

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

October 26, 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 October 26, 2017 Board of Commissioners meeting to order at approximately 6:33 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the audience and the Board in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to accept the agenda as written. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. **Recognition of John R. Hudson and Carol B. Hudson for funding Eagle Scout Samuel Snyder's scout project at Fayette County Animal Control and approval of a \$10,000 budget adjustment to account for the donation and associated expenditures.**

Animal Control Director Jerry Collins introduced Mr. John and Mrs. Carol Hudson and Samuel Snyder. He stated that the Hudson's approached him wanting to donate to the animal shelter and that Samuel had also approached him requesting to do an Eagle Scout project at the shelter. He stated that he decided to put them together. The Eagle Scout project would consist of a pavilion in the back that would have runs for outside use for the dogs. He stated that the Hudson's donated a check for \$5,000 and was willing to fund more if needed. Chairman Maxwell read a letter of thanks to the Hudson's. Samuel was invited back to present his completed project. Samuel and Mr. Hudson offered comments. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the Introduction to Public Hearings for the Rezoning of Property, identified as "Attachment 2", follows these minutes and is made an official part thereof.

2. **Consideration of Petition No. T-020-17, Verizon Wireless, Owner, and Jenna E. Lee, Agent, request a reduction to the requirements of Sec. 110-150. to develop a 185-foot Monopole Telecommunication Tower to reduce the tower separation requirement of one (1) statute mile to 0.7 miles. This property is located in Land Lot 129 of the 4th District and fronts on SR 85 and 85 Hwy Connector.**

Mr. Frisina stated that this request was for the intersection of SR 85 and the 85 Highway Connector. The tower would be located at this property to provide coverage for the service area. The county's independent expert reviewed the findings and did concur with the findings from the applicant. The Planning Commission recommended approval.

David Kurt gave a brief presentation of this request. He stated that the towers that Verizon was currently on are at capacity which caused service to slow down and sometimes stop. He continued that the current tower was about 7/10 of a mile to the east and it did not meet the coverage and capacity needed. He stated that Verizon was sensitive to the impact on Starr's Mill and a balloon test was used to determine if the tower would be seen from that area. It could not be seen.

Mr. Jerry Jones; Fayetteville, spoke in favor of the tower. He stated that he would like to see the tower installed.

No one spoke in opposition.

Vice Chairman Ognio moved to approve Petition No. T-020-17, Verizon Wireless, Owner, and Jenna E. Lee, Agent, request a reduction to the requirements of Sec. 110-150. to develop a 185-foot Monopole Telecommunication Tower to reduce the tower separation requirement of one (1) statute mile to 0.7 miles. This property is located in Land Lot 129 of the 4th District and fronts on SR 85 and 85 Hwy Connector. Commissioner Oddo seconded. Discussion followed.

Chairman Maxwell stated that he was provided a document regarding the county co-locating some county equipment on the tower if it was approved. He asked if there was an objection to that.

Mr. Kurt stated that there was no objection to that and that it was Verizon's policy to make space available and that he would work with the county to accommodate that request.

Vice Chairman Ognio amended the motion to add conditions to request space for county public safety equipment on the proposed cell tower between 130-160 feet at no cost to the county. Commissioner Oddo amended the second. Discussion followed.

Commissioner Brown asked if Verizon would build the tower or if a subcontractor would be hired. Mr. Kurt stated that Verizon would hire a subcontractor that worked with Verizon. Verizon would own the tower.

Vice Chairman Ognio stated that he rode by and he could not see the balloon.

Commissioner Rousseau asked for a point of clarity. He stated that Mr. Kurt mentioned during the presentation that Verizon had presence on the current tower and but then later said that Verizon "looked at" locating on the tower. Mr. Kurt stated that Verizon was not on the existing tower which was owned by T-Mobile. He stated that Verizon did evaluate it and determined that it would not provide the needed service and that was confirmed by the county's independent expert.

Commissioner Oddo asked if a project was conducted to determine how long before it would reach capacity. Mr. Kurt stated that it would depend on the demand for the tower by users. He stated that he had spoken with County Administrator Steve Rapson to get him in touch with the technical staff at Verizon regarding the county use of the tower for public safety.

Vice Chairman Ognio moved to approve Petition No. T-020-17, Verizon Wireless, Owner, and Jenna E. Lee, Agent, request a reduction to the requirements of Sec. 110-150. to develop a 185-foot Monopole Telecommunication Tower to reduce the tower separation requirement of one (1) statute mile to 0.7 miles and is located in Land Lot 129 of the 4th District and fronts on SR 85 and 85 Hwy Connector and to add conditions to request space for county public safety equipment on the proposed cell tower, between 130-160 feet at no cost to the county. Commissioner 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.

3. **Consideration of Petition No. 1269-17, Michelle Camper, Patrick Camper, Howell Richardson, and Melissa Phillips, Owners, and Randy Boyd, Agent, request to rezone 8.935 acres from A-R to O-I to develop an Educational Facility for gymnastics, cheerleading & dance located in Land Lot 39 of the 7th District and fronting on SR 54.**

Mr. Frisina stated that items #3 and #4 are companion items that can be discussed at the same time, but that it would require separate motions. He stated that the property was located at SR 54 West just past **Huett** Drive. The petitioners are requesting a 22,000-square foot building and additional parking. The property would fall into the SR 54 overlay and the building would have to have architectural characteristics that match the overlays requirements of residential character. The Planning Commission and staff approve the petition with one condition. The condition was that the final plat would be revised to show the two lots being joined together as one, prior to the site plan being submitted.

Mr. Randy Boyd, Agent, stated that the property was currently under contractual agreement with Jim Sports Academy Incorporated located at Senoia Road in Tyrone, Georgia. He stated that the existing house on the property would be removed.

Anna provided comments regarding the proposed gymnastic, cheerleading and dance facility. She spoke in favor of this request.

No one spoke in opposition.

Commissioner Oddo moved to approve Petition No. 1269-17, Michelle Camper, Patrick Camper, Howell Richardson, and Melissa Phillips, Owners, and Randy Boyd, Agent, request to rezone 8.935 acres from A-R to O-I to develop an Educational Facility for gymnastics, cheerleading & dance located in Land Lot 39 of the 7th District and fronting on SR 54 with the condition that minor provision to the final plat be submitted and approved prior to the submittal of the site plan. Vice Chairman Ognio seconded. Discussion followed.

Vice Chairman Ognio asked if a right turn lane would be a requirement because of all the traffic coming to the facility. Mr. Frisina stated that access on that road would be controlled by Georgia Department of Transportation (GDOT). Vice Chairman Ognio stated that a deceleration lane was needed. Mr. Boyd stated that he did not think that it would be approved without the deceleration lane. He stated that they would do what was required.

Mr. Frisina stated that the condition was tied to the rezoning and that the next agenda item was to acknowledge that the county would allow the use to change on the property under the subdivision regulations. He responded that the condition was to change the plat and the second part was the permission to change the plat.

Commissioner Rousseau asked if the facility would be designed to host competitions. Mr. Boyd stated yes, that would be possible.

Commissioner Oddo moved to approve Petition No. 1269-17, Michelle Camper, Patrick Camper, Howell Richardson, and Melissa Phillips, Owners, and Randy Boyd, Agent, request to rezone 8.935 acres from A-R to O-I to develop an Educational Facility for gymnastics, cheerleading & dance located in Land Lot 39 of the 7th District and fronting on SR 54 with the condition that minor provision to the final plat be submitted and approved prior to the submittal of the site plan. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part thereof.

4. Consideration of Petition No. RP-064-17, Michelle Camper, Patrick Camper, Howell Richardson, and Melissa Phillips, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Survey for H.L. Newton to change the use on the property located in Land Lot 39 of the 7th District and fronting on SR 54.

Mr. Boyd acknowledged that this was a requirement before the site plan could be submitted.

No one spoke in favor or in opposition.

Commissioner Brown moved to approve Petition No. RP-064-17, Michelle Camper, Patrick Camper, Howell Richardson, and Melissa Phillips, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Survey for H.L. Newton to change the use on the property located in Land Lot 39 of the 7th District and fronting on SR 54. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part thereof.

5. Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development and concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Mr. Frisina briefed the Board regarding this item. He stated that this was the third time that this item had come before the Board. He stated that the new development was created to combine residential and a secondary use on the property for business to be associated with the home. This would be 15 acres to 75-acre development, but would allow 15 acre parcels. He continued that there was some concern from the Board that the ordinance should mention that the Board of Commissioners have the right to make modifications to PUDs regarding traffic and additional buffers and setbacks. The Planning Commission decided to include modifications that could be made for each PUD.

No one spoke in favor or opposition.

Vice Chairman Ognio moved to approve Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development and concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district. Commissioner Oddo 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.

6. Consideration of Ordinance 2017-16 amending Chapter 110. Zoning Ordinance, regarding Sec. 110-79. - Accessory structures and uses.

Mr. Frisina stated that an individual had put a set of permanent stairs in an accessory structure and under the current definition of how square footage of an accessory structure was determined, staff would have to count the upstairs which would put the property owner over the threshold of 1,800 square feet. He stated that the change would get away from a floor area measurement to a "foot print" only. He stated that there were other housekeeping changes included.

No one spoke in favor or opposition.

Commissioner Oddo moved to approve Ordinance 2017-16 amending Chapter 110. Zoning Ordinance, regarding Sec. 110-79. - Accessory structures and uses. Commissioner Brown seconded. Discussion followed.

Commissioner Brown asked if the ordinance would mandate that it be livable space or not livable space. Mr. Frisina stated that no it was not livable space. He stated that there was provision to have a guest home if it was stand alone or a larger accessory structure.

Commissioner Oddo moved to approve Ordinance 2017-16 amending Chapter 110. Zoning Ordinance, regarding Sec. 110-79. - Accessory structures and uses. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 7", follows these minutes and is made a part thereof.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda except for items #9 and #10 for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

7. **Approval to accept grant funding in the amount of \$42,800 from the Georgia Office of Homeland Security for the purchase of personal protective equipment for Fire and EMS personnel in the event of an active shooter incident or other threat.** A copy of the request, identified as "Attachment 8", follows these minutes and is made a part thereof.
8. **Approval of staff's request to accept the proposal from Ambulance Medical Billing for the EMS Billing Services as identified in RFP #1324-P and authorization for the County Manager to sign all related documents.** A copy of the request, identified as "Attachment 9", follows these minutes and is made a part thereof.
9. **Approval of updates to the Fayette County Policies and Procedures Manual, Section 200.01, Procuring Goods / Services, outlining the criteria / process for technical merit and price scoring of a proposal.**

Commissioner Brown stated that there were changes related to technical merit and price scoring. He stated that he had raised the issue of looking at the process regarding the "quality of presentation". He stated that it held a high percentage of the evaluation and he would like to have specific outlines of what was being asked in the presentation to make it fair in evaluating.

Mr. Rapson stated that was the type of clarification that would be included in the RFP. He stated that Purchasing Director Ted Burgess continued to have meetings with the technical staff to ensure that it was done professionally.

Commissioner Brown stated that if presentation was one of the qualification, then the requirement should be spelled out. Mr. Burgess stated that staff had evolved to the point that when a company was invited to do a presentation, they are giving a list of questions to answers and/or the topics to cover.

Commissioner Brown stated that it could be difficult to be subjective when staff had worked with the company in the past. He continued that the scores should be weighted independently of the company's previous work.

Commissioner Oddo moved to approve updates to the Fayette County Policies and Procedures Manual, Section 200.01, Procuring Goods / Services, outlining the criteria / process for technical merit and price scoring of a proposal. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 10", follows these minutes and is made a part thereof.

10. Approval of the October 12, 2017 Board of Commissioners Meeting Minutes.

Commissioner Rousseau requested that the minutes reflect that he, Commissioner Oddo and Mr. Rapson were absent from the last meeting due to attending the ACCG Legislative Leadership Conference in Augusta, Georgia.

Chairman Maxwell moved to approve the October 12, 2017 Board of Commissioners Meeting Minutes with the inclusion of language to state that Commissioner Rousseau, Commissioner Oddo and County Administrator Steve Rapson were absent to attend the ACCG Legislative Leadership Conference in Augusta, Georgia. Commissioner Brown seconded. The motion passed 5-0.

OLD BUSINESS:

11. Consideration of staff's recommendation to install a four-way stop at the intersection of Antioch & Goza Road as an interim safety measure.

Public Works Director Phil Mallon stated that the consultant had completed the evaluation of data and field conditions and had a recommendation for an interim improvement. He stated that the consultant looked at a total of 49 accidents over the years and of those 91% involved those traveling east or west bound on Goza Road and 70% involved the vehicle that stopped at one of the stop signs on Goza and then failed to properly yield to the vehicles on Antioch. He stated that most people are stopping and then making a decision that results in the accident and that was the reason for pushing a four-way stop. The advantage of going to a four-way stop, according to the data, would result in a 68% reduction in crashes and a 77% reduction in injuries and fatalities. There was more than adequate capacity and operational characteristics in the future. If this were to become the permanent solution there were some issues that could be addressed in 2040 with some modifications. He stated that going to a four-way stop was warranted at this point. He continued that, if approved, they would need a week to develop the plans and have the road department make implementations.

Ms. Julia Ballard-Ivey stated that she hoped that there would be warnings prior to coming down the hill from Sam's property to the intersection, otherwise she would have more people in her front yard. She stated that the hill needed to be graded down. She continued that the speed limit should be considered.

Commissioner Oddo moved to approve staff's recommendation to install a four-way stop at the intersection of Antioch & Goza Road as an interim safety measure. Commissioner Brown seconded. Discussion followed.

Chairman Maxwell asked if this was strictly for the four-way stop. Mr. Rapson stated that the motion was for the four-way stop which was part of the interim plan. He stated that the long-term plan would take eight months to a year to complete.

Mr. Mallon clarified that staff was not just putting up two new stop signs. He stated that the motion includes all the appropriate warning signs, as expressed by Ms. Ballard-Ivey, as indicated by the consultant. He stated that the intent of the request was approval to implement the interim plan from the consultant.

Commissioner Brown stated that he agreed with Ms. Ballard-Ivey and that the deputy's presence would be needed because it was going to be a culture shock having to stop when drivers did not have to stop before.

Vice Chairman Ognio stated that adding two more stop signs did not mean people would necessarily stop.

Mr. Mallon stated that it would be a dangerous time as people learn about the stop and the flashing lights would be needed to give people warnings.

Commissioner Oddo amended the motion to approve staff's recommendation to install a four-way stop at the intersection of Antioch & Goza Road as an interim ongoing safety measure. Commissioner Brown amended the second.

Ms. Ballard-Ivey asked if a barricade could be placed at the intersection. Mr. Mallon stated that if the Board wanted to add some weighed barrels. The Board agreed that would be a question for the consultant.

Mr. Mallon wanted to start the implementation process as soon as possible and if the analysis of a temporary barrier takes a few days or weeks he would like to come back to the Board and add it at that time. The Board agreed. Mr. Rapson stated that staff would like to move forward with all the things discussed without having to come back for Board approval. The Board agreed.

Commissioner Oddo amended the motion to approve staff's recommendation to install a four-way stop at the intersection of Antioch & Goza Road as an interim ongoing safety measure. Commissioner Brown amended the second. The motion passed 5-0. A copy of the request, identified as "Attachment 11", follows these minutes and is made a part thereof.

12. Consideration of staff's recommendation to amend the contract with the Gordian Group (Centennial Contractors Enterprise, Inc.) to renovate the Animal Shelter from \$119,598.67 to \$86,590.78 (CIP project #6565F).

Animal Control Director Jerry Collins briefed the Board. He stated that he received the approval to put the pavilion in the back with four runs.

Commissioner Brown asked what would be the plan if staff needed to quarantine the facility. Mr. Collins stated that he would use the same procedure that was currently being used. Commissioner Brown stated that staff sited that as one of the major problems. He stated that he would rather see the runs even if it was only being used periodically. Mr. Collins stated that it was only seven runs.

Ms. Mary Beth Davis; Fayette County, stated that she did not believe that the contract should be amended to reduce the number of runs. She stated that the county needed to consider a larger facility. She stated that it was her understanding that the pets would only be out during the day. This would give them the opportunity for more exercise.

Mr. Rapson stated that staff presented three options to the Board for the shelter. Two of the options would be dramatically impacted by the runs on the outside because the wall that would be removed to retrofit would be the wall where those kennels would be placed. He stated that there did not appear to be a desire from the Board for an expansion and that was why staff proceeded in this manner.

Commissioner Oddo stated that the facility may or may not be expanded.

Vice Chairman Ognio stated that this would only be for seven cages and the other animals still could not go outside. He stated that with the runs that the Eagle Scout was building, staff could rotate the dogs. He stated that saving the money now and doing some planning in the future would be good.

Chairman Maxwell asked if the \$33,000 was dedicated funds that would stay with the animal shelter. Mr. Rapson stated that this was a capital project and if approved, the \$33,000 would still be flagged toward animal control for the project and at the end of the year the funds would be closed back to the General Fund Contingency and not the General Fund-Fund Balance.

Commissioner Oddo moved to approve staff's recommendation to amend the contract with the Gordian Group (Centennial Contractors Enterprise, Inc.) to renovate the Animal Shelter from \$119,598.67 to \$86,590.78 (CIP project #6565F). Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown stated that he would reluctantly vote in favor. He stated that staff had used the phrase, "that we have suspended the approval of the Board from the past meeting". He stated that the Board never voted to suspend anything. He stated that if the project was to be suspended it should be brought back to the Board for a vote and that it was not a staff decision to make once the Board voted on a project.

Chairman Maxwell stated that it became a lot larger than anticipated. He stated that he was involved with conversation with the County Administrator and he said to wait because of the different changes. He stated that he was not blaming himself or the County Administrator. He stated that he had been told by the animal advocates that they were not interested in renovation/expansion. He stated that he was involved in stopping it and while it made common sense to do so, he agreed that it probably should have come back to the Board first.

Commissioner Brown stated that he understood the reasoning, but not to open Pandora's box and make it open season to stop something.

Commissioner Rousseau stated that it was stated that the project was temporarily being suspended until the Board flushed out some of the various options being presented. He stated that regarding Commissioner Brown's comments, some formality may need to be attached to the suspension as well, going forward. He asked if the money for the sewer on this project was coming from Contingency or Fund Balance. Mr. Rapson stated that it would come from Contingency. Commissioner Rousseau asked if it was allowable/prudent to use the remaining funds for the sewer. He asked if there was an update from Peachtree City Water and Sewer Authority (WASA) regarding waiving the fee.

Mr. Rapson stated that WASA sent a letter saying that the fees could not be waived because the fees are tied to the bond covenant. Commissioner Rousseau asked if staff had asked Peachtree City to give the fee. Mr. Rapson stated that the sewer was funded from Project Contingency so we could swap checks, but it would be irrelevant.

Commissioner Rousseau stated that the county provided the services for the entire county and there was no partnering from the five jurisdictions. Mr. Rapson stated that it was one of the area of discussions for Service Delivery Strategy along with things that the municipalities believe the county should perhaps be paying for instead of the cities.

Commissioner Oddo moved to approve staff's recommendation to amend the contract with the Gordian Group (Centennial Contractors Enterprise, Inc.) to renovate the Animal Shelter from \$119,598.67 to \$86,590,78 (CIP project #6565F). Vice Chairman Ognio seconded. The motion was passed 5-0. A copy of the request, identified as "Attachment 12", follows these minutes and is made a part thereof.

13. Consideration of staff's recommendation to amend the Fayette County Animal Shelter Management/Euthanasia Policy 280.01 and Animal Control's internal Adoption Policy 107.02a, to require animals to be spayed or neutered prior to adoption; and to amend the Code of Ordinances by revising Section 6-26 and repealing Sections 6-88 and 6-89 and to adopt a schedule of fees.

Mr. Rapson stated that if a dog was adopted from the shelter, it would cost \$10 for the rabid shot, \$120 to have it sterilized and \$30 adoption fee which totals \$160. He stated that the previous policy was \$10 for the rabid shot and \$30 or \$40 (depending on the pet) and then the person adopting the pet would be required to have the pet sterilized within the next 30 days at the veterinarian. He stated that the cost was around \$300 to do that. He stated that if an animal came to the shelter already sterilized, then the only fee would be the adoption fee and the rabid shot.

Ms. Laura Line; Fayetteville stated that she agreed with this policy. She stated that once she explained the fee to others they agreed that it was good. She stated that there needed to be a massive media campaign to let people know that this was a good thing. She stated that she called three different veterinarians and the lowest price she found was \$240 that only covered the spay/neuter.

Ms. Mary Beth Davis; Fayette County, stated that she wanted to make a comment about Section 626 (a), regarding sending a letter and using the postmark as being considered "received" versus sending it certified letter for signature. She stated that sending something certified it can be checked to see if it was delivered. She stated that it needed to go back to certified letters and not assume that postmark was the day it was delivered.

County Attorney Dennis Davenport stated that if a letter was sent certified mail and it was not wanted to be received by the recipient, there could be two and half weeks that past because the post office would make at least three attempts to deliver the letter. He continued that if it was not delivered there would be 21 days added to the schedule of a five-day notification period and a 25-day adoption period. This would put it at 30-days and the owner had not been notified. He stated that it caused a conflict with the timeframe the way the policy was currently written. He stated that the reason the postmark date was used was because it would be the U.S. post office postmark and not a PB meter that could be adjusted. He stated that there was precedence for using this approach. He stated that the reason he suggested this was because he understood from Mr. Collins' statistics, about 45% to 47% of the animals that are picked-up are claimed by the owners within the 5-day period. He stated that the county was not getting more added to the 47% after the 5-days with a certified letter. He stated that there was no mechanism to cut off the timeframe for notification then there was no ability to adopt the animal out and the animal remains at the shelter for an additional 20 to 25 days. This was an attempt to have a reasonable period to notify the owner.

Commissioner Oddo stated that was how taxes work. The taxes are considered received based on the postmark.

Mr. Collins stated that a lot of times staff had identified the owner and told them to come get the animal. He stated he wanted to make it a simple process.

Chairman Maxwell stated that he was concerned that the county was creating a problem where people would not be prepared to pay the increased fee and thereby increasing the number of pets at the shelter.

Commissioner Brown stated that the caveat was if the animal needed to be spayed or neutered and if not, then the person adopting the animal would have to spay or neuter the animal and that would put them in the same dollar range.

Commissioner Oddo stated that it would help if the press would report it that way.

Commissioner Brown suggested that the county send a press release explaining where the fee was going toward. Mr. Rapson stated that staff would send a press release.

Mr. Collins stated that there have been several corporations who have helped. He stated that Subaru had covered every adoption and spay and neuter at the shelter for the month of October.

Commissioner Rousseau stated that as the policies are revised and changed, it was another opportunity to education the public of what the cost saving would be. He stated that he would have liked to show the private cost to compare to the proposed fees. He stated that he noted that he struggled to find a circumstance where Mr. Collins or Mr. Rapson would waive the fees. He asked how was that tracked.

Mr. Rapson stated he had two examples of waiving the fee. One example was a national partnership with the Humane Society or something like that or a capacity issue where the shelter was way above the 22-animal capacity and was trying to get the animals adopted. Mr. Collins stated that if he were to go beyond the 22-animal capacity, instead of euthanizing a healthy dog, he would rather get it adopted for free.

Commissioner Rousseau stated that staff should safe guard against accusations of waiving fees.

Mr. Davenport suggested to that the Board vote on Policy 280.01, Policy 107.2a, Ordinance 2017-17 and the Schedule of Fees all as separate items.

Commissioner Brown moved to approve staff's recommendation to amend the Fayette County Animal Shelter Management/Euthanasia Policy 280.01 as written. Vice Chairman Ognio seconded. The motion passed 5-0.

Vice Chairman Ognio moved to approve staff's recommendation to amend Animal Control's internal Adoption Policy 107.02a as written. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Brown moved to approve the amendment to the Code of Ordinance 2017-17 by revising Section 6-26 and repealing Sections 6-88 and 6-89. Vice Chairman Ognio seconded. The motion passed 5-0.

Commissioner Brown moved to approve Exhibit A entitled Schedule of Fees as provided on the dais. Vice Chairman Ognio seconded. The motion passed 5-0.

A copy of the request, identified as "Attachment 13", follows these minutes and is made a part thereof.

NEW BUSINESS:

14. **Consideration of staff's request to accept the proposal from K. A. Oldham Design, Inc for the architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$174,000.00 and to authorize signing of all related contractual documents.**

Commissioner Oddo moved to approve staff's request to accept the proposal from K. A. Oldham Design, Inc for the architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$174,000.00 and to authorize signing of all related contractual documents. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14", follows these minutes and is made a part thereof.

15. **Consideration of the Transportation Committee's recommendation to designate \$500,000 of the 321 SPLOST funds for Projects R-19 and R-20 (SR 85 Widening) and authorization for staff to work with GDOT on several Quick Response Programs along the SR 85 South corridor.**

Mr. Mallon briefed the Board this item was related to the 2004 SPLOST that was exclusively for transportation projects that was placed in the 320 Fund that was split between the unincorporated county and the cities. He stated that 70% of the money went into the 321 Fund and the Fayette County Board of Commissioners have control over how the money was spent with the guidance that it had to be a project in the 2003 transportation plan. He stated that the Board recently tasked the Transportation Committee for an updated priority list on how to spend the remaining \$14.5 million. He stated that in December or January a fiscally constrained list would come before the Board for input. He continued that during the process this project stood out and the suggestion was made to bring it to the Board for immediate consideration. He stated that there was a safety need pushing this request. He stated GDOT's Quick Response Program for this corridor was capped out at \$200,000 and this project would be more than that. He stated that if the county would contribute then we could work together.

Commissioner Brown asked was it \$200,000 per intersection.

Mr. Mallon stated yes. He stated that GDOT released the traffic data and was recommending Price Road, Royal Ridge Way, Goza Road, Rising Star and the 85 Connector. He stated that GDOT felt that it might not be wise to do a quick fix north of Bernard Road, but to concentrate on the intersection south of Bernard Road. He stated that if the Board agreed to that it would eliminate Price Road, Royal Ridge Way and Goza Road. Porter Road would be added to the list. He stated that he was recommending for the Board's consideration to authorize up to \$500,000 to be used for SPLOST projects R-19 and R-20 and to use that money to work with GDOT on a quick fix response.

Commissioner Brown stated that on the 85 Connector, staff would need to work with the bridge project as well. Mr. Mallon stated that the projects are aware of one another.

Chairman Maxwell asked why Goza Road would be removed. Mr. Mallon stated that it was identified as a high need, but that it would be covered and addressed under the larger widening project that was entirely GDOT funded. Chairman Maxwell stated that in his mind Goza Road was the more dangerous one.

Mr. Mallon stated that if the Board approved the \$500,000 it would not impact the existing 2004 SPLOST projects.

Chairman Maxwell confirmed that the road that would be addressed are Rising Star, 85 Connector and Porter Road. Mr. Mallon stated that he would request that the Board would approve the this as written and he would come back to the Board once the roads have been worked out.

Commissioner Brown moved to designate \$500,000 of the 321 SPLOST funds for Projects R-19 and R-20 (SR 85 Widening) and to solicit projects with their financial collaboration and to come back to the Board of Commissioner for future approval. Commissioner Oddo seconded. Discussion followed.

Commissioner Oddo stated that this was one way the county could leverage money. He stated that this was a wise thing to do.

Vice Chairman Ognio stated that GDOT made it clear that they were willing to work with the county and if this was one way to make the roadway safer, then it was money well spent.

Commissioner Brown moved to designate \$500,000 of the 321 SPLOST funds for Projects R-19 and R-20 (SR 85 Widening) and to solicit projects with their financial collaboration and to come back to the Board of Commissioner for future approval. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 15", follows these minutes and is made a part thereof.

PUBLIC COMMENT:

Mr. Roy Bishop; Fayetteville, stated that he would like to get an update on Veterans Parkway and Westbridge Road. He stated that he was surprised to see there was a Quick Response Program. He stated that he would like to see that put into action.

Ms. Laura Line; Fayetteville, stated that the staff was very good about posting to the website and to thank the sponsor.

Ms. Melanie Ognio; Fayette, stated that she wanted to know if anything was being done or if the state had been contacted about the red light at 74 and 85 being out. She stated that it had been out for once or twice a week for the last month.

Mr. Mallon stated that the County received the GDOT permit today and as soon as the last parcel was acquired the paperwork was sent over. He stated that the contractor hopes to do some demolition to the structure by next week and then it would be two weeks before they fully mobilize and start grading.

He stated that staff was in the beginning stages of the transportation plan as part of that the consultant was doing an outreach activity to do manual count of bike use, pedestrian markers and golf carts through the county. He stated that staff was looking for volunteers to "man" a station. He stated that they are working to do that between now and Thanksgiving.

He stated that he would call GDOT about the intersection.

ADMINISTRATOR'S REPORTS:

- A. Contract #940-P: Public Works Engineer of Record Task Order 20: Old Senoia Road Culvert Design**
- B. Contract #940-P: Public Works Engineer of Record Task Order 25: Calloway Road Culvert Replacement**
- C. Contract #940-P: Public Works Engineer of Record Task Order 28: Silver Leaf Drive Culvert Replacement**

Mr. Rapson stated that mentioned the three task orders that were provided in the agenda package.

Selection Committee:

Commissioner Brown moved to appoint Commissioner Rousseau and Vice Chairman Ognio to serve on the Selection Committee. Chairman Maxwell seconded. The motion passed. 5-0.

Vice Chairman Ognio moved to appoint Martin Sas of the Transportation Committee as the citizen representative to the Comprehensive Transportation Plan Master Plan Study. Commissioner Oddo seconded. The motion passed 5-0.

Board of Commissioners Regularly Scheduled Meeting:

Mr. Rapson reminded everyone that the Board would only have one meeting in November and one meeting on December. November 9 and December 14.

ATTORNEY'S REPORTS:

Mr. Davenport stated that based on the policy change with respect to appointments to committees, whenever the Board appoints someone to a term that was less than half the term, it is stated for the record that that the person would serve an additional term. He stated that Susan Samson was appointed to the Public Arts Committee at the last meeting for less than half the term and that was not stated for the record. He stated that unless someone objects, he would like to state for the record that Ms. Samson would have a two-year term added to her unexpired term. There were no objections.

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item involving real estate acquisition, three items involving pending litigation, three items involving threatening litigation, and the review of the Executive Session minutes for September 28, 2017.

COMMISSIONERS' REPORTS:

Commissioner Brown:

County Logo: Commissioner Brown stated that other counties are working on branding initiatives. He showed the new logo and slogans from Gwinnett county. He stated that whatever can be done to push the initiative along for the county would be helpful.

East Fayetteville Bypass: He stated that he had citizens asking about the East Fayetteville Bypass. He stated that he would like to have that as an agenda item to see what was being done and where the county was going with the project.

Heritage Fountain: Commissioner Brown stated that a while back there was discussion regarding repairs to the water fountain. He stated that lights have been added and the water pressure increased, but the hazards are still there. He stated that the City of Fayetteville will have their Halloween Festival and they should not allow them on the granite.

Waterline: He stated that he thought there was a formal action by the Board to do something for Mr. Bishop's waterline where the contractor did not do what he was supposed to be doing. Mr. Mallon made comments. (inaudible).

Tear out on the road: He asked staff to contact GDOT about the tear out on Highway 54 at the Peachtree City line.

Commissioner Oddo:

Happy Halloween: Commissioner Oddo wished everyone a safe and Happy Halloween and happy birthday to his brother.
Daylight Savings: He reminded everyone that daylight savings would be November 5.

Commissioner Rousseau:

Voting taken place: Commissioner Rousseau reminded citizens that an election was taking place for the municipalities and for the Educational Special Purpose Local Option Sales Tax (ESPLOST). He encouraged all to vote.

Paving on Highway 92: He stated that the paving on Highway 92 was aesthetically unpleasing. He asked staff to have GDOT speak with the contractor.

2004 SPLOST: He asked for staff to let him know if there were any dollars available for SR 74 to use as seed money to navigate through any changes there.

West Fayetteville Bypass: He stated that it was good news to get the permit from GDOT for Westbridge.

Tires dumped: Commissioner Rousseau thanked staff for the quick response to tires dumped in the community and the abandoned home.

Vice Chairman Ognio:

Happy birthday: Vice Chairman Ognio stated that his sister would have been 55 years old. He wore a pink t-shirt in honor of breast cancer month and his sister's birthday.

Highway 54: He stated that there was a piece of property on Highway 54 that was zoned O-I. He stated that the people tried to get it zoned conditional use through Planning and Zoning. He stated that they would like to do internet car sales, but the only way to do car sales was commercial. They asked him to bring it up to see if there was any interest to have the Board speak with Planning and Zoning to see if they could add internet car sales as a conditional use of O-I.

Republican Party: He stated that the Republican Party asked if the Board would forego the process of Ms. Watt's attorney going after the money and the Republican Party speak with the County Administrator regarding payment terms.

Commissioner Brown stated that he did not have a problem with that if the executive board of the Party would put that in writing.

Commissioner Rousseau stated that he had a problem with it.

Commissioner Oddo stated that this was not an issue with the county, but with Ms. Watt's attorney, the Republican Party and Mr. Fabricius. He stated that they need to get together and then come to the Board. He stated that he wanted to be careful that the county did not interject where it shouldn't.

Vice Chairman Ognio stated that the Republican Party wanted to know if the Board had the votes to make something happen if they brought the proper documentation.

Commissioner Rousseau stated that Ms. Watts was the "pass through" to get the money that was awarded by the court. He asked how would the Republican Party rectify paying.

Mr. Davenport stated that there was a lawsuit involving Marilyn Watts and her attorney. Marilyn Watts came to the Board and said she should have a defense because she was a county official. The Board agreed and provided her with a defense with the caveat that if Ms. Watts acted beyond the scope of her authority, she would have to reimburse the county for all monies paid for her defense. She accepted that and prevailed in court. He continued that when the judgement was entered, the Board was asked if they wanted to seek attorney's fees. The Board said yes. Ms. Watts sought attorney's fees through her attorney and the judge awarded her the attorney's fees. Ms. Watts would collect the attorney's fees and give them to the county. He stated that he was not involved in this case personally and neither was the Board. He stated that based on information from the attorney representing Ms. Watts, there were two Republican Parties. There was one that was named in the lawsuit, which was named by the plaintiffs and then there was the Republican Party that Vice Chairman Ognio was speaking of. He stated that it was not the same entity. He stated that there was no debt owned by the entity that Vice Chairman Ognio was talking to; the debt was owed by an entity that had no assets. The order from the judge was to provide an order of joint and several liability. He stated that several liability does not happen with every order against multiple parties, but when it does, it was beneficial to the prevailing party because it means that the prevailing party can go after either defendant or both defendants. He stated that either party was responsible for 100% of the liability. He stated that Mr. Sparks, who was Ms. Watts' attorney, had a legal duty to collect the attorney's fees awarded to Ms. Watts. He had two parties to go after; the Republican Party and Mr. Fabricius who as an individual who owned property and was 100% liable of the award and so was the Republican Party. Mr. Sparks realized that his client had a better opportunity to prevail by getting the dollars from Mr. Fabricius because he owned property and the Republican Party named in the suit, had no assets. If Mr. Sparks doesn't do his job properly he would run the risk of having an issue with his client, Ms. Watts. He stated that once the Board said go get the attorney's fees, she got them. He asked what message was being sent to Mr. Sparks. He stated that he was concerned about what he was hearing. He stated that if someone was willing to pay some money they had a long time to bring something to the Board. He reminded the Board that they are not the party of the lawsuit. He stated that he would suggest that the Board should involve Mr. Sparks.

Commissioner Brown stated that Ms. Watts had no mandatory obligation to give the county any money. Mr. Davenport stated that there was nothing in writing that he was aware of, but in his conversation with Mr. Sparks, the reason for going after the fees was to get the fees to give them back to the county. He stated that the Board had a promise from Ms. Watts and Mr. Sparks to give the money.

Commissioner Brown stated that was why they asked for permission to do it, because they came to the Board asking for permission to go after the legal fees.

Mr. Davenport stated that was not what happened. He stated that they asked if the Board wanted to go after attorney's fees and the Board said yes. He stated that was different from saying, "we want to go after attorney's fees, would you allow us to do that".

Commissioner Rousseau stated that anything the Board was considering to proffer may need to be a conversation with Mr. Sparks. Mr. Davenport stated that would probably be the necessary first step in the process.

Commissioner Brown moved to appoint Vice Chairman Ognio and the County Attorney to speak with Attorney Sparks. Commissioner Rousseau seconded.

Chairman Maxwell stated that he was abstaining from the conversation and that he would also abstain from the vote. He turned it over to Vice Chairman Ognio.

Commissioner Brown moved to appoint Vice Chairman Ognio and the County Attorney to speak with Attorney Sparks. Commissioner Rousseau seconded. The motion passed 4-1. Chairman Maxwell abstained.

Chairman Maxwell:

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.

County Branding: Chairman Maxwell stated that he participated a meeting at the library about the branding.

GEMA: He stated that the Board received an update about \$615,155 from GEMA. Mr. Rapson stated that it was for Antebellum which was one of the projects that Vanessa Birrell, Phil Mallon and Pete Nelms worked on to get funds.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item involving real estate acquisition, three items involving pending litigation, three items involving threatening litigation, and the review of the Executive Session minutes for September 28, 2017.

One Item of Real Estate Acquisition, Three Items of Pending Litigation, Three Items of Threatening Litigation and Review of the September 28, 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 9:56 p.m. and returned to Official Session at 10:48 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 16", follows these minutes and is made an official part thereof.

Mr. Davenport updated the Board on a worker's compensation case that was settled with a former employee with the last name Harran. He stated that he agreed to terms and conditions for a lump sum of \$1,400 and that the employee would not be eligible for rehire and that there would be confidentiality provisions with all the standard release and language.

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

Mr. Davenport stated that there was a case regarding an EEO claim from a former employee, Johnson. He stated that the settlement was for a lump sum payment of \$6,000 and that the employee would not be eligible for rehire and that there would be confidentiality provisions with all the standard release and language.

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

Approval of the September 14, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the September 14, 2017 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the October 26, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The October 26, 2017 Board of Commissioners meeting adjourned at 10:50 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 9th day of November 2017. Referenced attachments are available upon request at the County Clerk's Office.