

## 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

June 14, 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 June 14, 2018 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present. All members were present.

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

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

### Acceptance of Agenda

Chairman Maxwell stated that on Consent Agenda Item #9, the dollar amount should be changed from \$67,510 to \$65,274 and New Business Item #20 should be pulled from the agenda.

Vice Chairman Randy Ognio moved to accept the Consent Agenda with the provision to change Consent Agenda Item #9 to \$65,274 and pull New Business Item #20. Commissioner Charles Oddo seconded. The motion passed 5-0.

County Administrator Steve Rapson stated that item #20 would be on the next meeting agenda.

### PROCLAMATION/RECOGNITION:

#### 1. Recognition of Balloons Over Fayette T-Shirt Design Contest Winner Mya Jarosz.

Parks & Recreation Director Anita Godbee and Public Arts Committee Chair Donna Thompson recognized the winning t-shirt design submitted by Mya Jarosz. Mya was not present. Ms. Godbee also recognize Special Events Coordinator Blaze Jeffries who spearheaded this year's Balloons Over Fayette event.

#### 2. Acceptance of Public Safety Donation from Kinder Morgan for \$10,000.00 to purchase extrication equipment for use on accident scenes.

Fire Chief David Scarbrough stated that the Fayette Fire Department was the recipient of a \$10,000 donation from Kinder Morgan. He stated that the fire department would use the donation to add to the extrication tools and to purchase a starter unit. Stephanie Kindregan, with Kinder Morgan, Project Manager Michael Walls and Area Manager Tom Tolver were present to make the presentation.

**PUBLIC HEARING:**

**3. First of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2019 which begins on July 1, 2018 and ends June 30, 2019.**

Chief Financial Officer Mary Parrott made a presentation to the Board. She stated that in the current year, staff was anticipating adding \$633,000 to the General Fund balance. She stated that there were two grants in the judicial system. The county was not awarded as much as requested, so the recommendation was to adjust the proposed budget to compensate for the differences. The first grant was for DUI Court and the impact was a \$25,000 reduction to the fund balance, instead of \$55,000. She stated that upon receiving the notifications, staff met with the DUI and Drug Court to establish a more reasonable revenue and expenditure for fiscal year 2019 budget. She stated there was a fund balance of \$215,000 for DUI Court. She stated that Drug Court had the same issue. The fund balance totaled \$650,000. The participant levels are increasing in both DUI and Drug Court. Staff recommended to make the adjustments to the proposed budget to be adopted on June 28. Staff believed it was justified to add an additional case manager to go from one to two case managers due to the increase in participants.

Commissioner Charles Rousseau asked if the reduction in the grant would affect personnel. Mrs. Parrott stated no because there was significant fund balance to cover that. She stated that the finance department would continue to monitor this and make sure the fund balance stayed strong. There was an increase of revenue being brought in through the DUI and Drug Court.

Mrs. Parrott stated that the county had rolled back the millage rate for several years. She stated that the proposed budget included 758 positions. She stated that there was 1.88% included in the proposed budget for merit pay. She stated that the total was \$780,000, but the recommendation was to use the 15-35-35-15 bell-curve ranking, as opposed to the three-level bell-curve (10-70-20) that was used last year.

County Administrator Steve Rapson stated that the steps would be a 1.25% (15-35-35-15) instead of 2.5% (10-70-20).

Mrs. Parrott stated that the General Fund impact was positive with an increase of \$540,250, no property increase, maintained superior customer service, millage rate rollback with a savings of \$600,000 this year, included the rolling 5-year capital improvement program for \$6,358,858. Staff ensured that the county was not using one-time revenues for recurring expenses. She continued that the benefits are strong for the employees and are incorporated in the budget. She thanked the department heads who worked with them on the budget.

Mr. Rapson stated that this was the sixth consecutive year of rolling back the property taxes. He continued that if the county had the same millage rate from 2013, that tax would be \$21 million higher. That was \$21 million that was rolled back to the tax payers that was seen as a tax benefit. In addition, the \$6.3 million for capital improvement projects was fully funding an entire five-year plan for all departments, which was unheard of regarding how other counties functioned. This is the sixth consecutive year that that the benefit rates have not been increased for employees. He stated that other things have been done to modify the plan, but that was an anomaly as well. He stated that the county was still reaping the benefits of the retirement plan. He stated that the county made huge changes in 2013 that still ripple to benefits today. He stated that Fayette County was the only county in Georgia that was overfunded in retirement. He stated that it was one of the reasons that the county was AAA rated. "Just because it looks easy, doesn't mean that it is easy," he continued that there are a lot of things that could not be controlled and other elected officials was one of those. He continued that the county had great relationships with the other constitutional officers and the Board was seeing the benefit of that over the last six years.

Mr. Rapson stated that staff was requesting Board ratification of three items: two modifications to the DUI and Drug Court grant and to ratify the use of the 15-35-35-15 bell-curve.

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

The Board opted to ask questions and provide any changes prior to public comments.

Vice Chairman Ognio stated that in the budget for the Road Department there was a CAT 242D skid steer loader (\$38,828) to be used for clearing trees out of the roads and it didn't seem to be large enough for that. Mr. Hoffman received a price on a CAT 279D compact track loader which was about \$22,000 (\$22,522) more than what was in the budget. He stated that he would like to change it out.

Commissioner Brown stated that he had mentioned at the past budget meetings that there was a request for personnel in the Magistrate Court for legitimate reasons and he thought it was necessary to address the request in order for the judicial agency to function legally. He stated that he did not want to have it come back to the Board, where the judges were not performing duties in a lawful manner.

Mr. Rapson stated that it was one of the items that was not funded in the budget for a full-time position at \$63,325 or a part-time law clerk at \$20,293. Mr. Rapson summarized the items not included in the budget. He asked the Board to let him know if it should be included. The additional items not included in the budget:

Full-time Superior Court Deputy Clerk I - \$46,617  
Superior Court Judges Supplement - \$7,000 (Max \$50,000)  
State Court Judge DUI Supplement - \$6,000  
State Court Judge Stipend - \$3,600  
Senior Services/Saturday Hours - \$32,000  
Non-Profit Funding - \$100,000; including the \$19,743 that would originally be approved for Bloom

Chairman Maxwell opened the floor to the public to discuss each item. He called each item.

There were no public comments regarding the DUI Court grant modification.

There were no public comments regarding the Drug Court grant modification.

There were no public comments regarding the 15-35-35-15 bell-curve merit pay.

Commissioner Oddo made a motion to approve the 15-35-35-15 bell-curve merit pay.

Mr. Rapson stated that staff needed direction on which method the Board preferred. Mr. Rapson stated that this was a discussion on how to implement a pay-for-performance plan. The first step would be to take the 18 steps and stretch it out to 36 steps and instead of each step being worth 2.5% it would be worth 1.25%. He stated that there were 32 total departments, but only about 18 that had more than 20 employees. Those departments would stratify the rankings where only 15% of the total population of that department would receive a 3.75% increase and that would ratchet it down to a 35%, 35% and a 15%. When it was stratified that way, it meant a 3.75% merit performance plan to be funded at 1.88% which was included in the proposed budget.

He continued that last year the Board approved a 10-70-20 bell-curve. Last year it was a 5% merit performance plan, but there was not the same stratification in the steps and the changes in the steps. It was 2.5%. He stated that 10% of the employees received 0%, 70% received 2.5%, and 20% received 5% merit pay. He stated that the 15-35-35-15 was ratcheting it back to more of a true bell-curve. He stated that the county had an elaborate performance merit system where the employees are ranked on all the performance duties associated with their job and that evaluation gives a score and based on that score was how the pay-for-performance merit was determined.

Commissioner Brown stated that financially it was almost the same cost as the previous year, but that it was just the stratification of the funds.

Mr. Rapson stated that last year the county funded higher than the 2.5%, so it was funded at roughly 2.75% last year. He stated that this year's proposal was actually a cheaper plan because now the maximum was 3.75% at 1.88% funded. He continued that this was not a COLA; cost of living increase. He stated that a merit-performance plan kept the county marketable for its top performers.

Commissioner Rousseau stated that it could be incorporated into the budget, but that he was not prepared to vote on this item. He stated that he was prepared to include it and have a side-by-side chart and as the Board moved toward final approval of the budget, then the Board could make a decision at that time.

Mr. Rapson stated that Mrs. Parrott's slide showed the comparison side-by-side. He stated that the recommendation was more conservative than last year.

Commissioner Rousseau asked if it was included. Mr. Rapson stated that it was included in the PowerPoint, he stated that he would bring it back on June 28, because staff needed to know what plan to implement. Commissioner Rousseau stated that the numbers were already in the budget.

Commissioner Brown stated that he liked the 15-35-35-15.

Chairman Maxwell called the discussion for the change of equipment.

Road Department Director Steve Hoffman stated that he was asking for a change from a 242D skid steer loader to a 279D with tracks, skid steer loader. He stated that it was a larger piece of equipment.

Commissioner Brown asked if staff preferred to buy the equipment rather than lease the equipment.

Mr. Hoffman stated yes. He continued that he had not leased any equipment in the past or pursued any type lease option on any equipment.

Vice Chairman Ognio stated that this equipment would be on a trailer and dedicated for clearing road debris and would not go out on any other projects so it was sitting there ready. He stated that the other advantage with the 279D over the 242D was that the 242D was a wheel loader, which was a little less stable than the track loader when moving logs.

Mr. Rapson stated that this would be funded out of Fund 610 which was the vehicle and equipment renewal so it had no impact to the overall General Fund.

Mr. Hoffman responded to Commissioner Brown and stated that he would guess that the Road Department would use this equipment about 15 times over the course of the year. He stated that staff currently used the Gradall to do some of the work and he was trying to limit the Gradall from going out on some of the jobs.

Vice Chairman Ognio stated that he would like to see it included in the budget. He stated that without the larger piece of equipment the crew would not be able to move the trees with the smaller equipment. He stated that the Road Department would use the Gradall and if they could extend the life of the Gradall by not using it for this type thing, it would pay off for the county in the long run.

Commissioner Brown stated that he did not have a problem with the equipment. He stated that he would like to see what it would cost to lease the equipment, just as a comparison. He stated that he would like to see what the numbers are as a comparison.

Mr. Rapson stated that staff did look at the lease program to have things on stand-by, it was not economical. He stated that the county had never leased any vehicle or equipment.

He stated that he would like for the Board to vote. He stated that if the Board wanted to vote on some of the items, staff could take them off the table.

Commissioner Brown stated that Mr. Rapson was gathering consensus and include it in the budget and the Board would vote on it at the budget meeting.

Mr. Rapson stated that the problem was that the county had to advertise the final budget. He stated that if he had sixteen different moving targets then he had sixteen different versions of the resolution. He stated that it did not sound like there was any controversy for the grant adjustment for the DUI and Drug Court. He stated that it would be helpful if staff could incorporate those.

Vice Chairman Ognio stated that if the Board liked it, then the Board should move forward with it. Commissioner Oddo stated that he did not have an issue doing that either.

Chairman Maxwell called the discussion for the Magistrate Court clerk position.

Commissioner Brown stated that this was a very functional part of how Magistrate Court conducted business and what was required by law in order for them to conduct business.

Chief Magistrate Judge Robert "Bob" Ruppenthal stated that he made a presentation at the retreat. He stated that he would move forward with the division on July 1 as required and so the staffing would be changed. He stated that as opposed to the judges being assisted by four clerks, they would only be assisted by one staff person who would be reassigned from one of the four clerks to be designated to the judges. He stated that one clerk would probably be insufficient and not adequate for the judges. He stated that the Magistrate Judges could not continue to use the clerks to meet the shortfall. He stated that he wanted to make that clear and that one of the main reasons for doing the division as of July 1 was because of the legal guidance that they have received stating that the clerks should not be performing that dual task. He stated that he had new information sent to him while waiting in the audience. He stated that he would get that information to the Board to review prior to the final vote of the budget. He stated that he knew the proposed budget did not include the position and if that became the Board's position they would work around it and survive and make the request again. He stated that if it was in the Board's ability to grant that position, they would appreciate it.

There were no public comments regarding the Magistrate Court Law Clerk.

Commissioner Brown stated that for clarity the Magistrate Court would have to conduct the same activity with fewer people. Judge Ruppenthal stated that was correct. He stated that since 1983 the clerks had been acting in a dual role which was just the way it had always been. He stated that as of July 1 the clerks would not be acting as judicial assistants.

Commissioner Brown stated that if the Board did not approve this, there would be less people doing the same job and doing it in a manner that was not the legal way to do it.

Judge Ruppenthal stated that as of July 1, they would be doing it the correct way, with less resources. He continued that they would come into compliance and do it the right way regardless. He concluded that he would get supplement with further documents for the Board's consideration. He asked the Board to hold until the next meeting.

Chairman Maxwell called the discussion for the Superior Court Deputy Clerk I position.

There were no public comments regarding the Superior Court Deputy Clerk I position.

Chairman Maxwell called the discussion for Salary/Supplements for Court Judges.  
There were no public comments regarding the Salary/Supplement or Court Judges.

Mr. Rapson stated that the judges' request was to increase this to the maximum \$7,000. He stated that it would be an impact to the Griffin Judicial Circuit of \$30,142 and the General Fund increase would be \$46,306. He stated that an increase in supplement would ripple to the State Court Judge, State Court Solicitor, Clerk of Superior Court, Tax Commissioner, Sheriff and Probate Court Judge.

Chairman Maxwell stated that last year the Board approved half of the increase. Mr. Rapson stated that it was about 2.4%. Chairman Maxwell asked what the other counties (Spalding, Upson and Pike counties) were doing.

Mr. Rapson stated that the other counties were waiting on the decision of Fayette County. Last year the other counties approved increasing the supplement and he assumed that if Fayette County moved forward, so would the other counties and it would "ripple" the entire Griffin Judicial Circuit.

Commissioner Brown stated that the State had done some things to clean up the judicial salaries. He stated that the disparity in pay for judges doing the exact same job, in the exact same position, in different circuits was "incredible". He stated that he was almost inclined to take them to the maximum and then it wouldn't have to come back again.

Vice Chairman Ognio stated that was not the problem. He stated that they would lobby the representative to raise the maximum, which was what happened. The maximum was raised.

Commissioner Brown stated that it could go up again, he would not deny that.

Commissioner Rousseau suggested taking this to ACCG (Association of County Commissioners of Georgia) since it effected the state of Georgia. He stated that it was something that the Board should consider for the legislative package, as well as for ACCG.

Chairman Maxwell called the discussion for State Court Judge.

Mr. Rapson stated that currently the Superior Court Judges that are in the Griffin Circuit received the \$6,000 supplement because the county has a DUI Court. He stated that the State Court Judge currently did not receive that supplement. He stated that it was based on state law. He stated that the State Court Judge was asking to receive that supplement. The State Court Solicitor was tied to any supplement that the State Court Judge would receive. He stated that this supplement increase would be a total of \$11,304 for both positions.

Commissioner Rousseau asked if this was included in the numbers that was presented.

Mr. Rapson stated that no. He stated that he and Mrs. Parrott recommend merit increases for the employees of the county, but that supplements and stipends were Board action items. He stated that he supported the supplement and the stipend. He stated that if the Board was leaning toward doing the DUI and the stipend, then he would caution the Board that there was impact associated with the Superior Court Judge. He stated that the DUI supplement would be \$11,304 and or the Board could decide to do the \$3,600 stipend, which was a \$300 expense reimbursement that the judges would receive. He stated that the other constitutional officers received this with the exception of the State Court Judge and the State Court Solicitor per state law. He stated that if the Board agreed to do the \$3,600 it would be equivalent to \$7,751 and if the Board did both, the supplement and stipend, it would be \$19,055 and all would be General Fund impacts against the \$540,000 surplus that we currently have.

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Vice Chairman Ognio stated that if the Board did the Superior Court at \$7,000 and the other two, the State Court Judge would end up with \$25,000 more.

Mr. Rapson stated that if the Board did the \$43,000 to \$50,000 for Superior Court Judge and let it ripple to the others, the State Court Judge's salary would go up \$6,300 and the Solicitor would go up \$4,725 and it would be "couched" with the supplement and the stipend if the Board did a combination of the three. He stated that if the Board wanted until June 28 to make these decision, the Board would not be adopting a budget because there was so many variations. He stated that he was not sure how staff could pull together the numbers and have the advertisements in time to adopt the budget on June 28.

Commissioner Oddo stated that the Board did not do this last year. He stated that he would recommend including these in the budget for the next meeting. The impact was \$19,055 to have the DUI supplement and stipend.

Commissioner Rousseau stated that if these items were included or excluded, the Board would still meet the challenge of a final vote for whichever one the Board wanted to adopt because both would be before the Board.

Mr. Rapson stated that his recommendation was to vote on the supplement and then vote on the stipend so that it would be two different actions and whatever was approved would be incorporated in the budget. He stated that the Board could still make modifications to the budget on June 28, but then it would be a budget that was fairly accurate. He stated that, for example, with the DUI Court grant, he would not like having a budget that he knew was overstated by \$200,000 to \$300,000.

Chairman Maxwell called the discussion for the Senior Services Saturday hours.

Mr. Rapson stated that the county funded the increases that were needed for operations and the other item needed, but did not fund the expansion of the Saturday hours at \$32,000.

Commissioner Rousseau asked was it in addition to the transportation enhancements.

Mr. Rapson stated the transportation and the operations are included in the budget. The \$32,000 was in addition to the transportation and operations. He stated that currently the county funded \$74,000 more, but not the additional \$32,000.

There were no public comments regarding the Senior Services Saturday hours.

Chairman Maxwell called the discussion for the Non-Profit agencies.

Mr. Rapson stated that there was a lot of discussion at the retreat and at the Board of Commissioners meeting, but since there was not a consensus or vote taken by the Board, then the recommendation for \$100,000 for non-profits and for FACTOR (Fayette Alliance Connecting Together Our Resources) to manage that on behalf of the Board, was not included in the budget. He stated that the only non-profit that the Board had funded before was Bloom at \$19,743 and that had been removed from the budget until the Board made a decision on how to move forward.

FACTOR Executive Director Becky Smith stated that the major thing that FACTOR did was advocate for non-profits and one of the biggest issues was funding. She stated that was one of the reasons that the proposal for FACTOR to establish a non-profit grant program to be administered the way other grants are administered. She stated that there were great non-profits in the community doing great work, who work with and support the vulnerable in the community. The proposal was to set aside \$100,000 from the General Fund to do the work that the government agencies are not necessarily doing and if they are, the non-profits are assisting and making a huge difference.

Ted Kirk stated that he had worked with FACTOR for about four or five years. He stated that some of the things he had seen with FACTOR in Fayette County was amazing. He stated that the Board had appointed him to the Region Six Advisory Council and he had been elected to the State Leadership Board and by being a part of that, he had heard of FACTORs in various counties. He stated that Fayette County FACTOR was very active and the request should be considered. He stated that Fayette County was the leader in a lot of areas and what was done in Fayette County, the other counties are watching and following.

Pastor Mike Stachura, the pastor of Community Life at Grace Church. He stated that it was in his privilege to work with non-profit community for the last 15 years as a resident of Fayette County. He stated that as a church, rather than create efforts to help in the community, they wanted to identify valuable non-profits to work with. He stated FACTOR was an advocacy group for the non-profits to fill the gaps that the county would prefer not to fund with public money. He stated that groups like AVPride, Fayette Care Clinic and those for the economic disadvantage like the Midwest Food Bank, The RealLife Center and Fayette Samaritans. He stated that he could go on. He stated that there were many small non-profits in Fayette County being led by very dedicated, underfunded executive directors. He stated that the request was to have a place where those groups could go to request additional funds. He stated that they were not asking for a hand out, but a hand up. He stated that he was most concerned about the lack of care apart from the non-profits for mental health, the medically fragile and particularly for the veterans. He stated that FACTOR could provide the clearing house to allocate for those with the greatest needs.

Executive Director for AVPride Pam Reid stated that she was also a partner of FACTOR. She stated that there was no doubt in her mind that FACTOR was the right organization to be administrators of this process. She stated that she was feeling disheartened. She stated that AVPride had been preparing to apply for the 21<sup>st</sup> Century Grant in the 2019-2020 process. She stated that the \$2 billion reserved for that had been cut to \$100 million which meant many programs would not receive the same level of funding and many organizations, like AVPride, would not receive funding at all. She stated that it was a big blow as AVPride was looking at sustainability and looking to extend services to other Title I schools. She stated that she liked to think of this opportunity as one she called "OWN". "This is our OWN local government with its OWN accumulated resources to support its OWN local non-profits that supports its OWN at-risk students and their families." She stated that she hoped the Board would consider the approval of this grant process and approving FACTOR being the administrator of this process.

Commissioner Brown stated that the one issue he had with the proposal was creating a pool of funds to be ran by another independent party. He stated that he always looked at the Board's charge being, if there was something that was directly related to government function, a service that government had to provide, and the non-profit was taking part of that service load off the county and doing something that the county was mandated to do, then he was always willing to look at funding that proposal to some degree. He stated that was why he was in favor of funding FACTOR. He stated that FACTOR was a governmental entity, funded through a legislative process. He stated that he never had a real problem writing a check to FACTOR to allow them to facilitate what they do. He stated that when including others that do not meet the mandates for government, he had issues. He stated that he believed it was important to get the community to fund more of these needs. He stated that when it was the tax payer's dollar he had to be mindful if there was a legitimate government connection related to that fund.

Mrs. Smith stated that if the Board would consider seed money as something that would start a community fund, that would be something that would be helpful as well. She stated that the plan was to build on whatever they were able to get approved.

Commissioner Rousseau stated that most government agencies in Georgia have a Human Services Department, the county did not. He stated that in addition to that, other counties fill some of the voids and look at program and services that are essential to the quality of life in the neighborhood. Fayette County did not do that. He stated that Fayette County relied on partners to fill the void. He stated that it was strange territory to have an outside entity, but just like with any board or committee that was established by the Board of Commissioners, the final approval would come from the Board. He stated that if the Board did adopt this request he would not be in favor of anyone taken the final approval from the Board. He stated that as a matter of perspective, when discussing the DUI Court and Drug Court; the courts have gotten into a role in addition to what the non-profits do. He stated



that the non-profits work on the preventive side and can avoid the increase of numbers in these courts. He stated that if the numbers are increasing and there are agencies that do preventive care, that can stop, prevent or assist those individuals before getting to the courts, then maybe there would not be a need for a DUI and Drug Court, possibly. He stated that senior services are coordinated through Atlanta Regional Commission (ARC) and the county gave a supplement for the services. He stated that was simply the request for the non-profit. He stated that he would strongly encourage and ask the Board to think futuristically. He stated that the Board had to look beyond and be visionary. He stated that the county was "aging in place" and the infrastructure was "aging in place" so the county did a SPLOST (Special Purpose Local Option Sales Tax). He continued that the facilities are aging and the county needed to create a blueprint for the future of the county. He stated that he mentioned at the last meeting regarding not having a recreation amenity – physical structure. He stated that he would like to see a recreation structure funded and additional funding to look at big boxes being abandoned to assist non-profits and recreation. He stated that the biggest issue was that the county did not provide that service and gave money to human services. He stated that if it did not work, the Board did not have to continue to do it. He stated that the Board started the arts council and gave \$50,000 seed money, spent millions of dollars to purchase the Links Golf Course for the public safety. He stated that what the county was willing to invest in spoke volumes about the county's emphasis. He asked the Board to give more thought and to think outside what had traditionally been done and to give it favorable consideration.

Commissioner Brown stated that Commissioner Rousseau made a good point about giving thought to coming up with a future plan and if the Board had something like that then there would not be groups coming every year asking for various things. He stated that the Board should not lose sight of all the money invested in human services. He stated that there were hundreds of thousands of dollars serving individuals that are not even Fayette County residents. He stated that Clayton County residents use the county's Health Department. He stated that his way of doing it was to always tie it to a government mandate that was within a government channel. He stated that there was so many groups and the Board would have to pick the winners and the losers and that bothered him.

E. Dollie Pollard stated that she was a newly invested resident, tax payer, business owner and gently aging in place in Fayette County, Fayetteville, Georgia. She stated that her decision to move to the county was based on quality of life, ability to continue working as aging in place. She stated that she had a global background on building businesses around the world and her focus was on social justice and social good. She stated that she was very invested in supporting not-for-profits and non-profits, whether government mandated or citizen supported. She stated that there had to be a cohesiveness and a collective conscience about the impacts of not serving the higher goods of the most vulnerable citizenry and at the same time growing the political and government base to be a health government that supported all citizens. She stated that she was a tax payer and she had no problem with portions of her taxes going toward supporting an organization that chooses to be used as a clearing house to identify the best way, using best practices and excellent data to make sure the most vulnerable are taken care of. She stated that the county can have measures such as DUI and Drug Court in place, but there could be prevention on the front end to create programs and assessments to address it through good health and excellent non-profits.

Alice Jones stated that she and Commissioner Brown have gone back and forth over the years discussing a community facility to accommodate recreational activities and summer programs for children and seniors and to accommodate aquatics. She stated that young people in Fayette County do not have the ability to go to a facility to learn how to swim. She stated that the citizens go to surrounding counties to make that happen. She stated that Kedron was allowable for accommodation for a few select people. She stated that she would like to work with the Board to look at future visioning and work on something to allow the millennials to become employed in the summer months. She stated that in regard to Fayette Care Clinic, the people who are being served by that facility are people who sit beside you in church on Sunday and people who are working in the grocery stores with no coverage. She stated that they are working and paying taxes, but the health insurance was missing. She stated that we have insurance on cars and houses, so why not have something in place to provide for those who are vulnerable and don't have the money to buy insurance for themselves and their families.

Chairman Maxwell asked County Attorney Dennis Davenport if it was appropriate to call each item again and ask if there was a motion.

Mr. Rapson stated that there had to be a vote. He stated that the grants were not a part of the official budget until the Board took action.

Commissioner Brown stated that for clarification, staff was trying to narrow down a dollar figure for the ad that had to be placed in the newspapers that would give the citizens a general understanding of what the budget would be.

Mr. Rapson stated that it was not so much the ad, but the budget resolution that had to be adopted on June 28 to put the budget in place. He stated that there were a lot of moving parts that had to happen before June 28 and staff was trying to get ahead of that curve.

Commissioner Brown stated that on June 28 the Board would not be presented with a "love it or leave it" budget. Mr. Rapson stated no. Commissioner Brown stated that he would not want to pre-vote something in or out until the Board had the final information.

Mr. Rapson stated that if the budget was approved June 28, there could be a budget amendment on July 12. He stated that the option to change the budget was a continual option at each Board meeting.

Mrs. Parrott stated that the Board would need to adopt a resolution on June 28, and if the Board did not then it would mean that there was not an adopted budget because July 1 was the beginning of the fiscal year. She stated that it would be very helpful to have direction on what the Board would like to include, but she would like to reiterate that the Board could adopt the budget and ask staff to amend it the next week. She stated that there was nothing to prevent that. She stated that staff also would publish the resolution as part of the agenda item to give citizens the opportunity to look at it before the meeting.

Mr. Rapson stated that if the Board did not approve a budget on June 28, then staff would continue conducting business, but not hiring the 14 new positions or initiate any new contracts that are part of the proposed budget.

Vice Chairman Ognio stated that the Board needed to decide. He stated that the Board had a retreat, had discussions and it was time to make some decisions one way or another.

Mr. Davenport stated that an individual motion for each item would be in order because the variations and combinations are complex.

Commissioner Oddo moved to lower the DUI Court, Fund 214 by \$79,753 based on the grant. Vice Chairman Ognio seconded. The motion passed 5-0.

Vice Chairman Ognio moved to lower the Drug Court by \$179,250 based on the grant. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Ognio moved to approve the 15-35-35-15 plan. Commissioner Oddo seconded. The motion passed 4-1. Commissioner Rousseau abstained to get more information.

Vice Chairman Ognio moved to upgrade the equipment to a 279D Skid Steer Loader for \$22,522. Commissioner Oddo seconded. The motion passed 4-1. Commissioner Brown abstained in the hopes to discuss it again on June 28.

No motion was made for the Magistrate Court.  
No motion was made for the Superior Court Deputy Clerk I.  
No motion was made for the salary/supplements for the Superior Court Judges.

Chairman Maxwell asked for clarification on the stipend.  
Mr. Rapson stated that the stipend was a \$300 allowance which was \$3,600 each for the State Court Judge and State Solicitor and the total impact to the General Fund would be \$7,751.

Commissioner Oddo moved to add the stipend to the budget. Vice Chairman Ognio seconded. The motion passed 4-1.  
Commissioner Brown abstained.

Mr. Rapson stated that the supplement would be a \$6,000 supplement to run the DUI Court with a total impact of \$11,304. It would affect the State Court Judge (\$6,000) and State Solicitor (\$5,304).

Commissioner Oddo moved to add the supplement. Vice Chairman Ognio seconded. The motion passed 3-2. Commissioner Rousseau and Commissioner Brown abstained.

No motion was made to increase the funding for Senior Services Saturday hours.

Commissioner moved to add the non-profit request. The motion failed for a lack of a second.

Commissioner Rousseau stated that he would like to have a comprehensive blueprint that included a recreation facility.

Mr. Rapson stated that the \$45,000 was budgeted for the master recreation plan, but Commissioner Rousseau mentioned the big box retrofit and that was the first he had heard of that request.

Commissioner Rousseau stated that he would like for staff to determine what it would cost to do a survey or assessment.

Commissioner Brown stated that if there could be a taxable entity in that space then we should. He stated that some of the facility may not be in the county's jurisdiction.

Commissioner Rousseau stated that he agreed. He stated that it would require partnerships such as with Peachtree City and Tyrone. The county could partner in this way as well.

Mr. Rapson stated that when staff presented the revisions on June 28, they would also have the items that were approved by the Board and then have the items that require further action.

The Board recessed at 8:17 p.m.

The Board reconvened at 8:31 p.m.

- 4. Consideration of Petition No. 1273-18, Travis and Sabrina Williamson, Owners, request to rezone 1.721 acres from R-45 Conditional to R-45 Conditional to amend a condition of rezoning to reduce a 75-foot front yard setback from Eastin Road to 60 feet with four (4) recommended conditions. This property is located in land lot 21 of the 7th District.**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. Mr. Frisina stated that this was a house keeping amendment. He stated that the property (McKenzie Walk Subdivision) was rezoned in 1994

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and at that time the staff was in the habit of increasing setbacks and making additional requirements on roadways. He stated that since that time, staff had not done that for some period. He stated that in 1989 the condition was amended to have the setback reduced from 80 feet to 75 feet and now it was the same situation. He stated that it had length, but no width. He stated that the new conditions would take the 75-foot requirement off and reduce it down to 60-feet as required by R-45 zoning. The 50-foot buffer would remain.

Commissioner Brown clarified that the request was for 75 to 60-foot on Eastin Road. Mr. Frisina stated yes. Commissioner Brown asked if the 50-foot buffer was at the rear of the property.

Mr. Frisina stated no. He stated that it was inclusive of the 60-feet.

Commissioner Brown stated that the first 50-feet was undisturbed buffer. Mr. Frisina stated yes.

The recommended conditions:

1. A 50-foot natural buffer shall be maintained along Eastin Road on Lot 21. Said natural buffer shall be undisturbed except for approved access and utility crossings and replanting where sparsely vegetated.
2. Lot 21 shall not have direct access to nor be oriented to Eastin Road.
3. Lot 21 shall be connected to the County water system.
4. Lot 21 shall have a lot width of at least 150-feet at the building line.

Mr. Frisina continued that the Williamsons went before the Zoning Board of Appeals and do have some variances that were approved conditional, based on the vote from the Board.

Chairman Maxwell stated that he had two agendas. The agenda that was posted on Friday did not have this item listed. He stated that he assumed that the property was properly posted and the legal requirements had been met.

Mr. Davenport stated that like any other rezoning, he presumed the conditions had been met. Mr. Frisina stated that it was posted and advertised as required. This item was added to the Board of Commissioners agenda on Wednesday and re-posted to the website with the additional item.

Mr. Davenport stated that what controlled the zoning hearings was the legal requirements, which have been met. He stated that the published agenda was a convenience. He continued that there was a legal requirement to have an agenda before the meeting, but there was no date certain beyond which an agenda could not be amended. He stated that if the property had not been advertised or posted it could not be heard. He stated that staff had assured that the legal requirements had been met.

Chairman Maxwell stated that his issue was that it was not posted on the website until Wednesday.

Commissioner Oddo stated that the Board had met the legal challenges and he had no issues moving forward.

Chairman Maxwell stated that he did not know the neighbors and it could be a huge issue if they did not find out.

Sabrina Williamson stated that she had a letter from the Homeowners Association with full support from the entire neighborhood.

Mr. Rapson stated that the site was posted and anyone driving by would see the sign. They would have been notified of the Planning Commission meeting and this meeting.

Vice Chairman Ognio stated that it was staying at the same zoning and the only thing that would change was the setback. He stated that he did not think it was a big issue and that the Board should move forward.

Sabrina Williamson asked Mr. Frisina for clarity. She asked if the building line started at the property line and then moved forward and if from the property line to there was another 25-feet to the center of the road.

Mr. Frisina stated that depending on the right-of-way, he was not sure if it was a 60 or 80-foot right-of-way. He stated that it was half of the roadway to the center. He continued that the property line started somewhere beyond the ditch along the road.

Mrs. Williamson stated that there was a culvert that ran along the left side of the property that had eroded away over a number of years. She stated that it was just beyond the left side of the fence of the property. She stated that she would like to keep the pool away from the culvert. She stated that if she kept everything behind the 75-foot building line it would put it next to the culvert. She stated that the pool would not be visible from the house and would be directly behind the garage. She stated that they have three kids and that would be a safety issue. She wanted to be able to see the pool from the house. She stated that there were a lot of trees from Easton Road to their property and they would not take those trees down. She stated that the pool could not be seen from Easton Road.

Commissioner Brown asked if there was a culvert beneath the road that let out at that point. Mrs. Williamson stated yes. Commissioner Brown asked if they were doing anything to mitigate the erosion situation. Travis Williamson stated not yet. He continued that he would like to eventually put up a cross tie wall or plant something along the culvert.

No one spoke in favor or in opposition of this request.

Vice Chairman Ognio moved to approve Petition No. 1273-18, Travis and Sabrina Williamson, Owners, request to rezone 1.721 acres from R-45 Conditional to R-45 Conditional to amend a condition of rezoning to reduce a 75-foot front yard setback from Eastin Road to 60 feet. This property is located in land lot 21 of the 7th District. The four conditions are:

1. A 50-foot natural buffer shall be maintained along Eastin Road on Lot 21. Said natural buffer shall be undisturbed except for approved access and utility crossings and replanting where sparsely vegetated.
2. Lot 21 shall not have direct access to nor be oriented to Eastin Road.
3. Lot 21 shall be connected to the County water system.
4. Lot 21 shall have a lot width of at least 150-feet at the building line.

Commissioner Oddo seconded. The motion passed 5-0.

### **CONSENT AGENDA:**

Item #9, amount was changed from \$67,510 to \$65,274. Vice Chairman Ognio requested to remove item #11.

Commissioner Oddo moved to accept the agenda with the change to item #9 in the amount of \$65,274 and to remove item #11 for discussion. The motion passed 5-0.

5. **Approval of staff's recommendation to award 2019 Property & Casualty Insurance coverage at \$542,078 to Nova, Amguard, Liberty Mutual and Sheriff's Office AD&D at \$1,707 and Commissioners' Travel Accident at \$750 to the Hartford, for a total award of \$544,535.**

6. **Approval of staff's recommended Budget Amendments to the FY 2018 budget and approval to close completed projects.**
7. **Consideration to accept a Maintenance Repair Renovation (MRR) grant for \$137,500.00 from the GA Public Library System which will fund 50% of the cost to upgrade the restrooms and replace the roof at Fayette County's Library.**
8. **Approval to authorize staff to acquire all fee simple right-of-way and easements for the 330 Oak Street culvert replacement project (2017 SPLOST No. 5509H).**
9. **Approval of the Peachtree City and Fayette County Intergovernmental Agreement for the Lake Peachtree pipe grouting of Lake Peachtree Pumphouse for an amount not to exceed \$65,274.**
10. **Approval of the May 24, 2018 Special Called Budget Workshop Minutes.**
11. **Approval of the May 24, 2018 Board of Commissioners Meeting Minutes.**

Vice Chairman Ognio stated that the motion for item #9 of the May 24, 2018 minutes had the term to end on June 30, 2019. He stated that was not the motion that was made.

After further discussion.

Vice Chairman Ognio moved to have "an initial term to end June 30, 2019" be removed from the motion each time stated. Commissioner Oddo seconded. The motion passed 4-1. Commissioner Rousseau abstained because he did not have anything to compare to the requested change.

#### **OLD BUSINESS:**

12. **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 May 10, 2018 Board of Commissioners meeting.**

Commissioner Brown stated that this was on the agenda regarding a resolution related to a Georgia Department of Transportation (GDOT) project for doing extensive changes to McDonough Road. He stated that there were years of discussion regarding the potential negative impacts to various parts of the county's infrastructure and traffic implications. He stated that the Board voted to take the resolution and give it to the Transportation Committee (TC) to either agree with the language or offer alternative language.

Vice Chairman Ognio stated that the TC members did not want the county to keep maintaining the road and did not want to send "negative light" to GDOT regarding the project. He stated that the problem was that no one knew why the project was pushed back. He stated that the letter that was received from GDOT was sent to Clayton County and Fayette County and if the Board wanted to move forward, the county would need to send a resolution supporting the project and to commit funding to the project. He stated that the county had committed funding since 1994 by maintaining the road. He stated that he wished GDOT would have come and met with the Board because he would like to know if GDOT was going to address the issues with public works and the parks situation. He stated that he was on the fence with approval. He stated that he understood that GDOT thought they



had approval from 1994 to move forward and he could see them getting agitated because the Board of Commissioners changed every few years, but the project was already in motion. He stated that he was not sure where to go from here. He stated that the TC recommended moving forward and finding funds.

Commissioner Brown stated that he was disheartened that the TC did not address the significant issues related to the infrastructure and this project. He stated that one of the main parts was GDOT's assessment of the project because they only look at the start and the terminus. He stated that it was not addressed in the resolution.

Vice Chairman Ognio stated that from the discussion GDOT was not going to talk to the county about those type issues if the project would not happen for years down the road. He stated that the only way they would come to talk about anything would be if it was moving forward.

Commissioner Oddo stated that GDOT asked for a resolution in support of this idea. He stated that the TC gave a resolution urging the Board to talk to GDOT. He stated that putting together a resolution, if the Board approved it, would contain the information the Board wished to include. He stated that it would hopefully start the conversation again. He stated that a resolution of support would let GDOT know that the Board wanted to discuss this and not doing a resolution would say that the Board did not want to talk about it. He stated that the resolution would show that there was interest in this road. He stated that this was not the wording for the resolution.

Commissioner Brown stated that the TC resolution stated that "the Transportation Committee recognizes that the McDonough Road project was a priority project for Fayette County." He stated that he had been in elected office for almost a decade and it had never been a high priority project. He stated that he did not know where the priority project came from, but he did see a project with a number of significant negatives attached to the project. He stated that the Board would be highly amiss and not living up to the responsibility of the citizens if there was not something that noted the Board's deep concerns about the negative impacts related to this project. He stated that if the project went to "sleep" he would have no problems with that because GDOT had been much less than forthcoming in trying to resolve anything. He stated that if the Board wanted to have GDOT working on something, the interchange at Highway 74 and I-85 was a great opportunity to have GDOT moving on something. He stated that he would rather not do a resolution at all if the Board was not going to list the concerns.

Vice Chairman Ognio stated that the Board could surely list the concerns. He stated that in regard to the I-85 and SR74 corridor, the TC had an email saying that GDOT was working on the funding for the right-of-way and that they are going to split the funding. They are looking for the additional funding to make it happen, but have not said when. He stated that he agreed that the Board needed to state the concerns. He stated that he would like to see it widen into the East Fayetteville Bypass and that way it would not affect public works or the parks. He stated that the problem was that if the Board did not do it, there was a bridge that would cost money and there was a possibility it would be funded under the bridge program, but if GDOT decided not to fund it under the bridge program, the county would be in for a big hit. He stated that the road would be due for repaving soon and it was all things that the county would not have to deal with if GDOT widened the road and addressed the county's concerns. He stated that the TC was working on a priority list to take to GDOT and to discuss with Michael Presley to have a conversation with him about the county's priorities. He stated that after that he would like to have another meeting with Jay Roberts.

Commissioner Brown stated that Fayette County had put a tremendous good faith effort. He stated that the Board had offered to meet with them, cited concerns in writing and asked for responses and have had meetings with any official at GDOT that would listen. He stated that it was not lack of trying from the county and the fact that GDOT was not forthcoming with addressing any of the county's issues should be scary. He stated that money was not GDOT's problem, they have more money than they know what to do with. He stated that the Board should be concerned that GDOT was not responding. He stated that the Transportation Committee resolution had "priority project" three of four paragraphs. He stated that it was not a priority project for him. He stated

that if committee representatives are going to speak to GDOT about transportation projects, that there should be an official priority list, voted on by the Board. He stated that if this project ended up on the priority list, he would vote against it.

Commissioner Oddo stated that GDOT had not come up with a plan for McDonough Road. He stated that he had not seen anything that said it would be a high-speed road. He stated that GDOT had adjusted the plan and added the cart path on one side. He stated that it was not that GDOT was ignoring the county. He stated that we had received some answers and if the county did not reach out a little to GDOT, they would go somewhere else. He stated that he had no problem talking to GDOT. He stated that it would be great thing to sit down and talk to them before wording the resolution. He stated that there should be a vote to move forward with GDOT to resolve the existing issues. He stated that the project had not been designed so it was hard to give answers when they did not get that far. He stated that he presumed that the project was stop. He stated that he did not see the other side of it. He continued that he knew there were several traffic issues. He stated that what happened between the Board could affect the entire county including the cities and they had not weighed in on this. He stated that the cities were represented on the TC and they were in favor of continuing the conversation with GDOT.

Commissioner Oddo moved to accept the Transportation Committee's recommendation and put together a resolution that was requested by Georgia Department of Transportation, with the Board's words and concerns and deliver it to Georgia Department of Transportation to start a conversation. Vice Chairman Ognio seconded.

Chairman Maxwell stated that he had only met Jay Roberts a few weeks ago. He stated that Mr. Roberts made certain promises and he expect that he would keep those promises. He stated that he had made attempts to meet with Mr. Roberts in a smaller group setting. He stated that in the May 30 letter it stated, "if this project is a priority" and he did not know the definition of the word "priority". He stated that he believed it was a significant project for Fayette County, but it was not the number one priority. He stated that SR74/I-85 was the number one priority. He stated that SR74/SR54 was the second priority. He stated that GDOT was in the process of paving Highway 54 and he appreciated that. He stated that at a meeting with Vice Chairman Ognio, Sam Wellborn, Mr. Presley and himself, they gave Mr. Presley a list of projects to discuss with him. He stated that Mr. Presley gave a commitment to meet and talk with him and Vice Chairman Ognio. He stated that staff was setting up those meetings and then the Board received the May 30 letter. He stated that the letter said, "recommend" a signed resolution indicating that the project was a priority. He stated that he did not read it as the Board had to have a resolution at this meeting or the next. He stated that he did not know if the letter went out to other counties as well. He stated that if GDOT was asking the county to make this project a priority, then he had the same questions as the other Board members regarding the county's infrastructures on McDonough Road. He stated that he would like to speak with someone from GDOT to hear someone say what the plan was to handle these problems. He stated that he did not know that he could vote for the Transportation Committee's resolution because it called it a priority project. He stated that the Board had not had that discussion.

Commissioner Brown stated there was a letter sent in July 11, 2013 to GDOT with 14 points that the county had issues regarding this project. He stated that the county received a response three years later. He stated that GDOT was trying to realign the road for maximum speed and maximum capacity. He stated that he would not be in favor of supporting the Transportation Committee's resolution because it was far from a priority project for him, until someone can reassure him that the county would not have millions of dollars from this project.

Vice Chairman Ognio stated that they would not have that conversation until the project was moving forward. He continued that was the reason the Board could have a resolution with all the information in it. He stated that it was putting it in writing and if GDOT was not interested because of the conditions, then that was fine. He stated that the conversation had to be had and it had not happened yet. He stated that the letter sent, asking for the resolution and the funding commitment, was signed by Mr. Roberts. He stated that he did think the county needed to send something to GDOT and if they did not respond it was not on the county.

Chairman Maxwell stated that he did not want to send the Transportation Committee's resolution.

Commissioner Rousseau stated that it should be addressed by saying it was not on the county's priority list. The priority list was still being developed. He continued that he did agree that the Board needed to send some form of communication in response to the letter from Mr. Roberts. He stated that he was not in favor of sending anything about any funding commitment. He stated that the county had been funding it for 18 years. He stated that he did not consider it priority. He stated that the concerns raised have always been a concern in terms of the physical structures on McDonough Road and the parks. He stated that a letter stated that the county was open to additional dialogue, but have concerns was in order. He stated that he agreed that the Board needed to have a letter with those concerns and ask for a meeting to discuss the concerns. He stated that for him the priority should be listening to the Board's concerns after 18 years of being a partner, there was no return on investment from that vantage point. He stated that the door might be open if a letter was sent to share the concerns and to sit down to talk.

Vice Chairman Ognio stated that the resolution from the TC was not a recommendation to send to GDOT. It was a recommendation to the Board of Commissioners.

Commissioner Brown stated that initially the Board asked the TC to look at the language in the present resolution and offer suggestions. Vice Chairman Ognio stated that GDOT moved the project so it was "kind of a moot point".

Commissioner Brown stated that if GDOT could not answer the key points raised that it was better to let the project die because the county was better off with a two-lane road and trying to figure out how to fix the bridge than having a catastrophic event with traffic in downtown.

Vice Chairman Ognio stated that there were a lot of ideas at the TC on how to mitigate traffic in downtown Fayetteville.

Commissioner Oddo moved to accept the Transportation Committee's recommendation and put together a resolution that was requested by Georgia Department of Transportation, with the Board's words and concerns and deliver it to Georgia Department of Transportation to start a conversation. Vice Chairman Ognio seconded.

Public Works Director Phil Mallon would draft the wording.

Commissioner Oddo moved to accept the Transportation Committee's recommendation and put together a resolution that was requested by Georgia Department of Transportation, with the Board's words and concerns and deliver it to Georgia Department of Transportation to start a conversation. Vice Chairman Ognio seconded. The motion failed 2-3. Chairman Maxwell, Commissioner Brown and Commissioner Rousseau voted in opposition.

Commissioner Rousseau moved to have staff draft a letter to Georgia Department of Transportation indicating the Board's concerns about the project, with no funding commitments, but to enter into continual dialogue about the project. Commissioner Brown seconded.

Commissioner Rousseau amended the motion to have staff collect the Board's thoughts and send drafts that the Board can draw consensus on.

The Board discussed having the draft letter available by July 12.

The motion passed 5-0.

**NEW BUSINESS:**

13. **Consideration of a recommendation from the Selection Committee, comprised of Chairman Eric Maxwell and Commissioner Charles D. Rousseau, to re-appoint Lisa Mahaffey to the Fayette County Recreation Commission for a term beginning June 1, 2018 and expiring May 31, 2022.**

Commissioner Rousseau moved to approve to re-appoint Lisa Mahaffey to the Fayette County Recreation Commission for a term beginning June 1, 2018 and expiring May 31, 2022. Chairman Maxell seconded. The motion passed 5-0.

14. **Consideration of a recommendation of the Selection Committee, composed of Commissioner Steve Brown and Commissioner Charles Rousseau, to re-appoint Irene Cheyne to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Advisory Council for a term beginning October 1, 2017 and expiring September 30, 2020.**

Commissioner Rousseau moved to re-appoint Irene Cheyne to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Advisory Council for a term beginning October 1, 2017 and expiring September 30, 2020. Commissioner Brown seconded. The motion passed 5-0.

15. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Steve Brown, to re-appoint Darryl Hicks to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022.**

Commissioner Brown moved to re-appoint Darryl Hicks to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022. Vice Chairman Ognio seconded. The motion passed 5-0.

16. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Steve Brown, to re-appoint Pat Hinchey to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022.**

Vice Chairman Ognio moved to re-appoint Pat Hinchey to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022.

17. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Steve Brown, to re-appoint Dr. Luis Matta to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022.**

Vice Chairman Ognio moved to re-appoint Dr. Luis Matta to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022. Commissioner Brown seconded. The motion passed 5-0.

18. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Steve Brown, to appoint Sameera Tillman to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022.**

Commissioner Brown moved to appoint Sameera Tillman to the Fayette County Development Authority to fulfill a term beginning April 10, 2018 and expiring April 9, 2022. Vice Chairman Ognio seconded. The motion passed 5-0.

**19. Consideration of staff's recommendation to adopt Policy 280.03; Animal Shelter Management-Day Foster to implement a day fostering program and approval of the supporting unnumbered Ordinance.**

Animal Shelter Director Jerry Collins stated that this policy was to recommend a fostering program at the animal shelter. He stated that the fostering program would allow the animals to leave the shelter and go to homes to get more exposure with families and give the animals opportunities to go to events. He stated this would alleviate some the stress on the animals the night before an event.

Stephanie Cohen, Fayette Humane Society stated that the Fayette Humane Society supported the fostering program. She stated that it would cut down on the stress of the animal and give the animals more visibility in the community.

Commissioner Rousseau asked Mr. Davenport if he had reviewed the document. Mr. Davenport stated yes. Commissioner Rousseau asked how would it work with the animals being on the "clock" by having them removed and in the care of the fostering home. He asked if the clock would start over if the animal was returned.

Mr. Collins stated that the clock would not stop. He stated that if an animal left it would remain on the clock with the shelter.

Commissioner Rousseau stated that he saw in the document that staff would go out and review the environment that the animal would be staying. He stated that he had a liability issue. He stated that they have an out...and he knew that there was a waiver if something happened while in the foster care. He asked did it come back on the county. He stated that he thought it said no, but he wanted to be sure.

Mr. Collins stated that staff issue would depend on how many fosters there were at a time. He stated that the foster had to be a current and valid volunteer at the shelter and a resident of Fayette County. There would be periodic checks and the liability was the same as if someone came and walked the animal at the shelter. He stated that he and his staff would make sure that the temperament of the animal was good.

Commissioner Rousseau stated that he commended staff on the innovation.

Mr. Rapson stated that the capacity of the shelter would only be based on the physical animals at the shelter.

Commissioner Brown moved to approve to adopt Policy 280.03; Animal Shelter Management-Day Foster to implement a day fostering program and approval of the supporting unnumbered Ordinance. Commissioner Oddo seconded. The motion passed 5-0.

**20. Consideration of staff's recommendation of project delivery changes for the Redwine Road Multi-Use Path project (Fayette County SPLOST 17TAH, GDOT PI No. 0012624, ARC FA-352) and approval of Heath & Lineback Engineering, Inc.'s proposal of \$70,080.00 for "Final Plans, Specifications & Estimates for Local Let."**

This item was pulled from the agenda and was slated for the June 28 Board of Commissioners meeting.

**21. Consideration of staff's recommendation to approve an Intergovernmental Agreement between Fayette County and the City of Fayetteville to enter into an agreement for completion of a 2004 Special Purpose Local Option Sales Tax (SPLOST) transportation improvement project designated as Project R-13.**

Mr. Rapson requested to have items #21 and #22 tabled. He stated that there was wording in the agreement that needed to be corrected.

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



Commissioner Brown moved to table an Intergovernmental Agreement between Fayette County and the City of Fayetteville to enter into an agreement for completion of a 2004 Special Purpose Local Option Sales Tax (SPLOST) transportation improvement project designated as Project R-13 to the June 28, 2018 Board of Commissioner meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

**22. Consideration of staff's recommendation to approve an Intergovernmental Agreement between Fayette County and Peachtree City to enter into an agreement for completion of a 2004 Special Purpose Local Option Sales Tax (SPLOST) transportation improvement project designated as Project I-16.**

Commissioner Brown moved to table an Intergovernmental Agreement between Fayette County and Peachtree City to enter into an agreement for completion of a 2004 Special Purpose Local Option Sales Tax (SPLOST) transportation improvement project designated as Project I-16 to the June 28, 2018 Board of Commissioner meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

**PUBLIC COMMENT:**

Michael Ivie stated that he lived on Huckaby Road. He stated that the road was repaved and a new process was used on the road. He stated that twenty-years ago his father filed a petition to have the road paved. He stated that the county repaved a road that did not need repaving and now it was back to a gravel road. He stated that he was concerned about how rough the road was with the new pavement. He stated that he visited Robinson Road and it was smoother than his road. He asked if the Board had future plans to do other roads that way. He stated that there was a lot of gravel in his yard and it was awful. He wanted to stress not to use this on any other road and what was the county planning to do with Huckaby Road.

Vice Chairman Ognio stated that he had been contacted by ten people. He stated that he had Mr. Ivie's contact information and he was working with the Road Department to figure out where the county would go with this process.

Mr. Ivie urged the Board to drive down the road before doing any more roads using this process.

Mr. Rapson stated that it was a new road treatment. He stated that staff had heard what Mr. Ivie had to say and the other residents. He stated that he, Commissioner Oddo and Vice Chairman Ognio had driven the road. He stated that it was not finished because it had to be striped. He stated that the only fix would be to repave the entire road at \$1.6 million. He stated that staff's position was to wait and see how this played out over the next week or two. He stated that the road was done this way to maintain the rural character of those type of roads. He stated that staff was evaluating some of the roads in Coweta and Spalding that have used this process to see how the roads hold up over time.

Vice Chairman Ognio stated that he drove the roads in Coweta that have been there for a year or so to see how the road was holding up. He stated that the roads looked good and that the road did smooth out. He stated that the process was called "chip and seal" and it cost about a third of what it cost to repave the road. He stated that with the cost of asphalt rising, the public works department was looking for ways to extend the life of the road without the expense. He stated that there were some patches on the road before the paving and that was possibly where the humps in the roads came from. He stated that the striping should help the look of the road. He stated that he understood the concern and that the county would continue to evaluate the road.

Commissioner Brown asked to have it on an agenda. He stated that it would be nice to have an agenda item with photos of the roads in Coweta.



Mr. Rapson stated that staff was in the process of doing that. He stated that the road had the same life cycle as it would if it was asphalted, but the cost was \$56,000 versus almost \$200,000 for asphalt. He stated that staff would take care of the gravel in the yards that would be addressed. He stated that the best thing to do was for each Commissioner to go and drive the road because it was hard to explain with photos. Mr. Rapson stated that this was the only road and it was the only road that would be done until the Board made a decision.

Mr. Ivie made comments from the audience. (inaudible)

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

#### **Balloons Over Fayette**

Mr. Rapson stated that there were approximately 7,000 people present for the festival. Kids five years old and under were not counted. This number was an estimate.

#### **Lake Kedron and Peachtree City**

Work continued on the bridge struts. He stated that some of the struts were about one foot under water and the lake continued to lower. He stated that he was hopeful that it would be completed by the end of the following week and could be refilled.

#### **Downtown Fayetteville resurfacing**

He stated that Fayetteville would continue to work on downtown Fayetteville. The work would commence on June 15 at 7:00 p.m. until June 16 at 5:00 p.m. The work would be from downtown Fayetteville to Tiger Trail ramp back up to SR54 Eastbound.

#### **Ribbon Cutting**

Ribbon Cutting for Emerald Lake Dam on June 28 at 4:00 p.m. and Kenwood Park Track on July 12 at 4:00 p.m.

#### **Public Arts Committee**

Mr. Rapson stated that staff needed direction from the Board. He stated that there were five members short and two members whose terms would expire soon.

The Board instructed staff to re-advertise the positions.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item for pending litigation, one for personnel matter and the review of the Executive Session minutes for May 24, 2018.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Brown:**

**Water Guardians:** Commissioner Brown announced that Water Guardians would be held at Lake Peachtree on Saturday, June 16, 2018.

**Parking on the Lawn Ordinance:** He stated that he and Commissioner Rousseau had been working with constituents related to the creation of a possible parking on the lawn ordinance. He stated that staff asked for approval to move forward with creating an ordinance to be brought to the Board.

Chairman Maxwell stated that he did not have a problem with staff working on something that might “grow into something”. He stated that he thought this topic came up last year and it was a “no” situation. He stated that he had not been swayed to move from that position, but he would not object to staff studying it.

Commissioner Brown stated that he came up with some basic parameters where it would only apply to areas where most needed.

Mr. Rapson stated that it would require some legal efforts. He stated that the obstacles were some of the parameters would cause ordinance revisions. He stated that staff had not shared the concerns raised by legal; only Commissioner Rousseau and Brown received those emails.

Chairman Maxwell stated that there was danger in limiting a Commissioner from looking into something.

Commissioner Oddo asked if the rest of the Board members could see what had been worked on. Commissioner Brown asked Mr. Frisina to send the Board the email.

The Board agreed to wait on consensus.

**Memorandum from the County Attorney:** Commissioner Brown stated that the Board received a memorandum regarding an item that was discussed at the last meeting that had a disclaimer on it. “This memorandum is a confidential communication between the attorney and client and is intended solely for the Board of Commissioners of Fayette County, Georgia. Examination, copying or distribution may not occur without the express permission of the Board of Commissioners of Fayette County, Georgia”. He stated that his understanding of the open records act...this had nothing to do with pending or threatened litigation or anything that would keep the Board in a binding legal situation where the Board would not release it... it was a request for information and information given. He stated that he did not see why any Board member would have to get permission from the entire Board to release the document.

Mr. Davenport stated that the open records act was not just limited to pending and threatened litigation. He stated that specifically the open records act stated expressly that it was not intended to erode the attorney client privilege between attorney and client. He stated that the client was the Board and when the Board asked for a legal opinion he provided the legal opinion. He stated that when the Board sought a legal opinion in writing, he provided it in writing and it was to the Board and not to an individual commissioner. He stated that the Board owned the privilege. He stated that if the Board wanted to waive the privilege that was fine, but he did not have the authority to do that. He stated that the Board was the client and as a client, asked for his work product which he provided. He stated that if the Board wanted to say it was public information that was fine, otherwise it was privileged attorney client communications.

Commissioner Brown stated that he disagreed and it should be subject to any open records request.

Chairman Maxwell asked if the way to get around it was to make a motion to the Board to have the document released. He stated that there were certain opinions that the Board needed that required confidentiality. He stated that other opinions...to just tell the public what the opinion was.

Mr. Davenport stated that the Board owned the privilege and could waive it at any time, but he could not. He stated that it could be done from the dais in public.

Commissioner Brown stated that he had heartburn with having to bring it to the Board to vote on having the document released. He stated that the direction of the Board was to bring back the points on the blue lights. He stated that it was asked in a public meeting and asked to be brought back in a public meeting.

Commissioner Oddo stated that Commissioner Brown could make a motion to waive that privilege.

Mr. Davenport stated that it was standard boiler plate language in his memorandums.

**Commissioner Oddo:**

**Flag Day:** Commissioner Oddo reminded the audience that it was Flag Day. He stated that it was day to honor the flag.

He thanked everyone for attending the meeting and “sticking it out.”

**Vice Chairman Ognio:**

**Inman Antique Truck Show:** Vice Chairman Ognio announced that the Inman Antique Truck Show would be held at Inman Farm on the weekend. He stated that it was a good event for the whole family.

**Thank you:** He thanked staff and Finance for working on the budget. He stated that he had gone through most of the budget and it was very well put together.

**EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item for pending litigation, one for personnel matter and the review of the Executive Session minutes for May 24, 2018.

**One Item of Pending Litigation, One Item of Personnel Matter and review of the May 24, 2018 Executive Session Minutes:**

Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:29 p.m. and returned to Official Session at 10:47 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 Oddo seconded. The motion passed 5-0.

**Personnel Matter:** Commissioner Oddo moved to extend the 2.4% adjustment in the County Administrator’s pay that expires on June 30, 2018 to the end of his contract term in 2019. Vice Chairman Ognio seconded.

Commissioner Brown stated that he would be consistent with last year. He stated that he cited the same issues.

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

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

**ADJOURNMENT:**

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

Vice Chairman Ognio moved to adjourn the June 14, 2018 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The June 14, 2018 Board of Commissioners meeting adjourned at 10:49 p.m.

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Tameca P. White, County Clerk

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Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28<sup>th</sup> day of June 2018. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk