

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

September 22, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Charles Oddo called the September 22, 2016 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Commissioner Steve Brown

Commissioner Steve Brown offered the Invocation.

Pledge of Allegiance

Chairman Charles Oddo led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Oddo moved to accept the agenda, with a change to move Item #4 up to Item #2 on the agenda. Commissioner Brown seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation of October 2016 as "Dysautonomia Awareness Month in Fayette County."

Chairman Oddo read the proclamation and Dana Bradberry from Dysautonomia International spoke regarding Dysautonomia and introduced her family and friends who were also present to receive the proclamation. A copy of the request and proclamation, identified as "Attachment 1," follow these minutes and are made an official part hereof.

2. Representatives from Georgia Emergency Management /Homeland Security Agency will present four checks in the aggregate amount of \$346,782.00 for public assistance toward recovery efforts from the declared disaster of December 2015.

Chief David Scarbrough introduced Emergency Management Agency Director Captain Mike Singleton and Georgia Federal Emergency Management Agency Director of Operations Mr. Charlie Dawson to make the presentation. A copy of the request, identified as "Attachment 2," follow these minutes and are made an official part hereof.

3. Presentation by Outreach Coordinator Megan Hepker, representing the Southern Crescent Habitat for Humanity, concerning Poverty in Fayette County.

Outreach Coordinator Megan Hepker with Southern Crescent Habitat for Humanity was introduced by Commissioner Barlow. Ms. Hepker thanked the Board for allowing her to come to share information about the services offered through Habitat for Humanity in regards to Fayette County and the affordable housing needs. A copy of the request and presentation, identified as "Attachment 3," follow these minutes and are made an official part hereof.

4. Presentation from the Fayette Chamber to update the Board of Commissioners on the county-wide branding campaign initiative.

President of the Fayette County Chamber of Commerce Carlotta Ungaro briefed the Board regarding the county-wide branding campaign initiative. She informed the Board that the Branding Task Force selected four firms, and of the four firms, three made presentations to the Task Force. She stated that the bid was awarded to a firm named DCI located in New York City. A copy of the request, identified as "Attachment 4," follow these minutes and are made an official part hereof.

PUBLIC HEARING:

5. Public Hearing of Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition.

Community Development Director Pete Frisina read the "Introduction to Public Hearings" into the record and stated that staff and the Planning Commission recommends approval with one condition. He stated that the condition is in regards to multi-use paths and easement. He stated that this is an area where the land use of some of the parcels were changed to O-I. He stated that one of the issues to be brought by residents of the Brechin Park Subdivision is Georgia Department of Transportation's (GDOT) reconfiguration of the median cut to restricted crossing U-turn (RCUT), to eliminate left turns from this subdivision, which is directly across from the entrance of the property.

Pediatrician Dr. Megan Almond spoke regarding her intent for the property. She shared her background and plans for a pediatric medical facility. She stated that she would like to improve the accessibility of care in terms of pediatric subspecialist. She stated that currently parents have to travel approximately an hour away for specialist visits. She stated that she has been working on this project for nine months and feels she has brought together pediatric medical colleagues and resources in terms of pediatric services for the citizens. She stated that the property is currently zoned A-R and she is asking the Board to approve the O-I rezoning. She stated that it is in the land use plan for the property to be O-I.

Commissioner Barlow commended Dr. Almond for her presentation and for her efforts in reaching out to the homeowners to get support for her project. He also applauded Dr. Almond for selecting an ideal location for her facility, with the daycare and school being in the area.

Commissioner Brown asked Dr. Almond if she agreed with the connection of the golf cart paths in order to get the subdivisions to the school complex. Dr. Almond stated "absolutely". She stated that the intent of the entire project is to make services accessible and the golf cart path would be part of that.

Chairman Oddo asked if anyone would like to speak in favor of this petition.

Mr. Gary Moore spoke on behalf of property owner Mr. Guerry Ballea. He stated that Mr. Ballea has owned the property since the 1970's and has turned down numerous opportunities to sell under the A-R zoning. He stated that Mr. Ballea could not be present. He stated that the intersection for the proposed area is the same as it was when it was first proposed to GDOT. He stated that there was no mention of an RCUT drive at that time. He stated that he would like to express Mr. Ballea's opposition to the RCUT.

Mr. Kevin Murphy stated that he is in favor of this petition. He stated that this is a case of priorities in regards to the community having the facility that is being proposed versus the objection to having to make an unwanted U-turn at this intersection. He stated that this is an opportunity for the community that Dr. Almond is offering to save children's lives and make the community more attractive to outsiders. He stated that the proposed project exceeds the down side of having the RCUT.

Mr. John Chmielewski stated that when his children have appointments he does not have the time to drive three hours to Atlanta. He stated that if he has to take one additional turn out of the subdivision, he is willing to do that to save four hours stuck in traffic for the sake of his children.

Mr. Jimmy Pace stated that he wanted to speak in favor of this petition. He stated that he is a homeowner in Brechin Subdivision and he and his wife are expecting their seventh child. He stated that this would be a phenomenal "in the back yard" project for him personally. He stated that he is also a local developer and he was also involved in the current state of the "right in – right out" scenario and agree that there was never an RCUT mentioned. He stated that he endorsed the project but not the RCUT option.

Mr. Jeff Thompson stated that the idea of having a facility like the one proposed would benefit the children and the families that need to get the children to specialist medical services.

Mr. Jeff Terrell stated that the project is a great use of land. He stated that the problem he has is the RCUT. He stated that it is not just the residents who will have the extra turns, but also the emergency vehicles. He stated that the fire department had issues with making the U-turn. He stated that the problem he has is that the GDOT representative is not present. He stated that a public forum is needed to discuss this issue. He stated that it is a safety issue.

Ms. Ginger Sak stated that she is in favor of the project. She stated that she is not in favor of the RCUT. She stated that GDOT will listen to what is being requested and do a traffic study. She stated that she has over 200 signatures from residents in the area against the RCUT.

Mr. Chris Lester stated that he also objects to the RCUT and not the project. He stated that looking at the existing Land Use Map and the future proposed Land Use Map does bring concerns. He stated that some think the zoning, land use development and the RCUT should be treated as separate items. He stated that his concerns is regarding future development and the impact it would have on all the residential neighborhoods on State Route 74.

No one spoke in opposition of the petition.

Commissioner Brown moved to approve Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition and the Board officially requests that Georgia Department of Transportation withhold the r-cut modification to the median. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown stated that he agreed with Mr. Murphy. He stated that whatever goes onto the property is going to prompt a response from GDOT so if he was in Brechin Park, he would not reject this development because it is probably the best to come. He stated that the County does have some leverage with GDOT and that the Board can make the official request to withhold the RCUT, unless the data showed a need.

Chairman Oddo stated that his only concern is that the Board does not understand the engineering involved. He stated that he would like to change the motion to request that GDOT "reconsider the RCUT".

Commissioner Brown stated that his motion is for them to withhold the RCUT, but that ultimately the decision is left to GDOT.

Vice Chairman Ognio stated that there is no warrant for this intersection to have the RCUT.

County Administrator Steve Rapson stated that staff is not advocating for an RCUT one way or the other. He stated that there are no public safety concerns. He stated that from a public safety stand point the concern is getting into a subdivision to provide patient care, putting out fires and servicing the call and not how they exit.

Vice Chairman Ognio stated that when the fire truck and the ambulance have to make the U-turn it becomes a public safety issue.

Mr. Rapson asked Public Works Director Phil Mallon discuss why GDOT is taking this position.

Commissioner Rousseau stated the petition is only for the rezoning and he thinks it should be kept separate. He asked County Attorney Dennis Davenport if it should be kept separate.

Mr. Davenport stated that the simpler the motion the easier it is to enforce legally. He stated that the issue added by Commissioner Brown is a request as opposed to a substantive issue as a condition of approval. He stated that given the choice, he would prefer the issues are separate, but in this instance, since it is not a condition of approval, it should not have an effect.

Mr. Mallon stated that in his conversations with the traffic engineer at GDOT, he shared that it is a relatively new policy to use RCUT intersections in these type circumstances wherever possible. He stated that this policy is state wide. He stated that when reviewing the criteria where roundabouts are appropriate, in his opinion this does not meet that criteria. He stated that the concerns raised in the hearing are "common sense" concerns that need to be addressed and GDOT acknowledged that. He stated that their recommendation is provided as a standard procedure. He stated that they will review the traffic studies and the survey work and at that point a decision will be made.

Commissioner Barlow called for the vote. Commissioner Rousseau seconded. The motion to call the vote passed 5-0.

Chairman Oddo stated that he would prefer to keep the two issues separate, but since the motion is stated otherwise he would vote.

Commissioner Brown moved to approve Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition and the Board officially requests that Georgia Department of Transportation withhold the r-cut modification to the median. Commissioner Barlow seconded. The motion passed 5-0. A copy of this request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

6. Public Hearing of Petition No. RP-060-16, George and Anne Cocolos, Owner, request to revise the Minor Subdivision Plat for Woodbridge Farms Subdivision to increase the number of platted lots by subdividing Lot 6 into two (2) separate lots located in Land Lot 133 of the 4th District and fronting on Rising Star Road with two conditions.

Community Development Director Pete Frisina introduced this petition before the Board. He stated that staff and the Planning Commission approved the petition with two condition. He stated that the two conditions deal with when the property is subdivided that there would be a detached garage on the lot which is not allowed without a principle structure, therefore there are options to remove the structure, ask for a variance or to obtain a permit to build a house on the lot. He stated that there is a 180 day window, as with any approval. He stated that it would not be a problem until after the final plat is approved.

Mr. George Cocolos, Owner spoke regarding his request for this petition. Mr. Cocolos stated that he was in agreement with the conditions.

Vice Chairman Ognio asked if the property would have a well or county water. Mr. Cocolos stated that it would have county water.

No one spoke in favor of this petition.

No one spoke in opposition of this petition.

Vice Chairman Ognio moved to approve Petition No. RP-060-16, George and Anne Cocolos, Owner, request to revise the Minor Subdivision Plat for Woodbridge Farms Subdivision to increase the number of platted lots by subdividing Lot 6 into two (2) separate lots located in Land Lot 133 of the 4th District and fronting on Rising Star Road with two conditions. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown asked Mr. Frisina about Mr. Graw's concern about setting a precedent on the division of the land. He stated that it seemed to be explained at the Planning Commission meeting. He asked Mr. Frisina if he could explain.

Mr. Frisina stated that Mr. Graw expressed that he did not like setting a precedent to subdivide lots that have already been platted. He stated that it was explained to Mr. Graw by the other members that, if divided, the other lots on either side of the proposed lot are the same size and that dividing the proposed lot would not be out of character with the existing lots.

Vice Chairman Ognio moved to approve Petition No. RP-060-16, George and Anne Cocolos, Owner, request to revise the Minor Subdivision Plat for Woodbridge Farms Subdivision to increase the number of platted lots by subdividing Lot 6 into two (2) separate lots located in Land Lot 133 of the 4th District and fronting on Rising Star Road with two conditions. Commissioner Barlow seconded. The motion passed 5-0. A copy of this request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

County Administrator Steve Rapson requested that Item #10 be removed from the Consent Agenda due to a modification of the agreement per legal.

Vice Chairman Ognio moved to approve the Consent Agenda Items #7, #8, #9 and #11. Commissioner Barlow seconded. The motion passed 5-0.

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

- 7. Approval of staff's request to adopt three additional annexes to the Emergency Management Emergency Operations Plan, specifically the Commodities Point of Distribution Plan, the Disaster Awareness Program, and the Volunteer Management. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.**

Commissioner Brown stated that the Point of Distribution Plan includes a lot of faith-based and non-profit organizations and the county owes them a debt of gratitude for participating in these programs. He stated that in a time of disaster those organizations are a vital resource in helping to aid citizens.

- 8. Approval of staff's recommendation to adopt a final supplemental budget adjustment for the fiscal year ended June 30, 2016, and authorization to adjust and close completed Capital Improvement Projects within the Capital Improvement Projects program moving those remaining funds to project contingency. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.**
- 9. Approval of staff's recommendation to award Bid #1176-B for \$785,966 to Fireline, Inc., for the purchase of two Pumper Tankers; to transfer \$44,070 for equipment and to transfer an additional \$34,396 augmenting the current \$751,570 budget utilizing the Vehicle Replacement Fund, in an aggregate amount of \$830,036; and to declare Vehicle #93251 as surplus to be sold through GovDeals.com. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.**
- 10. Approval of staff's recommendation to enter into a Mutual Aid & Automatic Aid Agreement with Coweta County Fire Department.**

Mr. Rapson asked that the Board substitute the language in the agreement with the language from the memorandum that reads: "Any dispute or litigation arising under the provisions of this Agreement or related to this Agreement shall be submitted to the State or Superior Courts of Coweta County, Georgia or Fayette County, Georgia."

Mr. Rapson stated that if it is approved with the new language it would be sent back to Coweta to ratify the change.

Commissioner Brown moved to approve staff's recommendation to enter into a Mutual Aid & Automatic Aid Agreement with Coweta County Fire Department and to substitute the language to read: "Any dispute or litigation arising under the provisions of this Agreement or related to this Agreement shall be submitted to the State or Superior Courts of Coweta County, Georgia or Fayette County, Georgia.", as found in paragraph 18.0 of the agreement. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request and Mutual Aid & Automatic Aid Agreement, identified as "Attachment 10," follow these minutes and are made an official part hereof.

- 11. Approval of the September 8, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

- 12. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks.**

Commissioner Brown briefed the Board that the Water Committee requested that they be allowed time to consult with the Recreation Committee in regards to this item.

Commissioner Brown moved to table his request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks to the October 13, 2016 Board of Commissioners meeting. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 11" follows these minutes and is made an official part hereof.

NEW BUSINESS:

13. Consideration of staff's request to adopt Ordinance 2016-18- License Transfers and in so doing amending the Code of Ordinances for Fayette County by revising provisions pertaining to transfers of alcoholic beverage licenses.

Mr. Rapson stated that this item was to eliminate the transferability of the licenses. He stated that the county is giving up money by allowing the transfers. He stated that the revenue impact to the county over the last three years was approximately \$14,000.

Commissioner Brown moved to adopt Ordinance 2016-18- License Transfers and in so doing amending the Code of Ordinances for Fayette County by revising provisions pertaining to transfers of alcoholic beverage licenses. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request and Ordinance 2016-18, identified as "Attachment 12" follows these minutes and is made an official part hereof.

14. Consideration of Commissioner Ognio's recommendation to revise County Policy 100.19 to state an individual shall not be appointed by the Board of Commissioners to more than one Authority, Board, Commission, Committee, and similarly established bodies at the same time, except to the extent expressly permitted/provided by state or local law.

Vice Chairman Ognio stated that on August 11 he made a request to modify Policy 100.19 to add wording to limit citizens to one committee. He stated that the item was pulled from the agenda at the August 17 pre-agenda meeting because the County Attorney said that he did not have time to review the request. He stated that it was removed again at the next pre-agenda meeting on August 31 because of the question of how the item should be changed; whether it should be presented as an ordinance or a redlined policy change. He stated that after the August 17 meeting he realized he wanted to make an additional change and was told at the August 30 pre-agenda meeting that he would have to make the request for the change from the dais because the second request was not submitted in time and so the item was postponed again. He continued that at the September 14 pre-agenda meeting, the item was on the agenda but the additional wording was not included because he was told that the additional wording had not been introduced at the Commissioners' meeting. He stated that he was bringing it before the Board. He stated that he would suggest that this is a change in the way the Board has submitted items for the agenda in the past. He stated that it is enforcing an unwritten policy or procedure. He stated that he fussed at the last meeting about consistency and that this goes beyond consistency. He stated that the Board cannot be consistent if the policy keeps changing. He stated that the Chairman made a comment during the last meeting during Commissioner's Report that said, "Meetings would go much easier if everyone followed the same process." He stated that if the process keeps changing, then everyone could never follow the same process. He continued that he would like to make a change under "Procedure", item number three, that currently states, "The Chairman of the Board of Commissioners will appoint up to two Commissioners to receive, review and recommend applicants for consideration to the appointment of a vacant position." He stated that he would suggest removing the words, "Chairman of the Board", because the ordinance that creates the Chairman does not give him this authority. He stated that with the current language there is the problem of having one

person appoint the committee and not the entire Board. He stated that it is a simple change and is warranted. He stated that the policies and ordinances need to be changed so that they come together as one.

Vice Chairman Ognio moved to approve the revision of County Policy 100.19 to state that the Board of Commissioners will make every effort not to appoint an individual to more than one Authority, Board, Commission, Committee, and similarly established bodies at the same time, except to the extent expressly permitted/provided by state or local law and to strike the wording "Chairman of the" under Procedure item three. Commissioner Brown seconded. Discussion followed.

Commissioner Brown stated that this is something that the Board has been doing since 2013. He stated that some appointments the Board does not make, for example the Board of Elections. He stated that there is a gentleman who was the Democratic Party appointee and he also serves on the Development Authority. He stated that it was not the Board's action to put him on two Boards. He stated that the Board of Commissioners put him on one Board and then the Democratic Party put him on the Elections Board. He stated that when he started there was no formal interview process for candidates for boards, commissions and authorities. He continued that there was a point where one individual was serving on three different boards. He stated that he could not believe that with the high degree of talent in Fayette County, that there was one person serving on three different boards. He stated that this request formalizes a process that the Board has recently been doing. He stated that the material was submitted well in advance and the material was readily available. He stated that he supports the request.

Chairman Oddo asked what the Board had been doing since 2013; the appointment to one Board or the additional item.

Commissioner Brown stated that the Board has operated on a philosophy of trying to use as many different people and create as much diversity as possible when making appointments. He stated that over time the Board has done a good job doing that. He stated that there will be instances where it is a state board appointment or an appointment out of the realm of selection for the Board. He stated that when it is up to the Board, diversity is good.

Chairman Oddo stated that if the system is working what is being fixed. He stated that on the very few duplicates that the Board has, the appointment was made after the applicant was on another Board and not before. He stated that because of the wording he could support the item. He restated, "The Board would make every effort to avoid appointing an individual to more than one board." He continued that there are some boards that do not do much and it is not a problem to have someone on two Boards if that happens. He stated that there are also situations where there is only one applicant who applies and the Board has re-advertised the position and been successful. He stated that the process has worked and as long as it does not say, "only one period" then he can agree to the change. He stated that there has not been an issue with putting people on boards. He asked Mr. Rapson to explain the process for items being placed on the agenda.

Mr. Rapson stated that the Board has a process that is outlined in the policy. He stated that the process is a dogma process that staff follows. He stated that when Vice Chairman Ognio made the recommendation for the policy change on August 11, staff put it in redline form and when it come back to the next agenda it was put in an ordinance form. He stated that staff thought it should be in a redline form instead. He stated that he spoke to Vice Chairman Ognio, who agreed that it should be redlined. He stated that on August 25 and September 8 the second request that Vice Chairman Ognio made was not mentioned before the Board, so the first time the Board would have seen the change would have been during the publishing of the agenda. He continued that in an effort to be consistent with the process the second change was not added and he spoke with Vice Chairman Ognio who agreed to raise the request from the dais. He stated that it was a matter of transparency since a citizen who might be interested in Policy 100.19, would not have known of a subsequent change being brought to the Board was being discussed after the August 11 meeting. He stated that Vice Chairman Ognio is attempting to follow the process. He stated that this issue is not about the vetting since there is no problem with the change being requested, but it is a matter of keeping the integrity of the process. He stated that by moving forward with the suggested

second change, it would raise the question of how many changes could be made, who would be allowed to make those changes and what other changes could be made. He stated that it is the same process used when conducting the budget hearings. When the budget is presented to the Board, there are no changes made to the budget other than the changes specifically discussed during the budget hearing and it is done that way to maintain the integrity of the process. He stated that under the existing process, there is no discretion. He stated that ultimately there may be a majority of the Board that supports the second change, if there is someone who does not support the change, then staff would be accused of not staying true to the integrity of the process.

Vice Chairman Ognio stated that there is no requirement that the Commissioners bring a request before the Board during a meeting. He stated that in Policy 100.03, the only requirement is that it be submitted two weeks prior to the meeting. He stated that no other Commissioner was required to bring their request before the Board before it is added to an agenda. He stated that he brought his request before the Board on August 11 as a courtesy and now it is being mandated as a requirement.

Chairman Oddo stated that Vice Chairman Ognio brought the "gun ordinance" from the dais and that he brought the "chicken ordinance" from the dais.

Vice Chairman Ognio stated yes, as a courtesy and not a requirement. He stated that Mr. Rapson mentioned that the citizens would not get to see the change, well the citizens did not see the change because it was not posted as part of the agenda package.

Commissioner Brown stated that there is no policy stating that a request has to be brought before the Board before being placed on an agenda. He stated that the procedure is a moving target and there is not a procedure that ask for what is being required of Vice Chairman Ognio. He stated that the reason this item is not being placed on the agenda is because it strikes the chairman's authority.

Commissioner Barlow stated that the pay and class study that he placed on the agenda was submitted two weeks in advance and properly vetted by staff. He stated that the Board has operated as a Board of Commissioners appointing up to two commissioners for the Selection Committee. He stated that has been done as a voluntary situation since Commissioner Brown was Chairman. He stated that "The Board shall make every effort to avoid appointing an individual to more than one Fayette County authorities." and that is acceptable language. He stated that Dr. Bonney is the medical director for the Fayette County Board of Health, where he serves as Chairman. He stated that she is also on the Hospital Authority where the hospital chose her to serve. He stated that Vice Chairman Ognio's request to strike "Chairman of the" is sufficient because that is how the Board has routinely made recommendations up to this point.

Chairman Oddo stated that he takes issue with Commissioner Brown saying the reason this request was not on the agenda was because it was removing the chairman's authority. He stated that he does not agree with that because he was never told what the second change would be. He stated that part of the process of saying it from the dais is so that the entire Board and the public would know what is being changed. He stated that if that is a problem then it should be formalized. He stated that the Commissioners should send an email to the County Administrator and he will bring it forward and the Board can decide if they want staff to pursue the request. He stated that he is not opposed to the change to the language. He stated that the chairman has always asked for volunteers for the Selection Committee and there has not been any problems with that process. He questioned the need to "technically" take the authority away from the chairman. He concluded that it did not make sense and that he could not support that change.

Vice Chairman Ognio stated that every Commissioner has a right to put items on an agenda. He stated that there should not be an approval process. He stated that out of courtesy a Commissioner could bring a request to the Board and he does not see a problem with that, however it should not be a requirement.

Chairman Oddo stated that most of the subjects cannot be discussed during Commissioner's Report. He stated that Commissioner Brown had five items on a previous agenda, none of which could be addressed during Commissioner's Report. He stated that they should have gone through the vetting process. He stated that there has to be a formal process to bring the items publically. He stated that the Board was not different and should follow the same process as staff.

Commissioner Brown stated that the Board was different and there are two sets for that purpose in Policy 100.03.

Chairman Oddo stated that the Board was not different and if the Board was different there would be a problem because as elected officials the Board serves everyone else and should follow the same rules and regulations.

Commissioner Rousseau stated that he is not opposed to the issue of procedures. He stated that it is important to have a firm procedure that everyone knows and that everyone can follow. He stated that his issue deals with whether or not the Commissioners should serve on the boards and committees in leadership capacities. He stated that his comments were in regards of policy, but he was advised by the County Attorney that this would be the policy were the change would occur. He stated that he would like to make a recommendation that the Commissioners do not serve in a leadership position on the appointed boards to encourage citizen input. He continued that he agreed with Commissioner Barlow's comments and that during his tenure on the Board the Chairman has asked who would like to volunteer and the procedure should not change because it is voluntary.

Mr. Rapson asked for clarification regarding the Commissioner serving in a leadership capacity. Commissioner Rousseau stated that the Commissioner would not serve as the chairman, vice chairman or secretary of an appointed board. He stated that he would like that request brought back to the next Board of Commissioners meeting. He continued that if the Board would accept a friendly amendment then they could vote on the change.

Vice Chairman Ognio stated that there are certain committees like the Transportation Committee where he is the chairman of the committee. He stated that the way the committee is set up someone from the Board or from one of the other municipalities would be the chairman.

Commissioner Brown stated that with the Transportation Committee the language would need to dictate that it would be an individual citizen and not an elected official. He stated that the Board would not want an elected municipal official heading up the County's committee.

Commissioner Rousseau stated that to his knowledge, no one on the Board has qualified experience in engineering and studies. He stated that he would like to see someone like Phil on the committee because that is a skill set for that committee that could help guide people. He stated that in this case there is someone who is certified, licensed and can guide people through the process without the emotions that could be involved. He stated that the Selection Committee tries to do the same thing when making appointments by identifying individuals with experience and expertise in given areas that can lend credence to efforts of the committee. He stated that he would bring this to the Board for consideration at the next meeting.

Chairman Oddo stated that he would like to use some of the same wording in number twelve, "shall make every effort to avoid appointing a Commissioner to any committee". He stated that the boards and committees are created to advise the Board and having a Commissioner on a board or committee has a presence whether they are verbal or not.

Commissioner Brown advised the Board to be careful especially in the case of authorities because authorities are autonomous government and there needs to be an inside channel as part of the authority. He stated that having a Commissioner involved would help to know what is going on and to voice opinions if necessary.

Commissioner Rousseau stated that is addressed in Commissioner Ognio's request, "except to extent expressly permitted or provided by state law".

Mr. Rapson asked the Board what discretion does staff have for anyone who wanted to add a change to an agenda item. He stated that he could get a call from a Commissioner asking for a change that was not discussed during the meeting and the question would be how those changes get incorporated, he stated that the deadline for the next meeting has passed.

Commissioner Rousseau stated that his request could be added to the next properly scheduled meeting.

Commissioner Brown reiterated that there is no requirement for anyone to have to make a request from the dais. He stated that a change could be added as a supplemental document and the agenda item would not have to be changed.

Mr. Rapson stated that if staff is to abide by the deadlines set in the policy then the Board could not make the October 13 meeting unless there was a vote to do that because the deadline for submitting agenda items for that meeting was on September 28.

Commissioner Brown stated that the Policy 100.03; #2; subsection C has language for late submittals. He stated that even if Vice Chairman Ognio was late, it would be allowed because it is actually in the policy. He stated that if the Board is going to vote on whether someone can introduce an agenda item, then shame on the Board. He stated that the Board should never vote to decide if a Commissioner can put an item on the agenda. He stated that all Board members have equal authority under the written code vested by the state that governs the Board of Commissioners. He encouraged the Board not to go back to doing things the way they were done in the past and that all Commissioners should be treated the same.

Mr. Rapson stated that staff is not proposing that Commissioners vote to put agenda items on the agenda. He stated that for an item to be properly placed on the agenda there is a dogma deadline that the Board has put in place that staff has not discretion except to adhere to. He stated that supplemental data can be added as suggested and has been done in the past. He stated that items have been placed on the agenda from Commissioners that have not been vetted through staff when they meet the deadline. He stated that this process was not done in a vacuum and that the decision was made with him, the Chairman, the County Attorney and Vice Chairman sitting in his office and Vice Chairman Ognio agreeing to bring the request from the dais.

Commissioner Brown stated that Vice Chairman Ognio had the material available and that Vice Chairman Ognio personally called him and told him that he was not allowed to put his item on the agenda. He stated that he would not take it anymore.

Chairman Oddo stated that there is a difference of opinion on process. He stated that the goal is to keep things transparent.

Vice Chairman Ognio moved to approve the revision of County Policy 100.19 to state that the Board of Commissioners will make every effort not to appoint more than one Authority, Board, Commission, Committee, and similarly established bodies at the same time, except to the extent expressly permitted/provided by state or local law and to strike the wording "Chairman of the" under Procedure item three. Commissioner Brown seconded. The motion passed 4-1 with Chairman Oddo voting in opposition. A copy of the request and Policy 100.19, identified as "Attachment 13" follows these minutes and is made an official part hereof.

15. Consideration of the Transportation Committee's recommendation to approve County Transportation Projects to be included in the March 2017 Special Purpose Local Option Sales Tax (SPLOST) Referendum.

Public Works Director Phil Mallon presented a PowerPoint presentation of a draft list of proposed transportation projects for the 2017 SPLOST referendum. He stated that the projected tax, if approved would be approximately \$141,000,000 and of that amount the portion for unincorporated Fayette County would be \$64.6 million and of that \$19.5 million to be used for transportation projects. He continued that staff has reviewed the current and previous county transportation plan with a combination of information received over the past few years from citizens, staff observations and various emails to generate a draft list. He stated that the list was submitted to the Transportation Committee and after discussion, it was approved without change, by the committee with a 9-0 vote. He stated that since that meeting he has presented the list to the Fayette Chamber Mobility Task Force. He stated that he was clear in the meeting that he would receive and relay any comments but that they could not make changes to the list at this point. He then reviewed each project type with the Board.

Commissioner Barlow confirmed that Georgia Department of Transportation has said that the studies are required before they would do the projects. Mr. Mallon confirmed that is correct. He stated that he would ask the consultant to aid staff in determining what would be the likelihood of getting federal aid if the County applied. He stated that the three projects identified as flagship federal aid projects are the realignment of State Route (SR) 279 and East Fayetteville Bypass, Corinth Road and SR 85 with the idea of reducing an intersection and making it a more efficient passage.

Commissioner Brown stated the SR 74 project was started by Tyrone's Mayor Dial to bring Fairburn into the queue to do some land planning and transportation similar to what Tyrone and Peachtree City were doing. He stated that Fairburn is building fast food chains along that area and they are not aligning the drives and he is wondering what the value of the study is. He stated that Fairburn is the most important "player" in the study and they don't seem to be a willing participant.

Mr. Mallon stated that he is holding public meetings with Fairburn and in those meetings they are expressing a willingness to participate and he has heard them say the development and request for developments are coming in before they can get the regulations in place.

Commissioner Brown stated that they have had since 2006 to change the regulations. He stated that the County needs to be mindful that if Fairburn is not going to be a willing participant and if they are not willing to buy into why the project was started, then the decision might be to skip that project and move to another one.

Mr. Mallon stated that he would use that comment as an opportunity to explain that to Fairburn. He stated that ultimately the projects will come back before the Board and from the results of the scope and study and the corridor study, staff will ask if the Board wants to use it on the realignment on SR 74 or on another identified delayed projects. He continued the presentation.

He stated that Antioch and Goza Road was on the last SPLOST list and improvements were made with no positive result. He stated that the crash rate has definitely not decreased and so other options need to be presented and that is why it is now on the 2017 SPLOST list. He stated that there is a catch all for projects that come under budget so additional intersections can be added. He stated that things change over a six year period and there may be a new problematic intersection in coming years. He stated that there is a category that deals with pedestrians, bicycles and golf cart projects. He stated that one of the projects is for a federal aid project that has the local match coming from the SPLOST and the other is one the Board gave direction on for the tunnel under Redwine to connect with Starr's Mill school. He continued the presentation and concluded with discussions regarding the various studies needed for the projects and the backup list for federal aided projects.

Commissioner Brown asked if the funds from federal dollars could be leverage for use of the multi-use paths. Mr. Mallon stated yes. He stated that he thinks that would be a great opportunity.

Mr. Mallon stated that the Lees Mill, New Hope and Kenwood Scoping Study is the project where the scope and study would have to justify the need and purpose. He stated that it is viewed as a north side, east/west connector. He stated that the traffic volumes are relatively low. He stated that the SR 279 Scoping Study has a traffic volume that is greater than he realized. He stated that because it is a state route he is not recommending that the County fund improvements to that road, but that the County should spend the amount needed to do the study in order to push the project with GDOT and make it a high priority for them.

Commissioner Brown stated that the alignment project with the East Fayetteville Bypass on SR 279 is a big project. He stated that when the roads are combined the traffic volume will increase beyond what it is currently traveled and at that time the Board will need to make a decision about what to do.

Commissioner Rousseau stated that there will need to be serious conversations with GDOT.

Mr. Rapson stated that the projects presented are all Fayette County projects. He stated that the final list presented was created to ensure that the County uses all the SPLOST funds collected.

Chairman Oddo asked if the list of questions from a citizen had been addressed.

Mr. Mallon stated that he has addressed most of the questions. He stated that there is a link on the webpage with more information and there will be a detailed fact sheet to come, in addition to a question and answer document to be posted to the webpage. He stated that the projects are geographically heavier on the north side. He stated that trying to spread the projects was not the object, but instead the goal was to address the projects that needed the most attention and typically that is the higher density areas.

The following spoke regarding this item:

Mr. Frank Gardner spoke regarding his desire to have Davis Road included to the list.

Commissioner Brown moved to approve the County Transportation Projects to be included in the March 2017 Special Purpose Local Option Sales Tax (SPLOST) Referendum. Commissioner Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14" follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

The following spoke during Public Comments:

Mr. Frank Gardner stated that he made the suggestion three years ago and this week he saw that the floating dock had been completed. He stated that the Water Department and Chief Marshal Harold Myers came to him and asked for his input on how to get the dock completed. He stated that he has not seen the dock at Lake McIntosh, but the one at Lake Horton is good. He also thanked Mr. Mallon for the work he did to get the light installed on Georgia 85 and Harp Road. He thanked Commissioner Barlow for his leadership on the boards and committees that he works so closely with in the health industry. He stated that he hopes he continues to volunteer his expertise.

Mr. Dennis Chase stated that he would like to comment on the SPLOST in general. He stated that the 350 projects on the list combined with all the cities is going to be overwhelming for those trying to figure out how to vote. He stated that he has people who have contacted him and on their behalf he has contacted the county and all the cities. He stated that the county has been very helpful in offering information. He stated that he would like to have an avenue where the County can help gather the information other than on the website. He stated that it is a lot to ask people to figure out. He stated that Environmental Management Director Vanessa Birrell has offered to meet with him and any citizen group he sets up to answer questions. He stated that he wants to be sure the citizens have an opportunity to learn about the projects. He asked for the Board's support in allowing staff to help get the information.

ADMINISTRATOR'S REPORTS:

A. Request for Proposals #1082-P, Change Order #1: Road Pavement Consulting Services

Mr. Rapson briefed the Board regarding Change Order #1 for the road pavement consulting services. He also stated that Sunday, September 25, 2016 at 3:00 p.m. is the Historical Society meeting at Starr's Mill. He also addressed some of the issues mentioned during public comments.

Response to Mr. Frank Gardner's comments: Mr. Rapson stated that in response to Mr. Gardner's comments regarding Davis Road, that road would be covered under "A3" in the SPLOST list that was presented if the SPLOST were to pass.

Response to Mr. Dennis Chase's comments: He stated that staff is in the process of gathering hard copies from all the cities so that the County and all the municipalities would have hard copies of each other's project proposals and detailed data sheets for the public to access. He stated that Vanessa is in the process of finalizing the educational meetings, in the form of town hall meetings starting in January, February and March of 2017.

Response to Commissioner Brown's question: Commissioner Brown asked if the change order was for an additional \$15,857 on this single year contract. Mr. Rapson stated that is correct. Commissioner Brown asked if once the contractor has completed the job, would the County have to do the service again. Mr. Rapson stated that Change Order #1 incorporated all the miles. He stated that the original bid was to complete the majority of the roads. He stated that the philosophy is that this would be done every three to four years. He stated that this would come back to the Board to decide if it should be done every third or fourth year. Commissioner Brown stated that he wanted to be sure that this is a one-time deal and that the County would have to rebid this service. Mr. Rapson stated that is correct.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had two items of Pending Litigation, one involving Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Brown

Water Guardian: Commissioner Brown announced that the Water Guardian event is scheduled for Lake Peachtree on Saturday, October 1, 2016 at 8:30 a.m. for those with canoes, kayaks and/or jon boats to pick up the trash on the lake.

Concerns about floating dock at Lake McIntosh: Commissioner Brown stated that the floating dock at Lake McIntosh has him concerned. He stated that he would like to see if he can have a meeting with staff about the dock because the dock does not help those who sail with the Sunfish Association and anyone who has to drop a vessel off the ramp. He stated that people have to go through a multi-use path to get to the dock and there is a significant walk to get to the dock. He stated that the distance is extreme. Mr. Rapson asked Commissioner Brown to provide him with some dates that he is available. He stated that there are reasons and justifications for where the dock is located.

Vice Chairman Ognio

Harp Road and Highway 85: Vice Chairman Ognio spoke regarding concerns with Harp Road and Highway 85 and the extra arrows that are placed on the road. He asked if that was a new standard. Mr. Mallon stated that he would have to drive the area to determine why the arrows were there.

Highway 85 repaving: Vice Chairman Ognio reminded the citizens that the repaving for Highway 85 is currently taking place. He stated that he noticed the poles were replaced with wood poles along that area and that he hopes the plan is to put in the concrete poles back in place.

Inman Heritage event: He shared that he attended the Inman Heritage event. He commended Rick Minter for a job well done.

Changing Policy 100.03 and the Ordinance: Vice Chairman Ognio stated that he would revamp this policy once he figures out how it should be changed. He also stated that he will also be working on the ordinance that outlines the chairman's and vice chairman's duties. He stated that if these items are "cleaned up" it would make the process much better.

Denial of veteran's tax rebate: Vice Chairman Ognio stated that He also shared comments regarding a denial that the Board made for a tax rebate that was submitted by a veteran of the county. He stated that he spoke with ACCG and they agreed that the County Attorney that the Board did not have the authority to make the change. He stated that hopefully the law will change and the Board can do the right thing.

Commissioner Rousseau

Olympic Gold Medalist Christian Taylor: Commissioner Rousseau congratulated the local participants of the Summer Olympic Games. He stated that staff has tried to reach out to a few of them on the Board's behalf but was unsuccessful in coordinating schedules. He stated that Christian Taylor was in town his accomplishments, as well as the other athletics were duly recognized.

Comprehensive Plan: He expressed that he would like to get with the County Administrator to ensure that the list of stakeholders for the Comprehensive Plan are being contacted.

Thank you to Development Authority: Commissioner Rousseau stated that he wanted to thank the Development Authority for the event they held a week ago to share some of the things they are doing.

AGL and Delegation: Commissioner Rousseau stated that the Board needs to have AGL or the delegation to "step up their game" in term of things like the bypass. He stated that the citizens of Fayette County know it is an excuse and delay. He stated that the County has to get the appropriate people to look into the matter.

Cost Analysis of Staff versus Vendors: He stated that sees some of the contracts that are being requested and would like to see a cost analysis to determine if some of the work could be done in-house as opposed to a hiring a contractor.

Commissioner Barlow

Thanked Mr. Gardner for his comments: Commissioner Barlow thanked Mr. Gardner for his comments. He stated that since he will be existing the Fayette County Board of Health, the Piedmont Hospital has asked him to be a member of the Piedmont Hospital Advisory Board and this will allow him to remain involved with the health of the community.

Grandparents and Kin Raising Children: He stated that his involvement with Grandparents and Kin Raising Children has become his passion. He stated that by grandparents and kin raising children it is saving tax payers millions of dollars by not having the children in foster care. He stated that Fayette County is blessed to have the Truett Cathy Foundation who provides scholarships for the students who are being parented by their grandparents. He stated that the foundation matches the student dollar for dollar; for every dollar the student earns, the foundation will match the student's dollar toward the purchase of a vehicle not to exceed \$10,000. He stated that they also give 100% scholarships to straight A students to Georgia Southern, Georgia State or wherever they would like to attend college. He stated that the foundation also provides housing for students who find that living on campus hinders their ability to focus on their studies and fosters an environment that is not conducive to the student's learning.

Letter published by Commissioner Brown: Commissioner Barlow stated that Commissioner Brown likes to exercise his first amendment rights. He stated that he received an email regarding the letter he wrote. He read the email into the record:

"David, Steve Brown is a victim. He will always be a victim because he makes himself a victim. Sadly the qualities of a victim are opposite the qualities of a leader. A leader is positive, upbeat, illusive, appreciative; a leader inspires others, sets goals, rallies the troops, shares the joy of a win; a victim on the other hand is negative. He believes he is picked on, he creates turmoil where there is none. He bubbles the circumstances, but solves nothing. 'Oh woe is me.' 'Look what they are doing to me.' We finally voted out Don Haddix who had the same victim mentality hopefully we will do it again with Brown. It can't come soon enough."

Commissioner Barlow stated that he wanted to remind people that Commissioner Brown blogs on The Citizen as "Husband and Father of Two" and he blogs as "Upandatom". He stated that he never says anything nice about him or Chairman Oddo in particular. He stated the he hears Commissioner Brown pray and then he writes the most egregious, ugly articles and says he has a right to do so. He stated that he stands on the word of God and he does not respond to Commissioner Brown's comments typically, but he felt the need to respond.

Commissioner Brown stated that for the record, he is not the blogger that Commissioner Barlow says he is and he has never been shy about saying anything that is on his mind. He stated that he does not have to do anonymous blogs.

Chairman Oddo

Thank you: Chairman Oddo thanked staff for a great job and he thanked the citizens for coming to the meeting.

EXECUTIVE SESSION:

Notification of Executive Session: County Attorney Dennis Davenport notified the Board that he had two items of Pending Litigation, One Item of Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes.

Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 10:08 p.m. and returned to Official Session at 10:52 p.m.

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

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

Mr. Davenport stated that there was a correction of the number of items for Executive Session. He stated that there were **Three Items of Pending Litigation, One Item of Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes.**

Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

Pending Litigation (3):

Mr. Davenport briefed the Board that in regards to a potential Equal Employment Opportunity Commission claim with a former employee. He stated that for consideration of \$7,500 paid by the County to Jessica Waldrop, the claim was resolved with the following terms and conditions: Ms. Waldrop has agreed to waive and release all potential claims that she may have and to execute a covenant not to sue and she acknowledges that there are no other injuries or claims to bring against the County. He stated that part of the agreement is for her to keep this information confidential and for both sides not to disparage the other.

Vice Chairman Ognio moved to agree to the settlement as presented by the County Attorney. Commissioner Brown seconded the motion. The motion passed 5-0.

August 25, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the August 25, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the September 22, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 5-0.

The September 22, 2016 Board of Commissioners meeting adjourned at 10:54 p.m.

Tameca P. White, Chief Deputy County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of October 2016. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, Chief Deputy County Clerk