staff was trying to schedule him to go to Thomaston to meet with Mr. Sam Wellborn from GDOT. He stated that after he met with GDOT he may be in a better position to vote in favor of this item.

Commissioner Rousseau stated that one of the concerns he had was the displacement of people's homes. He asked the Chairman to raise that concern on his behalf on the core issue that he had.

Commissioner Brown stated that it was important to note that the current plan would take out half of the Water System's parking lot, it would cripple the Public Works facility, it would make horrific access to McCurry Park and that the county would get no money from GDOT for compensation for these significant losses.

Vice Chairman Ognio stated that the Transportation Committee had also spoken to GDOT about only widening the section to the East Fayetteville Bypass and make the traffic go up the East Fayetteville Bypass. He stated that this project as far as GDOT was concerned had been "on the books" since 2006. He stated that scheduled construction was 2022. He continued that the revised concept report was not due until the Winter of 2018 and some in the Spring of 2019. He stated that Fayette County had requested outreach with local officials once the traffic studies were complete. The data collection was ongoing and GDOT would bring back suggested information. He stated that this should be handled through the Transportation Committee. He stated that the committee had built a relationship with GDOT. He stated that the county needed to keep the communication open so that it would not affect Fayette County in a negative way.

Commissioner Brown stated that it was a county road that they wanted to adopt. He stated that their documentation on the dais clearly stated that it was for increase speed and capacity and that it was the traffic from I-75.

Commissioner Brown amended the motion to table this item to the May 10 Board of Commissioners Meeting.

Commissioner Oddo stated that the Board was going around the Transportation Committee. He stated that the purpose of the Transportation Committee was to identify traffic problems, to provide recommendations, to provide input, to assist with identification of funding sources, to assemble information, to facilitate communication of the county's views and concerns to GDOT and Atlanta Regional Commission. He stated that the Board was bypassing the Transportation Committee again for the second time in six weeks. He stated that the committee was created specifically for these ideas and yet the motion was to table it and bring it back to the Board and the Transportation Committee had not had one word of input into this.

Commissioner Brown stated that the Transportation Committee would have time to review it by the May 10 meeting.

Commissioner Oddo stated that the Board created a committee of people and municipalities to look at items like this.

Commissioner Rousseau asked Vice Chairman Ognio if the Transportation Committee could add this to the next meeting. Vice Chairman Ognio stated that was not a problem and he would gladly add it.

Commissioner Brown amended the motion to table this item to the May 10 Board of Commissioners Meeting. The motion passed 5-0.

**17. Consideration of whether to object to the Tyrone annexation of property on Farr Road and Dogwood Trail, and the rezoning of said property from A-R (Agricultural-Residential) to R-20.**

Mr. Frisina stated that this was for an annexation request for 59.23 acres to be rezoned to R-20 and was located in the Town of Tyrone. He stated that it was a minimum one-acre lot size and that on the 59.23 acres, they were proposing 39 lots based on the concept plan from Tyrone. He stated that it was in an area that allowed for one unit per one acre and was surround on two sides by the Town of Tyrone. He stated that the land use plan was a low density residential, one unit per one acre. He continued that the current zoning in the area was A-R zoning. He stated that based on the density of the land use plan and that it was not more than what could be created in the county, staff did not see that it would create a material burden on the county's infrastructural that would require the county to pay additional fees to service this development and therefore, recommending that the county do not object.

Mr. Rapson stated that there were three conditions that Public Works outlined and one of them was that "the project should have no driveways on Dogwood Trail. All access to the properties should be from Farr Road." He continued that the plans provided showed the driveway off Farr Road, so it was consistent with the conditions and in addition, the dedication of the right-of-way was not an issue for Tyrone. He stated that the last condition was for an intergovernmental agreement. He stated that the corner piece was not part of the proposal. He stated that the way the maintenance for the roads worked was that whoever owned both sides of the road would be responsible for the road. He stated that staff had discussion with Tyrone about the fact that it made no sense for Tyrone to own everything except that corner so they were agreeable to maintain down to the intersection and staff would probably bring back an intergovernmental agreement.

Commissioner Brown moved not to object to the annexation request from Tyrone with the stipulation that they follow the three conditions from Public Works. Commissioner Rousseau seconded.

Winnie Anderson stated that her subdivision joins Farr Road. She stated that Farr Road was not a street designed for a lot of traffic. She stated that the county should not accommodate the traffic from all the subdivision in the area. She stated that she objected to the annexation because the road would not accommodate the traffic.

Commissioner Brown stated that it was noted that if it was built in the county then they could still build it in Tyrone, so there were no grounds to object.

Commissioner Rousseau assured Ms. Anderson that her concerns were received and although there was no easy fix, they were being heard.

Commissioner Brown moved not to object to the annexation request from Tyrone with the stipulation that they follow the three conditions from Public Works. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**18. Consideration of Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant.**

Mr. Frisina stated that Mrs. Ingrid Moore-Barnes, who would be the first to open a bed and breakfast in Fayette County, read the ordinance and had concerns. She questioned having to go back to the Board after paying "all this money" to get her property to code. He stated the ordinance was put together to address a problem from 2014. He stated that the ordinance was put in place and the problem went away and no one had dealt with the ordinance since. He stated that he was proposing to take out the annual approval by the Board because there was a revocation process that provided grounds for the revocation.

Commissioner Rousseau moved to approve Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant. Commissioner Brown seconded.

Commissioner Oddo stated that this was an example of where the Board could always go back and tweak an ordinance.

Commissioner Rousseau apologized for the trials that Mrs. Moore-Barnes had to go through, but congratulated her on her foresight, vision and service that would be provided to those who visit the county.

Commissioner Rousseau moved to approve Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant. Commissioner Brown seconded. The motion passed 4-1. Chairman Maxwell had to leave the meeting.

**19. Consideration of staff's recommendation to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections.**

Environmental Management Director Vanessa Birrell stated that this ordinance was one of the five model ordinances that the Metropolitan North Georgia Watershed Planning District had the county adopt in 2005. She stated that it had been tweaked a few times since 2005 and staff was "cleaning it up" and changing the name of the department. She stated that the State water was not in the model ordinance. She continued that EPD regulated any kind of discharge to state water, so it was redundant. She stated that this deals mainly with the municipal separate storm sewer system; MS4. This would allow staff to enforce facilities that potentially have discharge to the county's MS4.

Commissioner Brown moved to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**20. Consideration of the Water Committee's recommendation to consider the Private Water System Emergency**  
**A. Ordinance 2018-07**  
**B. Resolution 2018-06 and related Fee Schedule.**

Water System Director Lee Pope stated that this ordinance was before the Board to address an issue that was raised regarding private water systems that cannot provide water to the citizens. He stated that this ordinance was created to put a system in place when a private water system had no water available for citizens within their system. He stated that the ordinance set up a standard of how each system could be connected to the county's system to meet water demands for a short period of time. He stated that this was not an ordinance to address pressures, quality of water or any other issues. He stated that he had no jurisdiction or authority to tell a private water system owner how to operate their system. He stated that the ordinance was to specifically address emergencies only, when no water was available.

He continued that currently if a private water system was to get into a no water available situation, there was no methodology in place and no business method set up for them to know how to connect to the county's system. He stated that in that situation the state would come and force the county to put something in place. He stated that this was an effort to get ahead of that. He stated

that if citizens did not have water, the water system would try to put water in the system, just as they would with any of the neighboring counties and them for us. He stated that the intent was not to provide water for a long period of time. It was only for emergencies.

Mr. Rapson stated that this topic had been extremely debated over a period of time with the concerned homeowners, the homeowner associations and the people holding the private water system permits. In the document, staff identified how far they are to connect and they would have to pay the cost to take the pipe from where they are, up to where the county's pipes are located. He stated that this was only for a short period and there are additional fees associated with that.

Commissioner Brown stated that he gave credit to the homeowners' associations (HOA) because the county did not have a plan. He stated that this may be a model for the state to use for situation like this. He thanked the HOA's for their input.

Commissioner Rousseau stated that he appreciated the Water System and the Board adopting his suggestion to examine where the county stands.

Commissioner Rousseau moved to approve Water Committee's recommendation to consider the Private Water System Emergency Ordinance 2018-07 and Resolution 2018-06 and the related Fee Schedule. Commissioner Brown seconded.

Ms. Yvonne Smith stated that she understood that this was an emergency system and she noticed that it would cost residence at Newton Plantation about \$2,480.00 to connect. She stated that she was told that the private water system owner could pass the cost to the residence. She continued that since it was only for emergencies it was a quick fix and she was not interested in a quick fix. She stated that she would like to have Mr. Pope go with them to Environmental Protection Division (EPD) because EPD kept saying that the private owners are within code. She stated that she knew if the Board would give Mr. Pope the permission to go to EPD that this would be cleared up. She stated that she appreciated that Commissioner Rousseau fought so hard for this, but that it was quick fix, most like so many other things, from the highways and streets. She stated that they need the help and she believed that Mr. Pope could help. She stated that she would love for Commissioner Rousseau to "step out that box" and come with them to get the outdated system fixed.

Mr. Rapson stated that Mr. Pope had advocated as much as he could on a system that the county was not responsible for. He stated that staff would still offer to go to EPD with the citizens. Commissioner Brown stated that he would go with them as well.

Derek Bunch stated that he managed one of the private water systems that was discussed. He stated that he thought it was important to remember that these were public water systems that were no different than the City of Atlanta or Fayette County; they are ran by US EPA laws and rules and regulated by EPD. He stated that he would be disingenuous and say that "they" are in negotiations with Coweta County to sell a million gallons a day to the Coweta County residents at rates 20% to 30% lower than Fayette County system rates. He stated that when it came to providing water to one of the public water systems in Fayette County that provided water to Fayette County citizens, but privately owned or privately managed, the rates are three times higher and then charge thousands of dollars each time the meter was turned on. He stated that he did not see how the water system was different from hotel or apartments with master meters. He stated that there was a water main from Fayette County along the road. He asked why he couldn't just pay a "tap on" fee and purchase the water. He continued comments. He stated that he did not understand why the Water System was going out of the way to sell water to Coweta County at significantly lower rates than Fayette County citizens.

Josh Padgett stated that he was speaking on behalf of his father, Randy Padgett. He stated that he was not an employee of the Water System and had no monetary gain. He stated that he had concerns with the language of the ordinance because a lot of things were left up to interpretation. He stated that there was no clear delineation of how to "breathe" into the county system and what the arrangement would be after the fact. He continued comments. He stated that the emergency tap was here for the citizens and to help the business, but with three times the rate for 30 days to incorporate the system into Fayette County's and no clear written language on how that would be done. He stated that the language, "the fee would be set from time to time by the Board" was very vague and left room for interpretation. He stated that there was a timeline required and it basically stated that he would have to contact Mr. Pope. He asked would it be done within the hour since it was for an emergency. He stated that his



father already had a tap on Dixie-Lee-On Estates that was purchased from the county. He asked if that would have to be removed and replaced with the new back-flow and vault.

Commissioner Brown stated that it was a requirement. Mr. Pope stated that the vault was based on what size tap it was.

Commissioner Rousseau stated that the term "public" and "private" systems was being interchanged and there was a difference between them. He stated that he also wanted Mr. Davenport to address the enterprise fund and discuss who pays for the lines and the fact that it was optional. He stated that in the course of investigating this issue, staff discovered a lot of strange things that have no perimeters or guidelines.

Mr. Davenport stated that there were a number of issues to address. He stated that he would start with the public/private distinction. He stated that there are members of the public that are served by a private water system. He stated that the reason the ordinance was named "Emergency Water for Private Systems" was because of the ownership of the system, which was key. He stated that if the systems were owned by a public entity versus a private entity, the public entity would enjoy amenities that the private entity did not. He stated that the reason there was favorable treatment from municipality to municipality and county to county, etcetera was because they are both governmental entities and both enjoy amenities such that if something happened those bodies are immune to the liability. He stated that was not the case for private entities. He stated that if water was supplied to a private entity; for example, a line that breaks once the county provides water, the county would be subjected to potential liability for providing water to a private system. He stated that everything in the ordinance was about providing emergency water solely to private water systems owned by private entities and not public entities. He stated that the Fayette County Water System was under an Enterprise Fund. He stated that it was an enterprise fund because the people who enjoy the system, pay for the system. He stated that the Water System was not paid by the tax payers of Fayette County. He stated that the Water System was paid for by the water customers of the Fayette County Water System. He stated that in order to be a customer, you buy into the system when purchasing your home. For discussion he used \$2,500 as the typical meter charge for a single family residential home in Fayette County. As an example, he stated that if there was a 100-home subdivision with a private system, that would be 100 times \$2,500 of revenue that never made it to Fayette County. He stated that was why it was three times the rate charge. He stated that they did not pay to come onto the system like everyone else. He stated that he could appreciate that they are Fayette County residents, but the fact was that the county had no business providing water to those on a private system. He stated that the person that owned that system had a permit to provide water. He stated that he heard information about someone wanting to use this as a backup system. He stated that the county did not want to be a backup system. He stated that we are a water system serving our customer. He stated that providing backup would open up liability to the county and there was no reason to do that. He stated that until eight years ago when the meter was sold to Dixie-Lee-On, there was not a private meter sold to anyone on a private water system in the history of the Water System. He stated that the county did not do that and neither did most governments because of the relationship between public and private and the lack of immunity on the private side and liability exposure on the public side. He stated that the county's Water System was not here to provide water to the private water system, but to provide water to the rate payers in Fayette County. He explained that when a subdivision was built the developer puts a water system in the subdivision to the minimum standards of Fayette County and then conveys it to Fayette County free of charge, but it becomes part of the Water System, to the minimum standard and everyone that buys a home in the subdivision, pays the meter and tap fee and becomes vested in the system. He stated that the amounts are related to the cost of the system divided by the number of user for the system and what it was projected for. He stated that the county could not just start selling water to someone at a rate, when they didn't buy the tap and the meter and pay the \$2,500 charge because it would violate the bond covenance. He stated that the restrictions are listed in the ordinance for a reason and that reason was that the county was not in business to sell water to private water systems. He stated that the language was vague for a reason. He stated that where it states, "a fee would be charged from time to time" was because the resolution sets the fees and it also states that the fees would on file with the Fayette County Water System. He stated that if ever the Board wanted to change the fees, they could change the schedule on file with the water system. He expressed that was customary with all fee schedules, not just this one. He continued that state law was passed to prevent master meters to being used in multi-family situations. Because of the issue of what would happen if someone did not pay their water bill. He stated that you could not pay off the ones who paid their bill. He stated that it was to provide an emergency relief valve and not for more than 30 days. He stated that the county had to stay within parameters to ensure that we adequately protect the people who have bought into the system. He stated that before this there

was no relief valve. He stated that before this, if someone wanted to purchase water the response would be no. He stated that the ordinance was a template to work from because EPD would step in and say that we had to provide water in an emergency.

Mr. Rapson stated that the homeowner paid the cost for the pipes to place in the ground as part of the sale price for the home. He stated that staff looked at five systems of the twelve and the recommendation from the Engineer of Record was that all the pipes had to be replaced to be brought up to standard and that all were over \$1million. He continued that was a cost that the county did not want to take on. He stated that the county did not sell water to Coweta County in any capacity.

Vice Chairman Ognio stated that in a way this protects the private systems' interest because if there was a problem that caused a lengthy issue to provide water, EPD may say that the county had to take it over and they would lose their customers. He continued that it was an opt-in and not a mandatory situation. He stated that it may need tweaks, but it was a good start.

Commissioner Brown stated that the county was not in the water wholesale business. He stated that the private owners make a profit from selling water to homeowners in subdivisions. He stated that the county had no problem with that as long as the EPD standards are followed. He stated that the county would not subsidize the private owner's for-profit business because it was not the county's business.

Commissioner Oddo stated that he was on a well for 30 to 35 years and he chronically had low water pressure. He stated that was a choice that he made when he moved there. He stated that this was not a solution to the pressure issue, but a solution to supply emergency water when it was cut off. He stated that this was a wonderful step forward to provide water to the residence when needed.

Commissioner Rousseau moved to approve Water Committee's recommendation to consider the Private Water System Emergency Ordinance 2018-07 and Resolution 2018-06 and the related Fee Schedule. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell left the meeting.

**21. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location.**

Mr. Davenport stated that this was a tax refund request for PetSmart at two locations in Fayette County; Peachtree City and City of Fayetteville. PetSmart was advised via letter provided in the agenda package regarding the hearing. He continued that this was a situation where PetSmart tried to adjust the values for furniture and equipment in the Peachtree City location and the value for inventory and fixtures in the Fayetteville location. The refund request was for \$25.44 for Peachtree City and for Fayetteville, \$322.69. He stated that methodology was in place to allow tax payers to get a refund if there was an error of fact or illegality in the procedure caused by the tax assessor's office. He stated that in this instance, the requester was just trying to change the value and that was not what this was meant for. He stated that he recommended denial of the request.

Commissioner Rousseau moved to approve to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location. Commissioner Brown seconded. The motion passed 4-1. Chairman Maxwell left the meeting.

**PUBLIC COMMENT:**

Mr. Ted Kirk, a member of the Region Six Advisory Council. He gave an update to the Board regarding the 2017 three priorities for Region Six Advisory Council. These are priorities that the council was mandated to bring forth in 2016. He stated that one of the priorities included funding which also included some of the other agencies such as, McIntosh Trail Community Service Board. He continued that he met with the CEO of McIntosh Trail and one of the problems they faced was retention of clinicians which was a serious issue. He stated that because of the funding issues, they were losing clinicians to other organizations. The second priority was housing. He stated that the housing for the Intellectual Development Disability (IDD) population, needed to have monitored housing. He continued that the last priority was employment. He stated that this was dealing with how to deal with employment within the IDD population and substance abuse population. Those who are receiving treatment and needed a little

assistance to come back into the community. He stated that there was a need to speak with employers on how to amend some of the hiring practices and work practices to accommodate this population. He stated that this population was growing and if they could become viable tax payers it would increase the budget. He concluded his comments with mention of the Adelphi project. He stated that the Adelphi survey would give the information about "where we are today" and where do we want to go from here. He stated that he was not only appointed by the Board to the Region Six Advisory Council, but that he had recently been appointed to the State Leadership Board, which covered the entire state of Georgia.

The Board thanked Mr. Kirk for his service and for a job well done on the Region Six Advisory Council.

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

#### **Parks and Recreation Selection Committee**

Commissioner Rousseau moved to approve Chairman Maxwell and Commissioner Rousseau to the Parks and Recreation Selection Committee. Vice Chairman Ognio seconded. The motion passed 4-1. Chairman Maxwell left the meeting.

#### **McIntosh Trail Community Service Board**

Commissioner Brown moved to approve the appointment of Kathleen Brewer to the McIntosh Trail Community Service Board. Commissioner Oddo seconded. The motion passed 4-1. Chairman Maxwell left the meeting.

#### **Gold Award-Water System**

The county received notification that the county was eligible for two Gold Awards for the Water Treatment Plants.

#### **County of Distinction**

The county received notification from ACCG that Fayette County would be recognized as one of the six counties as "The County of Distinction" in the June issue of Georgia Trend magazine.

#### **Resurfacing project**

Georgia Department of Transportation was starting to work on the Highway 54 resurfacing project and would begin on the west end and east end. He stated that staff would post it to the website.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items involving pending litigation and the review of the Executive Session minutes March 8, 2018.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Oddo:**

##### **Community Safety Event**

Commissioner Oddo stated that there was an event called the Community Safety Event. It was primarily the City of Fayetteville, but they are looking to expand the event. He stated that it would take place at Fayetteville City Hall at 10:00 to 11:00 a.m. and the doors open at 9:30 a.m.

##### **ACCG Training**

He stated that he had the opportunity to attend some courses and Fayette County did a great job of being represented. He stated that it was probably one of the best things that the county did; to have staff and the Commissioners attend training. He stated that it helped.

#### **Commissioner Brown**

### **Traffic concerns**

Commissioner Brown stated that he was receiving more and more emails regarding traffic concerns. He stated that the county was one major development in the center of the county from watching the area explode. He stated that he would like to bring the jurisdictions together to agree on what type housing density and not do any more retail shopping centers.

### **Landscaping**

He stated that he received a call from several owners in the Oak Manor Business Park in Peachtree City. He stated that they were inquiring about landscaping related to a water project. He requested to have landscaping discussion added to the next Water System Committee agenda.

### **Water negotiations**

He stated that the one speaker was adamant that the county was in negotiations with Coweta County for water. He asked if there were any negotiations taking place.

Mr. Rapson stated that Coweta needed water and he was sure that they would reach out for assistance, but Fayette County was not in negotiations.

### **Commissioner Rousseau**

#### **Austin situation**

Commissioner Rousseau stated that he had family in Austin and that he was glad the Austin situation had resolved itself and it was unfortunate that the city had been terrorized that way for the last two weeks or so.

#### **Agenda items**

He stated that he would like to have the Board of Health be placed on an agenda to give an update on some of the things being worked on.

#### **Defined Benefit Plan**

He stated that he served as the statewide representative on the defined benefit plan board. He stated that Fayette County was positioned well in terms of investments. He stated that the county was yet again, held up as an example of good stewardship.

#### **Condolences**

He stated that he was lifting up the Public Safety Fire personnel of the lady that passed away at the neighboring county. He offered his condolences.

#### **Human Rights Museum**

He stated that he would be "protesting" at the Human Rights Museum.

### **Vice Chairman Ognio**

#### **His Aunt's passing**

Vice Chairman Ognio stated that he had learned during the meeting that his aunt had passed away. He stated that she had a stroke in her car in the driveway. He stated that he was thankful for everyday because you never know. He shared a funny story about his aunt and concluded that the memories would live on.

### **EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was two items of pending litigation and the review of the Executive Session minutes March 8, 2018.

**Two Items of Pending Litigation and review of the March 8, 2018 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

The Board recessed into Executive Session at 10:59 p.m. and returned to Official Session at 11:26 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**Approval of the March 8, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the March 8, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the March 22, 2018 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell had to leave the meeting.

The March 22, 2018 Board of Commissioners meeting adjourned at 11:27 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

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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 12<sup>th</sup> day of April 2018. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk