

## **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**

July 26, 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 July 26, 2018 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present. No Commissioner was absent.

### **Invocation and Pledge of Allegiance by Vice Chairman Randy Ognio**

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

### **Acceptance of Agenda**

Chairman Maxwell moved to change agenda item #5 after the Consent Agenda and before New Business. Commissioner Steve Brown seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:** None

**PUBLIC HEARING:** None

### **CONSENT AGENDA:**

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

- 1. Approval to purchase Caterpillar Model 315F Hydraulic Excavator from Yancy Brothers under state contract in the amount of \$154,915.**
- 2. Approval to purchase Caterpillar Model 279D Compact Track Loader under state contract in the amount of \$59,316.**
- 3. Approval of the July 12, 2018 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

- 4. Consideration and approval of staff's recommendation to implement the proposed grade changes and resulting salary adjustments for the Fayette County Water System as prepared by the Carl Vinson Institute of Government at the University of Georgia. This item was tabled at the June 28, 2018 Board of Commissioners meeting.**

Human Resource Director Lewis Patterson stated that this item was tabled until some procedural questions could be answered. He turned the item over to Mr. Davenport.

Mr. Davenport briefed the Board that the memorandum in the agenda package provided a brief timeline with some different benchmarks of what occurred and when it occurred. He stated that the most critical part of the letter was the verbatim scope of work of the agreement that was entered into with Carl Vinson Institute. The question from the June 26 Board of Commissioner meeting was whether or not the activities that were conducted as part of the class and comp study were authorized. He stated that the scope of work in the agreement that was executed on October 4, 2016, defined the parameters that the study was to be conducted. He stated that he found that the activity that occurred was consistent with that scope of services. He stated that there were minutes noted where discussions occurred, but his focus and direction was to answer the question, whether or not the end result was authorized by a vote of the Board of Commissioners and his concluding paragraph was that "yes it was."

Mr. Patterson stated that the study impacted five employees; reclassification of the assistant distribution manager, three billing representatives and one water distribution maintenance worker. He stated that staff was seeking the Board approval with a cost not-to-exceed \$15,998.52. He stated that it was retro to July 1, 2017, because that was when the changes went into effect for everyone else. It was the fiscal year 2018 budget.

Commissioner Oddo moved to implement the proposed grade changes and resulting salary adjustments for the Fayette County Water System as prepared by the Carl Vinson Institute of Government at the University of Georgia with an implementation cost not-to-exceed \$15,998.52. Vice Chairman Ognio seconded.

Commissioner Brown stated that he had nothing against the water system employees and he believed that the employees should be adequately compensated, as with every county employee. He stated that his problem was with how it was done. He stated that he believed they were playing by two sets of rules and he was going to call hypocrisy. He stated that in the meeting minutes for June 22, 2017, when this was approved as part of the budget. He stated that he complained throughout the minutes about the process and how it was conducted and lack of consultation with the Board was one of the complaints. He stated that his complaints were duly noted in the minutes and it was approved as presented. He stated that timing was an issue and Carl Vinson was instructed to lead on certain positions with 911 and EMT. He stated that some of the questions was regarding the use of private industries for public sector jobs. He stated that he still had a problem with that because there was a difference. He stated that no one ever said that staff would come back to the Board regarding the water system. He stated that it wasn't that staff "could" not come back to the Board on the water system, it was that staff "had" to come back to the Board on the water system. He stated that the Board had to vote on it. He continued that there was nothing that said this would come back and there was no vote telling anyone to take it back. He stated that if the Board passed this request, the way it was given, then the Board should not vote on Commissioner Rousseau's item #10 of this agenda because then it would be playing by two sets of rules. He stated that he was tired of two sets of rules and if Commissioner Rousseau had to come to the Board and ask for permission to have staff work on something then tell him why that was not the case for item #4, after it had officially been voted on and included in the budget. He stated that any budget amendment had to be brought back to the Board.

Chairman Maxwell stated that he was not present at the last meeting. He stated that he spoke to Commissioner Brown briefly before the meeting to understand his position. He stated that the Board was at a certain point that they should vote on the motion and give the increases. He stated that he was under the impression that Commissioner Brown wanted some things re-studied and that happened, and it came back, and the five positions were the results. He stated that he tried to make the distinction with Commissioner Rousseau's item. He stated that he would prefer planning sessions, but no one seemed to want to have planning sessions. He stated that he really thought that Mr. Patterson and Mr. Rapson was trying to answer, what he thought was Commissioner Brown's questions.

Commissioner Brown stated that he had complained, over a number of years about what the county was paying the water system director. He stated that he took a failing water system and turned it around. He stated that it had always been his statement that the county should pay him according to what he had done for the county and his skill set. He stated that in the 2017 minutes he had a list of complaints and one of the complaints was how the process was conducted. He stated that after he stated his objections, and especially regarding the communication with Board, to have staff do it again with no communication or feedback from the Board, knowing that several of the Board members had problems with the way it was done was a problem. He stated that the Board was the top officials of the county government and the buck stopped at the dais. He stated that it was not just him, but others who complained about the process and then to have staff go and do the exact same process without heeding any of the warnings, he was going to be mad. He stated that he found out about this process from a third party and if he had to find out that way, then there was a serious problem in the channel. He asked why Mr. Damien wouldn't heed what the Board told him in 2017 if he was going to do a reapplication of this process. He asked why he wouldn't do that as a contractor.

Commissioner Rousseau thanked Mr. Davenport. He stated that his question was if the item was properly before the Board and Mr. Davenport answered that question. He read the following: "Commissioner Rousseau stated that the invitations did go out and he attended one or two of the meetings." He stated that the initial meeting that was held, he was in attendance because he wanted to know what the scope was and what was communicated to the staff. He continued that, "...however the meetings were on the front end as opposed to meeting once a recommendation was determined." He stated that it went to the issue that Chairman Maxwell raised, in respects to whether a work session would be helpful. He stated that there needed to be some dialogue in the middle as opposed to an affirmative vote before the Board to digest the recommendations. He stated that the Board was not involved until a final decision was made and that was his concern. He read further, "He [Commissioner Brown] stated that the Board of Commissioners never had a strategy session to discuss how the approach would be to the study." He stated that he believed the Board discussed approach, but his issue was what happened in the middle and he felt the Board was left out of that part. He stated that was where the frustration was being expressed on his part. He stated that he raised the issue to Mr. Rapson, that, in the middle, there needed to be dialogue with the Board via a get-together because emails did not always do it. He stated that he had received phone calls from people in the county who are unwilling to come forward out of fear of retribution, or fear of feeling that their voices would not be heard and acted upon. He continued that he had mentioned on several occasions how to arbitrate matters. He stated that the Board did not deal with day-to-day matters, but that he had worked in several systems where review committees made up of professional citizens and staff were created to fair through a real fear. He stated that there was buffering that was sometimes helpful. He stated that he disagreed in part that there was no substantive dialogue in the middle. He stated that the system needed to be monitored closely and dialogue between the entities that are responsible. He stated that the operational responsibility rest with the county administrator and the team around him.

Commissioner Oddo stated that there were a lot of comments about perception. He stated that his perception was that this was a work in process. He stated that he believed there was an effort on behalf of staff to resolve the issues. He stated that the information before the Board was the result of all the communication that had taken place at the public dais. He stated that had there been some intermediary discussion...in the future maybe there could be a preliminary draft. He stated that his concern was that he did not know how "deep in the weeds" the commissioners should be getting. He stated that there were professionals working on this and he had faith in what they brought back to the Board. He stated that he did not believe that the staff went out of the way to go around the Board. He stated that it was a continuation of what was started in 2015 when Commissioner Barlow made a motion to do a study and he believed he seconded and it failed 3-2. He stated that it was brought to the Board each time and he had been aware that it was being reviewed. He stated that he was waiting on a final result and he presumed that was what the Board was voting on with this item. He stated that he did not want to leave the wrong impression that staff was doing something out of the ordinary. He stated that he did not believe anything was done out of place. He stated that he was ready to vote on this item.

Commissioner Rousseau stated that for the record, that he made no accusation about anyone doing anything improper. He stated that he made an observation about how the process should function and work.

Commissioner Oddo stated that was not his intent. He stated that Commissioner Rousseau had been very big on process.

Chairman Maxwell stated that if there was something in the future that the Board needed to talk about that he would encourage the Board to talk to Mr. Rapson or to him or to staff. He stated that if a special called meeting was needed they could call a meeting. He stated that on every Tuesday he received a report from Mr. Rapson and that when he saw something that he did not know the answer to, within hours he would get a response from Mr. Rapson. He stated that his request to Mr. Rapson was that he send everything to him. He stated that if he [Commissioner Brown] wanted to be included on every email that he received, then he could include him on every email.

Commissioner Brown stated that was not necessary. He stated that if the Board was going to ask, that if anyone had to bring something before the Board before action could be taken, then it should be that way on everything because there was no vote on this action. He stated that the "pay things" were becoming a racket. He stated that four governments raise the pay scale and then three other governments raise the pay scale and use the four governments that just raised their pay scale to raise their pay scale. He stated that the government should not put in private pay scales in the comparisons and should not use places like, the city of Los Angeles, California, Oregon, Seattle, New England which have a much higher cost of living than Fayette County. He stated that was what we were doing...using some of those numbers. He stated that was his problem with the process.

Chairman Maxwell stated that in 2007, when he was first elected as commissioner, the pay study topic come up and he was in favor of the county conducting its own pay study and he was out voted. He stated that was when Carl Vinson did the study and it was implemented. He stated that he was happy that was done instead of an internal study, because an internal study would have brought the same argument that the study was skewed. He stated that he felt when an independent entity conducted the study, it would be more independent than having internal staff conduct the study. He stated that he really thought Mr. Patterson was doing the right thing.

Commissioner Brown stated that he was not questioning Carl Vinson, but he was questioning the methodology. He stated that when comparing Fayette County to Fulton County, Sandy Spring and north Fulton and Cobb County there was a serious issue with that.

Chairman Maxwell stated that Spalding County would generally be a lot lower and that was the reason that it would be spread out over the various governments.

Mr. Rapson stated that for the record, as stated in the county attorney's memo, the scope of work was approved by the Board of Commissioners. He stated that the Board of Commissioners excluded all the cities and states that Commissioner Brown mentioned; they were not incorporated into the report. He stated that to say that staff was not acting in accordance to the Board...this was all predicated on the same scope of service that was approved in 2016. He stated that it was disparaging to talk about University of Georgia (UGA) and the Carl Vinson Institute. He stated that was one of the reasons the county had the integrity in the current classifications system. He stated that Carl Vinson had a very detailed process that was used. He stated that there were certain things that were not added in the study because they were not approved by the Board as the scope of service. He stated that it was laid out in the memorandum that the county attorney presented.

Commissioner Oddo called the question.

Commissioner Oddo moved to implement the proposed grade changes and resulting salary adjustments for the Fayette County Water System as prepared by the Carl Vinson Institute of Government at the University of Georgia with an implementation cost not-to-exceed \$15,998.52. Vice Chairman Ognio seconded. The motion passed 3-2. Commissioner Brown and Commissioner Rousseau voted in opposition.

**NEW BUSINESS:**

**5. Discussion regarding support of an additional judgeship (5th) for the Griffin Judicial Circuit.**

County Administrator Steve Rapson stated that the request was made to gather support for an eligible fifth judgeship to the Griffin Judicial Circuit. He stated that the other municipalities within the Griffin Circuit are Spalding, Upson and Pike. The estimated cost to Fayette County for the additional judge would be \$160,108. He stated that the positions would be in the next year budget and predicated on the state of Georgia funding the fifth judgeship. He stated that Chief Judge Christopher Edwards requested that each jurisdiction in the Griffin Circuit to provide a letter of support for the fifth judgeship. That was the request before the Board.

Judge Fletcher Sams stated that the state, through a case count study of the past three years, said that the citizens of Fayette County deserve and need an additional judge. He continued that the District Attorney and circuit-wide Public Defender needed the additional help. He stated that this would not only fund a state paid judge, administrative assistant and law clerk, but also provide a state paid assistant district attorney, district attorney administrative assistant and district attorney investigator. He stated that it would also provide a state paid assistant public defender for the circuit. He stated that some of the cost associated with the judgeship was a "guesstimate". He stated that a fifth judge would give the judiciary some flexibility on case assignments. He stated that this position could possibly create eight to nine state paid positions to serve the Griffin Judicial Circuit.

Chairman Maxwell stated that he had been a practicing attorney in Fayette County for many years. He stated that when he received the email from Judge Edwards requesting support, he responded that he would support the fifth judgeship. He stated that he received a call from the Upson County Commission Chairman and he did not know his position, but that he was asking for more financial information. He stated that the other concern that was expressed was regarding whether this would be the time to do a judicial split. He stated that he did not want those two topics to merge at this point. He stated that one of the judges hit the news and he did not know if that had an impact on the discussion. He asked Judge Sams if he knew where the county was in the ranking system.

Judge Sams stated that the Griffin Circuit was the only one in the state that had qualified for three years in a row. He stated that the circuit was in competition with two other circuits and both had only qualified for one year. He stated that the Griffin Circuit received a 5.6 rating which was equivalent to four judges doing the work of 5.6 judges. He stated that this was a competitive process and even with the approval of the four counties the other two circuits would be competing against the Griffin Circuit in the state legislature. He stated that there was no guarantee. He stated that he could speak for three of the four superior court judges that they support this request. He stated that he had not spoken to the fourth.

Chairman Maxwell moved to approve the fifth judgeship as presented. Commissioner Charles Oddo seconded.

Commissioner Steve Brown stated that he agreed with the Chairman that the discussion regarding a split of the circuit and the fifth judgeship should remain separate.

Judge Sams stated that there was more talk of splitting the circuit. He stated that due to Fayette County's population, there was more political control over circuit wide elections. He stated that some have expressed that the circuit would be easier to split without a fifth judge and personally, he thought that was counter intuitive. He stated that it would be easier with five judges instead of two. He stated that with a split it was hard to say what Fayette County would end up with. He stated that two judges would possibly be overworked in Fayette County.

Commissioner Brown stated that strategically if the split was going to occur, it might be to the county's advantage not to give the fifth in advance and to go back and ask for the fifth judge if the county was shorted. He asked if it would be decided legislatively.

Judge Sams stated that historically, it would be more difficult to split the circuit than to get an additional judge.

Commissioner Brown stated that he was wondering if the split occurred who would dictate how many judges go to each jurisdiction.

Chairman Maxwell stated that as a general rule, the state did not create a one judge circuit. He stated that personally, he would prefer a split judge circuit. He stated that he did not know if the discussion of a split dealt with the issue of a fifth judge.

County Administrator Steve Rapson stated that the Judicial Council of Georgia had a formula that was used to determine if the circuit was eligible for a judgeship. He stated that the Griffin Judicial Circuit qualified for the third consecutive year. He stated that there were four other circuits that also qualified. He stated that the state would decide which circuit would be funded in the state's budget. He stated that the judge would be funded with the same level of staff effort. He stated that the Griffin Judicial Circuit had four counties that were shared among the four counties; Fayette, Spalding, Pike and Upson. He stated that when the allocation for the circuit was determined it was based on a formula that was based on population and caseload. He stated that the caseload could change things. He stated that the impact for the total circuit with the additional fifth judge, would be \$60,160 and Fayette County's would be about \$34,000. In addition, with the addition of a law clerk and jury clerk, by law, each judge had to have a deputy assigned to them. He stated that was the additional, \$193,000 for the county. He stated that none of the money was in the 2019 fiscal year. It would be in fiscal year 2020 if the state granted the additional judge. He stated that the state would fund the seven people that Judge Sams mentioned. He stated that Sheriff Babb expressed that he would support the fifth judgeship. He stated that the request for a letter of support was before the Board.

Commissioner Brown stated that there needed to be two parallel conversations with the other counties in the circuit to determine if they would push splitting the district and do they favor the fifth judge. He stated that if the answers line up then the county would be clear on where to go. He stated that the other concern was that one judge had been accused of some things and one of the accusations was that cases had been dragged on for years without process. He asked if it would affect the statistics if the accusations were true.

Judge Sams stated that the judges are "shouldering" the cases and working through the cases. He stated that he did not feel it would impact the statistics.

Vice Chairman Ognio asked if technology changes would help the caseload.

Judge Sams stated absolutely. He explained how technology had made things more efficient.

Vice Chairman Ognio stated that he was wondering what kind of "pull" did the counties have at the state level for this request. He stated that if the circuit met the numbers, then why would the county's approval be needed.

Judge Sams it was a political process and when it hit the floor of the "gold dome" without the support of the counties, then it would not be approved.

Commissioner Rousseau stated that he supported the statistical analysis that show that it was a busy circuit that could benefit from having a fifth judge. He stated that he did not think that the Board could cavalierly dismiss the issue of the rolling effect of splitting the ancillary cost associated with a fifth judge. He stated that he was aware that the system had been upgraded relating to e-filing, but he was troubled at the unknowns. He stated that he was not in a position to agree that the dismissal of splitting cannot be factored. He stated that it should be factored in the decision. He stated that was where he was in a bit of a quagmire, in terms of support. He stated that one of the issues he had that pertained to where the delegation stood. He stated that the Board could send support, but if there was four or five people who have an agenda of their own, the county could still run into

some issues. He stated that he was also concerned, if what was in the newspapers was true, the allegations that some cases were not properly discharged, that it could possibly skew the numbers. He stated that it was an unknown. He stated that he emphasized speaking to the county's delegation because they would be the ones at the "gold dome". He recapped the concerns: speaking with the delegation, rolling cost and splitting. He stated that those were the things that made him a little reluctant to automatically agree to send a letter of support. He asked if there was a deadline.

Judge Sams stated that a circuit split would bring tremendous state resources to Fayette and the remainder part of the circuit, but it was an extremely expensive thing for the state of Georgia to do. He stated that was why it was a rare thing to do. He stated that the meeting with the Judicial Council was scheduled for August 8, 2018.

Commissioner Oddo stated that this was one of the questions that was not clear cut. He stated that he did not want the county to get further behind if the need was growing for another judge. He stated that he did want to try to keep the two issues separate. He stated that he did not know if he wanted to see the district split. He stated that he was looking at what was needed now. He stated that his concern was what would happen if the county did not make the request and did not get the extra judge and where would the county be when the need was really great. He stated that he was looking at this as a decision that needed to be made today, based on the situation today.

Commissioner Brown stated that the county did pass a resolution about not splitting the district at one time. He stated that it was around 2012 or 2013. He continued that he had no problem adding a judge to the bench because it was needed. He stated that as someone that had a fiduciary responsibility currently, his fear was if the circuit got the fifth judge and the state did a split and Fayette County got the short end of the division of labor.

Commissioner Oddo stated that his other concern was the amount that Fayette County would be responsible for and this would have taken a big part out of the surplus if it had happened during this fiscal year.

Commissioner Rousseau stated that the "unanswered" had the Board reluctant to move forward. He asked if a sentence or paragraph could be inserted into a letter of support to give the county an out or some kind of leverage.

Commissioner Brown stated that the letter of support would state that if there was a split, that the county would want to be sure that the division of labor was appropriate and met the workload of the judiciary in Fayette County.

Chairman Maxwell stated that he would like to just keep it "clean" as a letter of support.

County Attorney Dennis Davenport stated that he agreed with the Chairman and to keep it on point. He stated that the more they looked at an outside issue, the more it could be viewed as a "watered-down" support of the position.

Judge Sams stated that if the circuit was not successful in obtaining the fifth judge and the personnel that would go with the position, both prosecution and defense, then he could almost guarantee that the district attorney and public defender would be before the Board requesting the same state paid positions to handle the same caseload that the state deems necessary. He stated that if they don't get the state paid staff, they will need it from somewhere.

Commissioner Brown stated that he would suggest that the judges get with everyone and especially the legislative delegation and get a strategy if there was a split.

Chairman Maxwell stated that he would like to have a first motion on a "pure" letter of support for the fifth judgeship and then a second motion to start the study of the split.

Chairman Maxwell moved to approve the fifth judgeship as presented. Commissioner Charles Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau abstained.

Chairman Maxwell moved to form a study of the effect of the split or if the county should even consider a split of the judicial circuit.

Commissioner Brown stated that he would like for the Board to say who should be included in the study.

Commissioner Rousseau stated that he would like to also recommend that the chair of the delegation be included, and that the recommendation be added to the legislative package.

The Board agreed to give some suggestions for the next available meeting.

Chairman Maxwell withdrew the motion.

Mr. Rapson stated that if the Board sent the recommendations for the study to him, he would compile it for the Board.

**6. Consideration of approval to replace three Sheriff vehicles deemed total losses and provide funding of \$39,281 from Insurance proceeds, \$125,899 from the Vehicle Replacement Fund, and \$19,104 from the 2017 SPLOST Public Safety Radio System project for total funding of \$184,284.**

Commissioner Oddo moved to approve the replacement of three Sheriff vehicles deemed total losses and provide funding of \$39,281 from Insurance proceeds, \$125,899 from the Vehicle Replacement Fund, and \$19,104 from the 2017 SPLOST Public Safety Radio System project for total funding of \$184,284. Commissioner Brown seconded. The motion passed 5-0.

**7. Consideration of staff's recommendation to award invitation to Bid #1517-B for water treatment chemicals to American Development Corp., Brenntag Mid-South, Inc., Chemtrade Chemicals, and Thatcher Chemical for a total not-to-exceed amount of \$263,302.00.**

Water System Director Lee Pope stated that this was a request to move forward with chemicals needed for the water treatment process. He stated that this request came before the Board each year and was generally an extension on existing contracts and these were the ones that had to go back through the procurement process.

Commissioner Oddo moved to award invitation to Bid #1517-B for water treatment chemicals to American Development Corp., Brenntag Mid-South, Inc., Chemtrade Chemicals, and Thatcher Chemical for a total not-to-exceed amount of \$263,302.00. Commissioner Brown seconded. The motion passed 5-0.

**8. Consideration of staff's recommendation to award Contract #1524-S to Ixom Watercare, Inc. for a water intake system, in the amount of \$950,000.00 for the initial year and \$25,000.00 annually after the first year.**

Mr. Pope stated that over the past five years the Water System had continued to install technology to help the efficiencies and water quality. He stated that this was a new process that would be installed over the existing intake structures to allow the best quality of water to be brought into the water treatment facilities. He stated that this would minimize chemical cost and the impact to the entire treatment process. He stated that there were questions from the Board regarding a drought. He continued that this would bring in the best quality of water no matter the level of the reservoir. He stated that he did not know what the return on



investment for this would be because he could not tell how many power surges the county may receive. He stated that the return on investment would be the best quality water. He stated that it could possibly pay for itself in five to six years.

Vice Chairman Ognio stated that he was not sure of the return on investment. He stated that one of his concerns was that it was a new system. He stated that he was told that there was no guarantee of return on investment. He stated that he understood that it may help the water quality, but he did not really know because it was a new system. He stated that he went to the website and there was not a lot of information on the website about the system. He stated that he did not know what anyone could say to make him feel comfortable about spending \$950,000.

Mr. Pope stated that staff had been dealing with Mr. Rapson for several months on this project. He stated that Mr. Rapson did some research and he ran the numbers. He stated that he was not an easy guy to get projects through. He stated that he hoped the Board would trust him and what he had done for the past five years and if not, he hoped the Board would trust Mr. Rapson.

Chairman Maxwell stated that the question was if there were local systems using this technology.

Mr. Pope stated that LaGrange installed the system. He stated that the gentleman in charge of that water system stated that LaGrange was not receiving the full benefit of the system because they did not go fully automated. He stated that the county's system would be fully automated. He stated that the benefit of that was that it would continually monitor the quality of water at all the depths of the gates for every seven minutes to ensure the best quality water. Mr. Pope explained the current system.

Mr. Rapson stated that because we would be able to pull from the gates automatically, we would spend less in chemicals. He stated nineteen gates were what was being proposed.

Vice Chairman Ognio stated that it was actually a twelve gate proposal. Mr. Pope confirmed that it was twelve. Commissioner Ognio stated that it was for two lakes and we draw from more than two lakes. He stated that he understood there was a potential to save money and maybe even increase the water quality, but he was not sure by how much because of the new technology.

Commissioner Brown stated that this equipment had a significant impact on what was being put in the water inside the facility. He stated that the importance of this technology was being able to look at it in real time and no matter the situation, we would be drawing the cleanest body of water possible.

Mr. Pope stated that it was a retrofit that would fit over the existing three gates. He stated that it would be at Lake McIntosh and Lake Horton on the intake side of the structure.

Chairman Maxwell asked why not do just one lake and see how it would work first.

Mr. Pope stated that there were different issues at each lake. He stated that at McIntosh there were problems with runoff from a neighboring county and at Lake Horton there were issues with the water coming in from the Flint River.

Chairman Maxwell asked how many notices were currently been sent out. Mr. Pope stated that there were no notices issued for smell and taste because there was a lot of carbon in the water.

Mr. Rapson explained that this system would bring in better quality water so that it would be treated with less chemicals. He stated that one of the reasons for doing both Lake McIntosh and Lake Horton was because they feed into two different systems.

Commissioner Rousseau stated that there were superlatives where we may not know what the return on investment might be. He stated that one of his questions was, if the system was in effect anywhere else and in the documentation, it really said, "no". He

stated that staff elaborated that it existed in LaGrange, but in the manual form. He stated that the county would be trying something that was untested. He stated that everyone knew how he felt about private water systems and about the investment that should be made and to ask him not to factor that in, he could accept that because this was a potential upgrade in the quality of water by minimizing the use of chemicals. He stated that he would rather use the money to acquire some systems. He stated that it would not preclude him from doing what was best for the system as a whole. He asked if this was discussed at the Water Committee.

Commissioner Brown stated yes. He stated that they were recommending approval.

Commissioner Rousseau asked if the Water Committee would be amenable to testing it on a single system.

Commissioner Brown stated that the Water Committee did not discuss splitting it up. He stated that the proposal presented was the only thing discussed.

Commissioner Rousseau asked what the drawback would be if he made a motion to look at this system in a segmented approval versus the recommended proposal.

Mr. Pope stated that in his professional opinion this system was going to be used more and more as it became known and the price for one later would cost more than the price for two right now.

Commissioner Rousseau asked if the county could participate in this as a trial run and collect data for the company and if it worked, then the county would get the same pricing.

Mr. Pope stated that they have conducted a lot of test and they are comfortable in the pricing. He stated that there was no way to make them come up with a guaranteed saving.

Mr. Rapson stated that we could just do Crosstown for six months and at the same time have staff do more testing at South Fayette and if the results are there, move forward with a contract for the second plant.

Commissioner Rousseau stated that would allow the county to collect data.

Mr. Pope stated that there was data collected from the reservoirs to determine the cost savings in the analysis.

Mr. Rapson stated that the savings were less than what the vendor had proposed. He stated that the savings was projected a little higher. He stated that staff was trying to be conservative in the savings. He stated that savings was associated with the carbon.

Commissioner Brown moved to award Contract #1524-S to Ixom Watercare, Inc. for a water intake system, in the amount of \$950,000.00 for the initial year and \$25,000.00 annually after the first year. Commissioner Oddo seconded.

Commissioner Rousseau asked Commissioner Brown if he would make a friendly amendment to test one system. Commissioner Brown stated that from a Water Committee perspective, this proposal had been discussed at multiple meetings and it was a no brainer. He stated that the Water Committee did not discuss subdividing.

Commissioner Brown moved to award Contract #1524-S to Ixom Watercare, Inc. for a water intake system, in the amount of \$950,000.00 for the initial year and \$25,000.00 annually after the first year. Commissioner Oddo seconded.

Chairman Maxwell stated that because of the dollar amount he was leaning toward doing one system.

Commissioner Brown stated that if the Board wanted to do one system he would suggest it come back at another meeting, because there had not been a discussion of a price for one system.

Commissioner Rousseau stated that the Water System had thoroughly vetted this, and that Mr. Pope's professional opinion was that this system would elevate the county and safeguard the county in a manner that was futuristic. He stated that he was in a tough position because of the dollar amount and the untested nature of the system.

Commissioner Brown stated that Mr. Pope's subject matter expertise had presented the work, and the engineer of record backed him. He stated that the only thing that had a "hiccup" was the bag problem with the carbon.

Commissioner Oddo stated that he understood how everyone felt about it and that he felt the same way. He stated that he could see the benefits of the system. He stated that one benefit that had not been discussed much was the monitoring. He stated that it was a funded project and included in the budget and he would be willing to take the chance based on everything he had heard.

Vice Chairman Ognio asked what the \$25,000 annual cost would cover.

Mr. Pope stated that it was to have the divers come out and inspect the gates and staff would probably take that back in-house. Because it was a new system, he wanted Ixom's expertise for the first year or so.

Commissioner Ognio asked if there was a problem would it be included in the \$25,000 to fix.

Risen Water President Chris Keever stated that there was a maintenance service that accompany the system so if there were components that have issues it would be repaired as part of that.

This project was approved as part of the budget in the Water System CIP.

Chairman Maxwell asked for the scope of the warranty. Mr. Rapson stated that it would be listed in the contract, but it would be negotiated as part of the agreement for up to \$25,000 for parts and labor for the gates. He stated that the majority of the cost was the divers.

Mr. Keever stated that it was a one-year warranty with the system and was extended along with the maintenance contract. He stated that currently with a five-year extension on the first year, each year, the system would be inspected, and any issues would be addressed at that time.

Chairman Maxwell asked if the five-year warranty was an additional cost. Mr. Rapson stated that the \$950,000 was the capital up front and \$25,000 following for the next five years.

Mr. Keever stated that it would not cover calibration because the calibration of the certain components that had to be monitored would have to be done frequently. He stated that they would come to the site a few times a year to look at the system which would include the divers checking the gates. He stated that there was an additional cost for calibration if needed.

Mr. Pope stated that county staff would do most of the calibration.

Mr. Keever stated that if there was no risk to the county of the system not pulling water. It would be seepage from multiple gates.

He stated that the gates are held open due to pressure and if the pressure was not what it should be, then they would know that there was a gate that was not working properly.

Commissioner Brown moved to award Contract #1524-S to Ixom Watercare, Inc. for a water intake system, in the amount of \$950,000.00 for the initial year and \$25,000.00 annually after the first year. Commissioner Oddo seconded. The motion passed 4-1. Chairman Maxwell voted in opposition.

The Board recessed at 8:42 p.m.

The Board reconvened at 8:55 p.m.

**9. Consideration of the approval to purchase Gradall XL4100V Hydraulic Excavator from Tractor & Equipment Company in the amount of \$379,000.**

Road Department Director Steve Hoffman stated that in addition to this request, staff was requesting to have the existing equipment, #11451 be liquidated on GovDeals with a reserve at \$25,000. He stated that the equipment was used for ditching and pipe maintenance.

Commissioner Brown moved to approve the purchase of Gradall XL4100V Hydraulic Excavator from Tractor & Equipment Company in the amount of \$379,000 and to have the existing equipment, #11451 be liquidated on GovDeals with a reserve at \$25,000. Vice Chairman Ognio seconded. The motion passed 5-0.

**10. Discussion of changes to address the location and surface of parking.**

Commissioner Rousseau stated that he was requesting approval to have an internal review and revisiting of an old ordinance having to do with the quality of life in the neighborhoods and communities. He stated that there were a number of functioning homeowners associations (HOA) in the county that have a restricted covenant that govern them and some of the things in the covenant benefit the county. He stated that one of those things was no parking on lawns. He stated that there were a number of people who have never lived in a HOA that hate them and others that think the HOA have a purpose because they have a standard that was set for individual conduct on people's property. He stated that he would humbly submit that the HOA in some instances, particularly with this type of ordinance, do the job the county or municipalities do traditionally. He stated that the HOA had the power to take the waivers to court and enforce the covenant associated with the HOA. He stated that code enforcement in the county or municipality set the standard for quality of life in particular neighborhoods. He stated that he had witnessed the deterioration of neighborhoods with no enforcement or HOA. He stated that the Board had a unique opportunity to assist those neighborhoods. He stated that those subdivisions built before 1993 had to vote after twenty years to reinstitute the HOA. He stated that those built after 1993 are automatic. He stated that for the older HOAs, the county had some responsibility to assist in keeping up the neighborhoods. He stated that he was asking to have staff and county attorney to draft an ordinance review for consideration for a vote at a later or designated time.

Commissioner Rousseau moved to approve the work by staff, administrator and county attorney to bring something back to the Board to consider helping the neighborhoods that do not have active homeowner associations. Commissioner Brown seconded.

Yvonne Smith stated that she was at the meeting to discuss keeping her community safe and not letting it deteriorate in any way. She stated that having a form of legal document to share with residents would save the county with calling code enforcement. She stated that she was asking for help with parking on the lawns and to help maintain the quality of life. She stated that she would appreciate the Board giving permission to have this ordinance.

John Keaton stated that he was new to Newton Plantation. He stated that for the most part it was a great community. He that there were a lot of elderly people in the community. He stated that there were a few houses that had trash and the grass was overgrown. He stated that something needed to be put in place to put everyone to a standard.

Joan Andrews stated that they needed the Board's assistance to carry on the plans.

Commissioner Rousseau stated that the speakers were from one subdivision, but his issue was county-wide. He gave some background about homeowner's associations. He stated that the HOAs in some instances were doing what governments traditionally do with community standards. He stated that he was asking the Board to consider how to assist the older neighborhoods as there was decline. He stated that he was asking to at least examine it and then the Board could debate it once staff brought back some guidelines on how to approach this ordinance.

Chairman Maxwell asked what was being asked of the Board.

Commissioner Rousseau stated that he and Commissioner Brown had met with staff and some preliminary discussion took place, but they did not seek Board approval to have staff go further and to have the county attorney weigh in more substantively on the pros and cons. He stated that he brought this up at the last two retreats and did not get any traction or support. He stated that he was choosing not to let it rest and to have the Board formally look at this proposal. He stated that he agreed, in part, that the county was too diverse and wide in terms of acreage to make this applicable in some areas. He stated that he was asking the Board to look at subdivisions that had certain restrictions and residents that had certain lot sizes. He stated that his argument was that it was already being done by a private citizenry and the county was not assisting.

Commissioner Brown stated that he had several people contact him about parking vehicles in the front yard. He stated that he looked at some and there were vehicles in the front yard. He stated that when that became the acceptable norm... He stated that some of the younger residents that come into the subdivisions did not have same community ethic about "how do I keep the house up to be part of the neighborhood and part of the community." He stated that when we start letting some of these things go, it would become the new norm and then it would drop to the next level, and then it would drop again and soon it would be a blighted subdivision. He stated that Commissioner Rousseau was asking to have staff craft something to bring back to the Board.

Chairman Maxwell stated that Commissioner Rosseau said the county attorney.

Commissioner Rousseau interjected and stated staff and County Attorney Dennis Davenport.

Chairman Maxwell stated that if the Board was to do Section 8-223, location and surface of parking areas; he asked how many people would be needed to actively reinforce that ordinance.

An inaudible statement was made from the audience.

Chairman Maxwell stated that he asked the question because in the minutes from 2005 it was complaints that the ordinance was being selectively enforced. He asked Mr. Davenport if he knew why the county got rid of the ordinance in 2005.

Mr. Davenport stated that it stemmed around active enforcement. He stated that in the past, someone would call and complain about a car being parked in the front yard of someone's home and the code enforcement officer would ride past seven violations to get to "John Doe's" house. He stated that the philosophy behind that was that it was "passive" enforcement. He stated that he could understand passive enforcement, but when there was a violation there was a duty to do something about it and when riding past six or seven houses with cars parked on the front yard, to go cite "John Doe", it was missing the point. He stated that it

became a big issue because it would take a lot more officials to cite everyone with violations. He stated that it would become a very unpopular regulation quickly.

Chairman Maxwell asked if there could be an ordinance that said, the HOAs that use to be HOAs, but were no longer a HOA, could the county do an ordinance that only applied to those associations.

Mr. Davenport stated that in his opinion, no. It was an equal protection argument.

Chairman Maxwell stated that A-R could probably be excluded properly, and the others would be the residential commercial areas. Mr. Davenport stated correct. Chairman Maxwell stated that there was some "wobble room", but then there was the issue of staffing.

Mr. Rapson stated that the county would be looking at roughly \$350,000 to \$400,000 to hire six officers and that was not including outfitted vehicles.

Commissioner Brown stated that there were no popular code enforcement ordinances. He stated that Commissioner Rousseau was just asking for the opportunity to work with staff to give the Board something to peruse and if the Board did not like it, vote it down.

Chairman Maxwell stated that he did not feel there was a lot of friction the last time it was discussed.

Commissioner Rousseau stated that the core purpose for this was to assist the communities who did not have advocates in the form of a HOA to maintain high community standards. He stated that he could ask how many of the calls were complaint driven and the response would likely be 75% would be his guess. He stated that when code enforcement officers had to chase down an owner it was a vicious cycle.

Commissioner Oddo stated that this was not the first time that the Board had to deal with something similar to this. He stated that his concern was that if it was just a perception. He stated that he drove through the neighborhood and he saw some cars parked on grass and they seemed to be parked neatly. He stated that he also saw grass growing over the curve. He stated that his concern was how far as a county we could go for the visual.

Commissioner Rousseau reiterated that this was not specific to one subdivision.

Commissioner Oddo stated that was why he referenced his community and another random community that he visited. He stated that he understood that some may not want to see the cars there, but he saw no harm in the cars being there. He stated that it would be sentimentally good that the Board could do this, but "should we be doing it". He stated that the next logical step would be the government saying that we need to trim the grass and fix the gutter. It would not stop with the cars was his concern.

Commissioner Brown stated that there were a host of enforcement ordinances and should the county do away with all of them. He stated that somewhere they had to draw community standards and he would say that parking on the grass in the front yard was a good line to draw because it would be hard to sell the home if there are several houses with cars on the grass and on blocks.

Commissioner Rousseau stated that the Board was getting into the things that staff would raise and was now debating it. He stated that he would like the Board's support to have staff give some pros and cons.

Commissioner Rousseau restated the motion.

Commissioner Rousseau moved to allow staff, all those deemed to be intrigue part of the ordinance review, to weigh in and bring back a proposal to the Board, and staff to include the County Attorney to review to enact an ordinance.

Mr. Davenport stated that the first motion that he wrote was to assist older subdivisions with no homeowner's association. He continued that all the talk was about not parking on the grass, so his concern was that he was not sure what was being requested of him. He stated that if the request was for an ordinance for not parking on the grass, then there was already one in Section 8-223 and the issue to address was to look at that with respect to A-R; would there be some type of legal and logically exemption under A-R and if so, under what circumstances.

Commissioner Rousseau stated that Mr. Davenport "nailed it".

Mr. Davenport stated that he understood that it was not enacted, but it did not take further research, he would just reenact Section 8-223 to serve the issue.

Commissioner Rousseau stated that in his discussion there was a nuance that he was asking staff to look at and that was A-R being precluded from the old ordinance, so Mr. Davenport would have to weigh in on that. He stated that was an example.

Mr. Davenport stated that the direction he was getting was to prohibit parking on grass and look to see if there were legal exclusions, for example, A-R that could be carved out of the overall prohibition.

Commissioner Rousseau stated yes.

Commissioner Brown stated that Commissioner Rousseau would have the conversation with staff and send it to Mr. Davenport to get feedback. Commissioner Rousseau stated yes.

Commissioner Oddo stated that it was his understanding that Commissioner Rousseau wanted to tell the Board "how it could be done," but his question was "why we are doing it." He stated that he was not at the point that he saw why it was needed.

Commissioner Rousseau stated for enforcement purposes, for safety and for a number of things.

The discussion continued.

Vice Chairman Ognio stated that he wished it could be done through an HOA to resolve a lot of problems. He stated that if an ordinance was not written specifically it could be abused either way. He stated that even large parcels when divided are called subdivisions. He continued that it was hard to say that it could be done for one subdivision and not another because of the distinctions between subdivisions. He stated that he did not have a problem looking into it.

Ms. Smith made further comments. She stated that it was not just about cars parked on the lawn, but also about repairing numerous cars on the lawn. She stated that code enforcement was not in her community when called. She stated that this was about a lot of things in her community. She stated that she did not want a HOA because a lien could be placed on a home and nothing could be done until the property owner sells, but in the meanwhile the trash could grow to over ten feet. She stated that some kind of system from the Board would help them.

Commissioner Rousseau agreed to have Mr. Davenport call the motion.

Motion to have the County Attorney to look into drafting an ordinance that would prohibit parking on grass and include any legal exclusions that were applicable.

Commissioner Rousseau stated that staff would look at the ordinance based on the capacity and Mr. Davenport would just look to see if it could be enforced and that it would hold up in court.

Chairman Maxwell asked Mr. Davenport if he was clear.

Commissioner Rousseau stated that before the Board was discussion of changes to address the location of surface parking. He stated that he would like it cleaned up and to have recommendations presented to the Board on how to reinstitute this policy with modifications.

Chairman Maxwell stated that it sounded like it was limited to Section 8-223. Mr. Davenport stated that was what he heard as well with any applicable exclusions that could be inserted; to test the limits of the prohibitions.

The motion passed 3-2. Chairman Maxwell and Commissioner Oddo voted in opposition.

### **PUBLIC COMMENT:**

Roy Bishop made comments regarding Highway 92 and the turn lanes. He stated that he would like to know what happened to the right turn lane coming off Westbridge Road. He stated that the intersection was a big disappointment. He continued that he wanted to know why the right-of-way in front of his house and Westbridge Road was sprayed with Roundup instead of the grass being cut and was that going to be a regular process. He continued that he did not think that the huge pipeline trucks, taking up two lanes of traffic, could be allowed on the pave roads and that the county should look into that.

Tom Waller stated that he would request a copy of the "after action" on lessons learned on the West Fayetteville Bypass. He stated that it should be put in writing so that the county did not go through a disaster like that again.

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

#### **Public Comments Response:**

Mr. Rapson stated that the house that Ms. Smith was referencing was in the abatement process with Building Safety. He stated that the owner was out-of-state and Building Safety and Code Enforcement was working on that property.

He stated that regarding spraying the right-of-way instead of cutting the grass, he stated that it was a technic that Mr. Hoffman could explain after the meeting.

He continued that staff did action reports of lessons learned. He stated that most of them were done in staff meetings.

He stated that in regard to the right turn lane, a press release would be sent out that explained the plans for the right turn lane in the future.

He stated that as far as pipeline trucks on the road, he did not know the answer to that. He stated that Mr. Hoffman would check on that.

#### **Veterans Parkway Opening:**

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).



Veterans Parkway was opened.

**40<sup>th</sup> Anniversary of Fayette Senior Services:**

Mr. Rapson announced the 40<sup>th</sup> Anniversary of Fayette Senior Services.

**Senate Bill 17: Sunday Alcohol Sales-Brunch Bill:**

He stated that staff sent an email on June 15 regarding Sunday alcohol sales, also known as the Brunch Bill; to authorize sale of alcoholic beverages from 11:00 a.m. to 12:30 p.m. He stated that there did not seem to be a lot of interest from the Board, but he did receive word that Peachtree City and the City of Fayetteville was interested in putting it on the November ballot. He stated that if it was something that the Board wanted to do for unincorporated Fayette, then the deadline was August 3. He stated that if that was something that the Board wanted to do then it would require a special called meeting to approve a resolution.

Commissioner Brown requested an email with the parameters be sent.

**ATL Transit:**

Mr. Rapson stated that the Board had a copy of the documents that were provided at the ATL Transit meeting that was attended by Vice Chairman Ognio and Public Works Director Phil Mallon.

Vice Chairman Ognio stated that it was a little more complicated than most would think. He stated that Fayette was in the district and even though the county was not participating in the transit, the county had to be involved in voting the district representative. He stated that the mayors had to vote for one mayor representative, but the City of Atlanta would automatically get their mayor on as a representative. There are twenty-seven mayors that had to select one mayor to represent the district. He stated that it had to be done by August and then there was 31 people that would vote for the representative for the district and each of the 31 can nominate someone to be the representative. He stated that the problem was that the vetting process was basically, if you live in the district and then the next step was the qualification in the field. He stated that he felt the county should advertise the position. He stated that the Coweta County Chairman was the lead on this because they were the county with the most residence in the district. He stated that everything had to be done by December 1. The Chairman would get to vote on the representative, but not the board; every chairman would get to vote and all the legislators for this district would get to vote. He stated that he hoped they could push to get the mayors started on the process.

Commissioner Brown stated that there were a lot of Fulton County mayors on the sheet. He asked if they were in District 10. Vice Chairman Ognio stated yes.

Commissioner Brown confirmed that it meant Fulton County would be in three or four districts. Vice Chairman Ognio stated yes.

Commissioner Brown stated that if Fulton's representative was elected in all the districts then Fulton County would control almost the entire thing. Vice Chairman Ognio stated yes.

Vice Chairman Ognio stated that DeKalb County was also in multiple districts.

- A. #1119-B: Water Chemicals – Renewal #2**
- B. #1318-B: Water Distribution Parts Annual Contract – Renewal #1**
- C. #1463-A: Grass Mowing Services**

Mr. Rapson stated that the grass mowing contract was all inclusive for the Justice Center and the jail.

- D. #1486-A: Dust Control Service**

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items involving real estate, two involving pending litigation, one threatening litigation and the review of the Executive Session Minutes for June 28, 2018.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Rousseau:**

#### **Veterans Parkway:**

Commissioner Rousseau commended staff for getting Veterans Parkway opened, particularly Phil Mallon and Carlos Christian and that team, even though a number of people played a role.

He stated that he recognized that we lost the right turn lane coming off Westbridge Road and that GDOT will continue to work with the county to see what improvements could be made.

#### **Curved Road:**

He stated that staff had already begun to address the concern of Curved Road, that was still showing up on Google maps and was being used to go through the back of Fun Spot. He stated that the county put a fence there and it no longer existed, but that it still showed on Google maps as a road and buses have been going down the gravel roads. He stated that he had reached out to Mr. Rapson and it was being addressed.

#### **Thank you:**

Commissioner Rousseau thanked the Board for moving Public Comments to the beginning of the meeting at the last meeting to allow residents to discuss their concerns in his absence.

### **Commissioner Brown:**

#### **ATL Transit:**

Commissioner Brown stated that the ATL Transit was a disaster. He stated that the way it was set up, to have certain counties in every district, they are going to get all their guys and start plying their will on the rest of metropolitan Atlanta.

#### **Water Guardian:**

He stated that the Water Guardian event was at Lake McIntosh this last time around. He stated that there was a ton of trash. He thanked everyone that worked on that event. He stated that the last one had been changed to Lake Horton.

#### **Burn Permit issue:**

Commissioner Brown stated that there were some members of the Rus family in the audience. He stated that he received a phone call and the Rus family explained, and provided paper work, to show that they were trying to burn on an agricultural lot that met all the state criteria and was told that they could not burn by the county fire department. He stated that he looked up all the references and according to the Department of Agriculture and the Environmental Protection Division and the representative that wrote the legislation, they should be allowed to burn. He stated that the preemption related to local ordinances was clear in the agricultural law. He stated that the family paid occupational tax for farming on a working farm and collecting sales tax for agricultural use. He stated that they have listed the agricultural laws that allow them to do what they are trying to do. He stated that if someone from the fire department could call him and explain why they could not burn. He stated that everything he saw showed that they could burn. The state law stated that the local jurisdiction could not preclude the ability to do what was listed in the state law.

Mr. Rapson stated that staff had sent the family several emails on this topic. He stated that he asked Mr. Davenport to look at the new information that was provided. He stated that the previous bills that had been shown did not have any exemptions under the county ordinance, which was why the fire marshal gave them that ruling. He stated that they were told how they could burn, but they did not want to burn in that manner. He stated that they were instructed that they could not burn, or they would be cited and he asked Mr. Davenport to look at the new information provided to be sure that the county was on solid footing.

Commissioner Brown stated that he wanted someone to send him something specifically stating why the county did not think they could burn.

Mr. Rapson stated that he could send that. He stated that when Mr. Davenport sent the final email then he would send it to the Board.

Commissioner Brown stated that he had read all the information and unless someone can show him something that showed that there was another law that had not been cited...He continued that they had letters from EPD stating that they could do what they were trying to do.

Mr. Rapson stated that staff had spoken with the EPD representatives, forestry and they had some of the same concerns that staff had. He stated that the best information he had from the fire chief, fire marshal and legal was that they could not do what they were trying to do. He stated that if that changed, he would let the Board know.

Commissioner Brown asked if the fire marshal was only looking at local ordinance and not state law. Mr. Rapson stated that Mr. Davenport would review all the information.

Mr. Rapson stated that the fire marshal was looking at the local ordinance to base the decision.

Commissioner Brown stated that the state ordinance stated that the local ordinance had no jurisdiction. He stated that he would like to see what the fire marshal had provided.

Mr. Rapson stated that sending all the emails was irrelevant and as soon as he received something from Mr. Davenport he would send that to the Board.

Commissioner Brown stated that if the county had denied the request based on local ordinance, then he would like to see the email exchange. He stated that whatever official action the county had taken he would like to have a copy of the communication.

Mr. Rapson stated that he would forward the emails that he had received.

#### **Chairman Maxwell:**

##### **ATL Transit:**

Chairman Maxwell stated that he wanted to be clear that he was not supportive of the ATL Transit the way it was currently drafted and the problems that it could create for Fayette County. He stated that he sent an email to the Board expressing concerns. He stated that if transit for seniors was an option, then he would consider that option. He stated that buses in Fayette was something that he would fight. He stated that if citizens wanted buses he needed to hear that my email, letter or phone call. He stated that he understood that some of the politicians in Fayette may be interested in buses coming into Fayette and if that was the case, they should come to the meeting and tell the Board why buses are needed and not say it privately. He stated that he was clear on where he stood on buses. He stated that it was so ill-conceived that it did not deserve the Board talking about it. He stated that he may be in a minority in that view and if he was the minority in that view and the Board voted to send him to go vote, he would

do what the Board requested and not go against the Board. He stated that his personal opinion was not to engage in the ATL Transit. He stated that the Board sent staff some questions and there were no clear answers. He stated that it was his understanding that other counties could not levy a tax on Fayette. Fayette County citizens would have to vote on a tax to provide buses. He stated that he spoke to a representative that help write the ATL Transit and told him he was not in favor of it. He stated that there was nothing about transportation, only transit, mainly buses. He stated that he did not think Fayette County needed buses. He stated that he spoke with Virgil Fludd and he asked him to consider him as the Fayette County nominee. He stated that he suggested that Mr. Fludd speak to the other Board members, mayors and council. He stated that Vice Chairman Ognio suggested holding an interview process. He stated that he wanted to reiterate, that if someone supported buses coming into Fayette County to please go on the record so he could talk to them about it.

**Vice Chairman Ognio:**

**ATL Transit:**

Vice Chairman Ognio stated that the Board could pass the SPLOST and use that money for senior transportation. He stated that they made it very clear that no funds would flow to the county unless it was a multi-jurisdictional endeavor. He stated that the issue with Henry and Coweta and them having buses... The county could not stop the buses from driving on the county roadways, the buses just wouldn't stop in the county. He stated that the ATL Transit board would make a lot of decisions and the county needed the right person on the board. He stated that he did not want buses in Fayette.

**Sergeant Eric Hunter:**

He stated that Wednesday, August 1 at 9:00 a.m., Sergeant Eric Hunter would be presented with his new residence. He stated that he was planning to attend.

**Commissioner Oddo:**

**ATL Transit:**

Commissioner Oddo stated that when he was chairman and the ARC membership dues were discussed, he thought it was reasonable, but the Board voted against it, 4-1. He stated that when he went to ARC he was the only no vote and it was deafening, but he did it because that was what the Board asked him to do. He stated that it was his understanding that, as the chairman, he would be there to pick the representatives, so he did not want Chairman Maxwell to not vote on the representative. He stated that he needed to be there.

He stated that he was not looking for buses to come to Fayette, but at some point, we needed to know what was being discussed. He stated that at some point it needed to be left to a vote by the people. He stated that there were at least one or two qualified people on the transportation committee that could represent the county as well.

**Livestream:**

Commissioner Oddo stated that the meetings were streamed and watched internationally. He stated that his wife watched the meetings in Colombia and he wished her well.

**EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items involving real estate, two involving pending litigation, one threatening litigation and the review of the Executive Session Minutes for June 28, 2018.

**Two Items of Real Estate, Two Items Pending Litigation, One Item Threatening Litigation and review of the June 28, 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 10:31 p.m. and returned to Official Session at 11:21 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.

Mr. Davenport stated that there was a pending worker's compensation claim for a formal employee Steven Simpson and the settlement agreement was entered for a lump sum payment of \$35,000 to Mr. Simpson with him agreeing to the standard releases; not reapplying for employment with Fayette County, non-disparagement and etcetera.

Vice Chairman Ognio moved to approve the settlement for \$35,000 to Steven Simpson. Commissioner Oddo seconded. The motion passed 5-0.

**Approval of the June 28, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the June 28, 2018 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 5-0.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the July 26, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The July 26, 2018 Board of Commissioners meeting adjourned at 11:22 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 9<sup>th</sup> day of August 2018. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk