

## 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

December 13, 2018

2:00 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 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 December 13, 2018 Board of Commissioners meeting to order at 2:02 p.m. A quorum of the Board was present.

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

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

### Acceptance of Agenda

Commissioner Charles Rousseau moved to accept the agenda as written. Commissioner Brown seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:** None

### **PUBLIC HEARING:**

Peter Frisina Fayette County Division of Community Services Director read the Introduction to Public Hearings.

1. **Consideration of staff's recommendation to approve a 2018 Retail Alcohol, Beer and Wine License (License # C18-00611) for Sung Choi doing business as S-Mart, which is located at 2664 SR 92 S, Fayetteville, Georgia 30215.**

Peter Frisina stated that it was staff's recommendation to approve a 2018 Retail Alcohol, Beer and Wine License (License # C18-00611) for Sung Choi doing business as S-Mart, which is located at 2664 SR 92 S, Fayetteville, Georgia 30215.

Chairman Maxwell asked if the applicant Mr. Sung Choi was in attendance.

Mr. Sung Choi approached the Board; Mr. Choi stated that he wanted to convert the current business to a convenience store with a gas station and that is why he requested the 2018 Retail Alcohol, Beer and Wine License.

No one spoke in opposition.

Commissioner Oddo moved to approve staff's recommendation to approve a 2018 Retail Alcohol, Beer and Wine License (License # C18-00611) for Sung Choi doing business as S-Mart, which is located at 2664 SR 92 S, Fayetteville, Georgia 30215. Vice- Chairman Ognio seconded. The motion passed 5-0.0

### **CONSENT AGENDA:**

Vice-Chairman Ognio motioned to approve the Consent Agenda as written. Chairman Maxwell seconded. Commissioner Rousseau requested to remove Consent Agenda item #7d for discussion.

Vice-Chairman Ognio motion to approve the Consent Agenda as written except item 7d. Chairman Maxwell seconded. The motion passed 5-0.

2. **Approval of the County Clerk's recommendation to adopt the 2019 County Commissioner Meeting Schedule.**
3. **Approval of staff's recommendation to award Quote #1587-A: 2017 SPLOST; Stormwater Category I; 330 Oak Street Culvert Replacement to Crawford Grading in the amount of \$99,414.80; and amend the 2017 SPLOST Stormwater Fund (32240320) reallocating \$50,000 from Category II Tier II (17SAQ-118 Davis Road) to 330 Oak Street (5509H).**
4. **Approval of staff's recommendation to award Proposal #1525-P for purchasing card services to JP Morgan Chase and authorization for the Chairman to execute the required agreement.**
5. **Approval of staff's recommendation to award contract #1572-S, Aerial Oblique Imagery, to Pictometry International Corp. in the amount of \$98,947.50 and contract #1605-A, Aerial Orthoimagery, to Geomni, Inc. in the amount of \$20,220.00.**
6. **Approval to liquidate surplus business personal property at auction, including listed vehicles and heavy equipment, confiscated property, and other items.**
7. **Consideration of the approval to present the following Resolutions in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session:**
  - A. **Resolution 2018-17; Fluoride**
  - B. **Resolution 2018-18; Title Ad Valorem Tax (TAVT)**
  - C. **Resolution 2018-19; Boating and Minors**
  - D. **Resolution 2018-20; Protecting Religious Freedom**

Commissioner Rousseau stated that he pulled this item because "we have been down this road before with this particular issue, when it was discussed earlier this year"; he stated that this is beyond our purview of providing services to residents of the County. He stated that this topic has created a divisive attitude or perspective that the Board would be wise and prudent to discontinue. Commissioner Rousseau stated that it is his understanding that Governor-elect Brian Kemp has indicated that he would entertain this issue on the state level, where it would be properly heard before the appropriate body. He stated that this is not the proper forum. Commissioner Rousseau reiterated his position from the January 11, 2018 BOC Meeting where Resolution 2018-20; Protecting Religious Freedom was voted on and approved to be included in the County's Legislative Package; he stated that although this was a formality he was not in favor of it then and is not now and his vote will continue to be no. Commissioner Rousseau urges his colleagues to reconsider their

perspectives on the issue as representatives of the County and to allow this issue to be adjudicated and discussed on a State level.

Commissioner Rousseau stated that he wanted to dispel something in reference to various emails the Board had received. He stated that there was some overtures with respect to the timing of the Board of Commissioners Meeting, he stated that the Board approved the schedule in advance; this (2:00pm meeting) was already approved. He stated that there were a couple of meetings beginning at 2:00pm throughout the year. Commissioner Rousseau stated that this was not a clandestine effort to slip something through and he wanted to make that clear to the residents that this meeting was well established.

#### Public Comments:

**Sheryl Corke**, Fayetteville; thanked Commissioner Rousseau for his comment. She stated that she had been a resident of Fayette since June 2016. She stated that she moved here because she researched Fayette County and decided that the low crime, quality of life, the general peace and harmony, the school systems, the shopping and food supply, proximity to the airport, a hospital and Atlanta would be fine for her lifestyle. She stated that as a member of two groups who were often disbarred, denied, and legislated against she brings an objection and a solution. She stated that her objection was based on Luke 8:17 because it had something to do with the religious act that you're trying to pass today, and in that scripture the English Standard Version says "for nothing is hidden that will not be made manifest, nor is anything secret that will not be known and come to light." She stated that Commissioner Rousseau kindly clarified that the 2:00pm meeting time was not an attempt to do something clandestine. Ms. Corke stated that in reference to various passages of the Georgia Constitution it seemed to her that the Constitution of Georgia already covers the practice of protecting religious freedom. Ms. Corke also stated that she firmly believes that when someone brings a complaint she should also provide a solution. Ms. Corke stated that her suggestion would be to follow the thoughts highlighted at Matthew. 22:36-40 where we are admonished to show love to our neighbors. Ms. Corke stated that her suggestion and solutions fall in line with "loving your neighbor" and the rights of persons already laid out in the Georgia Constitution. Ms. Corke stated that her suggestion would be that we stop "dehumanizing" and "other-izing" groups of people; that we change the way we talk to and about one another; that we use our connection spaces (e.g. churches, social groups, clubs etc...) to connect with those that are not like us; that we learn to relate to one another with generosity, compassion, open-mindedness, and kindness all year and not just during the holidays; that we work to prevent other from behaving in a way that do not foster compassion and progress. She stated that none of her suggestion would come easy, but with the Boards leadership and the cooperation of the citizens, Fayette County could be regarded as inclusive and peaceful, a place where people of all stripes feel welcomed and valued. Ms. Corke stated that it would take broadening the definition of neighbor to include and not exclude. Ms. Corke stated that until the Board individually felt the pain of exclusion for whatever reason, such as she has experienced as a African-American women in the United States; they could not understand. Ms. Corke stated to the Board to allow people to work out their relationship with God for themselves. She stated that she along with other members of the community were willing to work with the Board to bridge any affronts that have happened to anybody for any reason. Ms. Corke stated that this is a free country and we'd like to keep it that way.

**Walter Hopewell**, Fayetteville; stated he was here today because of this religious freedom act. Mr. Hopewell stated he did not understand why we needed it. He stated that he served in the military, and has since retired and is now a resident of Fayette County. Mr. Hopewell stated that "he is very content in Fayetteville and likes the way things in the community are working". He stated that he didn't understand why we would even need to consider a religious freedom bill. He stated that when he joined the military in the late 60's he moved south and he was shocked that there were still places he couldn't go to or places where people refused to serve him. Mr. Hopewell stated that "they thought they were doing the right thing", he stated they weren't and they know that now. Mr. Hopewell stated that during his military service

he ended up in a foxhole with guy from Selma, he stated that they were shot at while they were in the hole; he stated when people start bleeding we all bleed blood. Mr. Hopewell stated that by the time he left Vietnam they only saw Marines. He stated we didn't see black or white; we saw the guy we could depend on to cover our backs. Mr. Hopewell stated that he thought this bill whether we agreed on it or not, or whether Governor-elect will sign it or not, it's going to be detrimental to this state; but especially to this county. Mr. Hopewell stated that he didn't have any figures but Pinewood Studios did four or five very expensive and very profitable movies last year. He stated Black Panther the highest grossing movie in the world was filmed right down the street. Mr. Hopewell stated that if we start telling people where they can or cannot go because of the religious conviction of somebody else; people aren't going to stand for that. They don't have too. Mr. Hopewell stated that it makes absolutely no sense if we run them out of here, who replaces that revenue, the people who say "my religion won't allow me to wait on you because you're too ugly or because you are handicapped". Mr. Hopewell asked "where does the stone stop"? Mr. Hopewell stated it's another excuse to do something that we all know is completely wrong. He stated that for us to even accept it makes us wrong.

**Susan Samson**, Fayetteville; stated that she has read the resolution and it seemed to her that religious freedom is covered. She stated that she doesn't know why we'd need a resolution calling for more "religious freedom" except to possibly signal a tacit sanctioning of discrimination based on religious grounds. Ms. Samson stated that she wanted the Board to consider unintended consequences. She stated that if a non-Christian business said "we don't want to serve Christians because they don't believe in our god and they don't believe in our religious values". Ms. Samson asked would that not be discrimination. And would that be alright with you? Ms. Samson stated that she was no biblical scholar, but Romans 2:11 says "for God shows no partiality"; Ms. Samson stated that she wonders why the Fayette County Commissioners believe the Fayette County government and its citizens should?

**Bianca Vilella**, Fayetteville; stated that she was there on behalf of her and her husband who work in the film industry. Ms. Vilella stated that she moved to Fayetteville from south Florida about a year ago because they lost their incentive because of the government. She stated that the government is getting involved in religion. Mrs. Vilella stated Marvel heard about this and threatened to pull out because of this information. Mrs. Vilella stated that if this [Resolution 2018-20; Protecting Religious Freedom] were to come through there is a chance that a lot of companies including Marvel (which has brought a lot of money into the community) would pull out. Mrs. Vilella stated that as a result a lot of people would lose jobs. She stated it's a freedom we should have and not being told what to do.

**Yvonne Smith**, Fayetteville; asked would this Resolution Protecting Religious Freedom allow children to pray in school. She stated that she doesn't see why prayer was removed from the school system. Ms. Smith stated that as teacher for more than 32 years, she worked with children from various backgrounds. Ms. Smith stated she noticed a difference when the children would prayed, some children folded their hands while others cupped theirs. She stated that she learned from both sides that it had the same meaning. She stated that it should make a difference. Ms. Smith stated that she loved the lord, and that there should be no stipulation on how and where she should prayed.

**Steve Yothment**, Peachtree City; stated that he was concerned about the discrimination in business. Mr. Yothment stated that the Georgia Religious Freedom law may be used to allow people to discriminate against others with different religions or beliefs in their business practices. He stated in 1938 the Nazis in Germany as part of their campaign to eradicate the Jews, started the process by warning Germans to not do business with Jewish people. Mr. Yothment stated that he did not want anything like that to happen here in the state of Georgia or anywhere in America. Mr. Yothment stated that in a press conference on September 23, 2018 Stacy Abrams said that "the Georgia Religious Freedom Law as a matter of law it is unnecessary, as a matter of conscience it is wrong, and as an economic issue it is a death nail to the fastest growing parts of our community". Mr. Yothment stated that from his understanding the NFL, Coca-Cola, Walt Disney Company, and others have all stated that they oppose this legislation and that their business in Georgia may be limited if the legislation is passed. Mr. Yothment stated that the NFL will host the 2019 Super Bowl here

in Georgia at the Mercedes Benz Stadium in Atlanta, he stated that the NFL expressed their concerns about the Georgia RFRA in 2016, and may not have even had the Super Bowl in Atlanta if Governor Deal had signed it into law. Mr. Yothment stated that the issue here is discrimination based on religion. He stated it is not in line with American values or Christian values, he stated Jesus said "you should love your neighbor". Mr. Yothment stated that he hoped the Board would not approve this legislation.

**Heidi Danis**, Fayetteville; stated that she was a person of few word. Ms. Danis stated her understanding of this country was separation of church and state.

**William Hearn**, Fayetteville; stated that this resolution was a solution seeking a problem that doesn't really exist. Mr. Hearn stated that he doesn't know of any particular cases that this law would solve. Mr. Yothment stated that he doesn't see how anyone would have their rights infringed even without this law. Mr. Yothment stated that he doesn't understand why this law would be put in place if it serves no useful purpose. Mr. Yothment stated that since it served no useful purpose, what it tacitly does is endorse discrimination. Mr. Yothment stated that he feels the law could have unintended consequences. Mr. Yothment stated that he thinks passing this law would be sending a message that has very little to do with religious freedom, but instead shows or hints to someone not from Fayette County that you [the Board] held some of the prejudices and attitudes typical of the old south the many view as a negative about the state of Georgia. Mr. Yothment encouraged the Board to reconsider this law, because it doesn't accomplish anything but does cause the Board to look bad in the eyes of many people.

**Gerald Arkin**, Peachtree City; stated he and his wife moved to Fayette County in 1987. He stated that the reason they moved to the County was because it was welcoming, they felt comfortable and it was an open County. Mr. Arkin stated that this resolution was distressing and disturbing in that if it passes he wouldn't feel that way any longer. Mr. Arkin stated that they came here as a family and had he known this resolution existed he would not have come here. Mr. Arkin stated he came to take a job with the University of Georgia as an Administrator. Mr. Arkin stated that he had plenty opportunities to go to other cities and other universities, but he chose Georgia and chose this county to live in. Mr. Arkin stated that the campus he worked at was the University of Georgia- Griffin Campus which is very diverse with faculty and staff from all over the world. Mr. Arkin stated that as the Administrator it was difficult recruiting faculty and staff internationally; and that's where some of the best employees come from all over the world. He stated that there are geniuses and people who do remarkable things and we want them to come here to this state to this county to be creative and innovative. Mr. Arkin stated that should this resolution pass he wouldn't have come here nor would he have been able to recruit that kind of talent to come to Georgia and many of the faculty and staff live in this county. Mr. Arkin stated that over the years he has brought business people that have wanted to invest in industrial parts and bring business to Georgia and to this area. Mr. Arkin stated that those people came from different parts of the country. He stated that he had to entertain those people, bring them to dinner, and put on conferences. Mr. Arkin stated that some of those people looked different in color than he did, some wore scarves on their heads other wore turbans (whether they were Hindu, Muslim, whatever their faith or they were agnostic or atheist) it made no difference they were people, people that we loved. Mr. Arkin stated that they came, they brought their talents, they stayed in the laboratories they worked in the laboratories, and they helped with discoveries that helped citizens of the world. Mr. Arkin stated that we would not have been successful in doing that had this resolution passed. Mr. Arkin stated he brought people to the conference center in Peachtree City often for international meetings, had I known that it was possible to have a conference and somebody talk to one of our guests' and say "because of your look, or faith, or the fact that there were two people of the same gender holding hands, that I'm not going to serve you" and embarrass us and disgrace the conference; there is no way in the world would I have ever brought those people to the conference center in Peachtree City. Mr. Arkin stated "could you imagine if you went to dinner and that happened in a small meeting where we trying to negotiate business or a contract; or we brought in a major donor who is interested in supporting scholarships for needy students, and for some religious reason they were embarrasses because someone did not want to tend to them". Mr. Arkin stated that from a business



perspective and practical standpoint had this resolution passed he would not have taken the job and moved here, nor would he have encouraged anyone else to come; and secondly he would not have brought business here. Mr. Arkin stated he suspected that the people who follow him in his position would perform the same way. Mr. Arkin stated on a personal note that his sister and her partner have been married for over a decades, he couldn't imagine going to a restaurant and not being served because they were holding hands or gave each other a hug. Mr. Arkin stated that from a religious perspective he happened to be Jewish and stated he does feel threatened by the resolution and the unconscionable passing of the resolution at a prior meeting. He stated he found it despicable.

**Ken Bryant**, Fayetteville; stated that he was confused and couldn't understand why we were even discussing this bill. Mr. Bryant stated that this topic came up years ago and was heavily opposed and criticized, from Fayette County citizens and businesses alike. Mr. Bryant stated "why are we doing this and why was this even on the agenda?" Mr. Bryant stated that he was an engineer by trade and was originally from the greater Boston area; he stated that while in Boston he was a deacon at a Baptist church. Mr. Bryant stated now he attended New City Church, he stated he liked some of the religious/biblical quotes stated earlier, but would focus on the greatest commandment to "Love thy neighbor as thy self". Mr. Bryant stated that he was there representing the NAACP, as the NAACP Vice-President. Mr. Bryant stated that he agreed with many of the comments that were previously mentioned and that the Board didn't need him to reiterate why they're against this resolution, he stated that they [the Board] just need to do what's right.

**State Representative Derrick Jackson**, Tyrone; stated that he was trying to get prepared for Christmas and this holiday season. State Representative Jackson stated that he had just returned from a three-day biannual; where Governor-elect talked about some of the topics they were going to have to deal with this upcoming session. State Representative Jackson stated that religious freedom was one of those topics along with woman's reproductive rights and abortion. State Representative Jackson stated all of these were cultural- social issues, but we have other significant topics that we need to have some meaningful dialogue about such as Medicaid expansion, helping the vulnerable in our society to have a quality of life. State Representative Jackson stated that "this is not the right thing", he stated that we are continuing to fight the same fights that our citizens are asking us not to fight. State Representative Jackson stated that as an elected officials he encourages the Board to listen to the citizens. State Representative Jackson stated that the citizens are asking us to not go forward with this resolution. State Representative Jackson stated that "we are losing money, job opportunities and sending the wrong message". State Representative Jackson stated that out of 159 counties in the state of Georgia we are the only county that passed this resolution. State Representative Jackson stated that "we are better than this". State Representative Jackson stated that "this is not speaking to who we are as a people or as Christians". State Representative Jackson stated that "he understood this was part of the legislative package that would come before us. He stated that he and his colleagues would do their best to kill this." State Representative Jackson stated that "if you're going to allow us to have that debate on the State level, then let us have that debate; but don't have Fayette County be the only county to pass this". Senator Jackson stated that "that looks like we're closing our boarders, he stated let's build bridges." State Representative Jackson stated "let's legislate by the will of the people". State Representative Jackson urged the Board to vote where your principles are, vote by your constituent's voice not your voice, vote by those who voted you into those seats to represent them. State Representative Jackson encouraged the Board to not pass this resolution and to let this topic be handled at the state level in the gold dome.

**Mayor Edward Johnson**, Fayetteville; stated as an elected official he intentionally allowed the citizens to speak ahead of him, so that the Board would realize that it is the will of the people that they should be representing. Mayor Johnson stated you are elected as representative of the people, for the people, and by the people. Mayor Johnson stated that the Board has heard the citizens of Fayette County resoundingly oppose being in support of the Religious Freedom bill/legislation. Mayor Johnson stated that this bill will single Fayette County out as a county that endorses discrimination. Mayor Johnson stated that it signals that Fayette County is a county that cares little about what its citizens want. Mayor

Johnson stated that it singles out Fayette County as a county that is negligent in your responsibilities toward economic development. Mayor Johnson stated that it signals that although Fayette County claims to be a devoutly Christian community, yet our representative are “doing the Devil’s work”. Mayor Johnson stated that all the previous speakers have articulated some profound reasons why the Board should not vote to include this in the legislative package. Mayor Johnson encourages them to take heed. Mayor Johnson stated that if not there would be “hell to pay”, he added that was not a threat, but fact specifically from an economic perspective based on the number of large dollar businesses that could potentially leave and those that will decided not to even come. Mayor Johnson stated he hoped the Board would make the right decision and vote to delete this item from their legislative package.

**Reed Hamilton**, Brooks; stated that passing this resolution would make no difference because it goes to the State legislature, but it does speak to the kind of county we live in, the kind of county we are, and what kind of county we will be. Mr. Hamilton stated that “what if someone’s religion cause them to refuse to serve Commissioner Oddo because he was an accountant, Commissioner Brown because he lives in the “bubble”, Chairman Maxell because he requires a wheelchair, Vice-chairman Ognio because he was a colorful dresser, or Commissioner Rousseau because he had grey hair”, Mr. Hamilton stated that although these examples were exaggerated they could happen. Mr. Hamilton stated that this topic takes him back to when he was little, he stated that when he walked into Buck Mathews there was a sign on one side that read colored and another sign on the other side that read white only. Mr. Hamilton stated that it wasn’t right then and it isn’t right now. Mr. Hamilton urge the Board if they couldn’t find it in their hearts to vote against this resolution to abstain and be neutral on the subject.

**Alex Domaleski**, Fayetteville; stated that her concern was toward small-businesses, speaking on behalf of family and friends who own small businesses. Ms. Domaleski stated that Fayette County was supposed to be a place where businesses could thrive. Ms. Domaleski stated that her mom grew up in Fayette County and her family survived off of small businesses. Ms. Domaleski stated that this bill is racist and ignorant. Ms. Domaleski asked the Board to think about small businesses.

**Derryl Anderson**, Fayetteville; stated that she was born and raised in Fayette County. Ms. Anderson stated that Governor-elect Kemp won by less than 70,000 votes statewide. Ms. Anderson stated that electorate is changing. Ms. Anderson stated that she has been doing voter registration for 30+ years, she stated the electorate is changing both in Fayette County and statewide. Ms. Anderson stated that the persons who are moving here no longer like those of the past. Ms. Anderson stated we have a lot of well-educated people moving here. Ms. Anderson stated there are brand new subdivisions being built throughout Fayette County, with wealthy well educated people moving into them who do not want this resolution. Ms. Anderson stated that she is also a real estate agent, and stated that her realtors know that the people that are moving here are not like those of the past. Ms. Anderson stated that this resolution makes the Board look bad, because you’re supporting discrimination. Ms. Anderson stated that this bill says “I am a pharmacists and if you’re wanting birth control bill, I may not give them to you because it’s against my religion.” Ms. Anderson stated that it says to those who may be in a gay marriage that I can discriminate against you. Ms. Anderson stated that “we cannot have that”. Ms. Anderson urges the Board to not go down in history supporting this resolution. Ms. Anderson stated that we need businesses to come here, unless you [the Board] want taxpayers to increase their taxes to compensate for the businesses that will not come here. Ms. Anderson stated she wanted this county to continue to be seen as an ideal place to raise a family in with no discrimination. Ms. Anderson stated, “Please don’t do this to her county, her baby.” Ms. Anderson stated she did not want this to be seen on CNN or on Fox News.

**Aaron Wright**, Fayette County, stated that he wanted to speak in favor of the resolution. Mr. Wright stated that he was very appreciative that he lived in a country that akin to freedom of speech, freedom of association is very strongly protected under the rule of law. Mr. Wright stated that he found it amusing that some of the speakers stated if the bill was passed they would move out of the county or that some businesses have stated that they would not move to Fayette

County if the bill was passed. Mr. Wright stated that was discrimination. Mr. Wright stated that they have decided to not to do business with you based on your on perspective. Mr. Wright stated that we all discriminate throughout our entire lives when we decide who to be friends with, or allow our children to be friends with, or what church we go to, or which store we shop at, etc.... Mr. Wright stated that discriminations are a vital and critical part of our freedoms as Americans. Mr. Wright stated that we want to avoid the situation in Nazi, Germany where the government is powerful enough to tell us, our families, or community where we can or cannot do business. Mr. Wright stated that we want to reserve that right to each individual to make their own choice. Mr. Wright stated he heard several comments quoting Bible verse and he concurred, he stated that we want to be kind, loving, gracious, and generous to all people. Mr. Wright stated that our freedoms to do so are critical. He stated that he was really proud that at least four of the Commissioners were willing to stand up for each individual's freedom of association.

**Daryl Hicks**, Fayetteville; stated that he serves on the Board of Economic Development. Mr. Hicks stated that the Board of Economic Development was designed to help the county, by attracting new businesses. Mr. Hicks stated that in that effort the Board of Economic Development could to a great extent help offset the tax base of the County, by helping corporations locate to the County. Mr. Hicks stated that he appreciated the support of the Board toward economic development in Fayette County. Mr. Hicks stated that he can from experience, say that the religious freedom bill was one of three reasons Fayette County missed out on a large economic development opportunity last year. Mr. Hicks stated that "we have to do better with issues that are divisive, and figure out how you as elected officials deal with those divisive issues even though they may be passionate to you, and how do you deal with that so that the community is not at a disadvantage". Mr. Hicks encouraged the Board to be aware of the impact their decisions make on the County's ability to attract new businesses. Mr. Hicks stated that some may not be bothered if some companies decide not to come to Fayette County; however Mr. Hicks stated that we need corporations to help with the offset of taxes. Mr. Hicks encouraged the Board to continue to understand that their decisions has an impact that is wide and far reaching.

**Edward Mitchell**, Fayetteville; stated he is a person of faith, believes in God the importance of faith and protecting freedom of religion. Mr. Mitchell stated that as an attorney he respects and understands that our government cannot impose a religion on anyone and that our government must protect our right to practice our religion. Mr. Mitchell stated that he stands in opposition to this resolution because it is unnecessary and would come with some negative consequences. Mr. Mitchell stated that it could give the wrong impress to some that they are free to discriminate. Mr. Mitchell stated that he feels it will symbolically seem like a poke in the eye to minorities; people who are different, who have a different faith or a different lifestyle.

**Jovan Purifoy**, Fayetteville; stated that she is familiar with this bill being from the Midwest. Ms. Purifoy stated that Indiana has a similar bill passed, as a result people have to put up stickers that say "we serve all". Ms. Purifoy stated that there shouldn't have to be a sticker to state that, that's what you open up a business to do whether it's a public or private business. Ms. Purifoy stated that there is no need for Fayette County to sign this into law because it's unnecessary. Ms. Purifoy stated that she was always told to be careful where you align and where you sign. Ms. Purifoy stated that there is no need for this. Ms. Purifoy stated that who determines what religions get freedom? She stated, "What you consider a religion I might not and what someone else consider a religion others may not". Ms. Purifoy stated that "you are opening the door for a lot of people to come under the umbrella of religion", which is protected in the United States of America. Ms. Purifoy added "but when you open that door for anybody to claim anything underneath their religion, you're opening the door for people to put their stamp on anything". Ms. Purifoy stated that there are people that celebrate a lot of things the others would not. Ms. Purifoy stated that when you open the door for religious freedom you're opening the door for people to simply discriminate. Ms. Purifoy encouraged the Board to be careful where you align and where you sign your name.



**Lulu Adams**, Fayetteville; asked the Board “if you do not work for us [the citizens] who do you work for?” Ms. Adams stated you’re supposed to be representing us and we don’t want it, so who are you working for. Ms. Adams stated that people of Fayette County has said, “No”, and the other counties have said no they don’t want it; now Fayette County standing alone looking like idiots. Ms. Adams asked again “who are you working for, because you’re not working for me”.

Commissioner Rousseau stated that the issue for him was to take this item off of the legislative package. He stated it appears that this item will be before the State legislature, where it would be properly discussed, researched and ultimately decided upon. Commissioner Rousseau stated that with this item we are engaging in something that is beyond our scope of responsibilities as County Commissioners, and it is divisive and cause a great deal of angst among out residents. Commissioner Rousseau stated that he’d like his colleagues to consider the effect, if adopted this resolution would have on the efforts of the Development Authority. Commissioner Rousseau stated that this could in effect be handicapping them and adding another hurdle to overcome in convincing people that this is a good place to do business, to relocate, and to raise a family. Commissioner Rousseau stated that he feels we are engaging in something that goes beyond the limits of our assignment. Commissioner Rousseau stated that our job is to provide services, adopt a budget, and build our business units to function in a way that better serves the residents in this county. Commissioner Rousseau stated that he tells people often times that he is not a Politician, but a public servant.

Vice-Chairman Ognio stated that there was a lot misinformation this bill. Vice-Chairman Ognio stated that yes, there is a Federal law and it was ruled that the Federal law did not apply to the states and that’s the reason that more than thirty states have already passed this. Vice-Chairman Ognio stated that out of the thirty states if you look at their economic growth, they have out-grown the states that haven’t passed it. Vice-Chairman Ognio stated that Amazon looked at Georgia as a location for one of its Headquarters, but chose a state with RFRA. Vice-Chairman Ognio stated that he’s not saying that’s why they didn’t choose Georgia or why they did choose the state with it, they just choose what was best for their business. Vice-Chairman Ognio stated that he hasn’t heard via the news from the thirty states that have adopted RFRA of any outlandish story of people posting signs denying service to others that walk into their business, he stated that seemed to be some type of scare tactic. Vice-Chairman Ognio stated that he felt if you really want religious freedom you need something that says you can have it. Vice-Chairman Ognio stated that we as a Country expect it, but we really don’t have. Vice-Chairman Ognio stated a case in Texas, were a young man was not allowed at school because of his long hair (in his religion they didn’t cut their hair), however school rules dictated that his hair needed to be cut. But because of the RFRA law he was allowed to go to school without cutting his hair. Vice-Chairman Ognio stated another case where a woman who wore a headdress because of religious reason, went to have her driver’s license picture taken they asked her to remove her headdress and she refused for religious purposes, he stated that because of RFRA a situation was created were the woman was allowed to be separated behind a curtain with only a female worker where she could comfortably take off her headdress to have her photo taken. Vice-Chairman Ognio stated that it’s not all bad. Vice-Chairman Ognio stated that could there be some bad out of, he stated “it’s a possibility”, but for the most part has a lot of good benefits. Vice-Chairman Ognio encouraged people to give it a chance. Vice-Chairman Ognio stated that it’s a federal law that’s in thirty states already. Vice-Chairman Ognio stated that all the state of Georgia is trying to do is mirror the federal law. Vice-Chairman Ognio stated that he felt it is incumbent as commissioners as representative of the citizens to try and increase the freedom to make sure everyone has their freedom.

Commissioner Oddo stated that there are a lot of folks he knows on both sides of this and these decisions are not easy. Commissioner Oddo stated that he can’t disagree with Commissioner Rousseau as this is not the business of the County, but we’re here voting on it. Commissioner Oddo stated that he heard comments from people saying we already have laws to protect us. Commissioner Oddo stated that sometimes the Constitution has one expectation and we find that we need to pass laws to enforce those expectations. Commissioner Oddo stated that the fact that we have law regarding religious freedom sometime we need laws to enforces those. Commissioner Oddo stated that he was at a loss

as to why we think there would be such a rampant rush to discriminate. Commissioner Oddo stated that that the very first lady that spoke made a very good point that he has been trying to express for the last six years, which is we don't talk to each other enough, and because of this fact we don't come to reasonable solutions and we end up going into corners and attempting to pass rules and laws that protect what we believe and maybe what the others don't. Commissioner Oddo stated that it's very difficult. Commissioner Oddo stated that he's been in this position before and he had to make a very difficult decision about district voting. Commissioner Oddo stated that he had to come down one side of that debate that made many on his side very unhappy. Commissioner Oddo stated that he felt it was the right thing to do at that time. Commissioner Oddo stated that we have a federal law that the Supreme Court said it was fine to apply it to federal government but no to state; if the states wish it they need to pass the law. Commissioner Oddo stated that that's why this process is taking place. Commissioner Oddo stated that he talked to a gentleman who was owner of a printing business and who urged him to vote for this. Commissioner Oddo stated that he asked him what he would do if for example his religious conviction would not allow him to endorse Nazism or the KKK, and yet somebody come to his business wanting to print a flyer that they are planning on distributing around Fayette County espousing something he finds despicable. Commissioner Oddo stated that he should have the right to say no. Commissioner Oddo stated that this bill is word for word from the federal law protecting his rights to say I will not print that flyer. Commissioner Oddo stated that "it cuts both way". Commissioner Oddo stated that he'd really rather not be here voting on this because it's very uncomfortable, he's going to have to vote one way or another. Commissioner Oddo stated that the Board is not passing a law, this is only a resolution that recommends that the State do it. Commissioner Oddo stated that he does want to express one thing when he hears the term "the will of the people"; Commissioner Oddo stated please understand that he's listened to every one of you, he's read all the emails, and have talked to people and there are 112,000 people in this county and its no way he could talk to all of them, he stated "I don't know what the will of those people is". Commissioner Oddo stated that all he can do is assess what he felt is fair. Commissioner Oddo stated that he doesn't see this resolution as discriminatory. Commissioner Oddo stated that the intent is to protect people that have their values too that are being abridged. Commissioner Oddo stated that this is a very difficult one.

Commissioner Brown stated regarding comments made by State Representative Jackson that the legislation only covers government actions against citizens it does not cover Joe's BBQ, Julie florist, or the daycare center. Commissioner Brown stated it's very clear as to what this legislation will cover and then the government still has to show that there is no other means necessary that they could use that would make it easier on that person of faith. Commissioner Brown stated after reading the legislation half of the arguments brought up would not apply. Commissioner Brown stated it only covers government actions against citizens based on religious preference. Commissioner Brown mentioned a case of a young man at Gwinnett College who was told he couldn't speak on religious topics in a public setting, he was told to stop and they called the police out. Commissioner Brown stated the young man met with the college Administration, and was told to use the free speech box, which was a 4x4 line drawn at the far end of campus. Commissioner Brown stated that when you have a free speech box that really means you have no free speech on the rest of the area. Commissioner Brown stated the young man used the free speech box as he was directed by the school Administration, however someone called the police and stated that they were offended as a resulted the police came picked him up and carried him out of the free speech box. Commissioner Brown stated that's government intrusion on religion. Commissioner Brown stated that he wasn't acting out violently or using improper language. Commissioner Brown mentioned a case out of Savannah State, they had a religious club that was Christian affiliated but the school said I'm sorry you can't be here we don't give University funds to religious groups. Commissioner Brown stated oddly enough the University did provide funding to another religious group of another affiliation but to that one they could not. Commissioner Brown stated that that was a State entity, that's the State taking out retribution upon someone because of their religious beliefs, he stated and that's what this bill is all about. Commissioner Brown stated that several citizens mentioned unintended consequences, he stated that is always something to consider, we should always think about the liability side of the house. Commissioner Brown stated that there has not been one discrimination case were anybody has won based on the Federal RFRA legislation, in all thirty states that have adopted bill. Commissioner Brown stated he took an oath to uphold the Georgia

State Constitution and the United States Constitution and this is a constitutional issue. Commissioner Brown stated with no shame that he is one of the most rabid First Amendment supporters in the state of Georgia. Commissioner Brown stated that if you want the government out of your religion as someone stated during public comments “the separation of church and state”, if that’s what you want, than this is the bill you need to pass because it ensures that the government stays out of your religion.

Chairman Maxwell stated that when he first went to County Commissioner training, he was told that the first vote you make you’re going to make half the people mad and the second vote you make you’re going to make the other people mad, as a result you’re not going to have a lot of friends after you do this job and Chairman Maxwell stated that was true, it’s hard. Chairman Maxwell stated that over the past 24 hours he’s received numerous, emails from friends people who he knows on a first name basis. Chairman Maxwell stated that the emails were very heartfelt and he received them that way along with the eighteen or so citizen comments they were heard. Chairman Maxwell stated however some of the people that write emails are not as kind as the people that were in this room. Chairman Maxwell stated that some of the emails were very nasty and the citizens questioned his religion and his beliefs. Chairman Maxwell stated that one email in particular, was extremely obscene and the language used toward the Board was horrible. He stated that he contemplated having it displayed on the screen, but was talked out of it. Chairman Maxwell stated that this individual was someone that takes care of people as a nurse. Chairman Maxwell stated that he honestly doesn’t understand why everyone is so up in arms, because this is not the first time this has come up with this County Commission. Chairman Maxwell stated that this topic was discussed about a year ago and the room was full and the Board received similar comments and it passed 4-0. Chairman Maxwell stated that he has read the legislation and he does not see where the discrimination that everyone talked about comes out of this legislation. Chairman Maxwell encouraged somebody to send him an email and show him from the legislation where the problems it’s going to create come from. Chairman Maxwell stated that you’d have to read a lot into it, it’s called a bootstrap argument. Chairman Maxwell stated that “it’s a lot of bootstrapping going on”.

Commissioner Rousseau moved to not approve item 7d (Resolution 2018-20; Protecting Religious Freedom) as part of the legislative package. Commissioner Brown seconded. The motion failed 1-4 with Commissioner Oddo, Commissioner Brown, Vice-Chairman Ognio, and Chairman Maxwell voting in opposition.

Vice-Chairman Ognio moved to include item 7d (Resolution 2018-20; Protecting Religious Freedom) as part of the legislative package. Commissioner Brown seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

#### **8. Approval of the November 8, 2018 Board of Commissioners Meeting Minutes.**

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

- 9. Consideration of staff’s recommendation to not object to the Peachtree City annexation of an unincorporated island consisting of two (2) properties of 37.48 acres and 5.99 acres in the area of Senoia Road, and the rezoning of said properties to LUR (Limited Use Residential).**

Pete Frisina stated that this is Consideration of staff's recommendation to not object to the Peachtree City annexation of an unincorporated island consisting of two (2) properties of 37.48 acres and 5.99 acres in the area of Senoia Road, and the rezoning of said properties to LUR (Limited Use Residential). Mr. Frisina stated that he has the properties indicated on the map on the screen. Mr. Frisina stated that these are obviously islands and they are not touching any portion of unincorporated Fayette County. Mr. Frisina stated that these two properties do not actually have any road frontage on any road within any road with in the boundary of the County or the cities. Mr. Frisina stated that staff's position is that islands are hard for us to deliver services because they're isolated. Mr. Frisina stated that the recommendation is to not object to annexation of these islands.

County Administrator Steve Rapson stated that he had talked with Peachtree City City Manager Jon Rorie. Mr. Rapson stated that Mr. Rorie had met with the Town of Tyrone, so the two municipalities are in communication; because it's really up to which ever municipality want to annex it in.

Commissioner Oddo moved to approve staff's recommendation to not object to the Peachtree City annexation of an unincorporated island consisting of two (2) properties of 37.48 acres and 5.99 acres in the area of Senoia Road, and the rezoning of said properties to LUR (Limited Use Residential). Commissioner Rousseau seconded. The motion passed 5-0.0

**10. Consideration of staff's recommendation to not object to the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and R-43 (one-family residential district).**

Pete Frisina stated that this is Consideration of staff's recommendation to not object to the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and R-43 (one-family residential district). Mr. Frisina stated that back in August we had this same annexation come up and we did have an objection based on an increase in density for this area back here which is zoned R-20 in the County, which is 1-acre minimum lots. Mr. Frisina stated that the proposal was to do a limited use residential zoning in here, which would have increased the density about two-fold. Mr. Frisina stated that it would have doubled the density and that was our objection, based on a material burden because of the increase in density the affect it could have on our flood study; which the County paid money to have conducted. Mr. Frisina stated that for the flood study this increase in density would cause that portion of the flood study to need be reevaluated. Mr. Frisina stated that we did object, but from his understanding Georgia Department of Community Affairs could ever seat an arbitration panel for us. Mr. Frisina stated that in the meantime Peachtree City has now come back and taken this two a one-acre zoning, which is basically the same zoning we have in the County so our objection in terms of an increase in density has been taken away, as a result our opinion or recommendation is that we do not object to this annexation of the 105.45 acres which consist 30 properties.

Commissioner Brown stated that his major concern was the trailer park community, he stated that eventually it will become a sore spot. Commissioner Brown stated that it's there and it has been surrounded to a point where we don't have any access from the back side. Commissioner Brown stated that he hopes that somehow we'll get that back in the city limits.

Mr. Rapson stated that he has talked to City Manager Jon Rorie and a meeting is setup with the both County and City Fire Chiefs. Mr. Rapson stated that they're agreeable to entering into an automatic aid agreement for this particular area, and we will be working towards that and at some point bring back automatic aid agreement. Mr. Rapson stated that we are trying to resolve that as an interim step prior to if they ever get into their growth pattern and expand beyond that, bringing it into the city we would've addressed the issue of service delivery.

Commissioner Brown asked does that include law enforcement as well.

Mr. Rapson stated we cannot include law enforcement, because neither one of our jurisdictions are willing to swear the other in.

Vice-Chairman Ognio moved to approve staff's recommendation to not object to the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and R-43 (one-family residential district). Commissioner Oddo seconded. The motion passed 5-0.

#### **PUBLIC COMMENT:**

Yvonne Smith made a comment to Commissioner Brown telling him that she was going to miss him. Ms. Smith made comments regarding her thoughts of racism and Fayette County. Ms. Smith expressed her concerns regarding her neighborhood and its water issues she stated that in the previous week they had been without water for two days, she stated that this is extremely distressing and a safety issue. Ms. Smith stated that she needed assistance with the water system and its owner in her neighborhood she feels that there is more that the County could do. Ms. Smith stated that she felt that money is spent on certain areas in the County and not others. Ms. Smith told the Board that she was not going anywhere and that she'll be coming back.

Celeste Jones made comments on behalf of her parents (Samuel and Mildred) Ms. Jones stated that her parents are elderly and they were without water for two day in Newton Planation. Ms. Jones stated that she called Mr. Jefferies (Newton Planation water systems owner) from sun up until sun down, she stated that he was so frustrated that he turned his phone off. Ms. Jones stated that she talked to several different people trying to get information about when the water would be restored. Ms. Jones stated eventually the water was cut back on, but they were advised that the community was under a boil water order. Ms. Jones advised the Board that the Boil Water notice was placed on a piece of card board in ink pen. Ms. Jones stated that she had repeatedly reached out to Mr. Jefferies to find out when the boil water order would be lifted, so that her family could drink water and cook. Ms. Jones stated she received no response. Ms. Jones stated the community needs some assistance with the storm water drainage but especially the water system.

Chairman Maxwell stated to Ms. Jones that the County does not own the water system in her community and that is part of the problem. Chairman Maxwell stated that is not something that the County has direct control over. Chairman Maxwell stated that Newton Planation has always been serviced by a well, that's not owned by the County. Chairman Maxwell stated that it is regulated by the State of Georgia. Chairman Maxwell stated that the County is limited in what they can do with that system, however we have complained and gotten the State involved to the extent possible. Chairman Maxwell stated that only if the system goes dry then maybe it becomes a County Commission issue. Chairman Maxwell stated that with this issue you're talking to the wrong entity.

Commissioner Rousseau stated that to address Mr. Jefferies the Board was not the right entity to discuss concerns with, however if the desire is for the County to purchase the water system the Board is who they need to express it to.

Chairman Maxwell stated that someone would have to come up with a plan in order for us to do that, which he has not seen. Chairman Maxwell stated that a plan would outline that the County is willing to pay X amount of money for that system. Chairman Maxwell stated people that are a part of the water system paid for it at the time they bought their homes. Chairman Maxwell stated that the homes in Newton Planation are on septic tanks and they are not serviced so there is no infrastructure for the County to hook their hose onto to supply water. Chairman Maxwell stated that there are additional factors to consider on in purchasing that system.



Commissioner Brown stated that the Board has passed an ordinance for an emergency water supply to the private systems, but it's the responsibility of the water system owner to create the mechanism that would allow the County to run water to it. Commissioner Brown suggested that the Board write a letter from the Chairman to EPD, regarding the two-day water lost and the insufficient boil water notice.

Chairman Maxwell stated to Ms. Jones you don't have to wait until a County Commission meeting reach out to the Board with concerns. Chairman Maxwell stated that all of the Commissioners are open to being contacted and providing assistance. Chairman Maxwell stated that doesn't mean they can fix it but the Board would try.

Commissioner Rousseau stated that we have been to EPD, and EPD has given the owner of the system a charge to get into compliance. Commissioner Rousseau stated that the individual is not in compliance. Commissioner Rousseau suggested that any letter we send should request sanctioning; or Commissioner Rousseau stated addressing the Ms. Smith and Ms. Jones as Newton Planation residents need to file charges. Commissioner Rousseau stated that he [water system owner] has yet responded to EPD's mandate that he follow the rules of safe delivery of water. Commissioner Rousseau stated that his system is compromised. Commissioner Rousseau stated that this process is truly complicated.

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

Response to Ms. Smith and Ms. Jones comments:

Mr. Rapson stated that the paving of Hwy. 54 was not the County, but was a project lead by the Georgia Department of Transportation.

Mr. Rapson stated that our SPLOST funds are allocated and restricted for particular use based on the projects we have listed. Mr. Rapson stated that their particular area [Newton Planation] didn't have any category one or category two projects. Mr. Rapson stated that it very well may be category three or category four projects, but we are nowhere near working on those because we are finishing the most critical projects first. Mr. Rapson stated that the conversation we had regarding the benefits you get from paying taxes all circled around the Justice Center, the Library, paving of the streets, the repair of sidewalks etc. Mr. Rapson stated that we've been very responsive to any complaints they received from Ms. Smith or anyone else in that area. Mr. Rapson stated that a lot of the storm water concerns they have are on private property (either outside our right-of-way and they're not endangering a road) at that point it's a private land owner issue. Mr. Rapson stated that in regards to the flooding of homes he has contacted Ms. Birrell and asked her to look into those. Mr. Rapson stated that we are not aware of any code enforcement or erosion control violations. He stated that regarding the individual who is parking the vehicles on the grass that is close to Ms. Smith, they have been out there several times and all the vehicles are registered and operable. Mr. Rapson stated that in regards to the fire hydrants, that system is a water system and it is not meant to be a fire suppression system. Mr. Rapson stated that we changed our fire protocols, to address any fire concern in that area. Mr. Rapson stated regarding privatization of the systems we have already evaluated six of those systems (Newton Plantation being one of them), he stated that he authorized Lee to go ahead and execute an additional task order for the remaining seven. Mr. Rapson stated that he does feel that there may be an appetite for this Board in the future to acquire private systems the problem is there are thirteen of them and we only reviewed six, so we need to look at the remaining seven so that we can evaluate all thirteen and develop a systematic why on how we prioritize those systems. At some point we will bring a recommendation to the Board. Mr. Rapson stated that from a water system perspective Newton Planation is in better repair of the six than some of the other systems. Mr. Rapson stated that they have met with Mr. Jefferies and he is interested in the emergency supply water system, although he wasn't happy with the fees and the structure he does understand what the requirement would be. Mrs. Rapson stated that although he empathized with anyone not having water for two days, he stated that we have those every month. Mr. Rapson stated that when you have a water main break you are required by the State to post boil water notices. Mr. Rapson stated that one of the problems with acquiring a private water system at least in particular to Newton Planation is that a vast majority of that system is undersized. He stated which is why we'd

have to replace it, hence the million dollar price point. Mr. Rapson stated that you also have the private owner who wants to sell you the system rather than give it to you. Mr. Rapson stated that he thinks there is a since of confusion, where individuals feel that because they pay property taxes they automatically receive every benefits, he stated that some of those benefits are isolated to different revenue streams i.e. the water department.

#### **A. Contract #1528-S: Building Automation- Advantage Services**

##### **Zoning Board of Appeals**

Mr. Rapson stated there will be an open position as of December 31, 2018 on the Zoning Board of Appeals and a selection committee was needed.

Commissioner Brown moved to nominate Chairman Maxwell and Commissioner Gibbons to serve on the Zoning Board of Appeals selection committee.

##### **Planning Commission**

Mr. Rapson stated there will be an open position as of December 31, 2018 on the Planning Commission and a selection committee is needed.

Commissioner Brown moved to nominate Chairman Maxwell and Commissioner Gibbons to serve on the Planning Commission selection committee.

County Attorney Dennis Davenport stated that we have a history with EPD and an interest in that system. He stated that the fact that there are residents in that system that had gone without water for two days is significant, and is certainly something EPD should be made aware of. Mr. Davenport stated that the hesitation he has with the Board sending a letter is that the Board is reacting to information without any verification. Mr. Davenport stated that Lee Pope as the water System Director would be the more appropriate person to write a letter.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were four items involving pending litigation, one items involving threatening litigation, one item involving real estate and the review of the Executive Session minutes for October 25, 2018.

#### **COMMISSIONERS' REPORTS:**

##### **Chairman Maxwell**

Chairman Maxwell gave the end of the year report acknowledging accomplishment and accolades to various departments for their hard work and dedication to the County for the last twelve-months. Chairman Maxwell commended the Finance department for a job well done and congratulations. Chairman Maxwell stated that the County just implemented a new system in the 911 Center that will be the first of its kind in the Country. Chairman Maxwell stated that you will be able to pick up your cell phone and hit a button if you opt in and use your camera to show the 911 operator what's going on allowing them to make a diagnosis. Chairman Maxwell stated that the County will be getting a new radio system that is in the process of being installed, which was the largest single dollar item approved by the Board this year. Chairman Maxwell stated that this project will essentially be putting in a new radio system for the life support and first responder which include the 911 Operators, the Sheriff's Department, the Fire Department and it will be integrated to the Counties municipalities. Chairman Maxwell stated he received a report about our Animal Control regarding the adoption rate (for the dog) is at 98% which is very significant and an amazing rate. The adoption

rate for cats is at 92%, and our Animal Shelter is classified as a No-Kill Shelter. Chairman Maxwell stated that there are several major storm water project that have been completed, this is significant because the citizens voted for it and now the work is being done. Chairman Maxwell acknowledged the updated Administrative Complex and stated our goal is to maintain the beauty of the community and Fayette County. Chairman Maxwell wanted to acknowledge as a kudos to his fellow Commissioners, as well as advising the citizen that the County didn't asses any new taxes and we were under budget, which is hard to do but the Board is proud of. Chairman Maxwell thanked County employees for a job well done.

Chairman Maxwell gave some history of his relationship with Commissioner Brown over the last 20- years. Chairman Maxwell stated that his relationship with Commissioner Brown has grown over the years and he has enjoyed serving with him. Chairman Maxwell stated that although he and Commissioner Brown didn't always agree on various topics they were able to work together effectively. Chairman Maxwell presented Commissioner Brown with a plaque expressing appreciation for his years of service to the citizens of Fayette County.

Commissioner Brown thanked Chairman Maxwell and stated that he has really appreciated it. Commissioner Brown stated that he has enjoyed working on the Board and it has been a pleasure work with the Commissioners. Commissioner Brown stated that they are not supposed to agree on everything but he feels they created openness and figured out a way to work with one another.

Chairman Maxwell stated that last week we lost a President Bush and his funeral service was last Wednesday. Chairman Maxwell stated that was the day that was designated as a day of mourning and they shut the federal government down. He stated that the following day there was potential for ice/winter weather, but unlike surrounding Counties and municipalities who work on a delayed start schedule Fayette County reported to work as usual.

Chairman Maxwell stated that he'd like to give a little bit of credit to our County employees, and proposed giving County staff the day before New Year's off. Chairman Maxwell stated that the jail would still be operating along with all first responders. Chairman Maxwell stated for those not able to take advantage and required to work, would receive a credit and be allowed to use the time at a later date.

Chairman Maxwell motioned to give County staff the day before New Year's off. Commissioner Oddo seconded.

Commissioner Brown stated that generally he'd like to see these things done at the beginning of the year when we prepare the schedule so that we can budget for them accordingly.

Chairman Maxwell stated that he received a message during the meeting which was newspaper article entitled Peachtree City worker receive 3.5% pay raise for Christmas. Chairman Maxwell stated that Peachtree City was able do something like this for their employee.

Commissioner Oddo stated that we could come up with technical reasons and financial reason why this is not the why to do it. But this is Christmas, I think we have the staff that has worked and done what we have asked them to do. Commissioner Oddo stated that it's that time of year if we can and it's going to be a nominal amount, why not extend a great gesture to a group of people who have work amazingly throughout the year.

Mr. Rapson stated that to put that nominal amount into perspective, worst cast it'll probably cost \$10,000 if we work that day we'll probably have overtime which would offset that which would net it to about \$5,000-\$6,000. Mr. Rapson stated that this doesn't require any budget amendment by the Board.

Vice Chairman Ognio stated he appreciates everything our employees do, but we didn't budget for it, and it's hard to spend the citizen money this way. A lot of these citizens won't get the day off, but they are basically paying for the employee to get the day off. Vice Chairman Ognio stated it's hard for him to justify that. Vice Chairman Ognio stated citizens want us to be responsible with their tax dollars and I think we need to be responsible with their tax dollars.

Chairman Maxwell motioned to give County staff the day before New Year's off. Commissioner Oddo seconded. The motion passed 4-1, with Vice Chairman Ognio voting in opposition.

Chairman wished everyone a Merry Christmas.

#### **Commissioner Rousseau**

Commissioner Rousseau stated Merry Christmas to each and every one of you. Commissioner Rousseau extended an apology to Chairman Maxwell for startling him earlier during some of his comment, he stated that was not his intent. Commissioner Rousseau stated to Commissioner Brown thank you for your service. Commissioner Rousseau concurred with Chairman Maxwell's thoughts that he may not have always agreed with Commissioner Brown's style/approach, but he could peel back the onion and layers and find where he was coming from and a degree of legitimacy to the issues. Commissioner Rousseau stated to his colleagues Happy New Year. Commissioner Rousseau stated that he wanted to take the opportunity to thank the County Clerk who has a tremendous amount of responsibility along with the Clerk's office with respect to the legality associated with some of the things we do, the intricacies and logistics behind severing the Board. Commissioner Rousseau thanked the Water Department and Finance all the way through up to the Administrator.

#### **Commissioner Oddo**

Commissioner Oddo wished everybody a Merry Christmas. Commissioner Oddo stated that at times it's been a long year but we made it through to the end and he thinks everybody deserves a congratulations for that. Commissioner Oddo wished everyone a Happy New Year and stated he looks forward to see everyone in the New Year.

#### **Vice Chairman Ognio**

Vice Chairman Ognio wished everyone a Merry Christmas and Happy New Year. Vice Chairman Ognio urged everyone to be very safety cautious for the New Year especially if you're out shopping be careful not to put your packages where they can be seen if you are going into another store. Vice Chairman Ognio stated see everybody next year.

#### **Commissioner Brown**

Commissioner Brown stated in 20 years of government he thought he had seen it all, but now he can say he has literally seen it all.

Commissioner Brown stated I am ending a couple of decades of intense political participation in Fayette County. It has been an honor to serve our hard-working citizens. I have often found myself defending local citizens from their government.

Thank you, Chairman Maxwell, for providing the openness in our Board of Commissioners meetings that our citizens deserve. I have never demanded that any elected official cast a vote on an issue contrary to their own beliefs. However, what I have consistently demanded is an open and fair process for proposing ideas, defending positions and allowing citizen access to local government.

I state as mere fact, not as a boast, that I have notably guided the most meaningful attempts at allowing citizens to have active participation in government and government meetings. In both jurisdictions where I have governed, there has been an open floor to citizens, allowing public speech on all agenda items with no time limitations. That is almost unheard of in political settings at any level.

I have also been an outspoken advocate for the personal liberty of ALL citizens, not just some people who tend to agree with my views. There is no shame in my heart or mind for fervently defending free speech and expression as it is the cornerstone of our liberty.

There is a movement afoot to restrict speech in the United States. It is even happening in Fayette County. People or groups who claim to be offended by someone's speech are now claiming that they should be able to prohibit such speech, at the end of the government's gun, if necessary.

The United States Constitution guarantees that the best remedy against speech you find offensive is your own freedom of speech to respond in-kind.

Obviously, I cringed at the arguments of some of our citizens who demanded that a proclamation for the local Sons of the Confederacy group not be allowed in one of our board meetings. Our board meetings are the public forum for the entire citizenry of Fayette County, not just a chosen few. If the Board of Commissioners allows an open platform for public expression that could very well include some speech that others may find offensive.

As commissioners we can certainly refuse to sign a particular proclamation or even publicly question content within such a document. In my decades of being a political servant, I have only twice said I would refuse to sign a proclamation based upon factual errors that I perceived to be in the document. Those were the Sons of the Confederacy (2012) and the Fayette County NAACP.

Let me remind you that I stated that I would not sign the proclamations and I did NOT say that I would support them not being presented. All organizations have the same rights in the public forum. In those two instances, both organizations voluntarily changed the language in the proclamations and I gladly signed both of them.

With the recent Sons of the Confederacy proclamation, some Fayette County residents found the organization itself to be emotionally offensive and I certainly understand their positions based on their race and perspective on American history. However, the organization possesses the same rights to freedom of expression in the public forum as any other organization in our nation.

Insincerity abounds when same people demanding the censorship of others' expression openly support public expression that many find offensive.

I am saddened when some Fayette citizens demand the formation of a committee to decide who or what organization can express themselves in the public county meetings, as long as they control the committee and, of course, only their sense of what is offensive is to count. Such oppressive and dictatorial proposals erode the core of what makes our nation the finest place to live in the world.

With urgency, I implore all of our citizens to stand and critically defend everyone's right to free expression. The radical left is attempting to dismantle freedom of expression, claiming that an offensive comment even by the smallest of gestures, referred to as macroaggressions, should not be allowed and should be interpreted as violence which calls for the use of government force or violent "self-defense" actions to halt the perceived offensive expression.

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).



If you want to ruin our nation, start following the politicians who want to dismantle our rights. Unfortunately, what most miss by virtue of not taking a deep dive into history is that the ones who fight the hardest for oppression are often destroyed by their own eventually, the natural course of things when your rights have been removed.

I am also saddened when many of our young people who have nothing more than a superficial knowledge of history point to socialist or communist nations as examples of where we need to be moving our nation. Their young minds are being derailed by post-modernist thought which claims there are no such things as facts and that dividing the population through identity politics is a noble cause.

We all have choices. We can critically defend our freedoms, or we can watch them wither away. Relying on government to solve our problems is not the answer as government generally creates more problems than it resolves.

In closing, I believe the greatest compliment an elected official can receive is when those of opposite party, belief or what have you say, "You kept your word, defended the citizens, showed impartiality, were knowledgeable on the issues and even though we disagreed at times, I think you always had the best interest of all citizens at heart." I have been told these comments many times and I believe that is about as good as it gets for an elected official.

Again, it has been an honor to serve the hard-working citizens of Fayette County

#### **EXECUTIVE SESSION:**

**Four items involving pending litigation, one items involving threatening litigation, one item involving real estate and the review of the Executive Session minutes for October 25, 2018:** Vice Chairman Ognio moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:42 a.m. and returned to Official Session at 6:15 p.m.

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

Attorney Dennis Davenport requesting Board approval of settlement agreement on a pending Workers' Compensation claim for employee Alden totaling \$90,000, Mr. Davenport. Mr. Davenport stated the Employee Alden had agree to sign standard document releasing all claims, confidential provisions, and agreements not to seek re-employment.

Vice Chairman Ognio moved to approve settlement agreement as describe by County Attorney. Commissioner Brown seconded. The motion passed 5-0.

Attorney Dennis Davenport requesting Board approval of settlement agreement on a pending Workers' Compensation claim for employee Glaze totaling \$60,000, Mr. Davenport. Mr. Davenport stated the Employee Glaze had agree to sign standard document releasing all claims, confidential provisions, and agreements not to seek re-employment.

Vice Chairman Ognio moved to approve settlement agreement as describe by County Attorney. Commissioner Brown seconded. The motion passed 5-0.

**Approval of the October 25, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the October 25, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

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

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the December 13, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The December 13, 2018 Board of Commissioners meeting adjourned at 6:25 p.m.

---

Marlena M. Edwards, Deputy County Clerk