

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

September 14, 2017

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Eric Maxwell called the September 14, 2017 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Chairman Maxwell offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to accept the agenda as written. Vice Chairman Randy Ognio seconded.

Commissioner Brown amended the motion to accept the agenda and to add "Consideration of staff's recommendation to amend the 2017 SPLOST fund (32240220) by reallocating \$38,750 from the Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO) and award of Contract 1389-S to Heath & Lineback Engineers, Inc. for \$119,000" and "Consideration of Resolution 2017-15 declaring the existence of a State of Emergency in Fayette County." Vice Chairman Ognio amended the second. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation to recognize the 20th anniversary of Piedmont Fayette Hospital.

Commissioner Brown, on behalf of the Board of Commissioners, presented representatives of Piedmont Fayette Hospital with a proclamation recognizing their 20th anniversary. Executive Director of Community and Public Relations Debbie Britt thanked the Board and gave some background regarding the hospital. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.

PUBLIC HEARING: None

CONSENT AGENDA:

Commissioner Brown moved to accept the Consent Agenda with the exception of items #2 and #3 at the request of Commissioner Charles Rousseau for discussion. Commissioner Charles Oddo seconded. The motion passed 5-0.

2. Approval of staff's request to accept the proposal from the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$186,130.00.

Commissioner Rousseau stated that he was operating under the impression that the County owned the design for Fire Station #3. He stated that through conversations with the Fire Chief and County Administrator, it was his understanding that since the County owned the design we would be able to duplicate the design for any proposed stations in the future. He asked if it was in this scope of work that the County would own the design to use for any other stations.

Fire Chief David Scarbrough stated that Fire Station #3 was a basic floor plan and was what staff intended to replicate for future stations. He stated that the specifics of whether the County owned the plans or if the architect owned the plans was debatable. He stated that he did not have any information based on the original contract with the architect that spells that out. He stated that there are some differences in the design from the last time because of the site development and there were some improvements that staff wanted to make from the last design. He stated that there was at least \$49,000 to \$50,000 in reductions stated in the proposed amount of \$186,130 that are negotiable. He stated that staff did not include owning the plans in the contract. He stated that knowing that each building would be a little different, he would not be able to use every structural and engineering component that was part of a previous building.

Commissioner Rousseau stated that he did not say engineering, but architectural because he knew that site planning required some uniqueness at times. He stated that he was extremely disappointed that staff did not include the County owning the plans as part of the contract. He stated that should be made clear. He stated that money would be spent that could be saved if the County owned the design.

County Administrator Steve Rapson stated that Fire Station #3 architectural service was awarded prior to this Board. He continued that there was a firm argument that the County would be the owner of the design for Fire Station #4. He stated that during the pre-bid it was clear that the County would be the owner of the plans and that the County would replicate the plans for Fire Station #5. He stated that he would suggest awarding this contract with the condition that staff would speak with the architect and get some discounting.

Commissioner Rousseau stated that he was not currently in a position to approve the contract as is, but that he would like to see enforceable language added to the contract. He asked what legal concerns should the county consider to negotiating ownership of the design.

County Attorney Dennis Davenport stated that without knowing what the line item for architectural services are in the proposal it was difficult to respond. He stated that the County was looking at the ownership of design in relation to the placement of the building on that particular site. He stated that he did not know the answer. Chief Scarbrough gave an explanation.

Commissioner Rousseau moved to table staff's request to accept the proposal from the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station #4 in the amount of \$186,130.00 until the September 28, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown asked if the County could start from scratch with this process. Mr. Davenport stated yes.

Vice Chairman Ognio stated that it would be nice to know if we owned the plans for Fire Station #3 before rebidding the project. He stated that if the project had to be rebid, language could be included that the architect would agree to the County owning the design.

Commissioner Rousseau stated that he would like for any concerns from the Board be submitted to Mr. Rapson and he could address them in the decision.

Mr. Rapson stated that if the Board could get the questions to him by Friday, then it could be ready for the September 28 meeting.

Chief Scarbrough took this opportunity to share a volunteer debris hotline from Georgia Emergency Management. Citizens can begin to burn debris on October 1st and that the information was available on the county website.

Commissioner Rousseau moved to table staff's request to accept the proposal from the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station #4 in the amount of \$186,130.00 until the September 28, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion was passed 5-0. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.

3. Approval of staff's request to increase the 2018, \$100,000 project budget, by \$6,000 for Audio-Visual Upgrades to four Courtrooms in Fayette County's Justice Center based on the proposed contract submitted by The Show Business, Sound & Lightning, Inc., approval of the contract for \$105,912.52 and authorization for the County Administrator to execute required documents.

Commissioner Rousseau stated that it appeared that the Board budgeted in the capital outlay to upgrade the audio-visual equipment at the court. He stated that he had some concerns regarding the \$6,000 additional cost for the upgrades. He stated that his second concern was selecting a vendor that was well above the price budgeted. He asked what assurances or grievances were in place for this vendor so they would stand behind their product long-term and why could the price not be kept within the \$100,000 budgeted. He stated that there needed to be a service agreement.

Mr. Rapson stated that this project originated in 2014 when \$50,000 was allocated for technology upgrades. He stated that one of the court rooms was upgraded using grants and funds that remained from the \$50,000. He stated that \$100,000 was an estimate because there were no bids available for the upgrades. He stated that it was a coincidence that State Court Judge Thompson came before the Board for the request to have his court room upgraded. He stated that the Juvenile and Probate court rooms were added to the 5-year plan for next year. He stated that one of the initiatives that the Clerk of Courts requested, required specific recording equipment for electronic warrants and that was how the additional \$6,000 was proposed. He stated that he was sure that The Show Business, Sound and Lightning, Inc. would be willing to enter into a service agreement.

Commissioner Rousseau asked if there was a service agreement in the quote or was it a warranty. The Show Business representative Matt Rossum stated that in his experience, the county or city would give him the service agreement to

execute. Commissioner Rousseau asked would he be willing to enter into a service agreement with the county. Mr. Rossum stated yes.

Commissioner Rousseau stated that he would like to have the purchasing department and legal have discussions to include a service agreement that would be agreeable for both parties. He expressed concerns that no other vendor had the opportunity to tour the Justice Center. Mr. Rapson stated that the vendors were told during the pre-bid meetings that this would result in a sole source contract.

\$6,000 would be taken from the Project Contingency fund and \$100,000 from the Justice Center audio-visual five-year capital project.

Vice Chairman Ognio asked Mr. Rossum if he anticipated the need for a lift and etcetera. Mr. Rossum stated no.

Commissioner Rousseau moved to approve staff's request to increase the 2018, \$100,000 project budget, by \$6,000 for Audio-Visual Upgrades to four Courtrooms in Fayette County's Justice Center based on the proposed contract submitted by The Show Business, Sound & Lightning, Inc., approval of the contract for \$105,912.52 and authorization for the County Administrator to execute required documents with a provision that the County and vendor enter into negotiations for a service agreement that was beyond the standard warranty to be included in the price of the contract. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.

4. **Approval of the July 13, 2017 Board of Commissioner Meeting Minutes. This item was tabled at the August 24, 2017 meeting.** A copy of the minutes and attachment, identified as "Attachment 4", follows these minutes and is made an official part thereof.
5. **Approval of the August 24, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS: None.

NEW BUSINESS:

Items 5a and 5b were added at the approval of the meeting.

- 5a. **Consideration of staff's recommendation to amend the 2017 SPLOST fund (32240220) by reallocating \$38,750 from the Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO) and award of Contract 1389-S to Heath & Lineback Engineers, Inc. for \$119,000.**

Public Works Director Phil Mallon stated that this was a follow up to the last meeting regarding Antioch and Goza Roads. He stated that he was given approval to obtain a sole source award to expedite this project. He stated that he reached out to a few companies for solicitation, received responses and contacted four of the companies based on the County's experiences with the companies and recommendations from Georgia Department of Transportation. He stated that of the four, two companies declined to respond due to the aggressive schedule associated with the project and did not feel they could satisfy the County's need. He stated that the two remaining companies were Health & Lineback Engineers, Inc. and Pond Engineering. He stated that he and three other staff members met and made the recommendation for Heath & Lineback Engineers, Inc. He stated that staff had made some immediate safety improvements at the direction of the Board. He stated that the size of the speed sign was increased, the rumble strips were being made more aggressive, the

vegetation was cut back and the flashing signs were also added at Goza Road. He stated that was all that staff had planned to complete until a consultant was approved to give additional recommendations. He stated that the Sheriff's office was at the location immediately and provided a strong presence. He stated that this project had been deemed a top priority. He asked the Board to approve this agenda item. He continued that he suggested that the consultants review the past meeting to hear the citizen's concerns, that they provide recommendations beyond what staff had done, that they prepare multiple concepts of what can be done with the associated cost and provide staff and Board a recommended concept. Once approved, the consultant would take the recommendation to full design.

Vice Chairman Ognio moved to reallocate \$38,750 from the Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO) FY 2018 dollars. Commissioner Oddo seconded. Discussion followed.

Mr. Mallon assured citizens who reside at Ebenezer Church, Ebenezer & Spear Road that staff was not reducing the importance of the project. This vote was just borrowing funds from fiscal year 2018 that would be transferred back to move the project forward.

Commissioner Brown stated that he would like for staff to look at the friction course application to be put on the road.

Chairman Maxwell stated that he saw the signs and the rumble strips added at the Antioch and Goza Road intersection and he forwarded the Board a copy of a letter that he would like to send to the Sheriff and have posted online. He stated that he called the Sheriff after the last meeting and informed him about the letter regarding this intersection. He stated that the Board would move quickly when needed.

Vice Chairman Ognio moved to reallocate \$38,750 from the Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO) FY 2018 dollars. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Ognio moved to award of Contract 1389-S to Heath & Lineback Engineers, Inc. for \$119,000. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 5a", follows these minutes and is made an official part thereof.

5b. Consideration of Resolution 2017-15 declaring the existence of a State of Emergency in Fayette County.

Mr. Rapson stated that the governor declared all counties in Georgia under State of Emergency during the recent tropical storm. He stated that the resolution was for the Board to declare the County as under State of Emergency, so that if there was any federal or state funds provided, then the County would be eligible.

Commissioner Rousseau moved to approve Resolution 2017-15 declaring the existence of a State of Emergency in Fayette County. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of Resolution 2017-15, identified as "Attachment 5b", follows these minutes and is made an official part thereof.

6. Consideration of a recommendation from the Selection Committee, comprised of Vice-Chairman Randy Ognio and Commissioner Oddo to appoint Mark Lethbridge to the Joint Development Authority of Coweta, Fayette and Meriwether County to serve a term beginning immediately and ending December 8, 2018.

Commissioner Oddo stated that this was an authority that was under the radar and that he hoped that this appointment would rejuvenate it. He explained the role of the authority. He stated that the pool of applicants was very impressive which made it a difficult decision. He gave a brief background of Mr. Mark Lethbridge.

Commissioner Oddo moved to approve the recommendation from the Selection Committee, comprised of Vice-Chairman Randy Ognio and Commissioner Oddo to appoint Mark Lethbridge to the Joint Development Authority of Coweta, Fayette and Meriwether County to serve a term beginning immediately and ending December 8, 2018. Commissioner Brown seconded. Discussion followed.

Mr. Lethbridge made brief comments.

Commissioner Oddo moved to approve the recommendation from the Selection Committee, comprised of Vice-Chairman Randy Ognio and Commissioner Oddo to appoint Mark Lethbridge to the Joint Development Authority of Coweta, Fayette and Meriwether County to serve a term beginning immediately and ending December 8, 2018. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part thereof.

7. Consideration of staff's recommendation to award Contract No.1285-P to Jacobs Engineering Group Inc. to serve as Engineer of Record for Solid Waste for the period ending June 30, 2018 with provisions for two one-year renewals, in amounts to be determined by each task order as assigned.

Environmental Management Director Vanessa Birrell stated that this item was a recommendation to approve an Engineer of Record to perform methane and ground water monitoring. She stated that the firm chosen would also respond to EPD (Environmental Protection Division) in case any potential violations occur. She continued that since 1983 the county operated multiple landfills which are now closed. She stated that Fayette County just started to operate its first inert landfill and this landfill was the first permitted in Georgia under the new inert requirements. She stated that the work performed at the landfills was predicated on the Georgia solid waste requirements that were applicable during operations and closure activities. She stated that providing solid waste services in the current regulatory environment was a complex subject and no easy task. She expressed the importance of the continuity of staff performing oversight and the selection of professional service contractors to communicate with EPD.

Mr. Rapson explained the evaluation process to the Board for this contract. After explanation of the process he explained that the scoring changes the "most responsive, most responsible bidder" from Jacobs Engineering to Harbin. He stated that staff's recommendation was to award the bid to Harbin instead of Jacobs due to the error in calculation.

Commissioner Brown stated that this was why he preferred that the Board be involved and look at the materials. He stated that under the technical merit, if "quality of the written proposal" was the second highest thing evaluated, he would like to see what makes up the difference between a vendor's written proposal. He stated that he worried about how things could be tweaked because he did not see the material.

Mr. Rapson stated that the evaluation team chosen are, in theory, the experts associated with the proposals. He stated this evaluation team was comprised of the stormwater director, public works director, purchasing director, water system director and the landfill operator. He stated that the purchasing director did a great job educating the technical evaluators regarding the evaluations. He stated that there was some subjectivity that staff should avoid when doing the evaluations.

Commissioner Brown asked if the percentage weighted methodology was being used for all contracts. Mr. Rapson stated that the variance weighted was how all proposals will be weighted going forward.

Commissioner Oddo asked if the criteria were the same each time a Request for Proposal (RFP) was put out for bid. Mr. Rapson stated that the weights might change but the criteria had been consistent over the last two or three years.

Vice Chairman Ognio moved to award Contract No.1285-P to Harbin Engineering Group Inc. to serve as Engineer of Record for Solid Waste for the period ending June 30, 2018 with provisions for two one-year renewals, in amounts to be determined by each task order as assigned. Commissioner Brown seconded. Discussion followed.

Commissioner Oddo stated that this was complicated. He stated that the variance method was a better method for weighing the cost. He stated that he was trying to figure out why there was such a difference in the technical score from all three evaluators.

Mr. Rapson stated that under a federal procurement it would be awarded to the 87.6 and the evaluators would never open the cost proposals for Harbin and Oasis, unless the first selection cost was unagreeable. That was when the second one would be opened. He stated that the county had great experience with Jacobs. He stated that he was uncertain of why they were so much higher than the others.

Commissioner Rousseau asked if this was an internal policy revision that would be adopted or an institutional practice that would be adopted. He stated that he had a difficult time voting in favor of this item as presented because it was a change, mid-stream. He asked what system was used when staff made the initial recommendation. He continued that if it was different he would have to vote "no" because it was changed after the fact. He stated that he would be prepared to send it back for proposals.

Commissioner Brown stated that Jacobs was a good firm that served the county well. He stated that Jacobs was significantly higher in price and that he did not anticipate that Harbin would be any less professional. He stated that if they are not, then the county would make changes when needed. He stated that he agreed that a decision should be made regarding how the scoring would be made going forth and that there needed to be consistency. He stated that he would go for the variance weighted rather than the percentage weighted methodology.

Mr. Davenport stated that if the Board was considering the creation of a new policy then it would be a separate motion. He stated that it could also be an agenda item for another meeting.

Commissioner Oddo stated that the weighted variance was just another way to look at the scoring. He stated that was how he understood it. He stated that the Board would have to be careful about getting into the details. He stated that this was something that staff needed to bring forward as a proper recommendations. He stated that he was not sure why there was such a difference.

Commissioner Rousseau stated that the Board was responsible for establishing policies in many instances for day-to-day operations. He stated that this sounds like a policy change or a new practice. He stated that his question was still on the floor.

Mr. Rapson stated that it was an internal practice change. He stated that it was one of the things that needed to be addressed with the RFP process. He concluded that it would be a practice change.

Vice Chairman Ognio moved to award Contract No.1285-P to Harbin Engineering Group Inc. to serve as Engineer of Record for Solid Waste for the period ending June 30, 2018 with provisions for two one-year renewals, in amounts to be determined by each task order as assigned. Commissioner Brown seconded. The motion passed 3-2. Commissioners Rousseau and Oddo voted in opposition.

Commissioner Rousseau stated that if the Board was amendable and open to it being a policy change instead of a practice change. He stated that a practice change was dangerous in his experience.

Commissioner Rousseau moved to instruct staff to establish policy related guidelines associated with the rating system on procurement related matters.

Mr. Rapson stated that his suggestion would be to modify the RFP section in the purchasing policy to outline how the technical scores are determined.

Commissioner Rousseau amended the motion to instruct staff to modify the RFP section of the purchasing policy to outline how the technical scores are determined for procurement. Commissioner Brown seconded.

Mr. Davenport asked if the Board wanted staff to bring back language as an example of what the wording would be.

Commissioner Rousseau stated yes. Mr. Rapson stated that he would bring back a redline version of the policy at the October 26, 2017 meeting.

Commissioner Rousseau amended the motion to instruct staff to modify the RFP section of the purchasing policy to outline how the technical scores are determined for procurement. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part thereof.

8. Consideration of staff's recommendation to fund the design and installation of a new gravity sewer line in the amount of \$130,000, to connect the Fayette County Animal Shelter's building to the Peachtree City Water & Sewer Authority's sewer system network.

Animal Shelter Director Jerry Collins stated that the proposal was to connect the sewer line to the Peachtree City Water & Sewer Authority's sewer system. He spoke on the frequency of having to switch over the current line.

Mr. Rapson explained the project cost. He stated that staff was only asking for Task #1 and Task #2 for \$18,100 because Task #3 and #4, the \$11,370 portion could be completed in-house.

Chairman Maxwell asked if anyone had spoken with Rite-Aid. Building and Grounds Director Carlos Christian made comments from the audience.

Commissioner Rousseau stated if animal control services included all the municipalities. Mr. Rapson stated that it did. Commissioner Rousseau asked if any of the municipalities contributed financially for providing the services. Mr. Rapson stated no. Commissioner Rousseau asked who was over Peachtree City Water & Sewer Authority (WASA). Commissioner Brown stated that they were an independent agency. Commissioner Rousseau stated that if the County was a partner in service delivery, had anyone asked WASA to waive the fee to contribute to the service of animal control.

Mr. Rapson stated no. Commissioner Rousseau asked if that was conceivable to ask. Mr. Rapson stated that it cost nothing to ask. Commissioner Rousseau stated that he would ask that the motion include asking WASA to be a partner in service delivery strategy.

Vice Chairman Ognio stated if the animal control facility was out of Peachtree City's city limits. Mr. Collins stated no, it was inside the city limits.

Commissioner Brown asked if staff would excavate the tanks and the field. He stated that if something was going to be done there it would be good to have it all removed so that if a future project was considered there, it would already be removed. Mr. Christian stated that it was not included in the price, but that it could be done.

Commissioner Brown moved to approve to fund the design and installation of a new gravity sewer line in the amount of \$130,000, to connect the Fayette County Animal Shelter's building to the Peachtree City Water & Sewer Authority's sewer system network and in doing so, ask the Peachtree City Water & Sewer Authority if they would waive the fee. Vice Chairman Ognio seconded. Discussion followed.

Maxine Rickers, Peachtree City; stated that she would like to see this approved. She stated that every state she lived in did not euthanize and she would like to see the project approve this item to help with the adoption of the animals.

Commissioner Brown stated that if it was a reasonable cost to excavate the field at a cost less than \$4,000 would the Board be amendable to that.

Chairman Maxwell asked Mr. Christian to get some information regarding that. Commissioner Brown stated that he would like to know and that he would bring it on another agenda.

Commissioner Brown moved to approve to fund the design and installation of a new gravity sewer line in the amount of \$130,000, to connect the Fayette County Animal Shelter's building to the Peachtree City Water & Sewer Authority's sewer system network and in doing so, ask the Peachtree City Water & Sewer Authority if they would waive the fee. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part thereof.

9. Consideration of staff's recommendation to revise Euthanasia & Shelter Management Policy 280.01 to increase the operational capacity threshold from 75% to 85%.

Mr. Collins stated that on July 28, 2017, the Board voted on a new euthanasia policy. He stated that the policy included a 75% capacity. He stated that he listened to the concerns of citizens and spoke with the staff and that he was requesting to change the 75% capacity to 85% capacity.

Commissioner Rousseau asked Mr. Collins if he could operate the shelter at the 85% capacity. Mr. Collins stated yes.

Vice Chairman Ognio stated that his problem with the request was the facility layout. He stated that staff would be using the isolation cages to house the animals. He stated that was problematic. Mr. Collins stated that he understood the concern but it was only two kennels and he controls who goes to the back. Vice Chairman Ognio gave examples of his concerns.

Laura Line, Fayette County; commended the staff at the animal shelter. She stated that the Board hired Mr. Collins because they trusted him with the position and should trust his judgment. She stated that if he said he could handle it at 85% then he can.

Sherry M., Peachtree City; stated that 85% was not ideal, but that it was progress and that she recommended the Board vote in favor of the 85%.

Maxine Rickers, Peachtree City; stated that because of her experience of living in nine different states and contributing to the welfare of animals, she was in support of the 85% capacity change. She stated that the key in other states was the manager, assistant manager and the numerous volunteers and to get citizens more involved in the shelter.

Marcia Hendershot, Peachtree City; she stated that the first time she met Mr. Collins he told her that he was not one to cave in to public pressure. She stated that she understood the concern that he was caving in to the animal advocates, but that she did not think that was the case at all. She stated that the Board should give him the opportunity to try.

Chairman Maxwell moved to approve to revise Euthanasia & Shelter Management Policy 280.01 to increase the operational capacity threshold from 75% to 85%. Commissioner Oddo seconded. Discussion followed.

Vice Chairman Ognio stated that with the layout of the facility he did not want to house animals in the isolation kennels. He stated that would be an issue. He stated that it was not something he wanted to see happen.

Commissioner Oddo addressed Mr. Collins and stated that if the vote passed and the 85% did not work, he hoped that Mr. Collins would come back to the Board immediately and inform them of that. Mr. Collins stated that he would.

Commissioner Brown stated that in his previous years of attendance at county meetings there was no discussion about this subject. He stated that he was proud of the citizens for what they were doing at the shelter. He stated that there were hundreds of thousands of dollars set aside for run extension at the facility. Mr. Collins stated he did not want the outdoor runs. Commissioner Brown stated that one of the problems sighted was having a place to put the dogs when cleaning the kennels. He stated that outdoor runs would solve that issue. Mr. Collins stated that "it would, but it wouldn't".

Commissioner Brown stated that staff must have the optimism, forward thinking and strategic thinking in combination with the capacity limitations. He stated that he would like for the capacity to be 90% and he was open to 85% if the Board was open to the other changes that the citizens were proposing. He stated that there was no definition for "adoptable" in the policy. He asked if there was a written criterion for what is adoptable. Mr. Collins stated no. He stated that he and his staff make the assessment.

Mr. Rapson stated that if an animal was sickly per the vet and if the dog was deemed aggressive were the criteria for adoptable.

Chairman Maxwell moved to approve to revise Euthanasia & Shelter Management Policy 280.01 to increase the operational capacity threshold from 75% to 85%. Commissioner Oddo seconded. The motion passed 4-1 with Vice Chairman Ognio voting in opposition. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part thereof.

10. Consideration to authorize the County Attorney and staff to amend the county code related to spay and neutering of animals.

Mr. Collins stated that he wanted to propose having animals that are adopted to be spayed or neutered before leaving the shelter. He explained the current process. He stated that he was requesting \$10,000 that would be replenished by raising the adoption fees. He stated that the current fees are \$30 for dogs, \$20 for a cat and \$15 for a kitten or puppy. He stated that his recommendation was to raise the adoption fee to \$120 for dogs, with no distinction for a dog versus puppy, and \$60 for cats/kittens. He stated that \$110 of the \$120 would go back into the fund for dogs and \$50 would go back into the fund for cats to cover the spay and neuter cost.

Mr. Rapson stated that there were four things that would have to be done if this item was approved. 1. Legal would revise the existence ordinance. 2. Policy revision to change the 5/25- day adoption cycle. 3. Increase revenue fee to \$120 and \$60. 4. Creation of a special revenue account to flag these expenses.

Vice Chairman Ognio clarified that the Board would be voting to have the attorney and staff to bring back language to make these things happen. Mr. Rapson stated that was correct.

Mr. Rapson stated that staff would get with the animal advocates and revise the redline version so that everyone would understand the policy. He stated that the item would likely come back to the Board in thirty days. Staff was requesting approval to proceed with the revisions.

Mr. Davenport stated that there would be four different items and within the code there could be multiple items that require changes. He stated that there would be four substantive areas of change. Commissioner Brown asked if the fee schedule was adopted in the code. Mr. Davenport stated that he would check, but that typically the fee schedule would be adopted separately and add "there shall be a fee" in the code language.

Chairman Maxwell stated that he would like someone to address if increasing the fee from \$30 to \$120 would deter someone from adopting a dog. Mr. Davenport stated that if giving authority to go forward, the option of fees would be brought to the Board as well. Chairman Maxwell stated that he would like to hear what others think.

Laura Line, Fayette County; stated that she asked if the animal was spayed or neuter would it also get a rabid shot and she was told yes. She stated that one way to support the increase was to promote that the animal was "altered" and all the shots needed for \$120. She stated it would be substantially more if done by citizens at the vet.

Samantha Beadle, Peachtree City; stated that she wanted to reiterate the same thing. It was cheaper to do it this way. She stated that if the County does it then we are assured that the spay or neuter was done.

Maxine Rickers, Peachtree City; stated that she had found \$60 for a cat and \$95 for a dog in other states. She stated that animals need sunshine and to be outside as a break from the cage. She supports the additional runs. She stated that she would like to see the County move to a no-kill shelter.

Sherrie M., Peachtree City; stated that she had been writing grants for the Fayette Humane Society since 2010 and most are for spay/neuter assistance. She stated that she supported the spay and neuter. She continued that the Humane Society charged more than the \$120 or \$60 and they did not have any problems with getting animals adopted.

Mariel Weigana, Coweta; stated that she was not allowed to take her adopted dog home with her because he was a pit bull and she had to make an appointment to get him neutered. He stated that she and her husband was responsible for the bill. She asked why did that happen to her. Mr. Collins stated that he did not know what the past director did. He stated that when he arrived in March there was a new policy already written.

Marcia Hendershot, Peachtree City; stated that she was in support of staff and the attorney rewriting the ordinance. She stated that she would recommend not putting fees in the ordinance so that they can be adjusted more readily.

Mary Beth Davis, Fayette County; stated that she supported the connection of the sewer line to WASA, that she could see the problem with the change from 75% to 85% given the size of the current facility, she supported the review of the ordinance and policy for spay and neuter and that the connection of the sewer system would help decide how to modify the facility or build a new one; which would make managing the euthanasia policy less difficult. She stated that spending the money to spay and neuter in advance would save money down the road.

Susan (last name inaudible) stated that spaying and neutering animals before they leave the shelter was called "comprehensive adoptions" under the no-kill policy and it allowed volunteers to take the animals to events.

Vice Chairman Ognio moved to authorize the County Attorney and staff to amend the county code related to spay and neuter of animals. Commissioner Rousseau seconded. Discussion followed.

Mr. Davenport stated that he would address the four issues mentioned and have it brought to the Board at the October 26, 2017. Any policies effected would be included.

Commissioner Brown stated that the advantage about spay/neuter of the animals in advance was that the animals can be taken to the people instead of the people coming to the shelter. He stated that he would look at competitive pricing for spay/neuter. He stated that there are some business partners who would cover some of the cost.

Vice Chairman Ognio moved to authorize the County Attorney and staff to amend the county code related to spay and neuter of animals. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part thereof.

The Board recessed at 9:28 p.m.

The Board reconvened at 9:35 p.m.

11. Consideration of staff's request to allocate up to \$500,000 of 2004 SPLOST funds (Project R-5G) for the design and construction of a multi-use path along Veterans Parkway over Sandy Creek, and approval of a \$7,500 professional services contract with Rochester & Associates, Inc. to develop a concept for the project.

Mr. Mallon stated that this item was regarding the 2013 annexation agreement between Fayette County and the City of Fayetteville. He stated that the agreement was prepared around the development of Pinewood Atlanta Studios. He stated that one of the factors of the agreement was that the County would design and construct a multi-use path over Sandy Creek along Veterans Parkway. He stated that he was asking the Board to set aside a funding source from the 2004 SPLOST. He stated that he was also requesting the Board to consider a sole source to Rochester & Associates to

develop a concept. He clarified the request by stating that he was asking the Board to set aside the \$500,000 for the project and to approve \$7,500 for Rochester & Associates to develop a concept.

Commissioner Brown expressed the importance of moving forward with this project.

Vice Chairman Ognio stated that he would recommend doing it on the east side and not waste time doing it on the west side. He stated that the other issue he had was that Fayette County had lived up to all the requirements of the annexation agreement, but the City of Fayetteville had fallen behind on its commitments. He stated that in the agreement it stated that a new fire station would be built in the FY 2016 budget and it still had not been built. He stated that he had a concern with that.

City of Fayetteville Mayor Edward Johnson stated that he resented the statement from Vice Chairman Ognio because he did not know what the city was in the process of doing in negotiating with Pinewood Forrest to make sure the city obtained the land and the funding to build the fire station. He stated that Vice Chairman Ognio was making accusation that the city was not engaged when they have been engaged since the beginning. He stated that Vice Chairman Ognio had continued to make comments regarding the city that he found disrespectful to the point. He stated that he did not know this item was on the agenda and the City of Fayetteville was the municipality that had control because the property had been annexed into the city. He stated for the city not to be informed was a lack of partnership and teamwork. He stated that Mr. Mallon made it clear that this item was regarding the multi-use path, which the county had jurisdiction over, and not the bridge/tunnel. He continued that if the county decided to have an engineering company look at the multi-use path that he hoped the city would be invited to the discussion. He stated that the city was moving forward on the other projects including the fire station, but the city had constraints with renegotiating with Pinewood regarding property to build the fire station which was promised to the city. The funding was in the recent SPLOST. He stated that the city was looking to work together.

Chairman Maxwell asked if a decision had been made regarding the placement of the bridge. Mayor Johnson stated no. He continued that they had suggestions from Georgia Department of Transportation, but that they are working with the engineers to determine what would be best. Chairman Maxwell asked if it would be on the Peachtree City side or the Fayetteville side. Mayor Johnson stated that currently the hospital had plans to build a parking deck and they have asked the city to hold off because that would affect their parking plans. Chairman Maxwell asked where the city was with the fire station. Mayor Johnson stated that they were working with engineers and the fire chief. He stated that the city agreed with the east side as the best location for the multi-use path to avoid the typography issues on the west side.

Chairman Maxwell stated that if they limit the engineer to just look at one side, then they would limit the County to other options. He stated that he had mentioned when he was in office before, that the county should consider a bridge or a tunnel for the children to cross over. He apologized that he had not called to inform Mayor Johnson of this agenda item.

Mayor Johnson stated that he appreciated the apology and that all he wanted to emphasis was that the city wanted open dialogue between the city and county, consistently.

Commissioner Brown asked Mayor Johnson if the city had an ordinance that stated that if something was developed at the sites around the movie studio, that the multi-use path would be included. Mayor Johnson stated that the city was in the process of revising the ordinances and that was one that would be implemented.

Vice Chairman Ognio stated that he was not slamming Mayor Johnson and that the agreement was in place. He stated that the agreement said that the fire station would be in place in fiscal year 2016 and that he was trying to figure out why it had not been done. He stated that it was understandable that there were financial issues, but that had not been communicated to the county. Mayor Johnson stated that the responsibility of communication was on both parties. He continued that if the Board wanted to know what was happening, Vice Chairman Ognio could have reached out to him.

Vice Chairman Ognio moved to approve that the study be on the east side of Veterans Parkway.

Commissioner Rousseau asked if the \$7,500 would cover the study of both. Mr. Mallon stated that the cost was to prepare a concept on both sides.

Vice Chairman Ognio moved to approve that the study be on the east side of Veterans Parkway. Commissioner Brown seconded. Discussion followed.

Commissioner Brown stated that the Board needed to know an unbiased opinion from the engineering firm.

Vice Chairman Ognio moved to approve that the study be on the east side of Veterans Parkway. Commissioner Brown seconded. The motion failed 1-4 with Commissioners Maxwell, Brown, Rousseau and Oddo voting in opposition.

Commissioner Brown moved to allocate up to \$500,000 of 2004 SPLOST funds (Project R-5G) for the design and construction of a multi-use path along Veterans Parkway over Sandy Creek, and approval of a \$7,500 professional services contract with Rochester & Associates, Inc. to develop a concept for the project. Commissioner Rousseau seconded. The motion passed 4-1 with Vice Chairman Ognio voting in opposition. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part thereof.

PUBLIC COMMENT:

Denise Ognio, Fayette County; stated that she sent each commissioner an email concerning an ethics issue. She stated that she wanted to remind the Board that they were on board to be ethically inclined. She stated that ethics by Board policy definition was "the discipline dealing with what is good and bad with moral duty and obligation". She stated that the email she sent dealt with an issue regarding a comment made on Facebook by one of the commissioners, regarding something, he stated was said in executive session. She asked the Board to discuss this issue in executive session and she asked the commissioner not to do it again.

ADMINISTRATOR'S REPORTS:

- A. Contract #940-P: Engineer of Record for Public Works: Task Order 29- Dogwood Trail Culvert Replacement**
- B. Contract #P782, Amendment 1: CAD Server Migration**
- C. Contract #1339-S: AT&T Internet & DDoS Services**

Regional 6 Mental Health Selection Committee:

Vice Chairman Ognio moved to appoint Commissioners Rousseau and Brown to the Region 6 Mental Health Advisory Council. Commissioner Oddo seconded. The motion passed 5-0.

County Voting Delegation:

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

Commissioner Rousseau moved to appoint Commissioner Oddo as the voting delegation for the ACCG conference. Vice Chairman Ognio seconded. The motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were three items involving pending litigation, one item involving real estate acquisition and the review of the Executive Session minutes for August 24, 2017.

COMMISSIONERS' REPORTS:

Vice Chairman Ognio: Reminded everyone of Inman Heritage Days event.

Commissioner Brown:

Water Guardians: The last Water Guardian events was at Lake Horton. The initiative will begin again in the spring.

Mowing: He stated that he would like to see the medians and roads mowed first and to not have trash on the roads.

Safety on Rural Roads: He stated that he attended a conference on safety on rural roads that he would share and maybe incorporate into the SPLOST projects.

Priority List: He stated that he would like to see a priority list of road projects from the Transportation Committee in the short-term.

Commissioner Oddo:

Response to Public Comment: He stated that the Board agreed to uphold certain rules and regulations. He stated that the Board was explicitly prohibited from discussing what happened in executive session. He stated that he would like for the Board to recommit to that because the Board could not function as an effective team if they do not abide by the rules. He stated that the Board votes on the affidavit and what would be discussed in executive session and if anyone disagreed, they should not vote on the affidavit.

He stated that his wife was in Columbia and that he wanted to say hello and wished his brother a happy birthday.

Commissioner Rousseau:

Sheriff's response to Opioid concerns: He offered kudos to the Sheriff for offering training to his staff regarding the increase in the misuse of opioids and also for his response to the issues regarding Antioch and Goza Road

HOA Bootcamp: He offered an invitation for everyone to attend the HOA Bootcamp on September 23 from 10 a.m. to 2 p.m. to be held in the Public Meeting Room.

Water Committee: He commended the Water Committee regarding the Newton Plantation issue and the well safety issues. He stated that there would be things coming to the Board for consideration.

Mayor Johnson: He apologized because he also did not know that the Mayor was in attendance for official business. He stated that he knew the Board was committed to having a good working relationship.

Mowing: He stated that getting the medians mowed was paramount. He stated that it was critically important to get them taken care of. He stated that he would be thankful if the philosophy of mowing the main corridor first was adopted and not leave the clippings.

Thank you: He thanked Kiwanis and Geneva Weaver for stepping up to fill the gap for Fayette Clinic.

Public Comments: He stated that it was disheartening to hear about the comment referenced by Mrs. Ognio. He stated that he agreed that the Board should recommit to upholding the rules put in place.

Chairman Maxwell:

Thank you: He thanked everyone that assisted with the effects of the recent tropical storm. He stated that both county and city workers was working to clear the roads.

Anniversary of Constitution: He reminded everyone that September 17 was the 230th birthday of the Constitution of the United States.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were three items involving pending litigation, one item involving real estate acquisition and the review of the Executive Session minutes for August 24, 2017.

Three Items of Pending Litigation, One Item of Real Estate Acquisition and Review of the August 24, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:33 p.m. and returned to Official Session at 11:00 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. A copy of the affidavit, identified as "Attachment 12", follows these minutes and is made an official part thereof.

Mr. Davenport stated that there was a recent settlement for a worker's compensation claim involving Mr. John Curtis Wright. He stated that he had a back injured in December 2015 and the county paid substantial medical bills and indemnity payment over time. He stated that an agreement was made to settle the claim for \$45,000 lump sum payment to Mr. Wright and in exchange he would sign a customary release required for all settlements of this nature.

Vice Chairman Ognio moved to approve the worker's compensation settlement for Mr. John Curtis Wright in the amount of \$45,000 lump sum. Commissioner Brown seconded. The motion passed 5-0.

Approval of the August 24, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the August 24, 2017 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 4-1. Commissioner Rousseau voted in opposition.

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

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 14, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The September 14, 2017 Board of Commissioners meeting adjourned at 11:02 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of September 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk