

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

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 Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to approve the agenda as written. Vice Chairman Ognio 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 Rousseau, on behalf of the Board, presented the Atlanta Suburban Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated a proclamation for 25 years of service to Fayette County and the suburban areas of the metro Atlanta region. The president of the organization accepted the proclamation, offered thanks and extended a hand to aid and support Fayette County.

2. **Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.**

Commissioner Charles Oddo, on behalf of the Board, read a proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.

3. **Proclamation recognizing Relay for Life in Fayette County.**

Vice Chairman Ognio, on behalf of the Board, presented representatives for Relay for Life a proclamation recognizing Relay for Life in Fayette County. A representative for Relay for Life encouraged citizens to come out to the event on May 11, 2018. She stated that Fayette County had raised over \$6 million in the 22 years that Relay for Life had been in the county.

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 Maxwell, on behalf of the Board, presented Sig Hall with a proclamation recognizing May 11, 2018 as Sig Hall Day. Fayette County Librarian Gina Martin presented Mr. Hall with a small token of appreciation, on behalf of Library Director Chris Snell and the Fayette County Library. Mr. Hall encouraged everyone to come out to the next book sale on May 19.

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 David Scarbrough and Deputy Fire Chief Tom Bartlett presented the graduates of the Citizen Fire Academy with certificates. He encouraged others to attend the Fall 2018 class or the Spring 2019 class. Those presented were Jordan Bergen, Matt Bergen, Joe Domaleski, Mary Catherine Domaleski, John Greene, Jim Hamrick, Veronica Jarmon, Patricia King and Reverend Frank Mercer.

PUBLIC HEARING:

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.

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record. He continued that this request came from the Code Enforcement Department and that Mr. Ahsan had met all the requirements and was in good standing.

No spoke in favor or opposition of this petition.

Commissioner Brown moved to approve 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 Rousseau seconded. The motion passed 5-0.

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.

Chairman Maxwell stated that the next two items involved Rod Wright. He stated that he had recused himself in the past from items concerning Mr. Wright. He and Mr. Wright are friends and he relied on Mr. Wright in matters dealing with a property he owned in Coweta County, therefore he was recusing himself from these items as well. Chairman Maxwell left the meeting chambers.

Vice Chairman Ognio continued the meeting.

Mr. Frisina read both agenda items #7 and #8 and noted that they are separate agenda items that were separately advertised. He stated that the petitions were originally heard by the Board on July 2016 and due to a court order the petitions had to be reheard because of a procedural errors. He stated that there were two conditions that related to the dedication of right-of-way on Ebenezer Road and dedication of right-of-way on Davis Road; quit claim deed for 50 feet from the centerline from Ebenezer Road and 40 feet from the centerline from Davis Road. He stated that the Planning Commission and staff recommended approval with the two conditions.

Attorney Steven Jones of Galloway and Lyndall, represented the petitioners. He stated that Rod Wright was the sole developer under both applications; Rod Wright Corp. He stated that Mr. Wright was the contract purchaser of the subject properties, Shelly Dupree (Godby) was the property owner of the five-acre tract and Dana (last name inaudible), representing the estate of Regina Godby. He stated that he was there to discuss with the Board making a "consistent" decision based on Mr. Frisina's recommendation for approval with two conditions. He stated that Mr. Frisina analyzed the exclusive rezoning factors in the Fayette County ordinance and he found that each factor weighed in favor of approval. He continued that the Planning Commission also unanimously recommended approval. He stated that the larger tract was 33.995 acres formerly owned by Regina Godby, who had passed away, and was now owned by the estate of Regina Godby. He stated that at the time that the applications were initiated, Ms. Godby was alive; she passed away during the appeal. He stated that Shelly owned five acres and

with the larger tract it totaled 38.995 acres. Shelly hoped to dispose of the property, as was her mother's wishes. He stated that Mr. Wright had been a developer in the county since 1997 and had developed many quality subdivisions in Fayette County, including two subdivisions in the subject area. He pointed out the area to the Board. He stated that the subject area was the one and third mile stretch of Ebenezer Road from Davis Road to the highway. He stated that the subject area had a number of R-70 developments. He stated that on May 31, 2016, when the applications were filed, the Fayette County future land use map (FLUM) designated the subject area as "right for low density residential", which was one to two acre lots. He stated that it had done so since 1985. He stated that the future land use map, as it existed at the time of the applications, still applied to this analysis and vote on the applications. He stated that the FLUM had since been amended, but the petitioners stood in the same place as May 31, 2016. He stated that on May 12, 2016, Petition No. 1253-16; Ebenezer Estates, the Board rezoned that petition to R-70. The applicant requested R-50 and the Board expressed its policy and preference for R-70 zoning and rezoned it to R-70. He stated that on July 28, 2016, the Board denied these two rezoning applications. He stated that there was a procedural error and so the petition was back before the Board. He stated that the applications were consistent with the FLUM, as it existed at the time. He stated that there were four factors; (1) was the proposal in conformity with the land use plan, (2) would the rezoning proposal adversely affect the existing use or usability of the adjacent and nearby property, (3) would the zoning proposal result in the use that will or could cause excessive or burdensome use of existing or planned streets, utilities or schools and (4) whether there were other existing or changing conditions effecting the use and development of the property which gave supporting grounds for either approval or disapproval for the zoning proposal. He stated that staff concluded that existing conditions in the areas continuing development was single-family residential district and it supported the petition.

Ross Fralick spoke in favor. He stated that Regina Godby was his mother-in-law and she wanted to sale the property because there was a need to do that. He stated that he did not understand why there was property before this petition and property after this petition that was rezoned and this one was not. He stated that this was the time to make it right.

Jack Smith stated that there should be a compelling reason to rezone to A-R. He stated that he recommended three changes to the zonings to the Board. He stated that in his humble opinion, in this part of the county, septic should require a two-acre minimum and a well should require a five-acre minimum. He stated that he recommended deleting all zoning that could result in one-acre parcels, like the TTST debacle. He stated that the developer was meeting the master plan and established a two-acre minimum requirement and if the Board was set on changing A-R, then this petition should be approved to re-establish that this part of the county was not going to one-acre homes.

Doug Powell stated that he was seeing a higher density creep into the county on the southside and he was opposed to that. He stated that he served on the Planning Commission in Fayette County for 14 years and he would not approve this petition.

Diane Barlow stated that she relocated to Fayette County from New Jersey and the reason she bought a home on Davis Road was because of the low density. She stated that it was a dirt road on Davis Road and a creek on that road, so what would happen with traffic on the dirt road.

Jere Key stated that he was concerned about the continual creep of smaller and smaller lot sizes on what had historically been A-R zonings. He stated that this was agricultural and one/two lot sizes was not appropriate for this piece of property.

Sylvia Nolde stated that her heart went out to the family. She stated that she implored the Board to rethink the size of the lots. She stated that the county should remain somewhat rural. She stated that it drew families and gave citizens the quality of life that would not come with high density. She stated that paving Davis Road would be burdensome to the residents on Davis Road and to the county.

Mark Shin (sp?) stated that he had a question. He asked where to draw the line; if the Board allowed one to two acres what would come next.

Mr. Jones gave a rebuttal to some of the comments made. He stated that this petition deserved to be heard under the future land use map that exist at the time of the request. He stated that if approved, it would be the last application before the Board, in that area, that would be consistent because of the current future land use map. He stated that this development would not touch Davis Road. He asked those who were in favor of the petition, but did not speak, to raise their hand. A majority of the audience raised their hand.

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. Commissioner Rousseau seconded.

Commissioner Oddo stated that there was a land plan in place because the county expected to grow and the county wanted to manage the growth. He stated that when there was a land plan in place, the Board could not expect to not go by the plan when someone made a request. He stated that the petitioners wanted R-50 and the Board wanted R-70 and so the petitioner went to R-70 and the Board still said no. He stated that did not make sense to him. He stated that the purpose behind the land use plan was so that the county did not have over population in unincorporated Fayette County. He continued that the plan was revised and made a lower density, which was after this petition was heard. He stated that it seemed to be a reasonable rezoning for this property. He stated that he was hard-pressed to change his vote from the last time.

Commissioner Brown stated that he appreciated what the family was going through. He stated that he had to take a technical look at this petition. He stated that the Board had consistently taken direct action to make significant changes to the land use plan and preserve some of the transportation corridors. He stated that he had to pay attention to the assets that citizens appreciated in Fayette County and how to preserve those assets in perpetuity. He stated that the way things were heading the county was headed down the path as other counties. He stated that his comments regarding this property are recorded in the previous minutes and he would let that stand. He stated that the new version of the land use plan was the direction that the county needed to head in. He continued that the Board decided to specifically preserve that corridor and lighten the density in an effort to avoid doing modifications. He stated that he stuck to that.

Commissioner Oddo stated that this petition did conform to the land use plan that was put into place with the public's input, that was in effect at that time. He stated that Commissioner Brown was not present at the meeting in 2016 where the Board voted to zone the requested R-50 to R-70. He stated that Commissioner Brown asked him to read a statement for the record and at the time he said that he concurred with the majority opinion from the Planning Commission, that R-70 was the appropriate zoning. He stated that nothing had changed since then and if it was the proper zoning for that property it would be the proper zoning for this property.

Commissioner Brown stated that during the previous petition the Board was not heavily engaged in the land use plan and had not received the bulk of the comments from the citizens related to land use and it was the only option in that instance.

Vice Chairman Ognio stated that his concern was that he knew what the land use plan was at the time. He stated that regardless of what the land use plan was, when building out, the next person in the next lot over would say that the Board approved it for one person even though the land planning said something different. He stated that it would become hard to control that. He stated that the other properties were closer to Highway 54 and would make traffic a little better. He mentioned the intersections that were not favorable for sight distance. He stated that there were a lot of citizens that came to the previous meeting to speak in opposition of this rezoning and he had to listen to that. He stated that there were a lot of citizens present in favor of the petition, but he did not know if they lived in the area.

County Attorney Dennis Davenport stated that he did not recall that Commissioner Oddo's motion included the two conditions.

Commissioner Oddo amended the motion 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 two conditions as stated. Commissioner Rousseau amended the second. The applicant stated that they agreed to the two conditions. The motion failed 2-2. Vice Chairman Ognio and Commissioner Brown voted in opposition. Chairman Maxwell recused himself.

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. Vice Chairman Ognio seconded. The motion failed 2-2. Commissioner Rousseau and Commissioner Oddo voted in opposition. Chairman Maxwell recused himself.

Mr. Davenport stated that the County was aware that there was a ruling by the judge that said that the 2-3 vote was not a denial. He stated that based on the makeup of the Board, that would not be changing in the foreseeable future, 2-2 on both votes was it. He stated that the Board's procedures required an affirmative three votes to pass anything. He stated that based on both motions and votes, it was his conclusion, that although there was not three votes majority to do anything, the status quo was not changed so the property would remain at the A-R zoning district.

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.

Mr. Jones stated that he heard the concern about the new future land use map (FLUM). He continued that the new FLUM could not legally apply to these applications. He stated that they had a definitive right to be heard and considered under the FLUM that existed at the time that the applications were filed. He continued that a 2-2 vote was not an affirmative to take any action. He stated that if the Board continued to stick with a 2-2 vote, then the Board was back in the same position as it was when the petition started, which was no action had been taken by the Board. He implored the Board, based on the court's direction and the future land use map that existed at the time that the applications were filed and based on the seven developments that exist in the subject area and the outpour of public support, that the Board take an affirmative action by an affirmative vote of at least three commissioners in a favor of a motion. He stated that he wanted to clarify that in order for the Board to take affirmative action, the Board must have three votes supporting a motion. He stated that three votes against a motion did not carry a motion because there was still actions the Board could take under the zoning ordinance.

No one spoke in favor or in opposition.

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.

Commissioner Oddo stated that the Board should consider the ramification of the vote. He stated that it would be the last item to come before the Board for a two-acre lot size in that area.

Commissioner Brown stated that he would agree with that until the land next door said that they had vested rights because it was approved for the land next to them.

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. Commissioner Oddo and Commissioner Rousseau voted in opposition. Chairman Maxwell recused himself.

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 with two conditions. Commissioner Rousseau seconded. The motion failed 2-2. Vice Chairman Ognio and Commissioner Brown voted in opposition. Chairman Maxwell recused himself.

Mr. Davenport stated that his conclusion was the same based on what happened with item #7, as with item #8 the status quo was not changed so the property would remain as A-R zoning.

Chairman Maxwell returned to the meeting chambers.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda as presented. 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 stated that there was a Georgia Department of Transportation (GDOT) project that went from I-75 to Highway 54; the eastern side of Fayetteville. He continued that GDOT was making a straight, high-speed, high-capacity urban highway from I-75 to Fayetteville. He stated that GDOT was doing this project to re-route traffic from the I-75 corridor. He stated that the unfortunate part was that the traffic would lead to downtown Fayetteville and there was no way to disperse the volume of traffic that would come. He stated that he had proposed a resolution and he was asking the Board to pass the resolution to send a message to GDOT that there was extreme concern about what would transpire in future years related to traffic congestion. He stated that the current design showed that the project would "cripple" the operations to the Public Works facility on McDonough Road, it would hamper the water system headquarters and severely hamper access to one of the largest recreational facilities in the county. He stated that it would cost the county a significant amount of money and the county would have to deal with the traffic. He stated that he would like to implore his colleagues that the Board get with GDOT and express the reservations about moving on with this project as currently planned.

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

David O'Keefe stated that he lived in Hampton, Georgia. He stated that he whole-heartedly agreed with Commissioner Brown and that the widening project was not needed. He stated that he lived off McDonough Road and worked in Fairburn and that he commuted through Fayetteville and this project would hinder traffic.

Doug Powe stated that he was in the eastern part of the county "quite a bit". He stated the traffic would stop in Fayetteville. He stated that he was behind Commissioner Brown.

Norm Nolde stated that anyone that tried to drive from Fayetteville to Newnan on Highway 54, that this would be a repeat. He stated that all the traffic would dump at the courthouse and no traffic circle could solve that problem.

Vice Chairman Ognio stated that as the Chairman of the Transportation Committee he had addressed this with GDOT. He stated that he did not realize that McDonough Road had become a state route in 1994. He stated that one reason he did not realize that was because the county maintained the road. He stated that in 1994 the Board voted to maintain the road until it was widened and so did Clayton and Henry County. He stated that GDOT thought there was approval to widen it from the 1994 vote. He stated that the issue was that the GDOT planned for it and the county would probably not be able to totally stop it, but the county had been in talks regarding crippling the parks and Public Works. He stated that he worried that passing the resolution would end the talks and then GDOT would do whatever they wanted to do. He stated that GDOT was looking harder at the parks and the Public Works facility. He stated that GDOT had proposed dates in June to meet with the Board to discuss the project. He felt it was premature to vote on the resolution before hearing what GDOT would have to say.

Commissioner Rousseau stated that the resolution did not outline what the Board was trying to accomplish. He stated that one of them was looking at mitigation factors to minimize the negative impact to the parks and the Public Works department. He stated that the resolution called for the Board to withdraw completely. He stated that he could support the resolution if the Board was asking GDOT to sit and meet with the Board members and make some overtures and secondly to hear the Board's concern with respect to the negative impact on operations at that corridor. He stated that he was interested to learn that in 1994 [the county agreed to maintain McDonough Road]...he asked Mr. Davenport if he was familiar with a clause in the contract that said if it was not done in a certain amount of time that GDOT would owe the county some money. Mr. Davenport stated that he was not aware of the contract and that he could look into it. He stated that if there was anticipation to widen the road, 24 years ago, and the county had maintained the road for that amount of time, that there was a reasonable expectation that GDOT would have acted within the 24 years. He stated that he could support a resolution to have GDOT enter into good faith discussions about minimizing the negative impact to the operational centers on McDonough Road. He asked Commissioner Brown if he would be amenable to an amendment to the motion to include that.

Commissioner Brown stated that he had no problem making the point that currently, any facility changes would end up coming out of the county's finances. He stated that the other point to stress was for GDOT to explain where the traffic would go from Highway 54. He stated that GDOT was really rolling through this project. He stated that he was willing to look at amendments to the "whereas" clauses.

Vice Chairman Ognio stated that there were some changes being made at GDOT. He showed the GDOT webpage that showed "Congressional District 3" vacant. He continued that Sam Wellborn resigned. He stated that he did not know where that put the county. He stated that the open position may affect the county's district. He stated that Lynn Westmoreland applied for that position. He stated that change may help the county in the negotiations, but he did not know. He stated that he wanted to make sure that there was conversation with those involved. He stated that he did not want to cut off the conversation. He stated that he felt that GDOT was willing to have conversations.

Commissioner Brown stated that he was not saying that anything that the Board was saying was wrong or not thoughtful or meaningful. He stated that he had a long working relationship with GDOT. He stated that he was trying to get the Board to say

that the county needed to get something done on this project. He stated that GDOT was moving forward and the county really needed to have GDOT explain the traffic concerns.

Commissioner Rousseau requested the following amendment to one of the whereas clauses of the resolution, "enter into good faith discussions to mitigate the anticipated negative impact on Fayette County public facilities and to discuss how to disperse the traffic off Highway 54."

Vice Chairman Ognio stated that he would also add for GDOT to consider the impact of traffic to the center of Fayetteville.

Mr. Davenport stated that he would not say that this was a document with no binding authority because it was an official action by the Board of Commissioners. He stated that it was binding to the Board because it was what the Board wanted GDOT to do. He stated that it was a resolution and not a proclamation.

Commissioner Oddo asked if staff had an opportunity to look at the resolution. Mr. Rapson stated that staff had read the resolution, but this was not a staff developed resolution with legal review. Commissioner Oddo stated that was a problem for him. He stated that the county had introduced the widening plan in 1994 which meant it had been discussed long before that in the community. He stated that Highway 54 had been on the books longer than that and Highway 85 even longer. He continued that it was not unusual for something to take this long. He stated that the current resolution was opinions. He stated that the county had more communication in the last three years and now a Transportation Committee, who had not seen the resolution to weigh in on it. He stated that as Board Chairman he met with GDOT and GDOT sent a letter stating that they looked forward to continued coordination and cooperation from Fayette County involving this proposed project and others including the East Fayetteville Bypass project. He stated that he did not want to rework this resolution because he was frustrated that staff was not involved. He stated that he talked to just as many people who would like to see the road widen. He stated that GDOT had said that they would work with the county and to put a resolution out that no one had looked at...he found it very disheartening.

Chairman Maxwell stated that his concern was how to say it. He stated that he and Vice Chairman Ognio met with Sam Wellborn and Michael Presley. He stated that he would like to work with whoever the new person would be to replace Sam Wellborn and that he would not want to scare that person off from having conversations by sending a resolution that had words that he was not quite comfortable with. He stated that Mr. Wellborn was one of the longest serving in that position. He stated that he had the same concerns as Commissioner Oddo. He stated that he thanked GDOT for the work that was being done. He stated that the county had significant infrastructure on McDonough Road with the Public Works, Water System, Building and Grounds, Parks, 911 and future Fire Station. He stated that there was already some interest in development across Highway 54. He stated that he had a letter from GDOT to identify low income and minority neighborhoods. He stated that he did not know how to answer that letter. He stated that he was not sure what that meant because Fayette County was not low income in the traditional way that he thought about it and not on McDonough Road. He asked Public Works Director Phil Mallon how close GDOT was with the project.

Mr. Mallon stated that it was probably closer to two years. He stated that it was a good opportunity because of the delays. He stated that it was to the county's benefit that there were delays. He stated that the meeting that was requested was the perfect opportunity to express the concerns. He stated that late 2018 or early 2019 there would be a new concept report and at that point, once approved, things would start getting locked in.

After further discussion, Commissioner Rousseau withdrew the second, the original motion died for lack of a second. Commissioner Brown moved to remand Resolution 2018-07 requesting that Georgia Department of Transportation cease the road widening project for McDonough Road to the next Transportation Committee meeting to have the language reviewed and have it brought back to the June 14, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded.

Vice Chairman Ognio stated that he would get with Mr. Davenport before the Transportation Committee to come up with wording for the resolution. Mr. Davenport agreed.

Commissioner Brown moved to remand Resolution 2018-07 requesting that Georgia Department of Transportation cease the road widening project for McDonough Road to the next Transportation Committee meeting to have the language reviewed and have it brought back to the June 14, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed at 9:00 p.m.

The Board reconvened at 9:11 p.m.

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 into the record:

"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 the 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

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.

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 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 moved that the County Administrator be fully subject to all county government policies and procedures pertaining to county vehicles and the Employee Safety and Loss Control Manual regulations pertaining to county vehicles and his contract amended, in like manner, or else forfeit all use of county vehicles.

Chairman Maxwell asked if it was a proper motion. Mr. Davenport stated in his opinion it was not a proper motion because Mr. Rapson was the County Administrator based upon the Board negotiating with Mr. Rapson a written contract which describes all his rights and responsibilities, which were agreed to by the Board and Mr. Rapson. He stated that a unilateral attempt to amend the contract should have no force in effect. He stated that if the Board wanted to renegotiate the contract with Mr. Rapson and he was willing to renegotiate that was fine, otherwise there was a contract with a term that the Board had to honor and this unilateral amendment would have no effect.

The motion died for lack of a second.

Commissioner Brown moved to have the Board of Commissioners enter into renegotiating the County Administrator's contract so that he would be fully subject to all county government policies and procedures pertaining to county vehicles Employee Safety and Loss Control Manual regulations pertaining to county vehicles and his contract amended, in like manner, or else forfeit all use of county vehicles.

Commissioner Rousseau called a point of order. He stated that a few months ago the Board and the County Administrator agreed that they would be governed by the county policies. He asked what impact did that have on a motion of this nature.

Mr. Davenport stated that this motion was the same motion as the first motion with different words. He stated that on January 31, 2018, Mr. Rapson, under no requirement, volunteered to subject himself to all county's policies and procedures in the policy and procedures manual. He stated that in affect, his contract was amended that night by his acceptance on January 31, 2018. He stated that therefore, per Mr. Rapson and the Board, the policy and procedures manual was part of his contract. He stated that the contract was a written contract and the vote from January 31 was an official vote and Ms. Tameca White (County Clerk), had probably added the minutes to his contract file and if not, this was a good opportunity to do so because it was part of his contract.

Commissioner Rousseau stated that his verbal commitment was to alter his contract and live by the terms and conditions of the county policy manual. The contract was already amended. Mr. Davenport stated that was correct.

Commissioner Brown stated that people could not drive around in tax payer owned vehicles without any accountability. He stated that the Board needed to be sure that there was coverage on those driving county vehicles, otherwise they do not drive a county vehicle.

Mr. Davenport stated that the caveat was that, he did not know what was in the policy and procedure manual. He stated that presuming this topic was in the policy and procedure manual, then Mr. Rapson would be covered by this policy and procedure.

Commissioner Rousseau stated which would be the Safety Form 7 and the review safety committee. He stated that the Board needed to see if the new amendment that Mr. Rapson agreed to, addressed Commissioner Brown's concerns.

Commissioner Brown withdrew the motion.

Commissioner Brown moved to have the blue lights removed from any county vehicle being operated by a non-law enforcement and/or by a non-post certified user in accordance with state law. Commissioner Rousseau seconded.

Commissioner Brown stated that he was reading an Atlanta Journal Constitution (AJC) article entitled, "Want flashing blue lights on your car you best be an officer". He stated that he then contacted the attorney general's office and was told that a person had to be post-certified and have meet the requirements for blue light, to have them in the vehicle.

Chairman Maxwell stated that the did not know what the law said, but that the last thing he was going to do was read an article and think that it was the law.

Mr. Rapson stated that he would like to address some of the allegations at some point. He stated that the law enforcement lights are permitted under state law and are legal to be in vehicles. He stated that the blue lights can be authorized by several individuals including a County Commissioner, EMA Director or Sheriff. He stated that in this case, Commissioner Brown authorized the blue lights in his vehicle in 2013 when he signed the form and sent it to the state. He continued that the motion that was made would turn a lot of things upside down because there are a lot of people that have blue lights in the vehicles for the Sheriff's office that are not post-certified law enforcement officers.

Commissioner Brown stated what was the importance of having blue lights in cars being driven by people who are not post-certified. Mr. Rapson stated that the only time he used blue lights was during the one incident where there was a fire in the City of Fayetteville and at the time he had the Fire Chief, Assistant Chief and EMA Director and they were able to get into the perimeter of the fire.

Mr. Davenport stated that he did not know the law on blue lights, but the caveat to Commissioner Brown's motion was that it was consistent with state law, but it was a compound motion because it was specifically for post-certified officers consistent with state law and there could be other individuals who are not post-certified officers that could be eligible to have a car with blue lights so the motion would conflict with state law.

Commissioner Brown stated that in 2013 he was told that it was cleared and that it was acceptable to have the blue lights in the County Administrator's car and that Mr. Rapson was not EMA, fire or law enforcement.

Mr. Rapson stated that it was not for those purposes, but for the purpose of authorizing blue lights in the vehicles and it was cleared with the retired Chief Marshal at the time.

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.

Commissioner Oddo asked what was the reasons that there could not be blue lights in a vehicle. He asked what happened to cause this discussion.

Commissioner Brown stated that he did not think there should be blue lights in the car as sited in the newspaper article.

Commissioner Oddo stated if the lights are permissible and Mr. Rapson had not abused it, why was Commissioner Brown saying that Mr. Rapson should not have them. Commissioner Oddo asked why after six years was this so important right now; what happened to cause the motion.

Commissioner Brown stated that the newspaper article where the official stated that you had to be law enforcement or fire. He stated that he was told it was perfectly legal and by the letter of the law and unfortunately, he signed it.

Commissioner Rousseau stated that he would like to know the law.

Chairman Maxwell asked Mr. Davenport to send a memo on the use of blue lights. He stated that he was not going to go with a newspaper article on what was the law.

Commissioner Brown stated that the Board was ultimately responsible for the County Administrator and needed to take that seriously.

Commissioner Brown moved to have the blue lights removed from any county 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 vote failed 1-3-1. Chairman Maxwell, Vice Chairman Ognio and Commissioner Oddo voted in opposition. Commissioner Rousseau abstained until legal can provide the law on blue lights in the vehicles.

Chairman Maxwell instructed Mr. Davenport to provide the Board with a memo regarding the state law on blue lights in the vehicles and to place it on the June 14, 2018 Board of Commissioners meeting.

PUBLIC COMMENT:

Gail (last name inaudible) stated that she had questions about the burn ban from April 30 to October 1. She stated that there were a lot of people who ignore the ban. She asked if citations were issued for those who violate the ban. She stated that the firemen told her that they did not want to "piss off" the tax payers so they try to avoid giving fines. She stated that she was a tax payer and by not upholding the law, she was "pissed off". She stated that those violating the ban were repeat offenders.

Fire Chief David Scarbrough gave her his business card and asked that she give him a call.

ADMINISTRATOR'S REPORTS:

Responses to the allegations:

Mr. Rapson read the following statement into the record:

"On January 21, 2016, I was involved in a vehicle accident and promptly reported this accident to the Chairman (Chuck Oddo), Vice-Chairman (Randy Ognio), Fleet Maintenance Safety Manager (Bill Lackey) and Human Resources (Lewis Patterson); which is exactly what the policy says to do. No citation was issued, I passed a post-accident drug and alcohol test, completed an accident report that Commissioner Brown stated was non-existing and began the process of filling out

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the accident review form to go before the Accident Review Committee. However, legal advised that my status as a contract position fell outside of this process and did not recommend going before the committee and was pretty upset at the letter that I wrote.”

He stated that part of the concern was the same “catch 22” that the Board had in regard to the Board’s motion to follow the policy and procedures. He stated that if the Board did something that was grievable, it would come to him. He continued that the Board cannot grieve something to him because he worked for the Board. He stated that was the same problem he had with the accident review committee because the people in the room are directors that report to him. He stated that even though he followed the policy and procedures it was still some of the unintentional consequences that Commissioner Rousseau pointed out.

“Regardless, I continued the process and voluntarily subjected myself to the Accident Review Committee and voluntarily disciplined myself by deducting four days of personal leave from my leave bank using the accident review guidelines as if this was an at-fault accident.” He stated that as a contract employee those were days he would be paid whether he left on his own initiative or whether terminated under the contract. It was “real” money. He stated that it was equivalent to \$700 more than the actual cost to repair the vehicle.

“On March 3, 2016, I sent this memo to the Vehicle Accident Review Committee:

While operating my county vehicle, I was involved in a motor vehicle accident on January 21, 2016 at approximately 7:35 a.m. Generally, motor vehicle accidents involving county-owned vehicles are reviewed by this Committee to determine whether the accident was preventable and, if so, what penalty should be meted out as a result. I have been advised that the County Administrator’s position does not fall within this policy, but feel my actions warrant the same kind of accident review as all employees of Fayette County would receive.

While I was not charged with the accident, I do feel this was a preventable accident and if routed through the same process would yield a value of 14 points which equate to a recommendation of a 4-Day Suspension. I am voluntarily agreeing to this penalty and have taken immediate actions to deduct those 4 days of personal leave from my personal leave bank.

As I have said in our meeting, the integrity of the system is only as good as the consistency in which it is maintained. As always, my open-door policy is available for any of you that wish to discuss any concerns with this resolution.”

He stated that the Accident Review Committee Membership was Sheriff, Public Works Director, Fire/EMS Chief, Human Resources Director, Chief Marshal, 911 Director, Water System Director, Building & Grounds Manager, Chief Financial officer and Fleet Maintenance Safety Manager.

“Commissioner Brown was provided a copy of the March 3, 2016 Accident Review Committee memo, as well as, all of the accident review documentation which he stated did not exist and the detailed explanations regarding all the questions about this accident.

Commissioner Brown’s allegations are false. There was no cover-up. The Fleet Maintenance Safety Manager acted appropriately. Accident procedures were followed and related paperwork filled out. There was no refusal to go before the Accident Review Committee or hold myself accountable.

The Fleet Maintenance Manager is a 30-year stellar employee and he received a promotion based upon his merit and his change in job duties which this Board approved as part of the budget process and it was flagged as part of the process as a reclassification. The law enforcement lights for this vehicle are permitted and are not illegal. These lights were approved when Commissioner Brown was Chairman in 2013.

My desire was to hold myself accountable and my actions reflect the same review and consequences that I would hold any other employee to regarding this accident.”

He stated that he would hold himself to the same standard as any other employee and that was what he attempted to do.

Development of Regional Impact (DRI):

He stated that a draft Development of Regional Impact (DRI) response had been provided by Public Works Director Phil Mallon. He stated that Commissioner Brown wanted to add some comments. The responses are due. He stated that staff would amend the comments to include Commissioner Brown’s comments and send the email out tomorrow.

New Fire Engine:

The new fire engine arrived and was being outfitted at the public works department.

ATTORNEY’S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items involving pending litigation, one item of threatening litigation, two items of real estate and the review of the Executive Session minutes for April 24, 2018 and May 7, 2018.

COMMISSIONERS’ REPORTS:

Commissioner Oddo:

Accident comments: Commissioner Oddo stated that he agreed with the comments from Mr. Rapson. He stated that there was a document with an anonymous employee placed on the agenda accusing someone of wrong doing. He stated that the document read “Rapson” and it should read “Mr. Rapson” because it was a respect thing. He stated that it said, “refuse” and he did not hear Mr. Rapson refuse to do anything. He stated that Commissioner Brown was writing this information to make Mr. Rapson and Bill Lackey look as bad as he could. He asked Commissioner Brown if he had talked to Mr. Rapson about this. Commissioner Brown stated that Mr. Rapson was out of the country and that he had talked to the people in charge of handling the files. Commissioner Oddo stated that Commissioner Brown had not spoken to Mr. Rapson but had written a scaving report about Mr. Rapson. He stated that he was in an accident and did not get a ticket, yet he reprimanded himself like any other employee to set an example that even the highest staff in the county would fall under the same rules. He stated that if Commissioner Brown wanted to blame someone he should blame him because he knew about it. He apologized to Mr. Rapson and to Mr. Lackey for what they were going through and he commended them for doing what should have been done. He stated that he had an issue with the document going forward as if it was a “county endorsed” document.

Vice Chairman Ognio:

Letter from Georgia Department of Transportation: Vice Chairman Ognio stated that the county received a letter that GDOT sent to Fairburn and he was asked to attend the meeting that Fairburn had arranged. He stated that the letter capped the project for SR74/185. He stated that the cap from the mistake that was made in the estimation of the right-of-way put the project \$16,693,863 short. He stated that the letter was sent to Fairburn stating that Fairburn would need to provide an additional \$13,470,137. He stated that he, the Chairman, Phil Mallon, Fairburn’s Mayor and Administrator, Senator from District 35, Senator Marty Harbin, Representative Josh Bonner, Mayor Fleisch and Mayor Eric Dial were present for the meeting. He stated that they did not know what to expect from the meeting. He stated that he expected GDOT to say that the project would need to be delayed for “many” years. He stated that Mr. Roberts (from GDOT) stated that he would work to get the right-of-way to move forward, but it would leave a shortfall in the construction process and he would need help with that. He stated that Mr. Roberts stated that if they got the right-of-way it would still take about 2 ½ years to acquire the right-of-way so it would be 2021 before

being ready for construction. He stated that the designer did not allow enough set back along the ramps, so it required more property to be acquired. He stated that Mr. Roberts stated that he would keep him posted on the right-of-way. He stated that he did not know what the expectations were for the funding shortfall. He hoped the project could remain on the 2021 schedule.

Relay for Life: He stated that his sister died May 15, nine years ago from cancer. He stated that with Mother's Day coming up, her daughters and son miss her.

Accident comments: Vice Chairman Ognio stated that he did know about the accident. He stated that it was not something he was trying to keep from the rest of the Board. He stated that it was something that he assumed everyone knew about. He stated that he would not make that assumption anymore, but he thought it was a minor accident that was handled very well. He stated that "a certain someone" contacted the paper and said that Mr. Rapson did not get a ticket because Fayette County Sheriff did not write him a ticket. He stated that the paper told him that they investigated and found out it did not happen in Fayette County, it happened in Coweta County. He stated that Commissioner Brown stated that Mr. Rapson did not get a ticket in Coweta County because of the relationship between Mr. Rapson and the Coweta County Administrator. Then the paper found out that it wasn't the Coweta Sheriff that worked the accident it was the Georgia State Trooper so then Commissioner Brown stated that Mr. Rapson had on his blue lights and that was why the State Trooper did not give him a ticket and that was false too. Mr. Rapson did not have the blue lights on. He stated that people should know that things are not always what was presented.

Commissioner Brown:

Georgia Department of Transportation: Commissioner Brown stated that the Fairburn project with GDOT was beyond tragic. He stated that he was not blaming any of the elected officials because they had done everything to get this project going. He stated that the state legislature voted for an extra \$1billion in taxes for transportation and they are now saying they did not have funds for this project. He stated that the county was getting wringed on all the projects.

Chain of Command: He stated that the chain of command was very important. He continued that if there was a Safety Form 7 completed then it should have gone up the chain of command which was the requirement listed at the bottom of the form. He stated that he did not get a form. He stated that when he went to the office and met with Mr. Lackey and Mr. Mallon he asked for the file and there was no Safety Form 7 in the file. He stated that maybe one appeared later. He told Mr. Lackey that he could tell him after the meeting. He stated that Mr. Lackey told him that in their meeting. Mr. Lackey, from the audience, stated that he did say that and that he would like to address some of the comments. Commissioner Brown continued that the County Administrator did not adjudicate anything that the Board did and he did not come up with his own punishment. He stated that was not the chain of command. He stated that the Board was to come up with the punishment and in order for that to happen the County Administrator had to inform the Board. He stated that the Chairman had no more authority than the rest of the members of the Board. He stated that if there was a wreck and county labor was used to repair the automobile and the parts from a county vehicle was stripped replace the parts on that automobile, when the parts could have been sold and the county lost the value of all that. He stated that the people who knew all that gave the County Administrator a pay raise.

Commissioner Oddo stated that the agenda item had been discussed and the Board needed to move on.

Commissioner Brown stated that he knew it was the Georgia State Patrol because he had the accident report and the estimate for the repairs. He stated that it was no guess work because he had the documents. He stated that if Commissioner Oddo wanted to censor his documents, he opposed that. He stated that he was not having his documents censored.

DRI: He stated that if the Board did not start paying attention to this, like they needed to pay attention to the roads, then it was over. He stated that somebody needed to explain where all the people will go and what roads would be used. He stated that they needed to think long term.

Commissioner Rousseau:

Accident comments: Commissioner Rousseau stated that there were some powerful lessons to learn. He stated that he applauded his colleagues for standing up to admit that they knew about the accident. He stated that they had an obligation to tell the others. He stated that he had been in government for 40 years and there was some lesson to learn about the responsibilities, one to another and particularly to the citizens and then the employees and then each other. He stated that it was difficult for an individual to respond to five people, he recognized that and he lived under it, and it was not easy. He stated that it was not easy especially when dealing with individuals that have political leanings/persuasions. He stated that it was difficult to respond to five people, but that the County Administrator was obligated to do so. He stated that the Board had to be careful of knee-jerk reactions because there were unintended consequences. He stated that the Board and Mr. Rapson agreeing to abide by the policy and procedures was putting them in a category where they did not belong. He stated that he was disturbed at the methodology that the Board used sometimes out of frustration.

DRI: He asked when did the Board receive the DRI response that required a response in 24/48 hours. Mr. Rapson stated that he emailed it to the Board about a week and a half ago advising and asking for responses. He stated that staff did not get anything back, so two days ago he sent another email saying that Mr. Mallon would respond and provide it to the Board.

Clerk Week: He wished a Happy Clerk's Week to an outstanding pair of Clerks that do a herculean task of dealing with the Board. The Board agreed.

Chairman Maxwell:

Marilyn Watts: Chairman Maxwell stated that his good friend Marilyn Watts passed away and it hit hard for him. He stated that she was a good friend and client. He stated that he just wanted to acknowledge the contribution that she made.

City of Fairburn meeting: He stated that he went to the meeting and because he was interested in what the meeting was about. He stated that he was frustrated with GDOT. He stated that at the time of this project, Commissioner Brown had some dialogue with the then GDOT Commissioner. He stated that Commissioner Brown had offered his resignation if he could get the project completed. He stated that he had received a letter after he and Mayor Dial met with GDOT that stated that the project had been moved up two years. He stated that after the meeting he really did not know what to say. He stated that he had to let the Board know about the letter. He stated that he was surprised that the county's representative had resigned. He stated that perhaps the county could get the dollars dedicated for McDonough Road to be moved to that intersection. He stated that it was more important to have that intersection improved than McDonough Road.

Accident comments: He stated that he supported Mr. Lackey and Mr. Rapson. He stated that he was sorry about what was going on.

Commissioner Oddo stated that there were comments made regarding Mr. Lackey and that he felt the Board owed him the opportunity to speak. Chairman Maxwell stated that there have been county employees to address the Board in the past at the appropriate time. He stated that the appropriate time was during public comments. He stated that Mr. Lackey could come back in two weeks if he liked.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items involving pending litigation, one item of threatening litigation, two items of real estate and the review of the Executive Session Minutes for April 24, 2018 and May 7, 2018.

One item involving pending litigation, one item of threatening litigation, two items of real estate and the review of the April 24, 2018 and 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 10:24 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 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 passed 5-0.

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 passed 5-0.

ADJOURNMENT:

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

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

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of May 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk