

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

ACTION AGENDA

May 10, 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

Chairman Eric Maxwell called the May 10, 2018 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the board was present.

Invocation and Pledge of Allegiance by Vice Chairman Randy Ognio

Vice Chairman Randy Ognio offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

- 1. Proclamation recognizing the 25th Anniversary of the Atlanta Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated.**
Commissioner Charles D. Rousseau, on behalf of the Board, recognized the 25th Anniversary of the Atlanta Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated. Congratulating them on "25 years of service excellence" acknowledging the chapter's longstanding tradition of making a difference in the communities they serve.
- 2. Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.**
Commissioner Charles Oddo on behalf of the Board, recognized April as "National Alcohol Awareness Month" in Fayette County, calling upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in Fayette County to support efforts that will provide early education about alcoholism and addiction and increase support for individuals and families coping with alcoholism.
- 3. Proclamation recognizing Relay for Life in Fayette County.**
Vice-Chairman, on behalf of the Board, recognized May 11, 2018 as, "RELAY FOR LIFE DAY" in Fayette County and encourage citizens to let their passion inspire them to take the Relay For Life message to more people and help raise funds to lead the fight against cancer by participating in the Relay For Life event at McCurry Park on May 11, 2018.

4. **Proclamation recognizing May 11, 2018 as Sig Hall Day, for winning the "Best Friend" Volunteer Award from the State Library – Friends of Georgia Libraries.**

Chairman Eric Maxwell, on behalf of the Board, recognized May 11, 2018 as Sig Hall Day, for winning the "Best Friend" Volunteer Award from the State Library – Friends of Georgia Libraries.

Gina Martin on behalf of Library Director Christine Snell and library staff acknowledged Sig Hall for his dedication and hard work in helping make Fayette County "good" Library a "great" Library.

5. **Recognition of the Fire & Emergency Services Citizen Fire Academy graduates on the successful completion of the 10-week Citizen Fire Academy and presentation of certificates to the graduates.**

Fire Chief Tom Bartlett recognized the Fire & Emergency Services Citizen Fire Academy graduates on the successful completion of the 10-week Citizen Fire Academy.

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property.

6. **Consideration of staff's recommendation to approve a new 2018 Retail Alcohol, Beer and Wine License for Mohammad M. Ahsan, doing business as Coleman's Grocery at 1467 Highway 92N, Fayetteville, Georgia 30214.**

Commissioner Brown moved to approve a new 2018 Retail Alcohol, Beer and Wine License for Mohammad M. Ahsan, doing business as Coleman's Grocery at 1467 Highway 92N, Fayetteville, Georgia 30214. Commissioner Charles Rousseau seconded. Motion passed 5-0.

Chairman Maxwell recused himself from discussion and vote of items #7 and #8 and left the Public Meeting Room until conversation was completed.

Mr. Frisina Community Development Director briefed the Board on circumstances surrounding the following two Petitions, stemming from a previous Petition in 2016.

7. **Consideration of Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.**

Citizens spoke in favor and against the proposed Petition.

Steven Jones representative for Regina D. Godby, Owner and Rod Wright, Agent spoke on behalf of his clients and their desire to have the Petition approved.

Commissioner Oddo moved to approve Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road with designated conditions. Commissioner Rousseau seconded. The motion failed 2-2, with Vice-Chairman Ognio and Commissioner Brown voting in opposition.

Commissioner Brown moved to deny Petition No. 1259-16A, Regina D. Godby, Owner and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road with designated

conditions. Vice Chairman Ognio seconded. The motion failed 2-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

County Attorney Dennis Davenport advised the Board that as a result of the 2-2 voting, although not a majority; it is *not* an affirmative vote, and therefore, the current property zoning would remain in place.

8. **Consideration of Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road.**

Citizens spoke in favor and against the proposed Petition.

Steven Jones representative for Regina D. Godby, Owner and Rod Wright, Agent spoke on behalf of his clients and their desire to have the Petition approved.

Commissioner Brown moved to deny Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Vice Chairman Ognio seconded. The motion failed 2-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

Commissioner Oddo moved to approve Petition No. 1259-16B, Shelly M. Godby, Owner and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Commissioner Rousseau seconded. The motion failed 2-2, with Vice- Chairman Ognio and Commissioner Brown voting in opposition.

County Attorney Dennis Davenport advised the Board that as a result of the 2-2 voting, although not a majority; it is not an affirmative vote, and therefore, the current property zoning would remain in place.

Chairman Maxwell returned to the Board of Commissioner Meeting.

CONSENT AGENDA:

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

9. Approval of staff's request to accept a FEMA/GEMA Hazard Mitigation Grant for the purchase of a replacement emergency back-up power generator for Fire Station No. 6 located at 903 Highway 85 Connector, in the amount of \$32,000 with the match amount of \$4,800 to be funded from the Fire Contingency account.
10. Approval of staff's recommendations to increase the number of Road Department seasonal workers from 6 to 8 part-time workers and increase the hourly rate from \$11.90 to \$13.80 per hour.
11. Approval of the April 18, 2018 Board of Commissioners Retreat Minutes.
12. Approval of the April 19, 2018 Board of Commissioners Retreat Minutes.

13. Approval of the April 20, 2018 Board of Commissioners Retreat Minutes.

OLD BUSINESS:

14. Consideration of Commissioner Steve Brown's request for approval of Resolution 2018-07 concerning the road widening project for McDonough Road. This item was tabled at the March 22, 2018 Board of Commissioners meeting.

Commissioner Brown expressed his growing concerns, fears and frustration regarding the widening project for McDonough Road.

Commissioner Brown moved to table Resolution 2018-07 until the June 14, 2018 Board of Commissioners Meeting. Vice Chairman Ognio seconded. The motion passed 5-0

Chairman Maxwell recessed the May 10, 2018 Board of Commissioners Meeting at 9:00.

Chairman Maxwell reconvened the May 10, 2018 Board of Commissioners Meeting at 9:11.

NEW BUSINESS:

15. Discuss County Administrator's usage of county vehicles, his accident in a county vehicle, his non-disclosure of the accident to the full Board of Commissioners, the actions taken following the accident without a vote of the Board of Commissioners.

Commissioner Brown read the following statement:

I was approached months ago by a government employee regarding Steve Rapson wrecking his county vehicle back in 2016. What he told me was disturbing. I then went and met with Public Works Director Phil Mallon and Bill Lackey who oversaw fleet maintenance at the time of the accident. Following that meeting, I met with Human Resources Director Lewis Patterson. Both meetings confirmed the upsetting information I had received previously.

For the record, let me note that this series of events pre-dates Chairman Maxwell's time in office, but this should not prevent him from taking the necessary corrective actions to restore honest, accountable government.

First, Rapson refused to fill out the appropriate paperwork on the accident, Safety Form-7. This form asks for a recounting of the accident and a copy of the form was supposed to be given to and reviewed by the "driver's supervisor," in this case it would be the Board of Commissioners.

Rapson refused to go before the county government's safety committee, made up of employees from different departments who use a set of metrics to review the accident and determine the appropriate penalty for the offense according to the county's Employee Safety and Loss Control Manual. He sent a memorandum dated March 3, 2016 to the Vehicle Accident Review Committee stating that he would not go before the committee and that he is not accountable to the county policies. Note that Mr.

Rapson failed to copy the Board of Commissioners on his correspondence. Also note, that Bill Lackey failed to notify the employee's supervisor, Board of Commissioners, of the accident and the lack of responsiveness from Rapson.

At a Special Called Meeting on January 31, 2018, County Administrator Rapson stated that he always followed the county's policies and procedures. Obviously, that claim was blatantly false.

In an almost delusional attitude, Rapson imposed his own modest penalty against himself (deducting four personal days) in some sort of weak gesture of justice for rendering himself unaccountable to the system and his superiors. This self-policing and insubordination is unbecoming for any person placed in a high public position of authority.

I was told a Sheriff's vehicle of the same make was stripped of parts to repair Rapson's vehicle and county fleet maintenance staff were told to play the role of body shop and make the repairs. Thus, there is little or no paper trail on the accident, no accident review form, no purchase of parts and no labor bills. The Sheriff's vehicle which would have been sold at auction for its parts had lost most of its value, not to mention the value of the fleet maintenance staff time.

Following the effort to keep all these details out of the hands of the full Board of Commissioners, Bill Lackey, the person responsible for compliance and the one who orchestrated the vehicle repairs, got a promotion, increase in salary and a county take-home vehicle.

Every party I spoke to acknowledged that then-Chairman Charles Oddo was fully aware of the entire situation. One person stated that Vice Chairman Ognio also knew all the details. No other commissioners were let in on the details of the accident and what followed. If the statements are accurate, two commissioners voted in favor of Rapson's 2017 pay raise, knowing the expenses incurred for the accident and the lack of accountability following the accident.

I also found out recently that it is illegal for Rapson to have blue law enforcement-type lights in his vehicle for his use. Commissioners were originally told by Rapson in 2013 that there was no problem with his vehicle having these lights.

This Board of Commissioners must begin acting in an honest manner worthy of the citizens who elected us. It is time to end obstructing open and honest government and to start demanding serious accountability. Let's take the actions necessary to restore government that the citizens can be proud of for years to come.

Commissioner Brown motioned to have the County Administrator be subject to all county government policies and procedures pertaining to County vehicles and Employee Safety and Loss Control Manual and his contract amended in like manner or else forfeit all use of county vehicles. Motion died due to lack of second.

Commissioner Brown motioned to have the Board of Commissioners enter into renegotiation of the County Administrator contract so that the employee be subject to all county government policies and procedures pertaining to County vehicles and Employee Safety and Loss Control Manual regulations pertaining to County vehicles, or else forfeit all use of county vehicles.

Commissioner Rousseau asked County Attorney Dennis Davenport that as of the January 31, 2018 Special Called Board of Commissioner Meeting that hadn't all-county government policies and procedures been added to the County Administrators contract.

County Attorney Dennis Davenport confirmed that Mr. Rapson at the January 31, 2018 Special Called Board of Commissioner Meeting did voluntarily submit himself subject to all-county government policies and procedures.

Commissioner Rousseau cautioned the Board on unforeseen consequences and results of making "knee jerk" decisions, and warned of future unintended affects this could cause.

Commissioner Brown withdrew his motion to have the Board of Commissioners enter into renegotiation of the County Administrator contract so that the employee be subject to all county government policies and procedures pertaining to County vehicles and Employee Safety and Loss Control Manual regulations pertaining to County vehicles, or else forfeit all use of county vehicles.

Commissioner Brown motioned to have Blue lights removed from any vehicle being operated for a non-law enforcement and/or by a non-post certified user in accordance with State law. Commissioner Rousseau seconded. The motion failed 1-3-1.

Discussion followed.

The Board requested that Dennis Davenport provide the Board of Commissioners an overview of what the law says regarding "Blue Light" requirements and qualifications.

PUBLIC COMMENT: One citizen made Public Comments.

ADMINISTRATOR'S REPORTS:

County Administrator briefly commented on allegation regarding his accident in his county vehicle.

Mr. Rapson reminded the Board to please provide questions, concerns, and thoughts for the Development of Regional Impact.

We received our new fire engine today and its currently being outfitted at the Public Works office.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had 6 items: one item involving Threaten Litigation, one item of Pending Litigation, two items of Real Estate and the Review of the April 24, 2018 and May 7, 2018 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioners Rousseau, Vice Chairman Ognio, Commissioner Brown and Commissioner Oddo and Chairman Maxwell made comments.

EXECUTIVE SESSION:

One Item of Pending Litigation, one Item of Threaten Litigation, two items of real Estate and Review of the April 24, 2018 and the May 7, 2018 Executive Session Minutes: Commissioner Brown moved to go into Executive Session Chairman Maxwell seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:23 p.m. and returned to Official Session at 11:02 p.m.

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

Approval of the April 24, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the April 24, 2018 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

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

Approval of the May 7, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the May 7, 2018 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the May 10, 2018 Board of Commissioners meeting. Vice-Chairman seconded the motion. The motion passed 5-0.

The May 10, 2018 Board of Commissioners meeting adjourned at 11:03 p.m.

Marlena M. Edwards, Deputy County Clerk