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



AGENDA February 8, 2018

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 Invocation and Pledge of Allegiance by Commissioner Charles Oddo Acceptance of Agenda

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Petition No. RDP-014-17 Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout; property located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.

CONSENT AGENDA:

- 2. Approval of the Water Committee's recommendation to change the 2018 Water Committee Meeting dates and times.
- 3. Approval of the January 25, 2018 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

- Consideration of a Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County Water System to move county utilities from GDOT right-of-way. This item was tabled at the December 14, 2017 Board of Commissioners meeting.
- Staff update on the proposed GDOT roundabout projects on SR 92 at Antioch Road and Seay Road (GDOT PI 009971 and 009972) and consideration of GDOT's request for Fayette County to enter into a Local Government Lighting Agreement and Landscaping Maintenance Agreement for the projects. This item was tabled at the December 14, 2017 Board of Commissioners meeting.

NEW BUSINESS:

6. Consideration of Fayetteville annexation of property on Ellis Road and Banks Road, and the rezoning of said property from R-20 and A-R (Agricultural-Residential) to Residential townhouse-condominium district (RT-C).

- 7. Consideration of staff's request to allow Joe Scarborough to assist the Virgin Islands Territorial Emergency Management Agency, ICC, FEMA and GEMA in recovery effort by volunteering his knowledge and experience in permitting, plan review and inspection of all construction repairs and rebuilds.
- 8. Consideration of a proposal from Commissioner Brown for changes to the agenda deadline schedule.
- 9. Consideration of Commissioner Steve Brown's request to approve Resolution 2018-05 to remove Fayette County from Regional Transit Planning and the burden of funding such projects.
- 10. Discuss and act on staff's privatization RFP for the Animal Shelter without authority to do so from the Board of Commissioners.
- 11. Discussion and action related to the complaints and investigation of the working environment of the county's 911 Department.

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Department:	Planning & Zoning	Presenter(s):	Pete Frisina, Director
Meeting Date:	Thursday, February 8, 2018	Type of Request:	Public Hearing
Wording for the Agenda	•		
		nany LLC request approval of the F	Revised Development Plan for rezoning
			5th District and fronts on SR 92 North.
Background/History/Det			
Staff Recommends app	proval of Petition RDP-014-17		
The Planning Commiss	sion recommended approval of Petition	RDP-014-17 on January 18, 2018.	
Al Gilbert made a motion John Culbreth was abs		RDP-014-17. Danny England second	ded the motion. The motion passed 4-0.
What action are you see	eking from the Board of Commissioners	~2	
			ad Douglanmont Dian for rozoning
1	 RDP-014-17 Pulte Homes Company, the street layout; property located in L 		5th District and fronts on SR 92 North.
I If this item requires func	ling, please describe:		
Not applicable.			
Has this request been c	considered within the past two years?	No If so, whe	n?
·			
IS AUGIO-VISUAI EQUIPM	ent Required for this Request?*	Yes Backup P	rovided with Request? Yes
	ial must be submitted to the County ponsibility to ensure all third-party a		, 0
- <u> </u>			
Approved by Finance	Not Applicable	Reviewer	hy Legal

Approved by Finance	Not Applicable	Reviewed by Legal	ļ
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			
Staff Notes:			

February 1, 2018

Mr. Pete Frisina Director of Community Services Fayette County Board of Commissioners Fayetteville, GA 30214

Re: Pulte Home Company, LLC, petition for approval of revised design plan, Brighton Community, Highway 92 North, Petition Number RDP-014-17

Dear Mr Frisina

We the undersigned are the owners of the property shown as lot 43 of the revised design plan being presented for approval at the meeting of the Fayette Board of Commissioners on February 8, 2018.

We have entered into an agreement with Pulte Home Company that provides a landscape buffer which addresses our concerns regarding the changes in the proposed revised design plan and consequently we express our approval to it. We thank Pulte Home Company for its willingness to address our concerns.

Xours very truly, hood John Broadus Green M. L'

Dexter McKay Henry

PLANNING COMMISSION RECOMMENDATION

DATE: January 18, 2017

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that the Revised Development Plan (RDP-

014-17- date stamped 10/25/17) for Rezoning 1160-05 – C-S (proposed name Brighton) be:

<u>X</u> Approved Withdrawn _____ Disapproved

_Tabled until __

This is forwarded to you for final action.

BRIAN HARÉN, CHAIRMAN

NOT JOHN CULBRETH, VICE-CHAIRMAN DANNY ENGLAN

AL ĞILBERT

JIM GRAW

Remarks:

STATE OF GEORGIA COUNTY OF FAYETTE

RESOLUTION

WHEREAS, Pulte Homes Company, LLC, having come before the Fayette County Planning Commission on January 18, 2018, requesting approval of the Revised Development Plan (RDP-014-17- date stamped 10/25/17) for Rezoning 1160-05; and

WHEREAS, said request being as follows: Approval of the Revised Development Plan (RDP-014-17- date stamped 10/25/17) for Rezoning 1160-05, located Land Lot(s) 223, 224, 225 & 226 of the 5th District, fronts on SR 92 North, and is zoned C-S; and

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the Fayette County Planning Commission recommends that said request be **APPROVED**.

This decision is based on the following reasons:

The revised Development Plan meets the requirements of a C-S Development Plan.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

BRÌAN HAREN CHAIRMAN

Chakeiies Sere

THE FAYETTE COUNTY PLANNING COMMISSION met on January 18, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT:	Brian Haren, Chairman Al Gilbert Jim Graw Danny England
MEMBERS ABSENT:	John Culbreth
STAFF PRESENT:	Peter A. Frisina, Director of Community Services Chakevia Jones, Planning & Zoning Coordinator Patrick Stough, County Attorney

4. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.

Pete Frisina stated that though there was a public hearing for this petition on November 2nd 2017, he did not recognize the new road (Veterans Parkway) adjacent to the subject property and that an additional public hearing sign was required so that previous public hearing was not official. He added that Pulte Homes Company wanted this petition tabled at the December 14, 2018 meeting because of the soil analysis being conducted. He said Brian, from the Pulte Homes Company, said that the road configuration should stay the same so there is no need for another redevelopment plan.

Chairman Haren asked if there was anyone who wished to speak in favor of the petition. Hearing none, Chairman Haren asked if there was anyone who wished to speak in opposition to the petition.

John Greene stated that he was coming back to state his concerns. He said that when he purchased the property he was abutted by three (3) lots, and now it is five (5) lots, and the conservation area has been removed. He added that as a result of the previous meeting he and representatives from the Pulte Homes Company have come up with a landscape easement. He stated that they have come close, but they don't have an agreement.

Danny England asked if the landscape easement will been installed on Mr. Greene's property? He stated that if the landscape easement is on someone else's property the new property owner can remove it.

Garen Smith said that the landscape easement would be in perpetuity.

Pete Frisina suggested mentioning it on the deed of the new property owners.

Garen Smith said the landscape easement will be a maintained by the homeowners association.

Al Gilbert made a motion to approve the Minor Subdivision Plat. Danny England seconded the motion. The motion passed 4-0-1. John Culbreth was absent.

PLANNING COMMISSION RECOMMENDATION

DATE: December 7, 2017

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that the Revised Development Plan (RDP-

014-17- date stamped 10/25/17) for Rezoning 1160-05 - C-S (proposed name Brighton) be:

Withdrawn Approved Disapproved 4-0 X_Tabled until 18 JAN 2018

This is forwarded to you for final action.

BRIAN HAREN, CHAIRMAN

JOHN CULBRETH, VICE-CHAIRMAN

AUT PRESENT DANNY 'ENGLAND

AL GILBERT

72

JIM GRAW

Remarks:



December 5th, 2017

Mr. Pete Frisina, Director Fayette County 140 Stonewall Avenue West – Suite 140 Fayetteville, Georgia 30214

RE: Brighton: Revised Development Plan for Rezoning 1160-05 (Petition No. RDP-014-17)

Dear Mr. Frisina,

We respectfully request the tabling of our Revised Development Plan application that is currently scheduled for the Board of Commissioners Hearing on December 14th, 2017. We would prefer to be tabled to the Planning Commission Hearing on January 18th, 2018 and the Board of Commissioners Hearing on February 8th, 2018.

This delay will allow us time to perform additional soil testing to further validate our layout. Thank you for your cooperation.

Sincerely,

Brian Ehrsam, 12/5/2017

Brian Ehrsam Assistant Land Project Manager Pulte Home Company, Inc. 2475 Northwinds Parkway – Suite 600 Alpharetta, Georgia 30009 Phone: (513) 687-0752 Email: *brian.ehrsam@pulte.com* **THE FAYETTE COUNTY PLANNING COMMISSION** met on December 7, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT:	Brian Haren, Chairman John H. Culbreth, Sr., Vice-Chairman Jim Graw Al Gilbert		
MEMBERS ABSENT:	Danny England		
STAFF PRESENT:	Pete Frisina, Director of Community Services		

PUBLIC HEARING

4. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North. (The applicant requested that the petition be tabled to January 18, 2018)

Pete Frisina said this is back before the Planning Commission because he did not post enough signs for the last public hearing so it is back before you to reaffirm the previous recommendation for approval. He added that in the meantime the developer is doing soils test and they would like to table the petition until January 18th as there may be changes that will have to be made to the layout of the subdivision. He added that Jim Graw had asked how the request to table will affect the 100 day time limit and since this request to table is being made by the applicant, that time will not apply to the time limit. He said 67 days have elapsed since the application was filed and the count stops after today and would start back up on January 18th.

John Culbreth made a motion to Petition RDP-014-17 to January 18, 2018. Al Gilbert seconded the motion. The motion passed 4-0. Danny England was absent from the meeting.

PLANNING COMMISSION RECOMMENDATION

DATE: November 2, 2017

Fayette County Commissioners TO:

The Fayette County Planning Commission recommends that the Revised Development Plan (RDP-

014-17- date stamped 10/25/17) for Rezoning 1160-05 – C-S (proposed name Brighton) be:

$\underline{\chi}$ Approved 5-0	Withdrawn	Disapproved
Tabled until		

This is forwarded to you for final action.

BRIAN HAREN, CHAIRMAN

JØHN CULBRETH, VICE-CHAIRMAN

DANNY ENGLAND

GILBERT

JIM GRAW

Remarks:

STATE OF GEORGIA COUNTY OF FAYETTE

RESOLUTION

WHEREAS, Pulte Homes Company, LLC, having come before the Fayette County Planning Commission on November 2, 2017, requesting approval of the Revised Development Plan (RDP-014-17- date stamped 10/25/17) for Rezoning 1160-05; and

WHEREAS, said request being as follows: Approval of the Revised Development Plan (RDP-014-17- date stamped 10/25/17) for Rezoning 1160-05, located Land Lot(s) 223, 224, 225 & 226 of the 5th District, fronts on SR 92 North, and is zoned C-S; and

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the Fayette County Planning Commission recommends that said request be **APPROVED**.

This decision is based on the following reasons:

The revised Development Plan meets the requirements of a C-S Development Plan.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

BRIAN HAREN CHAIRMAN

THE FAYETTE COUNTY PLANNING COMMISSION met on November 2, 2017 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT:	Brian Haren, Chairman John Culbreth, Vice Chairman Jim Graw
	Danny England Al Gilbert

PUBLIC HEARING

1. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.

Garen Smith said this property was originally rezoned in January of 2006. He stated that new information about the streams and wetlands on the site have necessitated the new street layout. He added that they are incorporating staff's comments into the plan, and we respectfully request your approval of this new layout.

Chairman Haren asked if there was anybody else to speak in favor. Hearing none he asked if there was anybody to speak in opposition. Hearing none he said he would bring it back to the board.

Adam Wilson said he is interested in the detention pond, the clearing limits and what trees will be left in place between the property and what his mother owns, and what the time line for this construction will be. He stated as a neighbor we just wanted to identify ourselves with the hope that it'll be a productive development for everyone.

Garen Smith said the clearing limits will be generally in the area that is depicted on the development plan with respect to the dashed lines and generally that shape of the pond. He added that they don't expect anything unusual about this pond and it will be developed in conformity with County standards.

Chairman Haren said I was not here in 2006, what changed in the road alignment.

Garen Smith said the revised development plan takes into account a delineated stream and wetlands. He stated that the county also has some new information as far as the flood study in this area and that caused a new street layout.

Danny England said this creek was mapped by FEMA in 2008 or 2009 and they updated the flood limits along the creek.

Jim Graw said they had to realign to stay out of the floodplain and it was originally approved for 43 single family lots. He asked if that changed at all.

Garen Smith said there are 42 lots that are contiguous with the new development plan and the 43^{rd} lot fronts on Highway 92. He added that nothing else has changed; we just have a new street layout.

John Green said he is not necessarily in opposition and is the owner of lot 43. He stated that his concern is that in the original plan he had three (3) lots adjoining his lot and in the revised plan there are five (5) lots adjoining his lot. He added that this would make lot 43 the only lot in the development that has five (5) adjoining properties in that formation. He said his other concern is that the new plan places four of those lots in the open grassy area that adjoins his northern property line. He stated that when he purchased the property in 2011 he came to the County and researched the land and it was part of his consideration in buying the property. He added that he has some concern and it does have some adverse effects on his property. He said when this property was rezoned in 2006 it was mentioned that the house that exists on my property is one of the oldest houses in Fayette County and it was actually constructed between 1840 and 1850. He stated that because it was continuously owned by two of the founding families in Fayette County and lovingly restore by the Dr, Harrison Reeves family in the 1970's, it probably one of the oldest existing homes and certainly one of the most lovingly maintained homes. He added that since he has been privileged to own it he has tried to maintain that tradition of maintaining it. He said he can't tell you how many people have approached him, when they know I live there, and say I love that house. He stated that he was here just to convey his concern that this existing layout may be detrimental to how the house appears from highway 92, as well as the fact of him living there. He added that he is not against the development, but he thinks the house is an asset and a landmark to the New Hope community and in Fayette County. He said if something can be done to buffer it somewhat and protect its sight then it will be an asset to attract people to the neighborhood. He added that his main hope today is to generate that conversation. He stated that a conservation area to create a twenty (20) foot buffer along that northern line would also be a benefit to those four homes that would ultimately be on that grassy lot in the field.

Garen Smith said he would be happy to engage Mr. Green in some kind of landscape buffer but not reconfiguring the open space per se because we do have some pressure on our lots that are created by this street change. He stated that he wanted to draw attention to the streets getting narrower and a little deeper than they had been before. He added that they are going to build the houses on the front setbacks so that will leave more room in the rear of the lot. He said that there is an open area on lot one (1), two (2), three (3), and four (4) on our side, so we would be open to working with Mr. Green on some landscaping.

Al Gilbert said that he want to make a comment about why he likes a PUD. He added that a C-S falls under that same pattern. He stated the way a C-S and PUD works is you have to have approval for any changes that are made, He added that the detention pond, that's not under the Planning Commission's purview as far as us making approval. He said the engineers have to get with the county engineers, and I promise that the size, spacing, and everything will be worked out on that detention pond.

Melinda Talley said that buffer is about two feet from her property line.

Garen Smith said we might give you some indication on what to expect.

Danny England said that detention pond, based on back property lines, is all conservation area and everything that exists between your property, Melinda, and the back of those properties should stay as is. He added that the detention pond should just be carved out of whatever natural vegetation is already there and they would access it between lots 33 and 34 down that little easement that's leftover. He stated that in theory you could drive down 92 and not even know that detention pond was there as it's pretty dense on that corner. He said in full disclosure, he lives behind Melinda and he doesn't think she would be able to see those houses because of the watershed protection setback. He stated the farthest they'd be clearing is to that back property line, and everything that's on our side of those property lines should stay just as it is now because it's all buffer, wetland, or watershed protection setback.

Chairman Haren said this is back for our discussion because of environmental issues that weren't there in

2006 and we're here to really just review the road realignment. He stated he understands the concerns about the detention pond and what's going on with Mr. Green's property, but this was approved in 2006. He added that he encourages the two parties to work together to establish that buffer, but he is looking at the available acreage for these parcels and they're at one (1) acre so you really don't have a lot of land to work with on parcels one (1) through five (5). He said if they try to carve a conservation area out as a whole those lots would be nonconforming.

Garen Smith they are happy to work with Mr. Green on a permanent landscape agreement.

John Culbreth made a motion to recommend approval of Petition RDP-013-16. Jim Graw seconded the motion. The motion passed 5-0.

PETITION NO. RDP-014-17 Pulte Homes Company, LLC

The applicant is requesting a revision to the Development Plan for Rezoning (1160-05) to reconfigure the street layout. The subject property consists of approximately 116 acres and fronts on SR 92 North.

Sec. 110-149. – Planned unit development (c) (1) states the following:

j. Revision of development plan. Any change in the approved development plan, which affects the intent and character of the development, the density or land use pattern, the approved uses, the location or dimensions of streets, or similar substantial changes, shall be reviewed and approved by the board of commissioners upon the recommendation of the zoning administrator and planning commission. A petition for a revision of the development plan shall be supported by a written statement as to why the revisions are necessary or desirable.

History: Petition 1160-05 (R-70 to C-S – Conservation Subdivision) was approved by the Board of Commissioners on January 12, 2005. In 2011, the County acquired approximately 1.58 acres in the northwest corner of the subject property for Veteran's Parkway.

DEPARTMENTAL COMMENTS

WATER SYSTEM: Need separate utility plan. Submit to FCWS.

FIRE MARSHAL: Must show fire hydrants on preliminary and final plats.

ENVIRONMENTAL MANAGEMENT:

Floodplain The property contains Zone A floodplain per FEMA FIRM panel 13113C0019E. Elevations were determined in Fayette County's Limited Detail Study. The elevation of the lowest floor, including the basement and building access of any development shall be a least 3 feet above the base flood elevation or one foot above the future conditions flood elevation, whichever is higher. A Floodplain Management Plan is required if any development activities are totally or partially within an Area of Special Flood Hazard.

Wetlands Wetlands are not called out on the concept plan. The applicant must call out all wetlands on the preliminary plat and obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

Watershed This property is subject to Fayette County's Watershed Protection Ordinance. The Watershed Protection buffer is either 100 feet from wrested vegetation or 50 feet from the 100-year floodplain elevation, whichever is greater. The watershed setback is an additional 50 feet

RDP-014-17

from the Watershed buffer. The 100-foot base flood elevation identified in the FC 2013 Future Conditions Flood Study shall be used to identify 100-ft Base Flood Elevation.

Not approving or denying, but the buffers appear correct but on the preliminary plat, construction drawings and final plat the buffers will need to be shown on the state waters requiring a buffer located within the conservation area.

Groundwater Portions of the property are within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20). The minimum lot size and width requirements of the Groundwater Recharge Area Protection Ordinance for lots with public water supply systems are satisfied by the C-S zoning requirements.

Stormwater The project is subject to Fayette County's Stormwater Management regulations. Stormwater controls shall be exclusive of the conservation areas. Allow for flexibility along the southern property line of the subdivision (especially near lots 10, 11, and 12). Concentrated flows onto adjacent properties will be prohibited.

ENVIRONMENTAL HEALTH: No objections.

PUBLIC WORKS/ENGINEERING DEPARTMENT: Engineering has reviewed the development plan for the C-S subdivision. The road layout appears to meet County requirements. No comments.

Recommendation: Staff recommends approval of the revised Development Plan. The revised Development Plan complies with the C-S zoning district.

Chanelle Blaine

From: Sent: To: Subject: Pete Frisina Thursday, November 2, 2017 12:05 PM Chanelle Blaine FW: Revised Development Plan

From: Taylor, Stanford [mailto:stataylor@dot.ga.gov]
Sent: Friday, October 13, 2017 4:54 PM
To: Pete Frisina
Subject: RE: Revised Development Plan

Pete,

Myself and Dan Woods have reviewed this concept and we are in agreement that the property owner's engineer should design this access to have a left and right decel lane; the left turn lane is necessary because of the layout of the roadway and where the access will be located. These lanes should be designed to accommodate for the posted speed limit of 55 MPH according to the latest edition of the GDOT Encroachment Manual.

Stanford Taylor

Traffic Specialist II – District 3 Traffic Opts Georgia Department of Transportation 115 Transportation Blvd Thomaston GA 30286 Ph: 706-646-7592 - Fax: 706-646-7618 K, i. P.

 (\mathfrak{F}) Please consider the environment before printing this email.



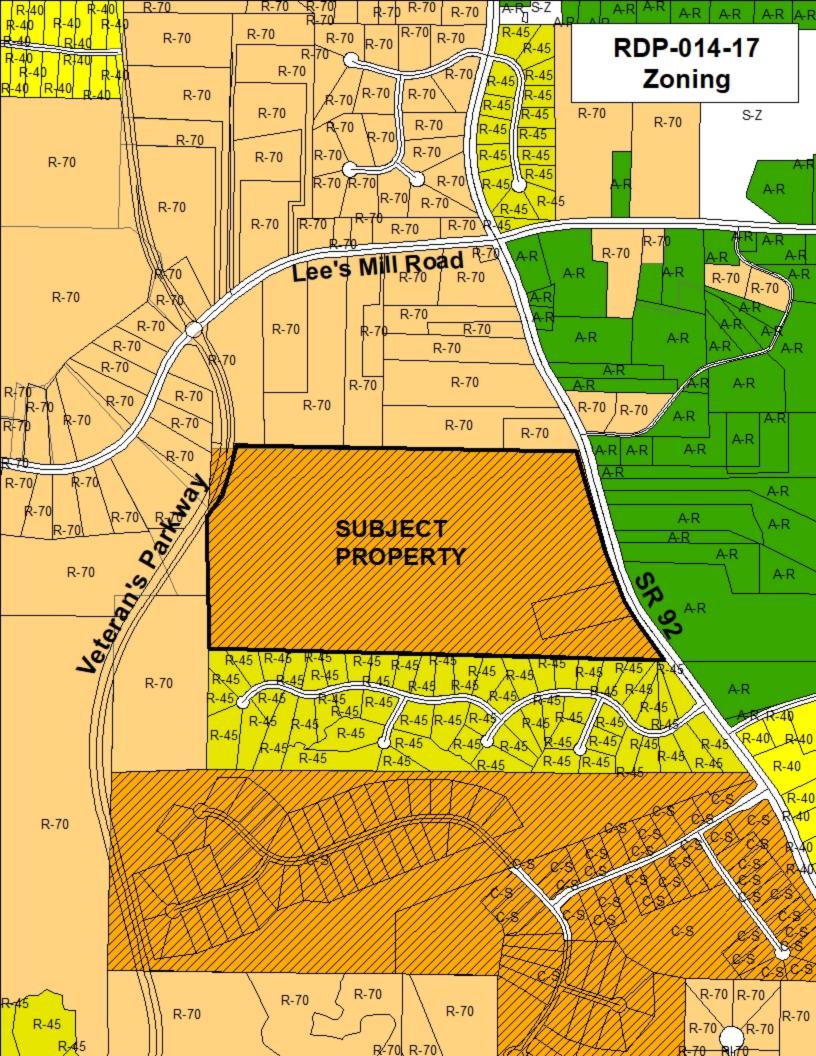
From: Pete Frisina [mailto:pfrisina@fayettecountyga.gov]
Sent: Friday, October 06, 2017 3:33 PM
To: Taylor, Stanford <<u>stataylor@dot.ga.gov</u>>
Subject: Revised Development Plan

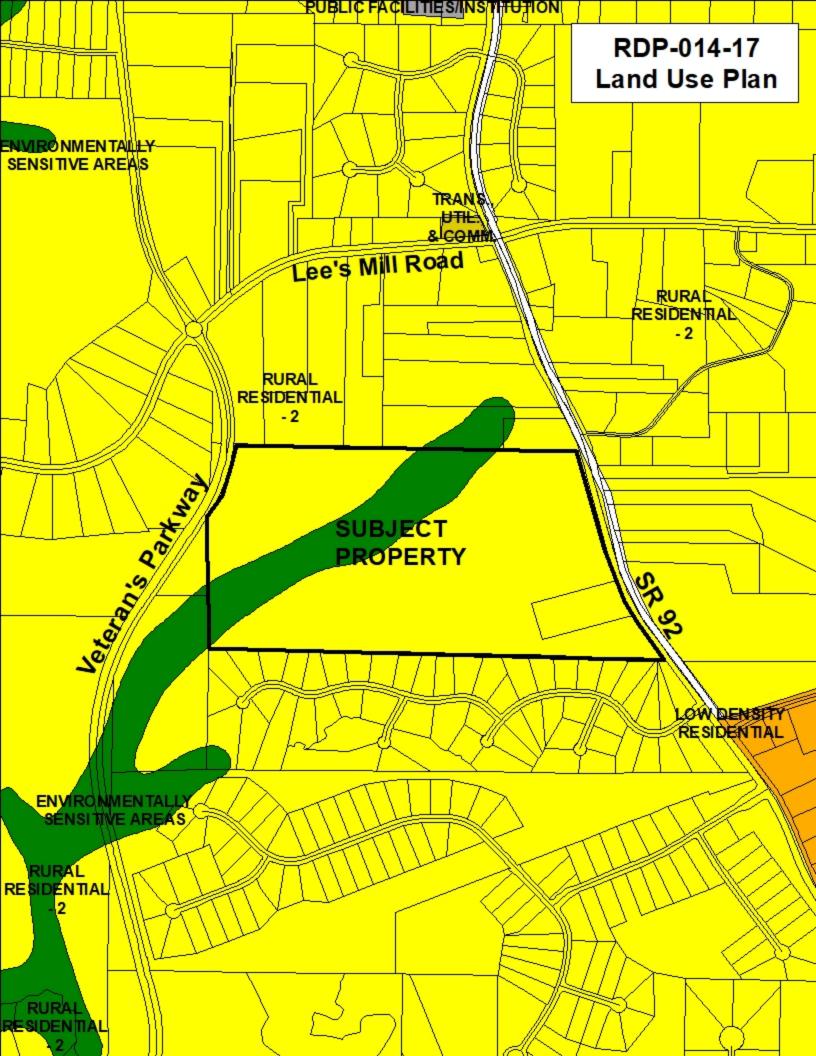
Stanford,

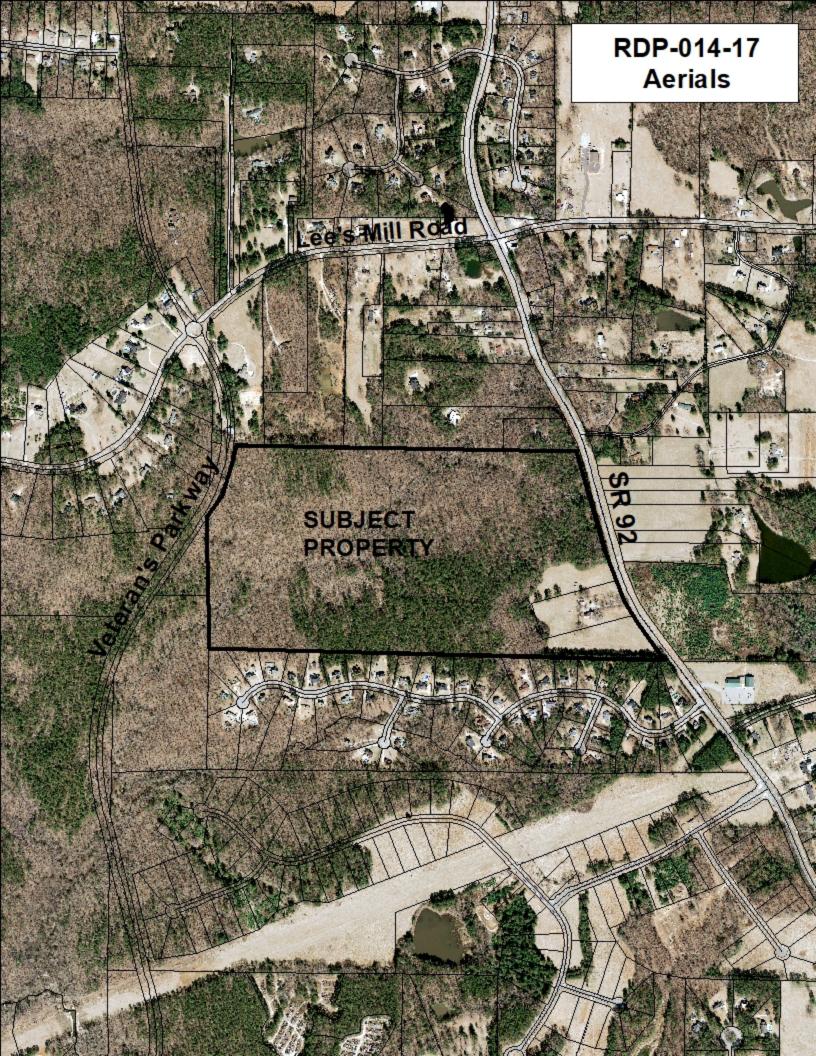
Please see attached for your review and comment. Please respond by 10/13/17 if you have any comments.

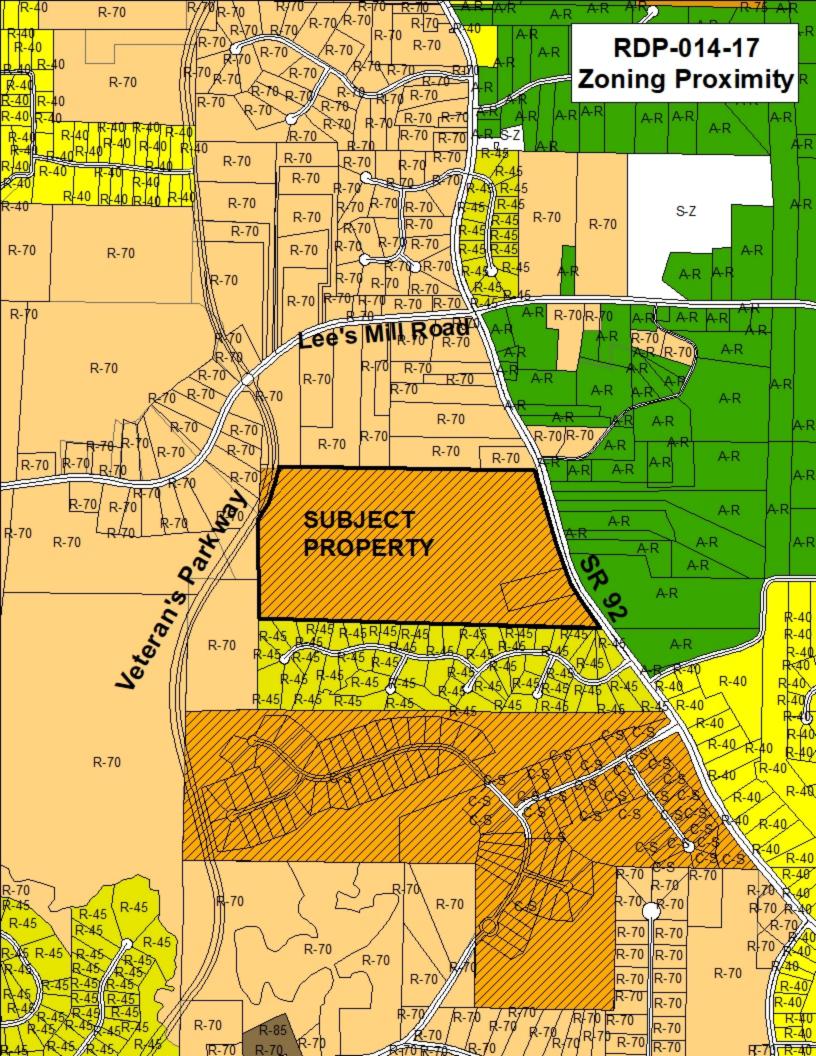
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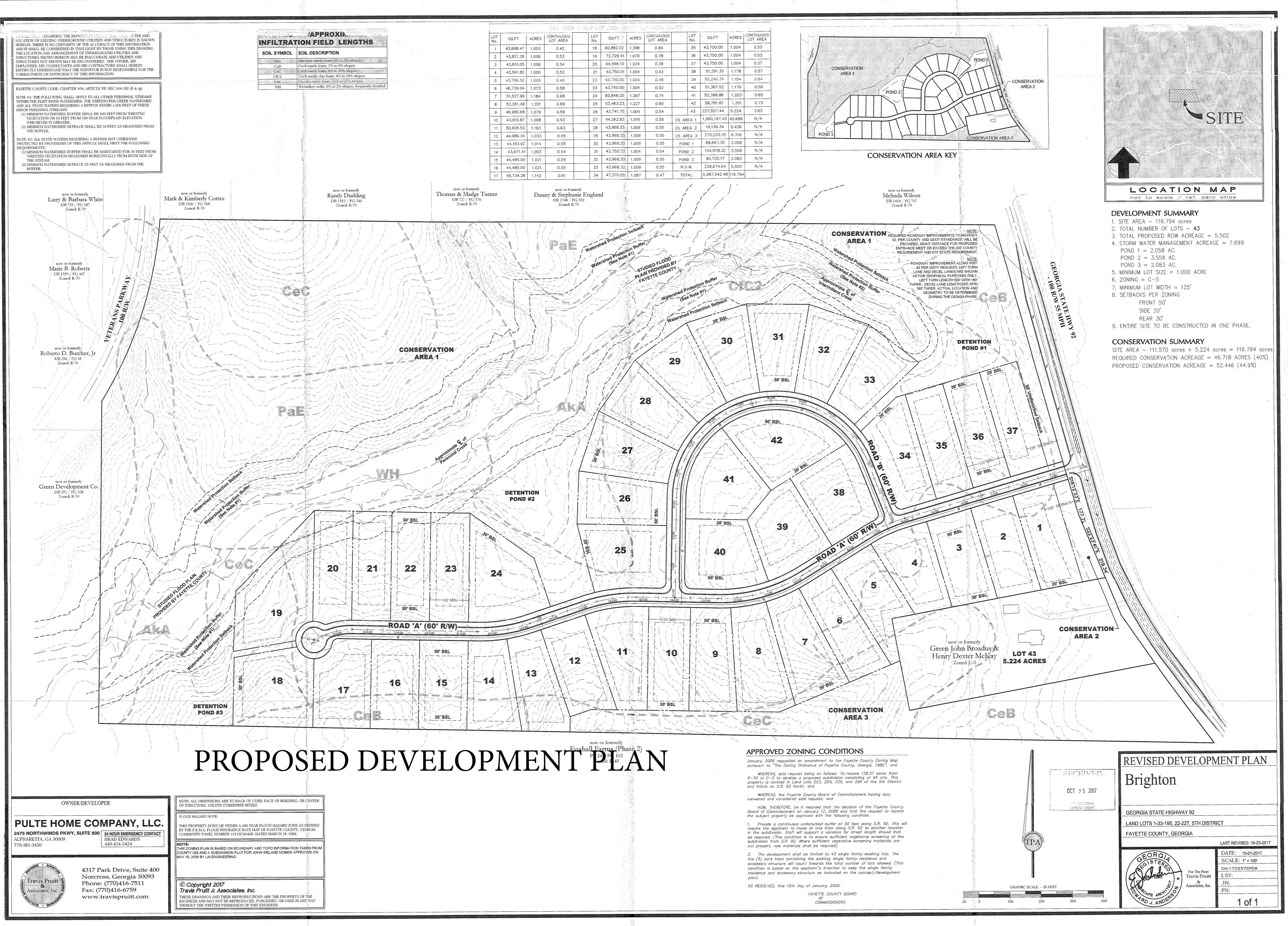
Peter Frisina, AICP Fayette County Division of Community Services 140 Stonewall Avenue West







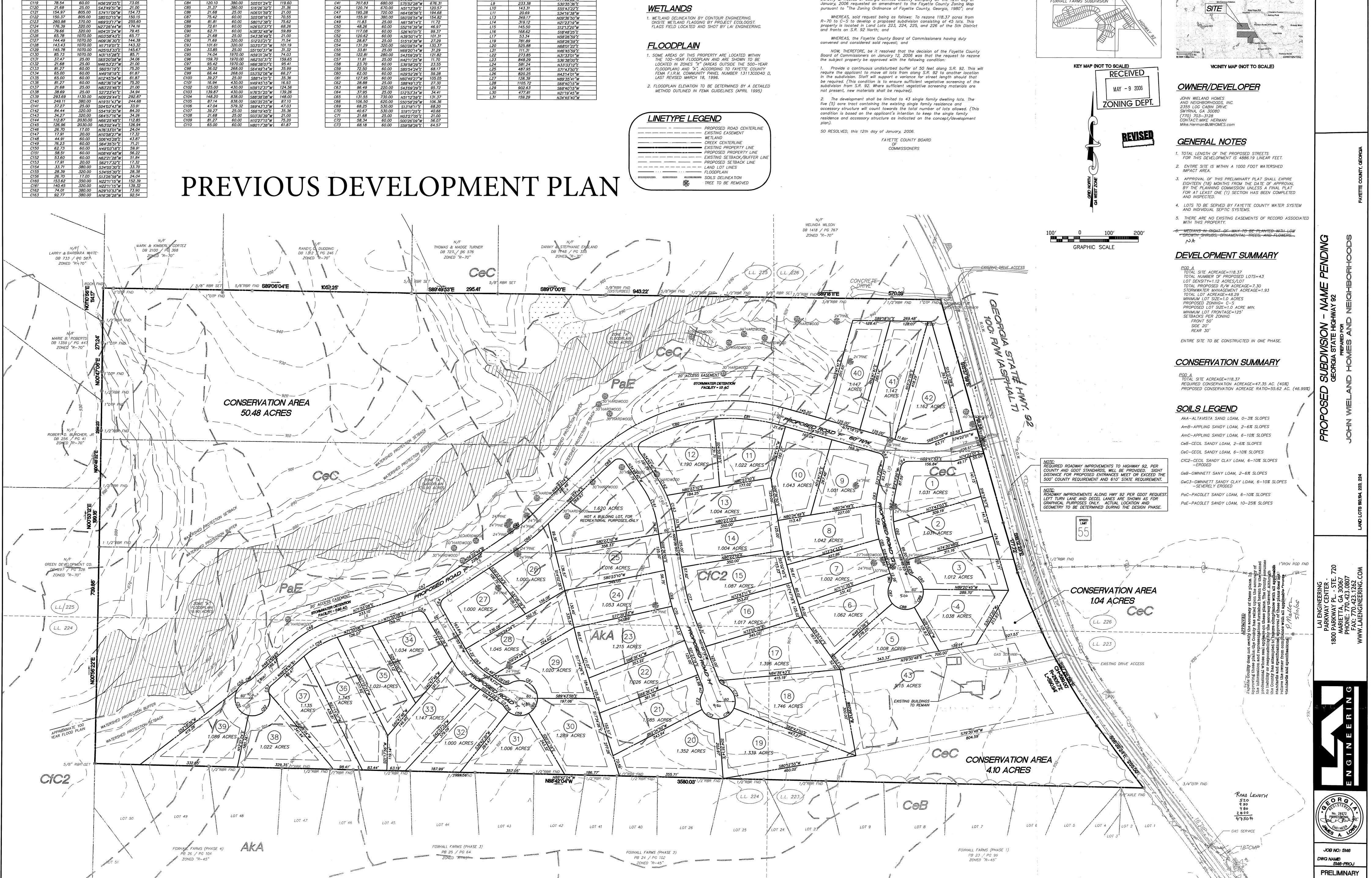


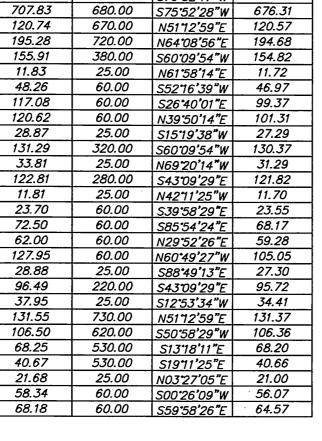


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1	43,698.47	1.003	0.42		18	60,882.02	1.398	0.84	 -	35	43,750.00	1.004	0.53
2	43,821.28	1.006	0.53		19	72,729.41	1.670	0.78		36	43,750.00	1.004	0.53
3	43,810.05	1.006	0.54		20	44,599.10	1.024	0.38	-	37	43,750.00	1.004	0.37
4	43,561.82	1.000	0.52		21	43,750.01	1.004	0.43		38	51,291.35	1.178	0.57
5	43,789.50	1.005	0.45	وإسفر فألغ	22	43,750.00	1.004	0.48		39	50,240.34	1.154	0.64
6	46,739.04	1.073	0.58		23	43,750.00	1.004	0.52		40	51,367.52	1.179	0.59
7	51,527.99	1.184	0.68		24	60,848.25	1.397	0.74		41	52,396.86	1.203	0.65
8	52,261.49	1.201	0.69		25	53,463.23	1.227	0.60	-	42	58,791.82	1.351	0.73
9	46,980.68	1.079	0.59		26	43,741.70	1.004	0.54		43	227,557.44	5.224	3.93
10	43,910.87	1.008	0.53		27	44,262.83	1.016	0.55	CS AR	EA 1	1,990,197.43	45.689	N/A
11	50,606.53	1.163	0.63		28	43,968.33	1.009	0.55	CS AR	EA. 2.	19,139.34	0.439	N/A
12	4,4,986.34	1.033	0.55		29	43,968.33	1.009	0.55	CS AR	EA 3	275,233.19	6.318	N/A
13	44,183.92	1.014	0.55		30	43,968.33	1.009	0.55	PON	D 1	89,667.35	2.058	N/A
14	43,671.41	1.003	0.54		31	43,750.73	1.004	0.54	PON	D 2	154,978.32	3.558	N/A
15	44,485.00	1.021	0.55		32	43,968.33	1.009	0.55	PON	D 3	90,720.17	2.083	N/A
16	44,485.00	1.021	0.55		33	43,968.33	1.009	0.55	R.0	.W.	239,674.64	5.502	N/A
17	49,734.28	1.142	0.61		34	47,370.55	1.087	0.47	тот	AL:	5,087,542.48	116.794	
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L9	233.38	S30'35'36"E
L10	143.31	S55'43'22"E
L11	20.69	S3476'38"W
L13	349.17	N09*36'50"W
L14	319.12	N21*23'19"W
L15	145.50	S1273'20"W
L16	168.62	S18*48'25"E
L17	53.34	N58*26'59"E
L19	781.89	N58*26'59"E
L20	525.88	N68'01'22"E
L21	111.31	N46*45'59"E
· L22	273.85	N31*33'01"W
L23	848.29	S36*38'00*E
L24	581.24	N33'33'12"E
L25	487.95	S71*43'50"E
L26	820.25	N43'14'01"W
L27	128.39	N89*35'41"W
L28	1105.72	S68*40'15"W
L29	902.63	S68*40'15"W
L30	477.81	N21"19'45"W
L31	159.29	N34*45'40"W

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COUNTY AGENDA REQUEST

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Department:	Water System	Presenter(s):	Lee Pope, Director	
Meeting Date:	Thursday, February 8, 2018	Type of Request:	Consent	
Wording for the Agenda:				
Approval of the Water Co	mmittee's recommendation to chang	ge the 2018 Water Committee Meeti	ng dates and times.	
Background/History/Detail	S:			
	and times in conjunction with those r	Committee reviewed the meeting sch neetings that were also changed for		
The meeting originally scl	heduled for Wednesday, October 10	8:00 a.m. will be changed to April 25) at 8:00 a.m. will be changed to Mor ue to Thanksgiving and Christmas h	nday, October 8 at 6	:30 p.m.
	ng from the Board of Commissioner mmittee's recommendation to chang	s? ge the 2018 Water Committee Meeti	ng dates and times.	
If this item requires funding	g, please describe:			
Not applicable.				
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Reques	st? Yes
		Clerk's Office no later than 48 ho udio-visual material is submitted		0
Approved by Finance	Not Applicable	Reviewed	I by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				

Staff Notes:

Water Committee 2018 Meeting Schedule

Following are proposed times and dates for 2018 Water Committee meetings. Meetings are scheduled to be held at the Water System office at 245 McDonough Road.

Meeting Date	Time	Meeting Date	Time
January 10	8:00 a.m.	January 24	8:00 a.m.
Wednesday		Wednesday	
February 14	8:00 a.m.	February 28	8:00 a.m.
Wednesday		Wednesday	
March 14	8:00 a.m.	March 28	8:00 a.m.
Wednesday		Wednesday	
April 11	8:00 a.m.	April 25	<mark>6:30 p.m.</mark>
Wednesday		Wednesday	
May 9	8:00 a.m.	May 23	8:00 a.m.
Wednesday		Wednesday	
June 13	8:00 a.m.	June 27	8:00 a.m.
Wednesday		Wednesday	
July 11	8:00 a.m.	July 25	8:00 a.m.
Wednesday		Wednesday	
August 8	8:00 a.m.	August 22	8:00 a.m.
Wednesday		Wednesday	
September 12	8:00 a.m.	September 26	8:00 a.m.
Wednesday		Wednesday	
October 8	<mark>6:30 p.m.</mark>	October 24	8:00 a.m.
<mark>Monday</mark>		Wednesday	
November 7	8:00 a.m.	November 21	<mark>Cancel</mark>
Wednesday		Wednesday	_
December 12	8:00 a.m.	December 26	<mark>Cancel</mark>
Wednesday		Wednesday	

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 January 25, 2018 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

Vice Chairman Randy Ognio called the January 25, 2018 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present. Chairman Eric Maxwell was absent due to hospitalization.

Invocation and Pledge of Allegiance by Vice Chairman Randy Ognio

Vice Chairman Ognio offered the Invocation. Eagle Scout Daniele Mattesco led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Rousseau moved to accept the agenda. Commissioner Charles Oddo seconded. The motion was approved 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of Water Committee Citizen Representative James "Chip" Conner for his service to the Water Committee.

Water Committee Chairman Pete Frisina gave a brief history of Mr. Conner's time on the Water Committee. He stated that Mr. Conner had been a valuable asset to the committee and that his background as a commissioner, city councilman and engineer were invaluable.

2. Recognition of Carolyn Andrews for 39 years of service in the Fayette County Tax Commissioner's office.

Tax Commissioner Kristie King, on behalf the Board of Commissioners and Tax Commissioner's office, recognized Carolyn Andrews for 39 years of service. She gave a brief history of Ms. Andrews' history with the Tax Commissioner's office. Ms. Andrews thanked everyone for their support.

3. Recognition of Daniele Mattesco for the completion of his Eagle Scout project at Starr's Mill Park.

Water System Director Lee Pope, on behalf of the Board of Commissioners, presented Eagle Scout Daniele Mattesco with a letter of recognition for the completion of his Eagle Scout project. Daniele presented photos of his project at Starr's Mill Park.

Commissioner Rousseau took a moment to recognize Rev. Dr. Ripley and his wife. He stated that he was a local pastor, who was very engaged in the community and an international speaker. He thanked Dr. Ripley for being present and that he looked forward to working with him.

4. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2017 annual audit.

Nichols, Cauley and Associates Representative Gregory Chapman gave a brief presentation that included: Audit Reports, Required Communications and Financial Statement Highlights. He stated that the audit firm conducts two independent auditors' report; one for the county as a whole and one for the Water System for compliance with the bonds that are issued to support the water system. He stated that both audits had an unmodified opinion. He continued that the second letter issued was for internal controls that described any significant deficiencies or material weaknesses identified during the audit are required to be communicated in the letter. He stated that the firm did not find any deficiencies that met those definitions. He stated that due to the county's use of federal funding, the firm had to perform a single audit, he stated that based on major program that was tested, there were no compliance findings that would have a direct or material effect. He stated that finally the firm issued an Agreed Upon Procedures Report, required by the Department of Natural Resources for the landfill. He stated that all the ratios passed. He stated that the final letter was a required communication to the Board to include: the firm's responsibility under GAAS, that the firm was independent of the county, significant account policies, significant account estimates and significant audit adjustments. He stated that the firm was required to report adjustments that were or were not corrected and the two that were reported to management were corrected. The first adjustment was to reclassify some expenditures related to stormwater and to recognize revenue on a bridge (a project with Spalding County).

Stephen Groover continued the presentation to include: the statement of net position, the net position analysis, fund balance, net position and general fund revenues and expenditures. He stated that there was over an \$8 million decline in total liabilities. He stated that the most significant was the long-term debt which make up the water bond payments as well as the revenue bond. He stated that the net position increased by over \$1 million. He continued the presentation. He stated that the most significant change to the General Fund was the 2017 Special Purpose Local Option Sales Tax. He stated that the General Fund advanced \$3 million. He stated the significant business type activities was the Water System, Solid Waste and the Stormwater Fund. He stated that from prior year to current year there was a net revenue of \$2 million.

Mr. Rapson stated that the audit letters were in the Commissioners' [mail] box. He stated that there were \$4 to \$6 million of capital projects being pushed through from the Five-year Plan and the Transportation Plan. He stated that this was the fifth consecutive year that the county added to fund balance while balancing the budget, while rolling back the millage rate and decreasing taxes for the tax payers.

Commissioner Rousseau stated that in the Segregation of Duties, the Board authorized new positions and maybe that would alleviate that issue in the next audit.

Mr. Rapson stated that the Segregation of Duties in the management letter were probate and juvenile court. He stated that staff was working with the Tax Commissioner and the Sheriff.

Commissioner Oddo stated that the staff was doing a fantastic job and thanked staff. Commissioner Rousseau agreed.

No vote was taken.

PUBLIC HEARING:

5. Consideration of Petition No.1270-17, Richard C. Dickson, Owner, request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition.

Vice Chairman Ognio informed the petitioners of Petition No. 1270-17 that there were only four Board members present and that they had the option to postpone the hearing until all Board members are present.

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property.

He stated that staff and the Planning Commission recommended approval with one condition; the owner/developer should provide at no cost to the county a quit claim deed for any required right-of-way prior to approval of the final plat and said dedication be shown on the final plat.

Petitioner Richard Dickson stated that he was to move forward with the petition without the full Board present. He stated that he was trying to get a cul-de-sac on this street. He stated that it was an 80X80 gravel turn that everyone uses.

No one spoke in favor or in opposition of this petition.

Commissioner Steve Brown moved to approve Petition No.1270-17, Richard C. Dickson, Owner, request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition; the owner/developer should provide at no cost to the county a quit claim deed for any required right-of-way prior to approval of the final plat and said dedication be shown on the final plat. Commissioner Oddo seconded.

Commissioner Rousseau asked Mr. Dickson if he accepted to the condition. Mr. Dickson stated that it was his first time present and that he did not understand all the procedures. Commissioner Rousseau asked staff to explain.

Vice Chairman Ognio clarified that the condition insinuates that the petitioner would give right-of-way. He continued that the right-of-way would be on either side of the existing road and the proposed roundabout was beyond the end of the existing road. He stated that it would be the responsibility of the developer to put in the cul-de-sac. He stated that it would be turned over to the county once it was put together according to the county specifications. He stated that the condition read like the petitioner was donating the property and the county would be responsible for the cul-de-sac.

Mr. Rapson stated that for the dedication of the road it was a typical 30-foot right-of-way from centerline, which would not include the entire turnaround. He stated that the petitioner would have to bring that back to the Board of Commissioners for ratification for the additional right-of-way.

Vice Chairman Ognio stated that the petitioner would have to build the cul-de-sac and deed it to the county to have proper road frontage on the third lot.

Mr. Rapson stated that with the 30-foot right-of-way it could be two parcels. He stated that the petitioner wanted three and he would have to do the turnaround which would require further action. He stated that the final plat was not before the Board at this time.

Commissioner Rousseau asked Mr. Dickson if he accepted the conditions.

Mr. Dickson stated that he understood the conditions, but he was not willing to dedicate the property in that way. He stated that his initial thought was that he was working to get a cul-de-sac put in. He stated that the gravel had been there for over 30 years and everyone uses it as a turnaround. He stated that he was trying to make a safer place for the turnaround. He stated that he was just asking the county to pave it and make it safer for emergency vehicles to turnaround. He stated that it was a very narrow street.

Commissioner Brown stated that the county did not pave it unless the county owned it.

Mr. Dickson stated yes, but that the county was not requesting enough property to do that.

Commissioner Brown stated that the county would not pave private property.

Mr. Dickson asked that when would it be paved if he donated it.

County Attorney Davenport stated that the problem was not that he was unwilling to donate the sufficient property, but that the county did have people donate property for the county to pave the road. He stated that if they are developing property then the developer would donate the road and donate the road in a finished condition.

Mr. Dickson stated that he could not pave that road.

Commissioner Brown asked Mr. Dickson if he would like for him to withdraw the motion and allow him to work with staff and bring it back to another meeting. Mr. Frisina stated that it would be on the February 22 meeting.

Mr. Dickson agreed.

Commissioner Brown withdrew the original motion and moved to table this item to the February 22 meeting.

Commissioner Oddo stated that the Board could approve three lots. Mr. Frisina stated that Mr. Dickson was asking the Board to approve the rezoning and the resulting lots would come later.

Mr. Dickson agreed to table this item.

Commissioner Brown withdrew the original motion and moved to table this item to the February 22 meeting. Commissioner Oddo withdrew the original second and seconded tabling this item. The motion passed 4-0. Chairman Maxwell was absent.

6. Consideration of staff's request to adopt Resolution 2018-01 pertaining to the "Fayette County 2017 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2018- FY2022)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.

Mr. Frisina stated that this was the annual report submitted by the county each year. He stated that this year there was a total of \$150,797 for Fayette County, Towns of Brooks, Tyrone and Woolsey. He stated that last year the county collected \$150,125. He gave the breakdown of the impact fees, the county and all the projects funded. He stated that there was the potential to collect over \$7 million over the lifetime of this project to fund all the projects. He stated that this was supplied to him by the finance department and Fire Chief Scarbrough also reviewed it.

He stated that both Woolsey and Brooks have already adopted resolutions and the Town of Tyrone should adopt a resolution at their next meeting.

Commissioner Rousseau asked for a point of clarification. He asked if the potential to collect over \$7 million over the life which was until 2022. Mr. Frisina stated that it continues until the money was collected.

No one spoke in favor or in opposition.

Commissioner Oddo moved to adopt Resolution 2018-01 pertaining to the "Fayette County 2017 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2018- FY2022)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as presented. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

- 7. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1426-B HA 5, High Density Mineral Bond in the amount of \$230,222.18.
- 8. Approval of the January 11, 2018 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

9. Consideration of staff's recommendation to award RFP #1409-P: Paramedic Training & Certification to Faithful Guardian Training Center at a contract price of \$5,072.21 per student with a not to exceed amount of \$72,000.

Fire Chief Scarbrough stated that this was discussed at the retreat and during the budget process. He stated that this was approved in the budget. He referenced the scores for Faithful Guardian and Southern Cresent.

Commissioner Brown stated that if the county was spending \$5,000 for a student to train, was there a clawback provision if the student received the training and decided to leave a week later. Chief Scarbrough stated that the county attorney would be preparing a contract for a three-year expectation beyond the completion of the certification and a prorated amount if the employee left the county before the additional three years after completion of the program.

Commissioner Rousseau stated that if approved, it would be approved with the stipulation that the agreement from Mr. Davenport would accompany it before going forward.

Mr. Rapson stated that currently there was a three-year contract that would be tweaked because it did not make sense for an employee to leave and have the county send them a bill and their last check. He stated that the thing that would be modified was that the money would be swept from the last check at that employee's departure.

Chief Scarbrough stated that Mr. Davenport was working on contracts for the new hires, paramedics, and one for modifying the 911 employees as well. Mr. Rapson stated that the contract would come back to the Board to review. 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.

Chief Scarbrough stated that he hoped to start the program in March.

Mr. Frank Gardner; Fayetteville, asked what would happen if someone wanted to pay their own way to school. He stated that he had not heard anything in the discussion about someone paying their own way and receiving the HOPE Scholarship. He asked would the county reimburse the person.

Chief Scarbrough stated that it was possible for employees to pay their own way to participate in the program. He stated that there was a pay grade change when the program was completed. He stated that it may be a competitive process, but he did not know yet. He stated that there was a way for them to participate.

Mr. Gardner made comments that were inaudible from the audience.

Mr. Rapson stated that he could not address the HOPE Scholarship because that process would be done through a tuition reimbursement type program. He stated that staff was currently looking at how to address those who are already in the program.

Commissioner Brown stated that it was worth looking into for those who were HOPE Scholarship eligible. He stated that he had no problem with looking into that.

Vice Chairman Ognio stated that would depend on the person's applying and what grades they had, which the county had no control over.

Commissioner Brown stated that if there was a candidate that was HOPE eligible and wanted to use the program, he was willing to save the taxpayers.

Mr. Rapson stated that staff could look at that.

Commissioner Brown moved to approve RFP #1409-P: Paramedic Training & Certification to Faithful Guardian Training Center at a contract price of \$5,072.21 per student with a not to exceed amount of \$72,000 with the stipulation to have the clawback contracts and that the contracts come back to the Board for review and approval. Commissioner Oddo seconded. The motion passed 4-0. Chairman Maxwell was absent.

10. Consideration of the Selection Committee's recommendation to reappoint Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2018 and expiring January 31, 2022.

Commissioner Rousseau moved to reappoint Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2018 and expiring January 31, 2022. Commissioner Oddo seconded.

Commissioner Brown stated that Mr. Lester had done a great job. He stated that he raised issue with his appointment years back because he had a relative on the Board of Commissioners. He stated that was no longer the case because the relative was no longer on the Board.

Vice Chairman Ognio stated that it would be nice if the appointment came in an odd year, because an appointment like this on an even number year, the election comes quickly. He stated that he did not know if there was a way to change the term to be on odd number years.

Mr. Davenport stated that it would probably take a local act amendment to do that. Vice Chairman Ognio stated that it was something that should be looked at.

Commissioner Rousseau moved to reappoint Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2018 and expiring January 31, 2022. Commissioner Oddo seconded. The motion passed 4-0. Chairman Maxwell was absent.

PUBLIC COMMENT:

Mr. Frank Gardner; Fayetteville, stated that there was an article in the paper about a citizen who was on the road for music; Zac Brown. He stated that on June 17, Zac Brown will open a camp for the disabled. He stated that he would like to see a Zac Brown day or a Zac Brown week in recognition of what he was doing.

The Board agreed.

ADMINISTRATOR'S REPORTS:

Public Comments: Mr. Rapson stated that staff would reach out to Zac Brown to do a Zac Brown day or week.

Road Closure: He stated that there would be a one-day road closure at CSX and Sandy Creek Road. He stated that the railroad contacts have not announced when that would happen, but when announced, the county would help coordinate the detours and post the dates.

Fire Range-Grand Opening: He stated that the Sheriff's office firing range opening was held and it went well.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for January 11, 2018.

COMMISSIONERS' REPORTS:

Commissioner Brown:

Public Comments: Commissioner Brown stated that Zac Brown was working primarily with children with autism. He stated that they were designing a camp to meet all the requirements of children with autism. He stated that he loved it when local people put money back in the community. He stated that the county should have more of those type people and recognize one every week.

Commissioner Brown read the following statement into the record:

"We have open meetings and open records laws in the State of Georgia to protect citizens from government abuse. The taxpayers pay the government salaries and expenses and they are entitled to know exactly what is happening within the halls of our local and state governments.

I can assure you that there are times when government attempts to conceal misdeeds and wrong-doing. There are instances when government staffers attempt to conceal corruption and dishonesty from their elected officials and vice versa.

There are moments of pressure and intimidation in government to keep certain complaints from employees or elected officials out of the public spectrum. There are moments when some are rewarded for holding or suppressing information and times where there is retribution, or the fear of such, regarding speaking out.

Public exposure gets uncomfortable. People start to squirm when things go public.

We have seen criminal convictions in metro counties and the City of Atlanta. There are now accusations flying about regarding our regional government, the Atlanta Regional Commission.

When I give government documents that are subject to the open records law to the news media or citizens because I believe something is wrong, I do not expect local officials and implicated staff members to be overjoyed.

I have been handing government documents to the news media for years. There have been a couple of times where I had to elevate my disclosure and cooperation to the state level to put an end to some local government debacles such as the water quality crisis, the County Administrator not acknowledging public works contracts in public meetings as state law requires (O.C.G.A. 36-10-01) and disruptive behavior concerning voter fraud in the home of someone on the Board of Elections.

Perhaps the worst part of government dysfunction is when elected officials either condone, cover-up or even participate in corrupt or dishonest practices. To the employees who look the other way out of fear of losing their jobs, I express my empathy, but I will not show any favor to such behavior.

For years, the county government was operating under an extremely loose set of policies and procedures that not everyone in the county government, elected officials included, had full access to.

I have duly cited experiences in meeting minutes over the years where the County Administrator has significantly overstepped his bounds. How commissioners have responded to these incidents since 2013 has concerned me deeply.

A strawman argument was created by the County Administrator to say he only had to share information with the Chairman of the Board of Commissioners and that he could act on behalf of the Board with only the Chairman's permission. As expressed in his employment contract, the County Administrator is contractually bound to the entire Board of Commissioners and is obligated to keep all commissioners fully informed on all issues whether the Chairman decides to communicate or not.

The County Administrator even attempted to create government procedure without the authority of the commissioners giving him the ability to grant additional paid holiday time for employees and himself.

I have deep concerns over county employees in unbearable working conditions. On several occasions, the affected employees actually had to raise their distress in a public Board of Commissioners meeting and it was the first time the commissioners were made aware of the situation.

It is utterly embarrassing when local elected officials or low-ranking employees have to make government wrong-doings, misdeeds or crises known to the Board of Commissioners.

Note that I have welcomed the addition of Commissioner Charles Rousseau who has been of great assistance in peeling back some of the abuses. He has been a colleague who will not only discuss the offenses, but also act. I also note our Chairman, Eric Maxwell, has done a fine job promoting fairness and openness in our meetings.

To my colleagues on the Fayette County Board of Commissioners, the public is going to see what we are made of in the coming months. We all signed off on the values statement in the back of our meeting chambers. I have expressed my concerns about the Board's ability to follow it in the past.

Are we going to stand behind the open meetings and open records laws? Are going to stand for government accountability and fight abuses of power? Let our citizens be the judge as we address such issues in the coming months."

He continued that there was a number of instances in late in 2017 where he had been made aware of something embarrassingly by a low-ranking employee, who assured him that employees throughout the system knew what was going on, but the Board did not know. He stated that the citizen was telling him what was going on in the government that he was elected and responsible for. He stated that was a joke. He stated that he hoped the Board would take it seriously, and take some action. He stated that he hoped that the Board would be responsible to the tax payers of Fayette County. He stated that he hoped that during his remaining term he could say that the Board "took care of business." He stated that there was a lot of times it was covered up and that the Board looked away or voted against changes in order to have ethical and viable transparency in government. He stated that it was time to do something.

Commissioner Oddo:

Response to Commissioner Brown's comments: Commissioner Oddo stated that it was a totally disappointing commentary. He stated that the county had been run very well. He stated that Commissioner Brown was chairman for two years and he heard nothing, no complaints and nothing had changed since then. He stated that this was the most transparent county he had ever seen. He stated, "this coming from a fellow who was putting up signs and trying to make people think they were anonymous people trying to beat me". He continued by asking where was the ethics. He stated that everyone was to do something Commissioner Brown's way, except Commissioner Brown.

Commissioner Brown stated that as a reference, he cited every one of his personal views of the County Administrator's personal conduct. He stated that he would cite the minutes of the meetings continuously since 2013, where he raised all the issues he complained about. He stated that anyone could have access to the records through open records request by contacting the county clerk.

Commissioner Rousseau:

Commissioner Rousseau stated for the record, to the citizens that value his service on the Board and to those who do not, "I have never, nor will I knowingly participate in anything associated with a cover up or turning a blind eye when I have knowledge of it." He stated that he had not and that his intention was to never do that. He stated that there was a lot of things that go on in respect to the legal, fiduciary responsibilities that carry a lot of weight. He stated that no one had ever shared information with him or asked him to withhold information or deny something existed. He stated that since 2015, he had labored to work collaboratively with his colleagues through disagreements and difficulties, as well as the good times, through agreement. He stated that was his charge and responsibilities. He stated that he answered to a much higher authority than man and for that he took it very seriously. He stated that he continued to pledge to each member of the Board and to the people of the community, that he called home, that he would never knowingly participate in anything that was associated with destroying their trust or that was illegal. He stated that he used the term knowingly. He stated that the Board dealt with a lot of information and there are times when their heads may get turned; not willingly, intentionally or purposely and he had admitted that when he missed something. He stated that he would continue to do that. He stated that he people do not believe in government largely because of some of the things that Commissioner Brown just mentioned. He stated that he had been in government for 35 years and it happened in some instances, but he had never participated in it. He stated that his position was always ethical and above reproach. He stated that he prayed to

God Almighty that he would give him the strength to do so. He quoted his motto: "It's what we do, how we do it and who we do it for." He stated that the county provided services to people at the highest ethical level possible; quality customer care. He stated that he valued working with staff and helping to elevate service delivery to people of the county.

Recognizing Finance: He stated that he would like to recognize finance for an excellent job of keeping the county fiscally sound and being responsible and ethical with the reporting. He stated that if anything was amiss, the findings would come forward and be addressed head on.

Condolences: He stated that Fayette County resident, Jim Pace loss his daughter. He stated that she was doing mission work in Africa. He offered his prays of support to her family while celebrating her life and mourning her loss.

Vice Chairman Ognio:

Response to Commissioner Brown's comments: Vice Chairman Ognio stated that he was not participating in any cover up. He stated that Commissioner Brown wanted to go back to 2013 and to attack the way the county does business and micromanage. He stated that we have a county administrator and his duties are to look over the issues. He stated that there was nothing to said his duty was to report employee conflict to the commissioners. He stated that there was an HR staff that did a great job working with the administrator to handle the issues. He stated that the issues had been dealt with and now Commissioner Brown wanted to make an issue of it. He stated that he did not think anyone wanted the Board to micro-manage 700 people and that was not the way it should work.

He stated that Commissioner Brown mentioned open records. He stated that there are open records procedures and those procedures require a request and the records would be looked at and redacted. He stated that he had a concern that a member of the Board would send the documents without going through the proper process of redacting the documents. He stated that the administrative staff had done a great job and that the Board would deal with the issues as Commissioner Brown brought them forward.

Wedding Anniversary: He stated that tomorrow was his anniversary. He wished his wife, who was in the audience, a happy anniversary.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for January 11, 2018.

One Item of Threatening Litigation and Review of the January 11, 2018 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

The Board recessed into Executive Session at 8:00 p.m. and returned to Official Session at 8:06 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 passed 4-0. Chairman Maxwell was absent.

Approval of the January 11, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the January 11, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

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 January 11, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 4-0. Chairman Maxwell was absent.

The January 11, 2018 Board of Commissioners meeting adjourned at 8:06 p.m.

Tameca P. White, County Clerk

Randy Ognio, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8th day of February 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

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 AGENDA REQUEST

Department:	Water System	Presenter(s):	Matt Bergen, Water System
Meeting Date:	Thursday, February 8, 2018	Type of Request:	Old Business
Wording for the Agenda:			
Consideration of a Memo		etween the Georgia Department of Tr ht-of-way. This item was tabled at the	
Background/History/Detail	S:		
relocations. The MOU be GDOT Project. The inclu- eliminates costs associate	etween Fayette County Water Syste sion of the relocation work in the co ed with project delays.	m and GDOT allows water infrastruct ntract allows for a potential lower inst	R. 92 at Antioch Road will require utility ture relocation to be included in the tallation cost, more project over-site an
	ng from the Board of Commissioner	's'? Georgia Department of Transportation	(CDOT) and Equatta County Water
	tilities from GDOT right-of-way.		
If this item requires funding	g, please describe:		
Funding of \$881,185 wou	Id be from the Fayette County Wate	er System Renewal and Extension.	
, Has this request been cor	sidered within the past two years?	No If so, when	n?
Is Audio-Visual Equipmen	t Required for this Request?*	Yes Backup P	rovided with Request? No
		v Clerk's Office no later than 48 hou nudio-visual material is submitted a	
Approved by Finance	Yes	Reviewed	by Legal
Approved by Purchasing	Not Applicable	County Cl	erk's Approval Yes
Administrator's Approval			
Staff Notes:			
	to be \$779,510 – includes \$616,214 em R & E balance as of 1/25/18 is \$	4 for water line; \$61,621 for unsuitabl 7,344,213.	e material and \$101,675 for

COUNTY AGENDA REQUEST

Department:	Water System	Presenter(s):	Matt Bergen, Water Syster	n
Meeting Date:	Thursday, December 14, 2017	Type of Request:	New Business	
-	1	. jpo or requeen		
	randum of Understanding (MOU) be move county utilities from GDOT rig	etween the Georgia Department of Tr ht-of-way.	ransportation (GDOT) and F	ayette
I Background/History/Detail	C'			
The Georgia Department relocations. The MOU be	of Transportation Roundabout projectween Fayette County Water Systection of the relocation work in the co	ects at S.R. 92 at Seay Road and S.F m and GDOT allows water infrastruc ntract allows for a potential lower ins	ture relocation to be include	d in the
Approval of a Memorandu	itilities from GDOT right-of-way.	s? Georgia Department of Transportation	(GDOT) and Fayette Coun	ty Water
Funding of \$881,185 wou	Ild be from the Fayette County Wate	er System Renewal and Extension.		
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	Yes Backup P	rovided with Request?	No
		c Clerk's Office no later than 48 ho nudio-visual material is submitted a	, ,	
Approved by Finance	Not Applicable	Reviewed	by Legal	
Approved by Purchasing	Not Applicable	County Cl	lerk's Approval Yes	
Administrator's Approval				
Staff Notes:				1
Project Cost is estimated engineering.	to be \$779,510 – includes \$616,214	4 for water line; \$61,621 for unsuitabl	le material and \$101,675 for	

Georgia DOT Project: 0009971 & 0009972 County: Fayette GDOT P.I.: 0009971 & 0009972

CONTRACT ITEM AGREEMENT MEMORANDUM OF UNDERSTANDING

between the

Georgia Department of Transportation (hereafter the DEPARTMENT) and Fayette County Water System (hereinafter called the OWNER)

Whereas the DEPARTMENT proposes to undertake a project to construct roundabouts on SR 92 at CR 149/Antioch Rd. and CR 308/Lockwood Rd. and on SR 92 at CR 138/Seay Rd. and CR 129/Harp Rd. in Fayette County by contract through competitive bidding, and:

Whereas the OWNER has the following utility facilities which will be within the project limits: potable water.

Whereas the OWNER does not have adequate equipment and staff to adjust its facilities or for other reasons considers it advantageous to have this work included in the roadway contract to be let by the DEPARTMENT; and, now therefore:

The following is hereby mutually agreed to and understood by both parties:

- 1. The preliminary engineering, including preparation of detailed plans and contract estimate for the required water items will be accomplished by the OWNER or OWNER'S Consultant, the cost of which will be the responsibility of the OWNER. The plans shall provide for adjustment, relocation, or new installation of the OWNER'S facilities in accordance with the OWNER'S customary practices, standards, and details subject to conformance with the DEPARTMENT'S standard pay items and procedures for including such items in the project contract. In cases of discrepancy, the governing descending order will be as follows: (1) Special Provisions, (2) Project Plans (prepared by OWNER'S Consultant) including Special Plan Details, (3) Supplemental Specifications, (4) Standard Plans including DEPARTMENT'S Standard Construction Details, (5) Standard Specifications. The OWNER'S standard details should be labeled as "Special Plan Details" and included immediately in sequence behind the OWNER'S plans to avoid confusion with the DEPARTMENT's Standard Plans and Standard Construction Details. The OWNER shall provide plans using the DEPARTMENT'S title block design and in the current Microstation file format.
- **2.** The plans and estimate shall be subject to approval by both the DEPARTMENT and OWNER prior to advertising for bids.

3. All work necessary for the adjustment or relocation of the described facilities in accordance with the final plans when approved shall be included in the highway contract and let to bid by the DEPARTMENT except as follows:

If necessary, the Owner will provide additional temporary and permanent easements, at its own expense, for any work outside of the acquisition limits shown on the project right of way plans, and shall certify possession in accordance with DEPARTMENT requirements prior to the Certification deadline for the project.

- **4.** All construction engineering (layout, inspection) and contract supervision shall be the responsibility of the DEPARTMENT and the DEPARTMENT shall be responsible to assure that all utility work is accomplished in accordance with plans and specifications and to consult with the OWNER before authorizing any changes or deviations which might affect the OWNER'S facility. Engineering for plan revisions for the OWNER'S facilities shall be the responsibility of the OWNER and OWNER'S Consultant.
- **5.** The OWNER and OWNER'S Consultant shall have the right to visit and inspect the work at any time and advise the DEPARTMENT'S Engineer of any observed discrepancies or potential problems. The cost of any OWNER or OWNER'S Consultant's visits or inspections will be the responsibility of the OWNER. The DEPARTMENT agrees to notify the OWNER when all utility work is complete and ready for final inspection and invite the OWNER to attend the final inspection or provide a corrections list to the DEPARTMENT prior to the final inspection.
- 6. After award of the highway contract, the OWNER will continue to maintain its preexisting facilities until adjustment or relocation has been finalized or the pre-existing facilities have been taken out of service. Once adjustment or relocation begins on a segment of the facilities, the DEPARTMENT or its contractor will be responsible for the maintenance of the adjusted or relocated facilities until final acceptance is made for the work.
- 7. Upon Maintenance Acceptance or Final Acceptance of the utility work included in the contract and upon certification by the DEPARTMENT'S Engineer and the OWNER, that the work has been completed in accordance with the plans and specifications, the OWNER will accept the adjusted, relocated, and additional facilities and will thereafter operate and maintain said facilities located within the PROJECT right of way subject to the DEPARTMENT'S "Utility Accommodation Policy and Standards Manual, current edition" and any agreements in effect without further cost to the DEPARTMENT or it's CONTRACTOR.
- 8. The DEPARTMENT and OWNER agree that all matters will be governed by the DEPARTMENT'S Utility Accommodation Policy and Standards. It is contemplated by the DEPARTMENT and OWNER that a Contract Item Agreement will be executed by both parties that will supersede this memorandum. The cost for the utility facilities shall be the responsibility of the OWNER and reimbursement to the DEPARTMENT shall be handled thru a Contract Item Agreement.

APPROVED FOR THE OWNER BY:

(Signature)

(Date)

(Title)

APPROVED FOR THE DEPARTMENT BY:

(Signature)

(Date)

State Utilities Administrator
(Title)

Contract Item Agreement to be required? YES Preliminary Engineering Agreement to be required? No





	Project Name:					
			Project E	stimate:	\$	779,510
Item	Description	Unit		Unit Price		Total Price
	Mobilization - Primary					
1	(See Specification Section 01010)	EA.	1	\$ 2,100.00	\$	2,100.00
	Mobilization - Secondary					
1A	(See Specification Section 01010)	EA.		\$ 2,100.00	\$	-
2	20" Diameter (Dia.) Class 300 Ductile Iron Pipe (DIP), complete	L.F.		\$ 99.75		-
3	16" Dia. Class 300 DIP, complete	L.F.		\$ 84.00		-
4	12" Dia. Class 300 DIP, complete	L.F.	3,960			187,110.00
5	10" Dia. Class 300 DIP, complete	L.F.	120			4,788.00
6	8" Dia. Class 300 DIP, complete	L.F.	1,740			62,118.00
7	6" Dia. Class 300 DIP, complete	L.F.		\$ 31.50	Ş	-
	D.I. Fittings, complete					
	including hydrant tees, gaskets & hardware	TON		¢ 7.250.00	~	53 655 00
8	Weight based on Star Pipe Products Weight Guide, or ENGINEER-approved equivalent Fire Hydrant Assemblies, complete	TON	7.3	\$ 7,350.00	Ş	53,655.00
9	including 6" gate valve, valve box, hydrant lead pipe, restraining devices, concrete & crushed stone	EA.		¢ 3.450.00	ć	25 200 00
9 10	30" Dia. Steel Casing & 20" Dia. Carrier Pipe w/Casing Spacers	EA.	8	\$ 3,150.00	Ş	25,200.00
10 10A	Bore & Jack	L.F.		\$ 388.50	ć	-
10A 10B	Placed in open trench	L.F.		\$ 304.50		-
105	24" Dia. Steel Casing & 16" Dia. Carrier Pipe w/Casing Spacers	L.I .		\$ 504.50	Ļ	
11A	Bore & Jack	L.F.		\$ 315.00	Ś	-
11A 11B	Placed in open trench	L.F.		\$ 252.00		-
12	16" Dia. Steel Casing & 12" Dia. Carrier Pipe w/Casing Spacers			<i> </i>	Ŷ	
12A	Bore & Jack	L.F.	260	\$ 273.00	Ś	70,980.00
12B	Placed in open trench	L.F.		\$ 178.50		-
13	16" Dia. Steel Casing & 10" Dia. Carrier Pipe w/Casing Spacers			,	Ċ	
13A	Bore & Jack	L.F.		\$ 241.50	\$	-
13B	Placed in open trench	L.F.		\$ 178.50	\$	-
14	14" Dia. Steel Casing & 8" Dia. Carrier Pipe w/Casing Spacers			-		
14A	Bore & Jack	L.F.	270	\$ 225.75	\$	60,952.50
14B	Placed in open trench	L.F.		\$ 157.50	\$	-
15	10" Dia. Steel Casing & 6" Dia. Carrier Pipe w/Casing Spacers					
15A	Bore & Jack	L.F.		\$ 210.00	\$	-
15B	Placed in open trench	L.F.		\$ 152.25	\$	-
	2" Dia. Combination Vacuum/Air Release Valve (C/ARV), complete					
16	Including saddle tap for, 20" Dia. pipe, manhole, stone bedding, all accessories and clean up	EA.		\$ 1,260.00	\$	-
	2" Dia. C/ARV, complete					
17	Including saddle tap for, 16" Dia. pipe, manhole, stone bedding, all accessories and clean up	EA.		\$ 1,260.00	\$	-
	2" Dia. C/ARV, complete					
18	Including saddle tap for, 12" Dia. pipe, manhole, stone bedding, all accessories and clean up	EA.		\$ 1,260.00	\$	-
	2" Dia. C/ARV, complete					
19	Including saddle tap for, 10" Dia. pipe, manhole, stone bedding, all accessories and clean up	EA.		\$ 1,260.00	\$	-
20	Freebore for 20" pipe w/out casing, complete	L.F.		\$ 157.50	\$	-
21	Freebore for 16" pipe w/out casing, complete	L.F.		\$ 105.00	\$	-
22	Freebore for 12" pipe w/out casing, complete	L.F.		\$ 105.00	\$	-
23	Freebore for 10" pipe w/out casing, complete	L.F.		\$ 84.00	\$	-



	Project Name:					
	·		Project E	stimate:	\$	779,510
Item	Description	Unit		Unit Price	-	otal Price
24	Freebore for 8" pipe w/out casing, complete	L.F.	120		1 – –	10,080.00
24	Freebore for 6" pipe w/out casing, complete	L.F.	120	\$ 73.50		10,080.00
26	20" Dia. Gate Valve (GV) w/box & valve marker, complete	EA.		\$ 14,700.00		-
20	16" Dia. GV w/box & valve marker, complete	EA.		\$ 6,825.00		-
27	10" Dia. GV w/box & valve marker, complete	EA.	8	\$ 2,362.50		- 18,900.00
20	10" Dia. GV w/box & valve marker, complete	EA.		\$ 2,100.00	· ·	12,600.00
30	8" Dia. GV w/box & valve marker, complete	EA.	0	\$ 1,470.00		-
31	6" Dia. GV w/box & valve marker, complete	EA.		\$ 1,260.00		-
51	Clearing, complete	LA.		\$ 1,200.00	Ļ	_
32	w/burning (if allowed), grinding, haul off and cleanup	ACRE		\$ 1,575.00	\$	
33	Pavement Repair	S.Y.		\$ 84.00	ې Ś	-
35	Trench Rock Excavation, complete	5.1.		\$ 84.00	Ş	-
24	including backfill with suitable material	CV	50	ć 110.2F	÷	5 512 50
34	Unsuitable Materials, complete	C.Y.	50	\$ 110.25	\$	5,512.50
25		C V	100	¢ 26.25	÷	2 (25 00
35	including backfill with suitable material	C.Y.	100	\$ 26.25	\$	2,625.00
	3/4" Short-Side service tie-ins,					
	including copper service pipe, meter box, & all misc. hardware					
36	(Owner to provide 3/4" meter & backflow preventor)	EA.		\$ 840.00	\$	-
	3/4" Long-Side service tie-ins, complete					
37	as described in Item 36, including road bore	EA.		\$ 1,050.00	\$	-
	1" Short-Side Service Tie in, complete,					
38	as described in Item 36	EA.		\$ 945.00	\$	-
	1" Long-Side service tie-ins, complete					
39	as described in Item 36, including road bore	EA.	8	\$ 1,365.00	\$	10,920.00
	2" Short-Side Service Tie in, complete,					
40	as described in Item 36	EA.		\$ 1,365.00	\$	-
	2" Long-Side service tie-ins, complete					
41	as described in Item 36, including road bore	EA.	4	\$ 3,150.00	\$	12,600.00
	Grassing (DS3), complete					
42A	including maintenance and temporary grassing (DS2)	ACRE		\$ 6,825.00	\$	-
42B	Sod Replacement (DS4), complete	S.F.		\$ 2.10	\$	-
43	Silt Fence (Sd1), complete	L.F.		\$ 2.10	\$	-
44	Ditch Checks (Cd), complete	EA.		\$ 131.25	\$	-
45	Rip-Rap (St), GDOT Type 3	TON		\$ 47.25	\$	-
46	Mulch Mat (Ss), complete	S.Y.		\$ 1.87	\$	-
47	Concrete Encasement, complete	C.Y.		\$ 94.50	\$	-
48	Concrete Thrust Blocking, complete	C.Y.	50		\$	8,400.00
49	Omitted	EA.			Ś	-
50	Omitted	EA.			\$	-
51	Omitted	EA.			Ś	_
	20" x 10" Wet Tap. complete				Ŧ	
52	w/tapping sleeve, 10" GV and all misc. hardware	EA.		\$ 9,450.00	Ś	_
52	20" x 8" Wet Tap, complete	271.		<i>\ \ \ \ \ \ \ \ \ \ </i>	Ŷ	
53	as described in Item 52, w/8" GV	EA.		\$ 8,925.00	¢	-
55	20" x 6" Wet Tap, complete	LA.		\$ 0,525.00	Ŷ	
54	as described in Item 52, w/6" GV	EA.		\$ 8,400.00	\$	-
55	Omitted	EA.		- 0,+00.00	ې \$	-
56	Omitted	EA.			\$ \$	-
50	16" x 10" Wet Tap, complete	LA.			ې ب	-
57	as described in Item 52, w/10" GV	E A		¢ 0,100.00	ċ	
57	as described in item 52, w/10 GV 16" x 8" Wet Tap, complete	EA.		\$ 8,400.00	Ş	-
50				ć 7.075.00	~	
58	as described in Item 52, w/8" GV	EA.		\$ 7,875.00	\$	-
	16" x 6" Wet Tap, complete			A 305075	~	
59	as described in Item 52, w/6" GV	EA.		\$ 7,350.00		-
60	Omitted	EA.			\$	-



	Project Name:					
			Project E	stimate:	\$	779,510
Item	Description	Unit		Unit Price		Total Price
	12" x 10" Wet Tap, complete					
61	as described in Item 52, w/10" GV	EA.		\$ 4,200.00	\$	-
	12" x 8" Wet Tap, complete					
62	as described in Item 52, w/8" GV	EA.	1	\$ 4,200.00	\$	4,200.00
	12" x 6" Wet Tap, complete					
63	as described in Item 52, w/6" GV	EA.		\$ 3,150.00	\$	-
	10" x 10" Wet Tap, complete					
64	as described in Item 52, w/10" GV	EA.	-	\$ 3,675.00	\$	-
	10" x 8" Wet Tap, complete			• • • = • • •		
65	as described in Item 52, w/8" GV	EA.	-	\$ 3,150.00	\$	-
	10" x 6" Wet Tap, complete			¢ 0.000.00	~	
66	as described in Item 52, w/6" GV	EA.		\$ 2,625.00	Ş	-
67	8" x 8" Wet Tap, complete	EA.	1	\$ 2,625.00	÷	2 625 00
67	as described in Item 52, w/8" GV 8" x 6" Wet Tap, complete	EA.	1	\$ 2,625.00	Ş	2,625.00
68	as described in Item 52, w/8" GV	EA.		\$ 2,100.00	ć	
00	6" x 6" Wet Tap, complete	LA.		\$ 2,100.00	Ş	
69	as described in Item 52, w/6" GV	EA.		\$ 1,575.00	\$	
05	Stabilization Stone or Crusher Run	LA.		\$ 1,575.00	Ļ	
70	for gravel driveway repair	TON		\$ 47.25	\$	_
70	REPAIR OF EXISTING WATERLINE W/OWNER PROVIDED MATERIALS	1011		γ -17.23	Ŷ	
71	INCLUDING TRAVEL TIME TO AND FROM SITE					
71A	Trackhoe	HOUR	190			24,937.50
71B	Rubber Tire Backhoe	HOUR		\$ 115.50		-
71C	5 Man Crew	HOUR	190	-		35,910.00
71D	3 Man Crew	HOUR		\$ 141.75	\$	-
	3/4" Short-Side service tie-in to existing waterline					
	(outside limits of any project being installed), complete					
72	as described in Item 36	EA.		\$ 420.00	\$	-
	3/4" Long-Side service tie-in to existing waterline					
	(outside limits of any project being installed), complete					
73	as described in Item 36, including road bore	EA.		\$ 630.00	\$	-
	1" Short-Side service tie-in to existing waterline (outside limits of any project being installed), complete					
74	as described in Item 36	EA.		\$ 525.00	\$	
/4	1" Long-Side service tie-in to existing waterline	EA.		323.00 ب	ډ	
	(outside limits of any project being installed), complete					
75	as described in Item 36, including road bore	EA.		\$ 735.00	\$	_
,,,	OVERDEPTH TRENCH EXCAVATION, BACKFILL & COMPACTION	<u> </u>		- , 55.00	~	
76	FOR WATERMAIN INSTALLATIONS DEEPER THAN SIX FEET (6')					
76A	6' - 8' Trench Depth	L.F.		\$ 1.05	\$	-
76B	8' - 10' Trench Depth	L.F.		\$ 3.15	\$	-
76C	10' - 12' Trench Depth	L.F.		\$ 4.20		-
76D	12' - 14' Trench Depth	L.F.		\$ 5.25	\$	-
77	Payment & Performance Bonds	L.S.		\$ 18,000.00	\$	-

******	BASE	*****			616,214
	Rock/Unsuitable materials/Unforeseen		10%	61,621	61,621
	Estimate based on Star Pipe Products Weight Guide				677,835
	Engineering Hours for pipe removal and meter tie in.		15%	101,675	101,675
	TOTAL:				779,510

Q:\Administration\Agenda Requests\2017 MEETINGS\12-14-2017\Water System\Backup Form File\ S.R. 92 Roundabout Project Estimate Takeoff 02/01/2018 09:29 9597mpar FAYETTE COUNTY, GA BALANCE SHEET FOR 2018 7

FUND: 505	WATER S			NET CHANGE FOR PERIOD	
ASSETS			EQUITY IN POOLED CASH WELLS FARGO WATER OPERATING 2012 BOND CONSTRUCTION PETTY CASH CHANGE FUND ACCOUNTS RECEIVABLE - WATER A/R STORM WATER "508" A/R SEWER PEACHTREE CITY W&S A/R SEWER TOWN OF TAYETTEVILLE A/R SEWER TOWN OF TYRONE A/R SEWER TOWN OF TYRONE INVENTORY - WATER SYSTEM CHEMICALS - WATER SYSTEM CHEMICALS - WATER SYSTEM PREPAID ITEMS RENEWAL & EXTENSION GA FUND 1 DEBT RESERVE SINKING FUND SINKING FUND - COMBINED DEBT SITES/LAND MPROVEMENTS ACCUMULATED DEPR - SITE IMPRV INFRASTRUCTURE ACCUMULATED DEPR - BUILDINGS MACHINERY & EQUIPMENT ACCUMULATED DEPR - BUILDINGS MACHINERY & EQUIPMENT ACCUM DEPR MACHINERY & EQUIPMT DEFERRED OUTFLOW CONT SUBSOT DEFERRED OUTFLOW CONT SUBSOT DEFERRED OUTFLOW CONT SUBSOT DEFERRED OUTFLOW CONT SUBSOT DEFERRED OUTFLOW NET PRJ/ACTUL		
	505	111110	EQUITY IN POOLED CASH	-1.236.193.07	-1.674.372.08
	505	111122	WELLS FARGO WATER OPERATING	1,696,077,69	2,444,464,98
	505	111128	2012 BOND CONSTRUCTION	-56 454 76	513 818 56
	505	111160	DETTY CASH	00	
	505	111180	CHANGE FUND	.00	
	505	111020	ACCOUNTS DECETVADIE - WATED	-52 851 03	420 727 95
	505	111022	ACCOUNTS RECEIVABLE - WATER A/D CTODM WATER "508"	-7 163 63	-28 164 44
	505	111025	A/R SIORM WAIER JUO	-7,403.03	-20,104.44
	505	111925	A/R SEWER PEACHIREE CIII W&S	-47,703.13	
		111926	A/R SEWER CITY OF FAYETTEVILLE	-6,923.82	57,251.85
	505	111927	A/R SEWER TOWN OF TYRONE	-2,5/9.85	10,666.84
	505	111928	A/R SEWAGE BROOKS	46.46	333.0∠
	505	111929	A/R SR CITIZEN CENTER WATER	-66.86	139.04
	505	111930	ALLOWANCE FOR UNCOLLECTIBLES	.00	-125,000.00
	505	111939	DEPOSIT - COWETA FAYETTE EMC	.00	620.00
	505	112120	UNBILLED ACCOUNTS REC - WATER	.00	727,592.33
	505	113650	INVENTORY - WATER SYSTEM	.00	433,994.87
	505	113655	CHEMICALS - WATER SYSTEM	.00	77,988.13
	505	113810	PREPAID ITEMS	.00	466.19
	505	116119	RENEWAL & EXTENSION GA FUND 1	26,506.29	7,344,213.09
	505	116128	DEBT RESERVE SINKING FUND	.00	5,513,947.65
	505	116131	SINKING FUND - COMBINED DEBT	446,000.00	1,803,116.19
	505	117100	SITES/LAND	.00	20,607,035.17
	505	117200	IMPROVEMENTS	.00	17,252,924.13
	505	117210	ACCUMULATED DEPR - SITE IMPRV	.00	-11,306,712.94
	505	117300	INFRASTRUCTURE	.00	92,990,666.50
	505	117310	ACCUMULATED DEP INFRASTRUCTURE	.00	-48,085,939.55
	505	117400	BUILDINGS	6,999.51	64,812,311.91
	505	117410	ACCUMULATED DEPR - BUILDINGS	.00	-33,494,822.17
	505	117500	MACHINERY & EOUIPMENT	. 0.0	13,144,386,64
	505	117510	ACCUM DEPR MACHINERY & EOUIPMT	. 00	-9,317,798,08
	505	119201	DEFERRED OUTFLOW CONT SUBSOT	00	15 126 00
	505	119202	DEFERRED OUTFLOW CHANGE ASSUMP		314 786 00
	505	119203	DEFERRED OUTFIOW EXPECT/ACTUAL		43 147 00
	505	119204	DEFERRED OUTELOW NET DR.I/ACTIU.	.00	181 612 00
	505				101,012.00
		TOTAL ASSETS	ACCOUNTS PAYABLE SERVICE CHARGES PAYABLE ACCRUED SALARIES PAYABLE SICK LEAVE PAYABLE COMPENSATED ABSENCES PAYABLE ACCRUED FICA PAYABLE ACCRUED PENSION PAYABLE TERMINATION BENEFITS CURRENT SEWAGE PEACHTREE CITY W&S LIAB SEWAGE CITY FAYETTEVILLE-LIAB SEWAGE TOWN OF TYRONE-LIAB SR CITIZEN CENTER WATER SEWAGE BROOKS LIABILITY	/05,313.80	124,797,339.00
LIABILITIES					
	505	121100	ACCOUNTS PAYABLE	-236.17	.00
	505	121105	SERVICE CHARGES PAYABLE	2,395.34	.00
	505	121212	ACCRUED SALARIES PAYABLE	.00	-57,334.76
	505	121215	SICK LEAVE PAYABLE	.00	-1,900.21
	505	121470	COMPENSATED ABSENCES PAYABLE	.00	-42,981.88
	505	121471	ACCRUED FICA PAYABLE	.00	-7,551.14
	505	121472	ACCRUED PENSION PAYABLE	.00	-3,198.75
	505	121490	TERMINATION BENEFITS CURRENT	.00	-12,557.20
	505	121810	SEWAGE PEACHTREE CITY W&S LIAB	-20,867.35	-849,841.90
	505	121820	SEWAGE CITY FAYETTEVILLE-LIAB	373.73	-128,860.02
	505	121830	SEWAGE TOWN OF TYRONE-LIAB	-1,230.09	-50,267.99
	505	121839	SR CITIZEN CENTER WATER	-139.04	-1,956.56
	505	121840	SEWAGE BROOKS LIABILITY	63.96	-586.60
	505	121010	SERVED DIGONO DINDIDITI	00.90	565.00





02/01/2018 09:29 9597mpar FAYETTE COUNTY, GA BALANCE SHEET FOR 2018 7

FUND: 505 WATER S	YSTEM FUND		NET CHANGE FOR PERIOD	ACCOUNT BALANCE
LIABILITIES				
505 505 505 505 505 505 505 505 505 505	$121842 \\ 122301 \\ 125265 \\ 125270 \\ 125275 \\ 125711 \\ 125712 \\ 125713 \\ 125714 \\ 125716 \\ 125913 \\ 125916 \\ 125917 \\ 125918 \\ 127203 \\ 127207 \\ 127208 \\ 127209 \\ 140507 \\ 140507 \\ 12507 \\ 12507 \\ 127209 \\ 140507 \\ 12000 $	STORMWATER 508 LIABILITY ACCRUED INTEREST PAY REV BONDS UNEARNED REVENUE-METERS & TAPS NET PENSION LIABILITY COMPENSATED ABSENCES LTPAYBLE SICK LEAVE PAYABLE LONG TERM CONTRA/DEFER AMT REFUNDING 92A CONTRA/DEFER AMT REFUNDIG 92B CONTRA/DEFER AMT REFUNDIG 92B CONTRA/DEFER AMT REFUNDIG 98 CONTRA/DEFER AMT REFUNDIG 98 CONTRA/DEFER AMT REFUNDIG 98 UNAMORTIZED DISCOUNT 96A BONDS UNAMORTIZED DISCOUNT 2012A BNDS UNAMORTIZED DISCONT 2012A BNDS UNAMORTIZED DISCONT 2012B BONDS REVENUE BONDS PAYABLE 1996A REVENUE BONDS PAYABLE 2012 REVENUE BONDS PAYABLE 2012 REVENUE BONDS PAYABLE 2012 REVENUE BONDS PAYABLE 2012 REVENUE BONDS PAYABLE 2016 DUE TO/FROM WATER SYSTEM CIP	-20.80 .00 .00 .00 .00 .00 .00 .00 .00 .00	$\begin{array}{c} 31.75\\ -388,934.37\\ -87,800.00\\ 11,443.00\\ -131,297.96\\ -13,572.22\\ 264,415.13\\ 144,264.64\\ 265,219.50\\ 20,321.52\\ 1,027,675.00\\ -9.40\\ -440,785.63\\ -657,782.73\\ -1,417,497.89\\ -105,000.00\\ -7,920,000.00\\ -7,920,000.00\\ -7,920,000.00\\ -7,465,000.00\\ -2,142,388.95\end{array}$
	TOTAL LIABIL	ITIES	-41,898.42	-39,828,878.92
FUND BALANCE 505 505 505 505 505 505 505 505 505 505	$\begin{array}{c} 133300\\ 133400\\ 133500\\ 133605\\ 134151\\ 134153\\ 134222\\ 135110\\ 135130\\ 135150\\ 135230\\ 135250\\ 135270\\ 135290\end{array}$	RESTRICTED CURRENT DEBT SER RESTRICTED FUTURE DEBT SERV RESTRICTED RENEWAL&EXTENSION RESTRICTED 5 YEAR CIP FB RESTRICTED C.I.P FB RESTRICTED CIP BOND \$ FUND BALANCE UNRESTRICTED INVESTMENT IN FIXED ASSETS BUDGETARY FUND BALANCE-UNRESEV ESTIMATED REVENUES APPROPRIATIONS REVENUE CONTROL EXPENDITURE CONTROL EXPENDITURE CONTROL BUDGETARY FUND BAL - RES ENC	$\begin{array}{c} .00\\ .00\\ .00\\ .00\\ .00\\ .00\\ .00\\ 56,454.76\\ -56,454.76\\ -6,999.51\\ .00\\ .00\\ .00\\ -1,217,632.88\\ 501,217.01\\ .689.24\\ -689.24\\ -689.24\end{array}$	$\begin{array}{r} -463,578.71\\ -5,507,617.00\\ -6,823,939.51\\ -10,295,000.00\\ -3,344,734.00\\ -513,729.06\\ 11,168,946.24\\ -69,728,362.19\\ 2,049,012.09\\ 18,332,500.00\\ -20,381,512.09\\ -9,828,839.63\\ 10,368,393.72\\ 427,334.46\\ -427,334.46\end{array}$
	TOTAL FUND B	ALANCE	-723,415.38	-84,968,460.14
TOTAL LIAN	BILITIES + FU	ND BALANCE	-765,313.80	124,797,339.06

** END OF REPORT - Generated by Mary Parrott **



P 2 glbalsht

COUNTY AGENDA REQUEST

Department:	Public Works	Presenter(s):	Phil Mallon, Director
Meeting Date:	Thursday, February 8, 2018	Type of Request:	Old Business
Wording for the Agend	a:		
consideration of GDO		into a Local Government Lighting Ag	bad (GDOT PI 009971 and 009972) and greement and Landscaping Maintenance ners meeting.
Background/History/De	etails:		
On January 9, 2014 th one at the highway's i	he BOC heard a request to support two ntersections with Antioch Road and a so T in a letter dated January 10, 2015.		
	been considerable work on the project, fully developed, GDOT was able to add 017.		
	nda item is to provide an update on the determine if the BOC is willing to enter		resentatives from GDOT will be present nts.
Approval of GDOT's r	eeking from the Board of Commissioner equest for Fayette County to enter into jects, and execution of the attached do	a Local Government Lighting Agree	
If this item requires fun	iding, please describe: I for the project, however there would be	e annual costs associated with powe	er and landscape maintenance.
Has this request been	considered within the past two years?	Yes If so, whe	en? Thursday, December 14, 2017
Is Audio-Visual Equipr	nent Required for this Request?*	Yes Backup F	Provided with Request? Yes
	rial must be submitted to the County ponsibility to ensure all third-party a		, ,

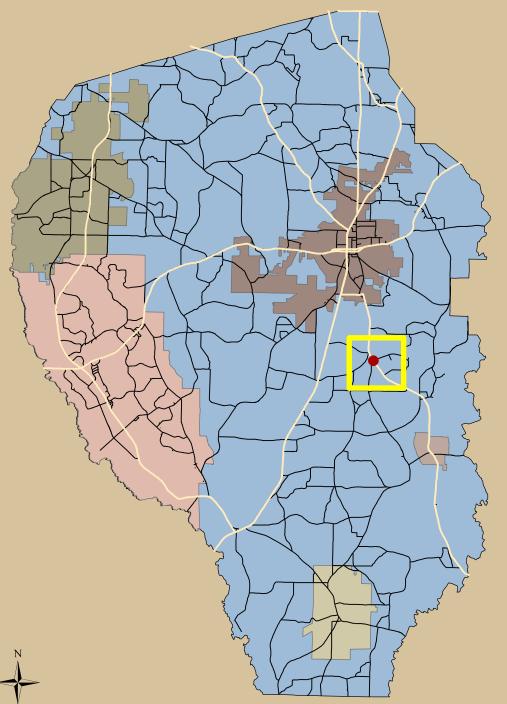
licable	Reviewed by Legal	
licable	County Clerk's Approval	Yes
	licable	

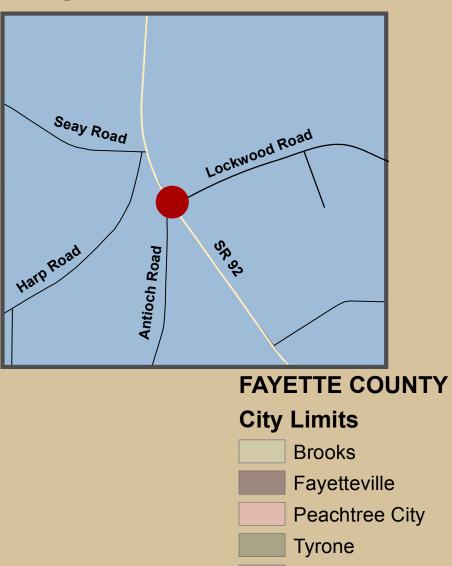
COUNTY AGENDA REQUEST

Department:	Public Works	Presenter(s):	Phil Mallon, Director
Meeting Date:	, Thursday, December 14, 2017	 Type of Request:	, New Business
Wording for the Age	enda:		1
Staff update on the	proposed GDOT roundabout projects on DOT's request for Fayette County to enter		
Background/History	/Details:		
On January 9, 201, one at the highway were relayed to GE	4 the BOC heard a request to support two 's intersections with Antioch Road and a s OOT in a letter dated January 10, 2015.	second at Seay Road. At the time, th	e BOC had several concerns and the
	as been considerable work on the project, ore fully developed, GDOT was able to ad 2017.		
	genda item is to provide an update on the to determine if the BOC is willing to enter		
 What action are you	seeking from the Board of Commissione	rs?	
Approval of GDOT	s request for Fayette County to enter into projects, and execution of the attached do	a Local Government Lighting Agree	1 9
f this item requires	funding, please describe:		
	red for the project, however there would b	e annual costs associated with powe	er and landscape maintenance.
 Has this request be	en considered within the past two years?	Yes If so, whe	en? Special Called Mtg on 6/2/15
Is Audio-Visual Equ	ipment Required for this Request?*	Yes Backup F	Provided with Request? Yes
	aterial must be submitted to the Count responsibility to ensure all third-party a	•	,

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			
Staff Notes:			

GDOT Roundabout - SR 92 @ Antioch Road





2

- Woolsey
- State Highways Roundabout Area

8

Miles



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW Atlanta, Georgia 30308 Telephone: (404) 631-1000

November 19, 2013

Phil Mallon, P.E., County Engineer Fayette County Public Works Department 115 McDonough Road Fayetteville, GA 30215

Subject: Project Support for Roundabout Consideration Project: State Route 92 at Antioch Road

Dear Mr. Mallon:

The Department has completed a statewide review of intersections where a roundabout can improve safety or operation efficiency. Based on its current control configuration and functionality, State Route 92 at Antioch Road has been identified as a candidate location for a roundabout. To validate the roundabout as a feasible alternative during the project's conceptual phase, the Department is requesting Fayette County agree to the following:

- The full and entire cost of the electric energy use for any lighting installed as needed or required.
- Any maintenance costs associated with landscaping of the intersection, after construction is complete.

If you support the consideration of a roundabout as a feasible alternative and agree to the terms listed above, submit a letter stating your agreement to provide energy and any landscaping maintenance at the location. If a roundabout is selected as the preferred alternative, a formal Local Government Lighting Project Agreement form with proposed costs will be executed during the preliminary design phase.

Thank you for your cooperation. If you have any questions or need any additional information please contact Michael Presley, the District Traffic Engineer, at 706-646-6676, or write the district office at Georgia Department of Transportation, District Three, 115 Transportation Boulevard, Thomaston, Georgia, 30286

Sincerely,

mili

Michael Presley, P.E. District 3 Traffic Engineer



"WHERE QUALITY IS A LIFESTYLE"

May 9, 2014

Mr. Michael Presley District Traffic Engineer Georgia Department of Transportation, District 3 115 Transportation Boulevard Thomaston, GA 30286

RE: Fayette County – Project Support for Safety Improvement at SR 92, Seay Road and Harp Road (GDOT PI 0009972)

Dear Mr. Presley,

Thank you for identifying the intersection of SR 92, Seay Road and Harp Road as a potential safety project.

Through this intersection safety program, we understand that, if determined feasible, the Georgia Department of Transportation would fund all costs associated with project design and construction (i.e., PE, ROW, UTL and CST phases) and Fayette County would be responsible for two specific items:

- The full and entire cost of the electric energy used for any lighting installed as part of the project; and
- Any maintenance costs associated with landscaping of the intersection, postconstruction.

Fayette County supports the consideration of various safety and operational improvements, including a roundabout, at this location as well as the adjacent intersection of Antioch Road and SR 92 (GDOT PI 0009971). We understand the two projects are being evaluated together to explore comprehensive solutions for the area. Similar to the concerns expressed in previous correspondence, Fayette County asks that the following types of information be provided for local consideration and input before final decisions are made.

- What is the project footprint with respect to surrounding buildings and infrastructure;
- What peak-hour delays are expected with and without the improvements; and
- What will happen if SR 92 is widen to four lanes?

05/09/14 Pg. 2

I understand the answers to these questions are not currently available but should be addressed as part of the preliminary engineering process. We look forward to working with you as this project advances. Please contact Mr. Phil Mallon (770-320-6010) if there is anything County staff can do to assist with this project.

Sincerely,

Steve Brown Chairman, Fayette County Board of Commissioners



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW Atlanta, Georgia 30308 Telephone: (404) 631-1000

April 5, 2017

Commissioner Steve Brown Fayette County Board of Commissioners 100 Stonewall Avenue West, Suite 100 Fayetteville, Georgia 30214

RE: PI 0009971 & 0009972, Fayette County - Roundabout Projects on SR 92

Commissioner Brown:

The Department received a letter dated May 9, 2014 (see attached) requesting additional information regarding the two subject roundabout projects on SR 92 in Fayette County. At the time of your letter, project design had not progressed far enough for that information to be available. Since that time, preliminary design and Environmental studies have progressed significantly. Preliminary plans have been completed and the Preliminary Field Plan Review (PFPR) inspection has been requested from the Office of Engineering Services. The PFPR is scheduled for April 19, 2017 at the Fayette County Public Works Office. Also, the Environmental document is in development for submittal to the Federal Highway Administration (FHWA). Furthermore, Right-of-Way (ROW) plans are in development and pre-acquisition activities have been initiated with the District 3 ROW Acquisition Manager. Your initial questions as presented in the letter as well as the Department's responses are included below:

• What is the project footprint with respect to the surrounding buildings and infrastructure?

The proposed projects would reduce crash frequency as well as improve operational efficiency at the intersections of SR 92 @ Antioch Road/Lockwood Road and SR 92 at Seay Road/Harp Road. The proposed length is approximately 0.5 miles. The projects are located approximately 1.5 miles south of the city limits of Fayetteville. These projects will construct two roundabouts, one at SR 92 @ Antioch Road/Lockwood Road (PI 0009971) and the second at SR 92 @ Seay Road/Harp Road (PI 0009972). The locations of the roundabouts have been designed to minimize impacts to the surrounding properties. ROW plans are currently in development. At this point, ROW acquisition and/or easement is anticipated from a total of 18 parcels. No relocations are anticipated.

• What peak hour delays are expected with and without the improvements?

The primary purpose of these projects is to reduce severe crash frequency at the two locations. A roundabout would provide the greatest reduction in crash rate at each location. Operational analysis was performed on these projects as a part of the approved Concept Report which can be found for public view at the following location:

http://gtas.dot.ga.gov/0009971/concept%20report/0009971_0009972_CR_sep2015.pdf.

For both projects, the analysis showed a roundabout would perform at acceptable levels in the design year. Without the improvements, the current delays during peak hours could be expected.

• What will happen if SR 92 is widened to four lanes?

The potential future widening of SR 92 has been taken into account in the preliminary design as currently proposed. The roundabouts will be constructed with the diameter of a multi-lane roundabout but will be striped for a single lane, initially. In the future, the center islands can be reduced to add a second lane without additional impacts to property adjacent to the intersections. Also, SR 92 between the two roundabouts will be constructed with the width of a four lane roadway but striped as a two lane, initially.

We look forward to the successful delivery of these projects. If you need any additional information, please contact your Project Manager, Sam Allen, at (404) 865-3114 or saallen@dot.ga.gov.

Sincerely,

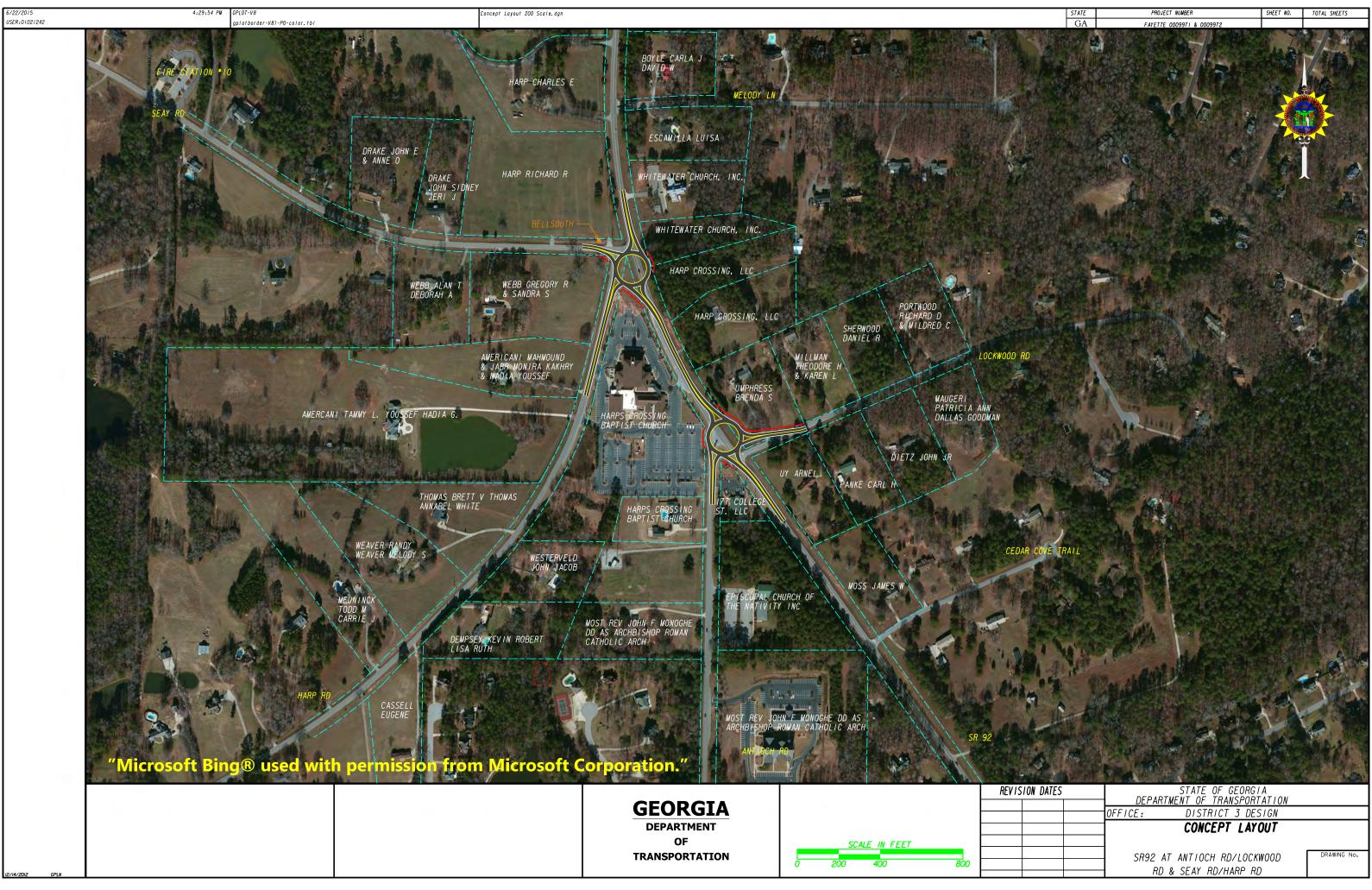
albert Shilty

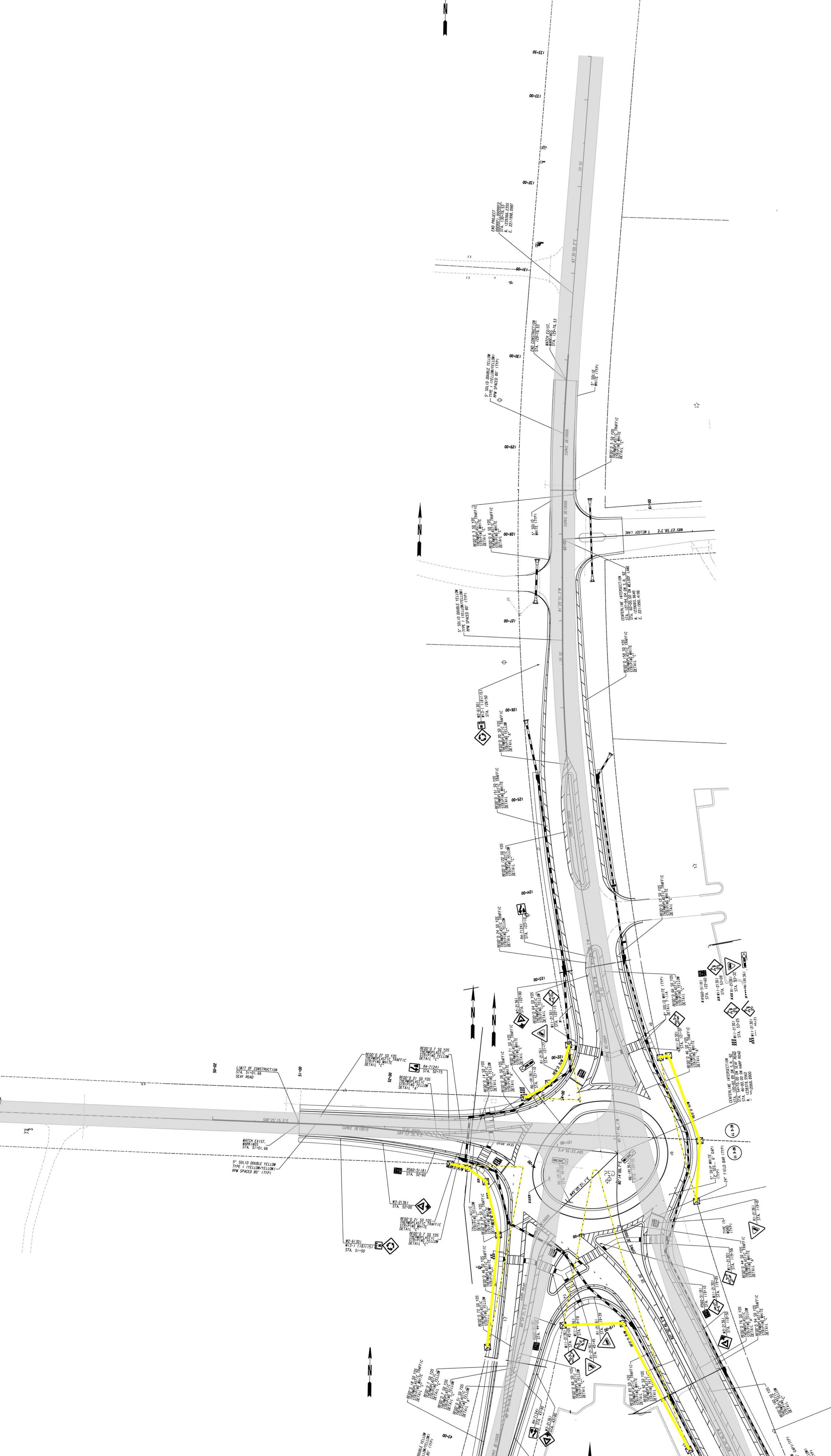
Albert V. Shelby, III State Program Delivery Administrator

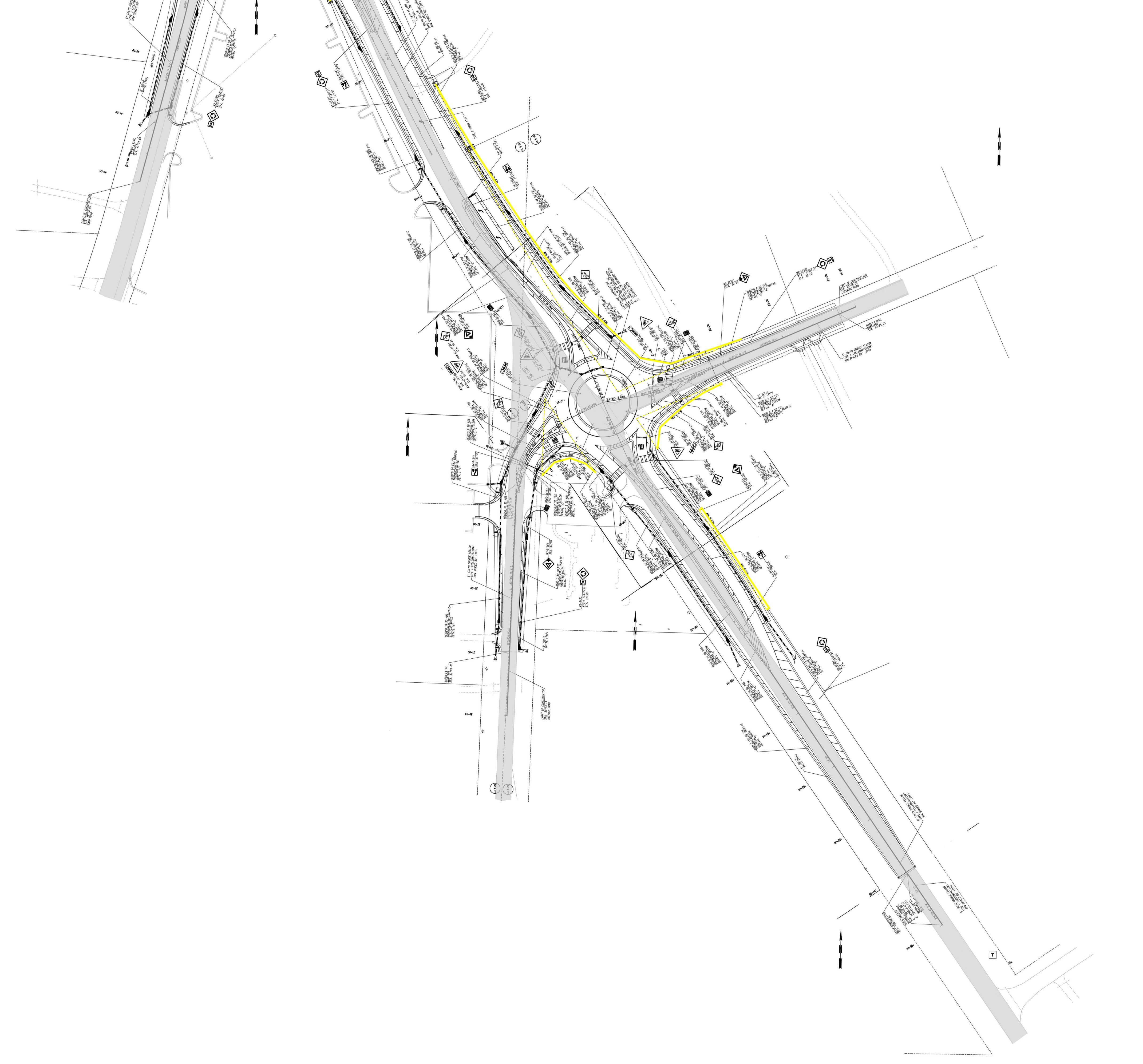
AVS:KWN:JTB:SA

Attachments

cc: Adam Smith, District 3 Preconstruction Engineer Phil Mallon, Fayette County









GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW Atlanta, Georgia 30308 Telephone: (404) 631-1000

March 14, 2016

Mr. Steven A. Rapson, County Administrator Fayette County 140 Stonewall Avenue West, Suite 100 Fayetteville, GA 30214

RE: Roundabout lighting assistance for SR 92 @ CR 149/Antioch Rd & CR 308/Lockwood Rd, SR 92 @ CR 138/Seay Rd & CR 129/Harp Rd – P.I. No. 0009971 & 0009972; Fayette County

Dear Mr. Rapson,

The Department will require a signed agreement for roundabout lighting installed as part of the above referenced projects. The lighting shall be administered in the form of a *Local Government Lighting Project Agreement* (LGLPA). It will be the responsibility of the County to provide the Energy, Operation and Maintenance for the system. The Department shall be responsible for the design and installation, including all costs of materials for the system.

Attached for your review are five (5) original copies of the proposed LGLPA between the Georgia Department of Transportation and Fayette County, for County and State participation. It is requested that a Resolution be secured from the Board of Commissioners before entering into the Agreement. By virtue of the Resolution, the County can then enter into the Agreement. The Resolution/Agreement process can be done concurrently. If you concur with the terms of this Agreement, please attach an official copy of the Resolution (including all signatures and seals) to each of the Agreements. Then, please obtain the necessary signatures and appropriate seals from the Board of Commissioners on all 5 copies of the Agreement and return all 5 copies to the Office of Design Policy & Support for further handling. *Please do not fill in the date on the first page of the Agreement as this will be completed upon execution by the Department*. We will return one copy of the executed Agreement for your files.

Also enclosed is a Georgia Security and Immigration Compliance Act Affidavit. We ask that this be completed and returned along with the LGLPA package.

If you have any questions or need any additional assistance, please contact Robert Graham at (404) 631-1684.

Sincerely, W_th_D_Ll

For: Brent A. Story, P.E. State Design Policy Engineer

BAS: WDT: rg

 cc: Sam M. Wellborn, State Transportation Board, Congressional District 3 Meg Pirkle, Chief Engineer
 Michael Presley, District 3 Engineer
 Hiral Patel, Director of Engineering

AGREEMENT

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BETWEEN

DEPARTMENT OF TRANSPORTATION

STATE OF GEORGIA

AND

FAYETTE COUNTY

This Agreement is made and entered into this _____ day of _____, 2017 by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**, and FAYETTE COUNTY, GEORGIA acting by and through its Board of Commissioners, hereinafter called the **COUNTY**.

WHEREAS, the COUNTY has represented to the DEPARTMENT a desire to obtain roundabout lighting as part of the SR 92 @ CR 138/Seay Rd & CR 129/Harp Rd project, said lighting to be installed under P.I. No. 0009972, Fayette County;

WHEREAS, the COUNTY has represented to the DEPARTMENT a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting system at the aforesaid location, and the DEPARTMENT has relied upon such representation; and WHEREAS, the DEPARTMENT has indicated a willingness to fund the materials and installation for the said lighting system at the aforesaid location, with funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the COUNTY hereby agree each with the other as follows:

1. The DEPARTMENT or its assigns shall cause the installation of all materials and equipment necessary for roundabout lighting as part of the SR 92 @ CR 138/Seay Rd & CR 129/Harp Rd project, said lighting to be installed under P.I. No. 0009972, Fayette County as shown on Attachment "A" attached hereto and made a part hereof.

2. Upon completion of installation of said lighting system, and acceptance by the DEPARTMENT, the COUNTY shall assume full responsibility for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The COUNTY further agrees to provide and pay for all the energy required for the operation of said lighting system.

3. The DEPARTMENT shall retain ownership of all materials and various components of the entire lighting system. The COUNTY, in its operation and maintenance of the lighting system, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

4. This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The DEPARTMENT reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the COUNTY.

5. It is understood by the COUNTY that the DEPARTMENT has relied upon the COUNTY'S representation of providing for the energy, maintenance, and operation of the lighting represented by this Agreement; therefore, if the COUNTY elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the COUNTY shall reimburse the DEPARTMENT the materials cost for the lighting system. If the COUNTY elects to de-energize or fails to properly maintain any individual unit within the lighting system, the COUNTY shall reimburse the DEPARTMENT for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The DEPARTMENT will provide the COUNTY with a statement of material costs upon completion of the installation.

The covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto. IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

RECOMMENDED:

1

FAYETTE COUNTY

BY:

Chairman, Board of Commissioners

(SEAL)

DEPARTMENT OF TRANSPORTATION

BY_____

Commissioner

(SEAL)

ATTEST:

Notary Public

WITNESS

This Agreement approved by the Board of Commissioners at a meeting held at

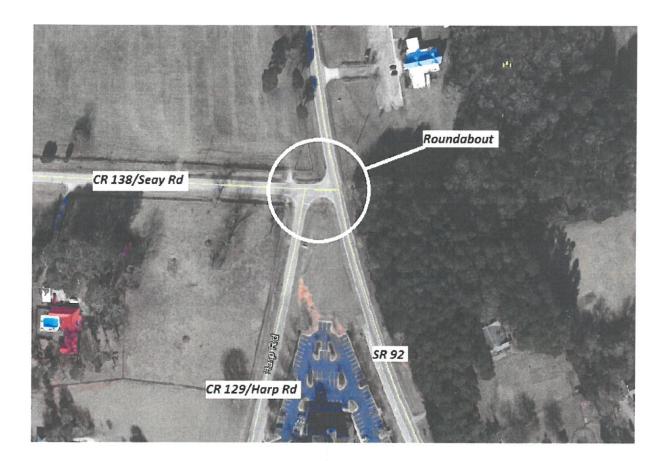
this _____ day of _____,

2016.

Treasurer

Commission Clerk

Attachment "A"



Project Location Map

SR 92 @ CR 138/Seay Rd & CR 129/Harp Rd Fayette County P.I. No. 0009972



GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor's Name:	FAYETTE COUNTY
Solicitation/Contract No./ Call No.	0009972-0-0
or Project Description:	

CONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, entity or corporation which is engaged in the physical performance of services on behalf of the Georgia Department of Transportation has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number (EEV/E-Verify Company Identification Number)

Name of Contractor

I hereby declare under penalty of perjury that the foregoing is true and correct

Printed Name (of Authorized Officer or Agent of Contractor)

Signature (of Authorized Officer or Agent)

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

_____DAY OF ______, 20_____

Notary Public

My Commission Expires: _____

Title (of Authorized Officer or Agent of Contractor)

Date of Authorization

Date Signed

[NOTARY SEAL]

Resolution 2017 -

A RESOLUTION APPROVING THE EXECUTION OF A LOCAL GOVERNMENT LIGHTING PROJECT AGREEMENT BETWEEN FAYETTE COUNTY, GEORGIA AND THE GEORGIA DEPARTMENT OF TRANSPORTATION. SO THAT THE GEORGIA DEPARTMENT OF TRANSPORTATION MAY COMPLETE THE INSTALLATION OF STREET LIGHTING ASSOCIATED WITH THE TWO ROUNDABOUT PROJECTS ON SR 92, LOCATED AT THE INTERSECTIONS OF SEAY ROAD AND ANTIOCH ROAD.

WHEREAS, Fayette County Georgia (the "County") desires to obtain street lighting for the State Route 92 roundabout projects PI 009971 and PI 009972 (the "Projects"), which construction and installation shall be conducted by Georgia Department of Transportation ("GDOT"); and

WHEREAS, GDOT has agreed to fund the Projects using funds appropriated by the Federal Highway Administration; and

WHEREAS, the County has agreed to assume full responsibility for the operation and maintenance of the Project's lighting upon completion; and

WHEREAS, in order to move forward with the Projects, GDOT requires formal execution and approval of a Local Government Lighting Program Agreement (the "Agreement") in order to move forward with the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AS FOLLOWS:

Section 1. The County hereby authorizes and approves the terms of the Agreement, which executed Agreement is attached hereto as Exhibit "A."

Section 2. This resolution shall become effective immediately, and if any section, paragraph, clause, or provision hereof shall for any reason be held invalid or unenforceable, the invalidity of unenforceability thereof shall not affect any of the remaining provisions hereof.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this 14th day of December, 2017.

FAYETTE COUNTY, GEORGIA

Eric K. Maxwell, Chairman Fayette County

ATTEST

Tameca White, County Clerk Fayette County

COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina, Dire	ctor				
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business					
Wording for the Agenda:		5.	Į					
Consideration of whether		tion of property on Ellis Road and Ba idential townhouse-condominium dis		rezoning of said				
, Background/History/Detai	ls:							
The City of Fayetteville h	as notified Fayette County of an app nty of its intention to rezone the pro	plication to annex 1262 SR 54 East v perty from A-R (Agricultural-Residen		,				
The county's governing authority may either "object" to the annexation by majority vote, or choose not to object to the annexation request.								
Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery no later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is February 15, 2018.								
What action are you seeking from the Board of Commissioners? Decision whether to object to the annexation and rezoning request due to a material increase in burden on infrastructure and loss of Fire Tax, Fire Impact Fees, Occupational Taxes (Home Occupation) and Building Permit fees.								
If this item requires funding	a places describe:							
If this item requires fundin Not applicable.	ig, piease describe.							
Has this request been co	nsidered within the past two years?	No If so, whe	en?					
Is Audio-Visual Equipment Required for this Request?* Yes Backup Provided with Request? Yes								
* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.								
Approved by Finance	Not Applicable	Reviewed	d by Legal					
Approved by Purchasing	Not Applicable	County C	Clerk's Approval	Yes				
Administrator's Approval								

Staff Notes:

To:	Board of Commissioners
From:	Pete Frisina
Date:	January 24, 2018
Re:	Fayetteville Annexation Request for 44.415 acres (parcels 05-38-030, 05-38-032, 05-38-109 & 05-38-118)

Fayetteville has received a request for the annexation of the above-referenced properties and indicates the intent to rezone from R-20 (Single-Family Residential District) and properties that are Split Zoned R-20 (Single-Family Residential District) and A-R (Agricultural-Residential District) to Residential townhouse-condominium district (RT-C). The annexation application indicates that the subject property is 44.415 acres. The Concept Plan indicates 162 residential lots. The development includes parks and an amenity center per the Concept Plan. The Concept plan also indicates a tie-in to the proposed commercial and townhouse development to the west.

General Description

The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.00 0.94	C-3 (F-ville) C-H	Shopping Center Office	Suburban Commercial (Fayetteville) Commercial
East	2.6 46.9	A-R A-R	Water Tower Single-family Residential	Low Density Residential (1 Unit/1 Acre) Low Density Residential (1 Unit/1 Acre)
South (across Banks Road)	8.5	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
	1.2	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
	1.0	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
	4.8	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
West	30.7	R-22 (F-ville)	Single-family Residential	Medium Density Single Family (Fayetteville)

DEPARTMENTAL COMMENTS

Planning and Zoning: The subject property is currently zoned R-20 and A-R and is proposed for Residential townhouse-condominium district (RT-C) zoning in Fayetteville. The subject property is currently designated as Low Density Residential (1 Unit/1 Acre) on the Fayette County Future Land Use Plan map (see attached land use plan map). The annexation request proposes 162 residential lots on 44.415 acres for a gross density of 3.65 units per acre. On

44.415 acres it is conceivable that 39 one (1) acre lots would be possible given that 10 percent of the total acreage would be associated with streets, stormwater facilities, poor soils, design constraints, etc. that will affect the lot yield.

<u>Fire/EMS</u>: Opposed to the annexation due to the loss of Fire Tax revenues.

Water System: We have sufficient capacity in this area. This is our service area according to our map.

Public Works/Engineering: Fayette County Engineering has reviewed the annexation application and conceptual master plan dated 12/11/17 by The Acre Group, Inc. The project has a combined area of 44.415 acres and 162 single family home units are proposed. Per the Institute of Transportation Engineers, Trip Generation Manual (9th Edition), the number of trips generated from the project in the City will be approximately 1,542 and approximately 371 trips if developed in the County with 39 lots.

Ellis Road

Ellis Road is two-lane, 0.4-mile, County Collector that extends from Banks Road to SR 85. It is one-way stop controlled at Banks and has a traffic signal at SR 85. Traffic count data are not available for Ellis but it is considered a frequently-used cut-through based on field observations. There are no sidewalks or multi-use paths along the road. A Traffic Impact Study will be needed to determine if the additional traffic volume from this development will result in a drop in the level of service at the Ellis Road and SR 85 intersection. Mitigation may be required to avoid unacceptable levels of service.

Banks Road

Banks Road is a two-lane, 1.9-mile, County Collector that runs from SR 54 to SR 314. The western end of Banks Road (approximately 0.38 miles) is within the limits of Fayetteville. The road is used as a cut-thru between SR 314, SR 85, SR 54 and McDonough Road and is experiencing operational, safety and capacity issues. There are no sidewalks, bike lanes or multi-use paths along the road but pedestrians walking along the shoulder indicate a latent demand for multi-use paths or sidewalks. Because of existing concerns with Banks Road, Fayette County applied to the Atlanta Regional Commission in May 2017 for a \$137,000 study to identify upgrades needed for the road. This need was realized assuming buildout per the County's land use plan (i.e., 1-acre zoning).

Per the SR 54 Traffic Diagrams, the traffic count on Banks, between Ponderosa Trace and SR 54, is approximately 10,990 vpd. Assuming $\frac{1}{2}$ of the project's trips ($\frac{1}{2} \times 1,542 = 771$) exit on to Banks, the project will increase volume of Banks by 7.0 %. Under the County zoning, the increase would be 1.7%.

Intersection at Ellis Road and Banks Roads

The intersection of Ellis Road and Banks Road will be impacted by increased traffic generated by this development. The intersection is one-way stop controlled on Ellis Road and there are no controls on Banks Road. Traffic flow on the east bound lane of Banks Road will be affected by increased left turns into the development as there is no left turn lane. Traffic flow on the west bound lane of Banks Road will be affected by increased right turns into the development as there

is no right turn lane. Traffic flow on the south bound lane of Ellis Road will be affected by increased left turns onto Banks Road as there is no left turn lane. The Concept Plan indicates a roundabout to control the intersection at Ellis and Banks Roads. The Engineering Department supports the idea of a roundabout to control the intersection at Ellis and Banks Roads. However, a Traffic Impact Study will be required to determine if a roundabout is the best solution for this intersection.

SR 54

The intersection of Ellis Road with Banks Road is approximately 1.2 miles from SR 54. Per GDOT's "Traffic Counts in Georgia" webpage, the traffic count on SR 54 near Banks Road was 18,000 vehicles per day (vpd) in 2016. The Georgia Department of Transportation (GDOT) is currently in the construction phase of a widening project for SR 54 (GDOT PI 721440). Changes associated with the GDOT project that pertain to the proposed annexation include:

- Widening of SR 54 from two to four lanes;
- Addition of a sidewalk and bike lane on both sides of SR 54;
- Addition of a median; and
- A new traffic signal and turn lane at Bank Road and SR 54.

A Traffic Impact Study will be required to determine if GDOT's proposed design for the intersection of Banks and SR 54 can accommodate the additional traffic volume from this development without a drop in the level of service. Mitigation may be required to avoid unacceptable levels of service.

General Comments

- The proposed mini-roundabout at the north end of the Development is good for traffic calming but may discourage cut-through traffic on Ellis Road, thus putting more traffic on Banks Road.
- Installation of sidewalks or multi-use paths along Banks Road to meet the demand for non-auto travel to proximate shopping, food, recreation and other attractions along SR 85 and SR 54.
- Installation of sidewalks or multi-use path along Ellis Road, from Banks to SR 85.
- The inter-parcel connectivity with Parcel 0538 022 to the west is supported including the installation of sidewalks or multi-use paths. Development of 0538 002 should require a future tie-in at the existing traffic signal on SR 85 near the Lowe's and Aldi stores.
- Right-of-way should be reserved on the eastern side of the project for future connectivity to Parcel 0538 031 to the east.

Recommended Condition of Annexation

Fayette County's Development Regulations require the developer to prepare a Traffic Impact Study when the estimated number of gross trips associated with the development is expected to have an impact on the surrounding roads.

Based on the concept plan submitted with the Annexation Request, the Engineering Department recommends that a Traffic Impact Study be provided by the developer and mitigation measures, if warranted, be identified and agreed upon by the County Board of Commissioners, City Council, and Developer.

At a minimum, the Traffic Impact Study should follow the requirements of the County's regulations, which include:

- Establishment of a zone of influence;
- Impacts to level of service;
- Mitigation measures; and
- Concept-level cost estimates for the measures.

Environmental Health: Proposed annexation into City of Fayetteville of 44.415 AC Environmental Health Comments: This department has no objections to proposed annexation request. Proposed subdivision to be served by public sewer. As proposed subdivision will contain a swimming pool, this department will need to be involved with the plan review process of the pool prior to construction.

Environmental Management: Fayette County Environmental Management reviewed the annexation application and conceptual master plan dated 12/11/17 by The Acre Group, Inc. The project has a combined area of 44.415 acres and 162 single family home units are proposed. All proposed development is contained in the Nash Creek Watershed sub basin. Nash Creek is currently designated by the Georgia Natural Resources as an impaired stream for.

Per Fayette County's Future Land Use Plan, it is assumed that final build-out of the properties would be on 1-acre lots with an impervious cover of 10 percent if developed in the unincorporated County. Based on review of the concept plan impervious cover increases substantially. This substantial increase will impact the quality and quantity of stormwater flowing into the unincorporated County.

Future Conditions Flooding Impacts and Possible Mitigation Efforts

Banks Road is a two-lane, 1.9-mile, County Collector that runs from SR 54 to SR 314. The western end of Banks Road (approximately 0.38 miles) is within the limits of Fayetteville. All drainage from the propose-development area currently travels through a 4 ft. X 5 ft. concrete box under Banks Road.

- In 2013, at Fayette County's expense, a Future Conditions Flood Study was performed to meet the Metropolitan North Georgia Watershed Planning District (MNGWPD) requirements. This flood study was based on the County's Land Use Plan. An update to the 2013 Limited Detailed Flood Study to incorporate this increased density is requested to stay compliant with MNGWPD requirements.
- 2. Determine if the current 4 ft. X 5 ft. concrete box culvert meets the minimal Georgia Stormwater Management Manual standard of passing the 100-year flood. Fayetteville to perform all design and improvements to meet this standard under Banks and any other drainage systems impacted downstream.
- 3. Submit a Floodplain Management Plan demonstrating there is no increase in current and future conditions flood hazard areas of properties downstream.

Stormwater Management

The proposed development is required to meet all the current Georgia Stormwater Management Manual criteria for water quality, channel, overbank flood and extreme flood protection including the runoff reduction standard retaining the first inch of rainfall on site. Environmental Management requests to review and approve all hydrology and stormwater management plans prior to any development.

<u>Sheriff's Office</u>: It is the belief of the Sheriff's Office that this development would exacerbate traffic issues on an already busy Banks Road.

STATE LAW

TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY CHAPTER 36. ANNEXATION OF TERRITORY ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES

36-36-113. Objection to annexation; grounds and procedures

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
 - (1) The proposed change in zoning or land use;
 - (2) Proposed increase in density; and
 - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
 - (1) Result in:
 - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
 - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

36-36-114. Arbitration panel; composition and membership

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making

my determination, those matters which may lawfully come before me."

36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
 - (2) In arriving at its determination, the panel shall consider:
 - (A) The existing comprehensive land use plans of both the county and city;
 - (B) The existing land use patterns in the area of the subject property;
 - (C) The existing zoning patterns in the area of the subject property;
 - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
 - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
 - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
 - (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
 - (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
 - (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous,

the costs shall be borne by the party that has advanced such position.

- (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
- (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
- (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
- (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
- (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

36-36-116. Appeal

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the

municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

36-36-118. Abandonment of proposed annexation; remedies for violations of conditions

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

Recommendation

Due to the proposed change in zoning, increase of density, intensity and infrastructure demands related to the proposed change in zoning, Staff finds a material increase in burden upon the county as a result of this annexation and rezoning of the subject property to Residential townhouse-condominium district (RT-C) as it will increase traffic on Ellis Road and Banks Road to greater extent than the level of development allowed in the County and will require improvements to address the increase. In addition, the development will increase stormwater flow to greater extent than the level of development allowed in the County and will require flood studies to determine if existing stormwater infrastructure under Banks Road will need improvement and whether there is an increase in current and future conditions flood hazard areas of properties downstream. The annexation and rezoning of the subject property to Residential townhouse-condominium district (RT-C) will result in a substantial change in the intensity of the allowable use of the property and significantly increase the net cost of infrastructure which is furnished by the county to the area to be annexed. Staff recommends that the County OBJECT to the annexation due to the aforementioned material increase in burden. Fire is opposed to the annexation due to the loss of Fire Tax revenues. Other revenues lost due to the annexation include Fire Impact Fees, Occupational Taxes (Home Occupation) and Building Permit fees.



February XX, 2018

The Honorable Ed Johnson Mayor, City of Fayetteville 240 South Glynn St. Fayetteville, GA 30214

RE: Annexation and Rezoning Request for 44.415 Acres on Ellis Road and Banks Road

Dear Mayor Johnson:

Fayette County is in receipt of the above referenced annexation and rezoning request consisting of 44.415 acres. The applicant is requesting rezoning to Residential townhouse-condominium district (RT-C).

This property is zoned R-20 and A-R and is designated as Low Density Residential (1 Unit/ 1 Acre) on the Fayette County Future Land Use Plan. The proposed annexation and rezoning represents a substantial change in the residential density of the allowable use of the property suggested for the property by Fayette County Future Land Use Plan.

On February 8, 2018 the Fayette County Board of Commissioners (BOC) voted to object to the annexation and rezoning of the subject property to Residential townhouse-condominium district (RT-C). Given the proposed change in density the BOC finds a potential for a material increase in burden upon the county as a result of this annexation in terms of impact on traffic on Ellis Road and Banks Road and stormwater infrastructure. The annexation and rezoning of the subject property to Residential townhouse-condominium district (RT-C) will result in a substantial change in the residential density and intensity of the property and significantly increase the net cost of infrastructure which is furnished by the county to the area to be annexed.

Fayetteville may satisfy the County's objection by requiring the following:

1. A Traffic Impact Study shall be provided by the owner/developer and mitigation measures/improvemnts, if warranted, be identified and agreed upon by the County Board of Commissioners, City Council, and Developer.

At a minimum, the Traffic Impact Study should follow the requirements of the County's regulations, which include:

- Establishment of a zone of influence;
- Impacts to level of service;
- Mitigation measures; and
- Concept-level cost estimates for the measures.

- 2. The owner/developer shall update the 2013 Limited Detailed Flood Study to incorporate this increased density as requested to stay compliant with MNGWPD requirements.
- 3. The owner/developer shall perform all design and improvements to meet this standard under Banks Road and any other drainage systems impacted downstream.
- 4. The owner/developer shall submit a Floodplain Management Plan demonstrating there is no increase in current and future conditions flood hazard areas of properties downstream.
- 5. The Fayette County Environmental Management Department will review and approve all hydrology and stormwater management plans prior to any development.

Satisfaction of these conditions may be demonstrated by the city of Fayetteville providing a letter to Fayette County no later than close of business on, that the city of Fayetteville will require the owner/developer to meet the enumerated conditions above.

Sincerely,

Eric K. Maxwell, Chairman Fayette County Board of Commissioners

EKM/paf

cc: Fayette County Board of Commissioners Steve Rapson, County Administrator Dennis Davenport, County Attorney MAYOR Edward Johnson

CITY MANAGER Ray Gibson

CITY CLERK Anne Barksdale

January 9, 2018

Fayette County Board of Commissioners Attn: Mr. Eric Maxwell, Chairman 140 Stonewall Avenue W. Suite 100 Fayetteville, GA 30214

Dear Mr. Maxwell:

The City of Fayetteville has recently received an application for the annexation/rezoning of four parcels located in Fayette County. The applicants' submittal was verified for accuracy and officially accepted by City staff on January 9, 2018. The properties are located at Banks road and Ellis road.

Parcel ID Number 0538032, 28 acres, currently zoned R20 (Single Family Residential), Parcel ID Numbers 0538030, 0538109, and 0538118 totaling 14.3 acres, currently zoned AR (Agricultural Residential). Applicant is requesting to rezone all 42.3 acres to R-THC (Residential Townhouse/Condominium)-See attached location map.

I have enclosed a copy of the completed annexation/rezoning application, a legal description of the properties, a location map, and a completed Staff Annexation Review Form.

The Mayor and City Council will hold their public hearing to consider the application on Thursday, April 5, 2018.

Please direct any comments or questions concerning this application to Jahnee Prince, Director of Community Development.

Sincerely,

Ray Gibson City Manager

Cc: Mayor, City Council Jahnee Prince, Director of Community Development Chris Hindman, Director of Public Services

> 240 Glynn Street South • Fayetteville, Georgia 30214 Telephone (770) 461-6029 • Facsimile (770) 460-4238 www.fayetteville-ga.gov



COUNCIL Paul Oddo Jr., Mayor Pro Tem Kathaleen Brewer Richard J. Hoffman Harlan Shirley Scott Stacy

via Certified Mail



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ANNEXATION & REZONING APPLICATION

7-047 File#: (to be filled in by City Staff)

The Mayor and Council TO:

The undersigned hereby respectfully requests that the City of Fayetteville Zoning Map be amended as described below:

- 1. This is a request for: X Annexation & Rezoning/Zoning Map Amendment Fees \$1,750.00
- ALL LEGAL FEES ASSOCIATED WITH THESE ZONING ACTIONS AND DEVELOPMENT AGREEMENTS WILL BE THE RESPONSIBILITY OF THE APPLICANT ALONG WITH THE REQUIRED APPLICATION FEES.
 - 2. Give exact information to locate the property for which you propose a change:

Tax District Number:	Tax Map Number:
Parcel Number(s): 0538 032,0538 109 0538 030 0538 1 18	0538032=28
1771	C22 - 32 - 22 - 2

3. What is the current Fayette County zoning on this property? $\frac{0550032 = R20}{R20}$

0538 030,109+119 = SZ

4. What new zoning do you propose for this property? <u>RTH-C (PUD)</u> Residential - Townhouse Condominium

(Under item 7, explain your reason(s) for your rezoning request)

- 5. Do you own all of the property proposed for this zoning change? (X) Yes () No If no, each property owner must sign an individual application.
- 6. Is this property subject to an Overlay District? Check those that may apply: (Corridor Overlay District () Main Street District () Historic Preservation District
- () Ground Water Recharge Area
- () Watershed Protection
- Applications will not be considered complete until all items bave been supplied. Incomplete applications will NOT
- be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.
- All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.
- 4 The City shall have five business days in order check applications for completeness.

7. Intent of Rezoning / Annexation Request: (Detailed Description of Development) (Attach a separate sheet if necessary)

to create a traditional neighborhood of:	single - Emily homes
	SANS MAR
Staff's Signature:	Date:
Notary Public: Sudac of Marchman	GEORGIA Julio7, 2020
Signature of Applicant:	
Name: Ampy CitANDLER	Telephone
	Number: 404-402-1141
Address: 131 Prominence Ct Agent:/Owner (Name/Address/Telephone/E-mail):achand (Suite 230 Dansonville 614 30534 20101 @ Smail. com

The completed application will be reviewed by the Planning & Zoning Commission at a regularly scheduled monthly meeting, upon which, they will make a recommendation to Mayor and Council. The recommendation will be presented as a public hearing at two consecutive City Council meetings before a vote is taken for approval or denial.

FOR PLANNING & ZONING DEPT. USE ONLY		
File No. <u>17-047</u> Amount Received: <u>1,750</u>	Posting Notice Date: $2 \cdot 12 \cdot 18$ Legal Ad Date: $2 \cdot 7 \cdot 18 + 2 \cdot 14 \cdot 18$	
	City Council 2 nd Reading: <u>4.5,18</u> Council for two readings for final approval or denial.	
Date Completed Application Was Received:	(Official Date Stamp)	

Applications will not be considered complete until all items have been supplied. Incomplete applications will NOT

• be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.

All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.

The City shall have five business days in order check applications for completeness.

TRACT 1

All that tract or parcel of land lying and being in Land Lot 168 of the 5th Land District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a 1 inch open top pipe found at the Land Lot corner common to Land Lots 153,154,167 and 168; said point being the **POINT OF BEGINNING**;

THENCE along the land lot line common to Land Lots 167 and 168 North 01 degrees 23 minutes 46 seconds East for a distance of 1481.90 feet to a 1 ¼ inch open top pipe found; THENCE leaving the said land lot line South 88 degrees 18 minutes 55 seconds East for a distance of 555.01 feet to a ½ inch rod found; THENCE South 88 degrees 04 minutes 51 seconds East for a distance of 248.65 feet to a 1 inch open top pipe found on the westerly right of way of Ellis Road (80 foot right of way); THENCE along the said right of way the following five courses and distances; along a curve turning to the right and having a radius of 889.90 feet, an arc length of 437.43 feet, being subtended by a chord bearing of South 13 degrees 14 minutes 35 seconds East, for a distance of 433.04 feet to a point; THENCE South 03 degrees 12 minutes 41 seconds West for a distance of 281.99 feet to a point; THENCE South 01 degrees 59 minutes 57 seconds West for a distance of 138.31 feet to a point; THENCE along a curve turning to the left and having a radius of 2188.54 feet, an arc length of 206.92 feet, being subtended by a chord bearing of South 00 degrees 11 minutes 58 seconds East, for a distance of 206.84 feet to a point; THENCE South 03 degrees 39 minutes 25 seconds East for a distance of 379.11 feet to a concrete monument found on the northerly right of way of Banks Road (80 foot right of way); THENCE along the said right of way the following two courses and distances; North 88 degrees 54 minutes 24 seconds West for a distance of 393.47 feet to a concrete monument found; THENCE along a curve turning to the left and having a radius of 955.46 feet, an arc length of 313.68 feet, being subtended by a chord bearing of South 82 degrees 21 minutes 21 seconds West, for a distance of 312.28 feet to an iron pin set; THENCE leaving the said right of way North 89 degrees 07 minutes 11 seconds West for a distance of 240.00 feet to a 1 inch open top pipe found, said point being the **POINT OF BEGINNING**.

The above described tract contains 29.97 acres and is Tract 1 of a survey for U.S. Land Investments, LLC., prepared by the Acre Group, Inc., dated September 12, 2017.

TRACTS 2

All that tract or parcel of land lying and being in Land Lot 168 of the 5th Land District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northerly right of way of Banks Road (80 foot right of way) and the easterly right of way of Ellis Road (80 foot right of way), said point being the **POINT OF BEGINNING**;

THENCE along the right of way of Ellis Road the following four (4) courses and distances; North 03 degrees 38 minutes 31 seconds West for a distance of 362.71 feet to an iron pin set; THENCE North 03 degrees 38 minutes 32 seconds West for a distance of 22.84 feet to a point; THENCE along a curve turning to the right and having a radius of 2111.78 feet, an arc length of 198.56 feet, being subtended by a chord bearing of North 00 degrees 10 minutes 50 seconds West, for a distance of 198.49 feet to a point; THENCE North 02 degrees 20 minutes 42 seconds East for a distance of 125.26 feet to an axle found, Said Point being the **TRUE POINT OF BEGINNING**;

THENCE continuing along the right of way, North 03 degrees 00 minutes 43 seconds East for a distance of 294.10 feet to a point; THENCE along a curve turning to the left and having a radius of 949.70 feet, an arc length of 419.09 feet, being subtended by a chord bearing of North 11 degrees 28 minutes 43 seconds West, for a distance of 415.70 feet to an iron pin set; THENCE leaving the said right of way South 89 degrees 51 minutes 24 seconds East for a distance of 325.66 feet to an iron pin set; THENCE South 18 degrees 06 minutes 39 seconds East for a distance of 287.85 feet to a ½ inch rebar found; THENCE South 14 degrees 50 minutes 34 seconds East for a distance of 292.01 feet to a ½ inch rebar found; THENCE South 10 degrees 55 minutes 22 seconds East for a distance of 103.82 feet to a ½ inch rebar found; THENCE South 89 degrees 03 minutes 08 seconds East for a distance of 83.40 feet to a ½ inch rebar found; THENCE South 00 degrees 00 minutes 25 seconds West for a distance of 50.46 feet to a 16 minutes an iron pin set; THENCE North 88 degrees 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 44 seconds west for a distance of 525.80 feet to a 16 minutes 50 minutes 58 minutes 58 minutes 50 minutes 59 minutes 50 minutes 50

The above described tract contains 6.025 acres and is Tract 2 of a survey for U.S. Land Investments, LLC., prepared by the Acre Group, Inc., dated September 12, 2017.

TRACTS 3

All that tract or parcel of land lying and being in Land Lot 168 of the 5th Land District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northerly right of way of Banks Road (80 foot right of way) and the easterly right of way of Ellis Road (80 foot right of way), said point being the **POINT OF BEGINNING**;

THENCE along the right of way of Ellis Road North 03 degrees 38 minutes 31 seconds West for a distance of 362.71 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**;

THENCE continuing along the right of way the following three (3) courses and distances, North 03 degrees 38 minutes 32 seconds West for a distance of 22.84 feet to a point; THENCE along a curve turning to the right and having a radius of 2111.78 feet, an arc length of 198.56 feet, being subtended by a chord bearing of North 00 degrees 10 minutes 50 seconds West, for a distance of 198.49 feet to a point; THENCE North 02 degrees 20 minutes 42 seconds East for a distance of 125.26 feet to an axle found; THENCE leaving the said right of way South 88 degrees 58 minutes 44 seconds East for a distance of 525.80 feet to a ½ inch iron pin set; THENCE South 00 degrees 00 minutes 20 seconds West for a distance of 136.38 feet to an axle found; THENCE North 88 degrees 56 minutes 36 seconds West for a distance of 210.41 feet to an iron pin set; THENCE North 88 degrees 56 minutes 36 seconds West for a distance of 523.62 feet to an iron pin set on the easterly right of way of Ellis Road, said point being the **TRUE POINT OF BEGINNING.**

The above described tract contains 4.21 acres and is Tract 3 of a survey for U.S. Land Investments, LLC., prepared by the Acre Group, Inc., dated September 12, 2017.

TRACTS 4

All that tract or parcel of land lying and being in Land Lot 168 of the 5th Land District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northerly right of way of Banks Road (80 foot right of way) and the easterly right of way of Ellis Road (80 foot right of way), said point being the **POINT OF BEGINNING**;

THENCE along the right of way of Ellis Road North 03 degrees 38 minutes 31 seconds West for a distance of 362.71 feet to an iron pin set; THENCE leaving the right of way South 88 degrees 56 minutes 36 seconds East for a distance of 523.62 feet to an iron pin set; THENCE South 01 degrees 25 minutes 20 seconds West for a distance of 361.50 feet to a 1 inch iron pin found on the northerly right of way of Banks Road; THENCE along the said right of way North 88 degrees 56 minutes 35 seconds West for a distance of 491.60 feet to an iron pin set, said point being the **POINT OF BEGINNING**.

The above described tract contains 4.21 acres and is Tract 4 of a survey for U.S. Land Investments, LLC., prepared by the Acre Group, Inc., dated September 12, 2017.

STAFF ANNEXATION REVIEW FORM

1. Describe the location of the area to be annexed or attach a clear map indicating the location.

Parcel Numbers 0538 032 (28 acres), 0538 030 (4.2 acres), 0538 109 (5.9 acres), 0538 118 (4.2 acres) (Banks Road and Ellis Road)

2. How many landowners/parcels will be included?

Four landowners, four parcels

3. How does the City propose to designate this area on its future land use map and/or zoning map if the annexation occurs?

High Density Single Family Detached

4. Refer to sections of the city development ordinances that identify permitted uses for this proposed land use classification.

Sec. 94-160 Residential townhouse condominium district R-THC (PUD)

5. Describe the development plans for the area proposed to be annexed (if the property owner(s) in the area initiated specific development proposals).

Annexation and Rezoning for 162 single family detached homes.

Form completed by: Julie Brown, Senior Planner

Signature: _______ Signature: _______

Date: 1/9/2018

Rezoning Narrative

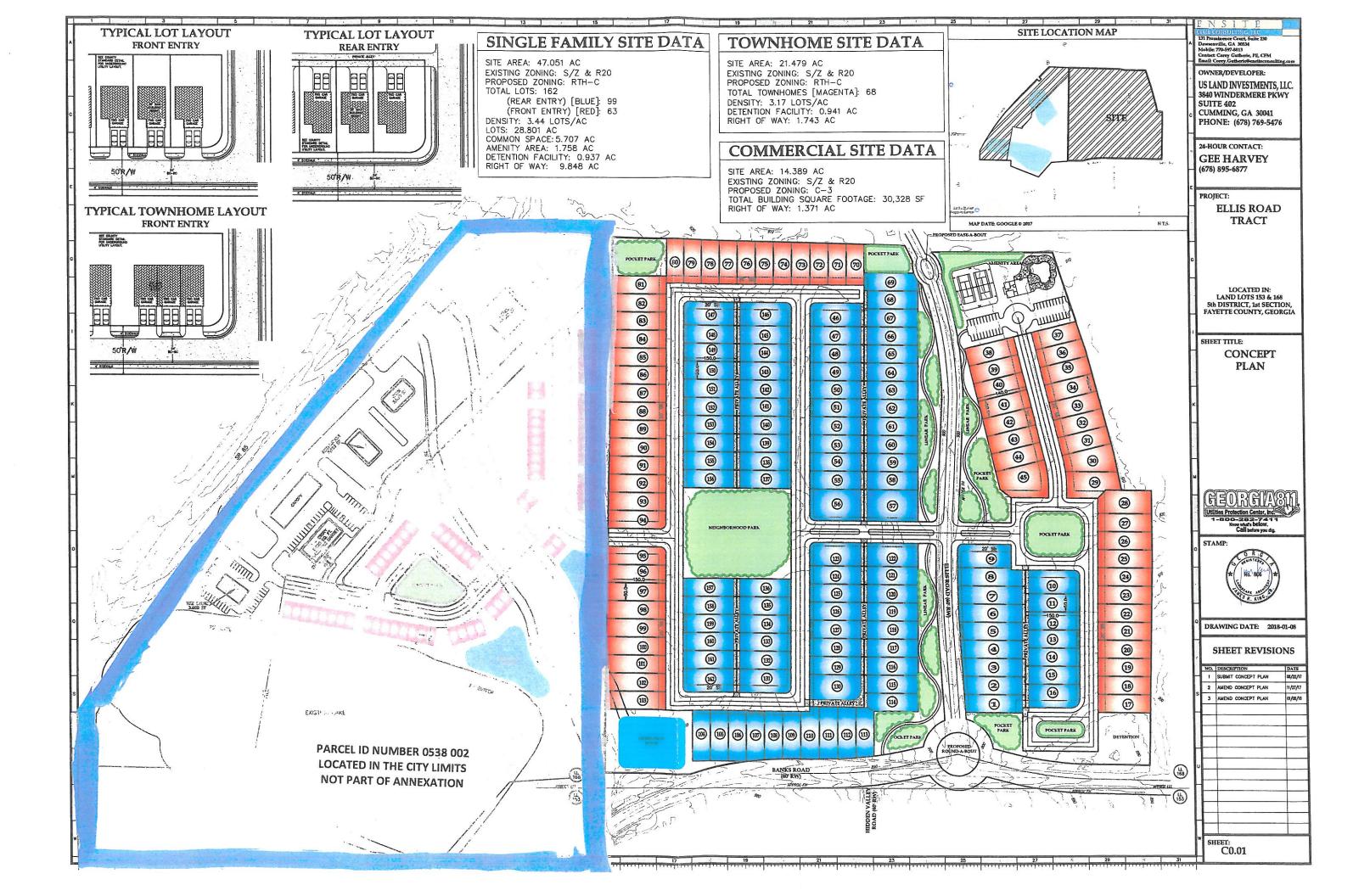
US Land Investments, LLC | Ellis Road Tract | December 2017

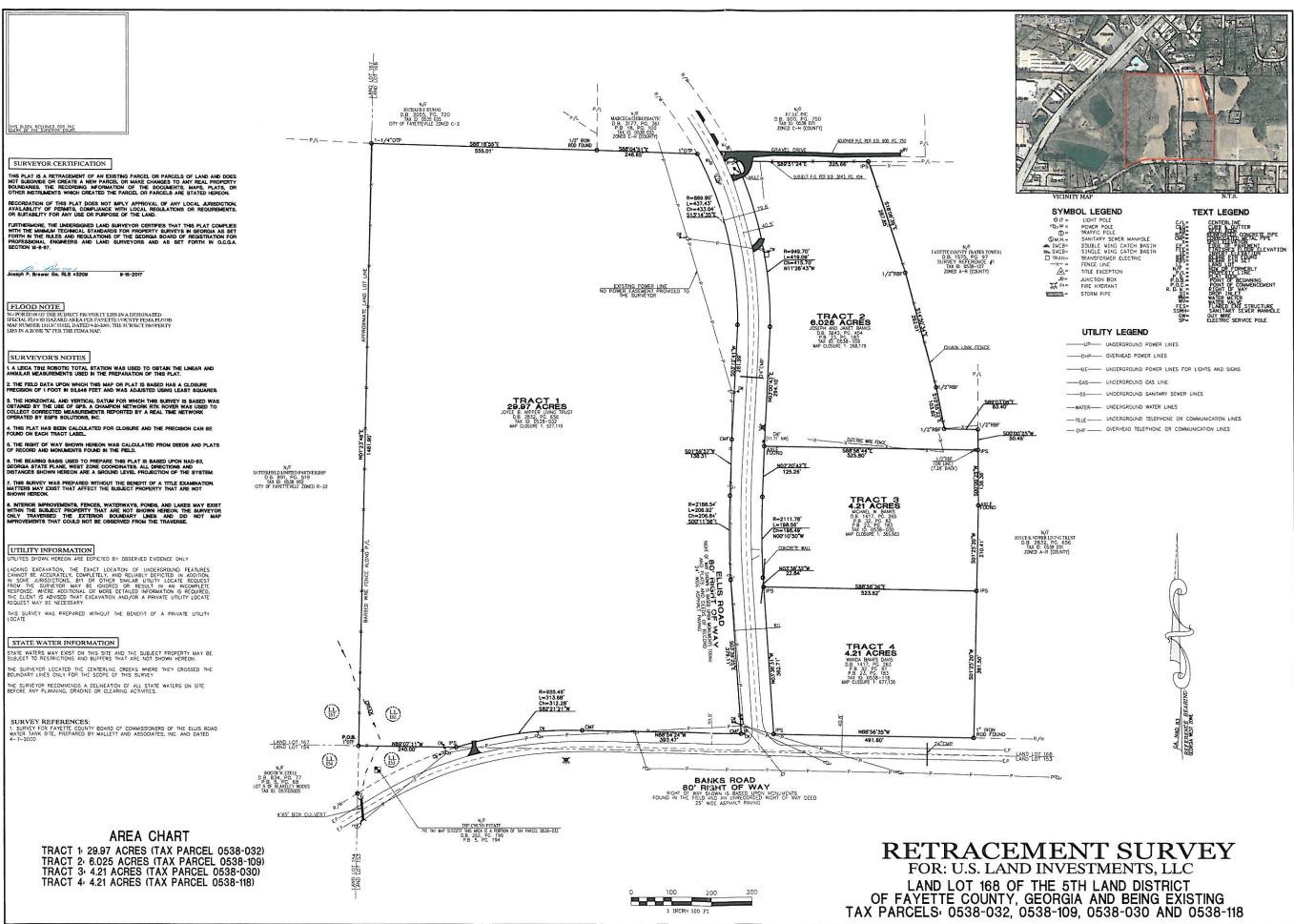
The applicant, US Land Investments LLC, requests Annexation and Rezoning of 47.3 acres from S/Z & R20 to RT-C in order to build a 162-Home Single-Family Community on both the east and west sides of Ellis Road at its intersection with Banks Road. The property is being developed jointly with a neighboring tract that fronts State Hwy 85. It is bordered on the north by various Commercial and Agricultural properties and the south by Banks Road. This property is designated as Planned Residential on the Land Use Plan which is precisely what we are proposing. The majority of the neighborhood will incorporate alleyways with rear-entry garages allowing the homes to embrace the street with beautiful front porches close to the street to encourage "visiting" with passing neighbors. This Main Street design lends itself to the quaint hometowns of yester-year. In some cases, the alleyways could not be incorporated and so these front-entry homes will receive special attention to the front facade to maintain the architectural character of the neighborhood.

Pocket Parks have been integrated throughout the design to create social gathering areas for the residents. By decreasing the size of the lots, we utilized the land to create large usable and meaningful public areas that can be used by the entire community. A Central Park nearly the size of a football field will be utilized for both active and passive recreation by the residents and will serve as the focal point of the community. An active Amenity Area with a pool will also be provided. Overall, we are providing nearly 6 acres of Common Areas in addition to the Active Amenity Area. Ellis Road is being incorporated into the community by siting the homes facing it rather than backing to it. We have also introduced Olmstedian Linear Parks along Ellis Road to encourage walking to the nearby commercial service areas, while creating a since of Place. We are proposing a Round-a-Bout and traffic calming island to manage traffic through the area.

The neighborhood will be integrally connected to the adjacently proposed retail area to provide a true Live, Work, Play destination for the community. The fresh and new retail development will provide a welcome environment for the community and will provide a walkable solution for the residents.







NT SURVEY ESTMENTS, LLC
TH LAND DISTRICT IA AND BEING EXISTING 19, 0538-030 AND 0538-118

UNDARY SURVEY FOR:		NO	DATE:	REVI	REVISION.		PREPARED BY:
		-	12-11-17	12-11-17 REVISED TO REMOVE TRACT 5	ICT 5		
						A CALLER	
						A C C C C C C C C C C C C C C C C C C C	Sacression at Inverse
U.S. LAND INVESTMENTS, LLC	STMENTS, LLC	SURVEY IN	INFORMATION:			CAN BE SHOW	A Georgia Land Surveying Firm: LSF# 001105
		DATE: 9/	9/12/2017	LAND LOT: 168	DISTRICT: 5TH		
		×	FAYETTE	SCALE. 1"=100"	SCALE 1"=100' DRAWN BY J BENNETT		THE ACRE GROUP, INC.
		IOF	JOB NUMBER, 17-148		DATE OF FIELD WORK 9/6/2017		P.O. BUX 34 LOGANVILLE GEORGIA 20022 9/22/22/22

COUNTY AGENDA REQUEST

Department:	Department of Building Safety	Presenter(s):	Joe Scarborough,	Director
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business	
Wording for the Agenda:				
Consideration of staff's re	very effort by volunteering his knowl	assist the Virgin Islands Territorial En ledge and experience in permitting, p		
Background/History/Detail	S:			
Hurricane Maria struck St. Croix with 175 MPH winds and continued northwest, also devastating St. Thomas and St. John Islands. Two weeks later, Hurricane Irma, one of the strongest hurricanes on record, again ravaged all 3 islands with 185 MPH winds. In an effort to aid in the recovery efforts, the International Code Council, FEMA, GEMA and VITEMA are requesting certified Building Officials, Plans Examiners and Inspectors to assist with the permitting and inspections of almost every structure on the islands. The amount of construction need is astronomical for existing personnel to handle. Volunteers are asked to participate in this effort for a 30 da period. The salary, airfare, motel, meals and car rental are reimbursed. Department of Building Safety has funds to cover all expenses up front. Emergency Management Director Mike Singleton will assist in filling all required forms for complete reimbursement. Departmentally, the department is in the off-season for new construction starts. In Mr. Scarborough's absence, the staff will be able to meet the daily permitting and inspection workloads without assistance. Assistant Director Steve Tafoya is prepared and exceedingly capable of assuming the duties as Director until Mr. Scarborough returns. GEMA has advised that there are areas of cell phone and internet service so he should be able to periodically check in with Steve Tafoya, Pete Frisina and Steve Rapson.				ds. g certified Building e islands. The is effort for a 30 day over all expenses up ent. staff will be able to nd exceedingly cell phone and
If this item requires funding	g, please describe:			
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	t Required for this Request?*	No Backup P	rovided with Reques	st? Yes
All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.				
Approved by Finance	Not Applicable	Reviewed	by Legal	
Approved by Purchasing	Not Applicable	County Cl	erk's Approval	Yes
Administrator's Approval				

Staff Notes:



"WHERE QUALITY IS A LIFESTYLE"

February 8, 2018

SUMMERY OF COSTS

- SALARY: \$35.27 hourly X 8 = \$282.16 X 30 days = \$8464.80
- AIRFARE: \$790.00 round trip
- BAGGAGE: \$75.00
- MOTEL: \$299.00 X 30 days = \$8970.00 based on V.I. PerDiem Schedule
- MEALS: \$116.00 x 30 days = \$3480.00 based on V.I. PerDiem Schedule

CAR RENTAL: \$30.00 x 30 days = \$900.00 + \$250.00 tax = \$1150.00

TOTAL EXPENDITURE and REIMBURSEMENT: \$22,929.80

ATTACHED IS A COPY OF THE EMAC REIMBURSEMENT ELIGABILITY POLICY



What is eligible for reimbursement?

Use this document as a quick reference guide to what is eligible for reimbursement and what documentation is typically required.

PERSONNEL

DETAILS OF EXPENSE ELIGIBILITY	DOCUMENTATION REQUIRED FOR REIMBURSEMENT
Salary: Your normal (regular) rate of pay, just as if you were working back in your home state. Note situations where the hours you are working are different from your normal regular hours.	 Provide any evidence that shows when you worked, such as: Time and attendance records Timesheets Payroll records Logbook
• Overtime: Make sure that overtime hours are distinguished from hours paid at your standard rate, and that you do not claim for more hours than the maximum you would normally be permitted. For example, if your employer's policy states that you should not work more than 12 hours in 24, of which 8 hours are paid at your normal rate and up to 4 hours as overtime, do not exceed those limits.	As for your normal hours, and part of the same set of records: > Time and attendance records > Timesheets > Payroll records > Logbook > Policy document
• Fringe benefits: You can claim any other benefits that you would receive as part of your normal employ- ment agreement, as long as your employer submits the policy details so that they can be included in the reimbursement package.	The policy document and backup documentation (such as timesheet showing the fringe benefit rate per hour).



TRAVEL

DETAILS OF EXPENSE ELIGIBILITY	DOCUMENTATION REQUIRED FOR REIMBURSEMENT
Airline flights: Flights to and from the affected area will be reimbursed, as long as these are not directly billed to the Requesting State.	Receipt from a travel agent or airline that must show: > Name of traveler > Dates of travel > Cost of travel Note that you may also need to produce your boarding pass. Check with your home state EMA.
 Airline baggage: These fees are eligible expenses. If you are accompanied by costly special equipment that will increase fees, the details should be included in your Mission Order. 	Your airline ticket or voucher may show the quantity and cost of your accompanying baggage. If it doesn't, or you find you need to pay extra baggage costs on arrival at the airport, you will need to submit: > Baggage receipts > Justification for any baggage costs not included in your Mission Order
■ Ground transportation: Your Mission Order may include details of taxis, shuttles, or other ground transportation that could be planned in advance, such as getting from your arrival airport to your lodging. It may also indicate general guidelines for getting around the affected area to do your job. Otherwise, you will need to justify your ground transportation costs in the context of the mission requirements.	You will need: > A taxi or shuttle receipt, preferably showing not only the cost but the date, origin, and destination

EMAC

TRAVEL

DETAILS OF EXPENSE ELIGIBILITY

Personal vehicles:

Use of your own Pers (POV) is an eligible ex this is specified in you The basis for reimburs the rules used in your policy, or if there no ju you can follow the fee the Government Servi rates website.

As rates may vary, the need to be included in package.

Government vehicl

If you are using a Gov (GOV), there are two o reimbursed based up or a mileage rate such state, or federal milea use whichever policy your jurisdictional or s

Rental vehicles:

You may need to rent on your Mission Orde emergency.

DOCUMENTATION REQUIRED FOR REIMBURSEMENT

sonal Owned Vehicle xpense, as long as our Mission Order. rsement will depend on ir local jurisdiction, state jurisdiction or state policy, ederal rates published on vice Administration (GSA) ne prevailing policy will in the reimbursement	 Your Resource Provider will submit documentation on the basis for reimbursement. Your responsibility is to submit claims that match the reimbursement policy and support them with clear documentation of your journeys, such as: Mileage traveled Cost of travel at local, state, or GSA rates that match your Mission Order Maps showing routes and dates of travel A trip report of routes taken and purpose of travel Highway and bridge toll receipts Parking receipts
cles: overnment Owned Vehicle options. GOV may be oon the cost of fuel, ch as the jurisdictional, age rate. You should v is consistent with state policy.	 You will need: Fuel receipts (not just credit card receipts) if the cost basis is by fuel Mileage traveled with maps showing routes and dates of travel along with a trip report (if basis is by rate) Highway and bridge toll receipts Parking receipts
t a vehicle as indicated er or in a justifiable	 In this case, you will need to show the cost of rental and fuel, supported by: Rental contract showing name of renter and dates of rental Zero balance receipt for the rental vehicle Fuel receipts Highway and bridge toll receipts Parking receipts



LODGING

DETAILS OF EXPENSE ELIGIBILITY	DOCUMENTATION REQUIRED FOR REIMBURSEMENT
 Lodging: Primitive In extreme conditions, your Mission Order will specify that you must be self-sustaining for all basic needs: sleeping in tents and providing your own meals. Eligible expenses: none 	N/A
 Lodging: Basecamp If your Mission Order specifies that you will be sheltered at a base camp, or a similar staging area, the expectation is that all your meals and lodging will be provided. Eligible expenses: none 	N/A
 Lodging: Minimal Under minimal conditions, hotels and restaurants are available, but they may be difficult to find. You may need to justify additional expenses: higher room rates and additional travel, for example. If the lodging rate on your Mission Order varies from the actual rate, you should contact your Resource Provider and home State EMA. Eligible expenses: The basis for reimbursing the cost of shelter varies from one jurisdiction to another. Your Resource Provider will supply details of the policy: whether you are to be reimbursed at a per diem or against actual costs. Your responsibility is to submit expenses in line with that policy. 	You will need to submit: > Original hotel receipts showing a "zero" balance, i.e., paid in full



LODGING

DETAILS OF EXPENSE ELIGIBILITY	DOCUMENTATION REQUIRED FOR REIMBURSEMENT
Lodging: Normal If the situation is relatively normal, all hotels and restaurants may be fully functioning. The costs on your Mission Order should match the rates paid.	You will need to submit: > Original hotel receipts showing a "zero" balance, i.e., paid in full
Eligible expenses: Per diem rates or actual lodging costs as specified	

MEALS

DETAILS	DOCUMENTATION
OF EXPENSE ELIGIBILITY	REQUIRED FOR REIMBURSEMENT
Meals should be listed on your Mission Order. Claims should be either on a per diem basis or against actual costs (by receipt), as specified. The per diem rates may be specified by the jurisdictional policy, state policy, or federal guidelines. If you were deployed on a self-sustaining mission, your meals are eligible for reimbursement. Typically, these are MREs or equivalent.	 Whether paid by per diem or receipt, it is often helpful to show a worksheet that identifies the per diem rates or actual costs. > Receipts should be as specific as possible, e.g., showing the date, location, and number of personnel. > Receipts for meals should not include alcohol, as this is not an eligible expense.

COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Commissioner Ste	ve Brown
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business	
Wording for the Agenda:			,	
	sal from Commissioner Brown for ch	anges to the agenda deadline scheo	dule.	
Background/History/Detail	S:			
What action are you seeking from the Board of Commissioners? Consider changing the deadlines for agenda submissions to the end of the day Friday following our County Commission meetings. This way if something comes up during one of our meetings we do not have to delay two meetings in order to have something addressed.				
If this item requires fundin	g, please describe:			
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipmen	Is Audio-Visual Equipment Required for this Request?* No Backup Provided with Request? Yes			st? Yes
All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.				
Approved by Finance	Not Applicable	Reviewec	I by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				

Staff Notes:

AGENDA DEADLINES, PRE-AGENDA SCHEDULE, PUBLISH DATE AND MEETING DATE

2018

AGENDA DEADLINE	PRE-AGENDA MEETING	PUBLISH AGENDA	MEETING DATE
December 27	January 3	January 5	January 11
January 10	January 17	January 19	January 25
January 24	January 31	February 2	February 8
February 7	February 14	February 16	February 22
February 22	March 1	March 3	March 8
March 7	March 14	March 16	March 22
March 21	April 4	April 6	April 12
April 11	April 18	April 20	*April 24
April 25	May 2	May 4	May 10
May 9	May 16	May 18	May 24
May 23	June 6	June 8	June 14
June 13	June 20	June 22	June 28
June 27	July 3	July 6	July 12
July 11	July 18	July 20	July 26
July 25	August 1	August 3	August 9
August 9	August 17	August 19	August 23
August 22	September 5	September 7	September 13
September 12	September 19	September 21	September 27
September 26	October 3	October 5	*October 9
October 10	October 17	October 19	October 25
October 24	October 31	November 2	November 8
November 21	December 5	December 7	December 13

*Red print indicates Tuesday BOC meeting dates.

COUNTY AGENDA REQUEST

		1]
Department:	Commissioners	Presenter(s):	Commissioner St	eve Brown
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business	
Wording for the Agenda:				
		prove Resolution 2018-05 to remove	Fayette County fro	m Regional Transit
Background/History/Detail	S:			
regional transit board and implementation and fundi overly expensive transit s What action are you seeki	d consolidate funding and planning. ing. Obviously, Fayette County has a systems which have low ridership an ng from the Board of Commissioner		related to regional t	ransit is not suited for
Leadership, GDOT Comr		ransportation Committee Senator Br	0	
If this item requires fundin	g, please describe:			
Not applicable.				
Has this request been cor	nsidered within the past two years?	No If so, whe	n?	
Is Audio-Visual Equipment Required for this Request?* No Backup Provided with Request? Yes			est? Yes	
	5	Clerk's Office no later than 48 ho udio-visual material is submitted a	'	0
Approved by Finance	Not Applicable	Reviewed	I by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				

Staff Notes:

RESOLUTION 2018-05

RESOLUTION TO REMOVE FAYETTE COUNTY FROM REGIONAL TRANSIT PLANNING AND FUNDING

- WHEREAS, Fayette County has a population of approximately 110,000 and a land mass of almost 200 square miles; and
- WHEREAS, Fayette County's projected population for 2040 is expected only to be 143,255; and
- WHEREAS, MARTA and the Georgia Legislature are considering regional oversight, consolidation and funding of mass transit for the metropolitan Atlanta Region; and
- WHEREAS, Transit projects for Fayette County would be cost prohibitive and not suited for the county's low density land use plan; and
- WHEREAS, Fayette County commuters make up an extremely small portion of the ridership with mass transit in metropolitan Atlanta; and
- WHEREAS, Fayette County's ability to draw economic development and quality residents is not dependent upon mass transit, but, rather upon its unique rural quality of life; and
- WHEREAS, The culture within Fayette County frowns upon a system that is not close to self-sustaining, requiring enormous subsidies; and
- WHEREAS, It is the duty of all jurisdictions in Fayette County to focus on protecting our quality of life, keeping residential density low, maintaining our excellent school system, keeping our roads less congested, preserving our green spaces and continuing our exceptional commitment to public safety, all of which keeps our community strong and able to attract high paying jobs to Fayette County, and we should avoid attempts to mimic the more rampant growth patterns and drawbacks of other parts of the region; and
- WHEREAS, Fayette County has no transit projects in the regional Concept 3 transit plan; and
- WHEREAS, Neither the State nor the Atlanta Regional Commission have yet to identify future transit expansion and maintenance revenue sources; and
- WHEREAS, Neither the State nor the Atlanta Regional Commission have yet to identify the maximum cost per transit rider they are willing to accept or offer solid projections on cost-benefit analysis versus other forms of transportation; and
- WHEREAS, Neither the State nor the Atlanta Regional Commission have clarified whether citizens and their local governments will be forced to sacrifice State and Regional funding for road infrastructure and maintenance at the expense of funding open-ended transit agendas;

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request to all regional and state entities that Fayette County be exempt from implementation and funding of regional transit planning.

So resolved this 8th day of February 2018, by the

BOARD OF COMMISSIONERS FAYETTE COUNTY, GEORGIA

Attest:

Eric Maxwell, Chairman

Tameca White, County Clerk

Subject: RESOLUTION TO REMOVE FAYETTE COUNTY FROM REGIONAL TRANSIT PLANNING AND THE BURDEN OF FUNDING SUCH PROJECTS

Background:

The Atlanta Journal-Constitution is reporting that MARTA and the Georgia Legislature are considering implementing models to create a regional transit board and consolidate funding and planning. At question is Fayette County's role related to regional transit implementation and funding. Obviously, Fayette County has a sparse population and a relatively small budget which is not suited for overly expensive transit systems which have low ridership and operate at a loss.

Action requested:

Approve the resolution. Submit the resolution to Fayette County's Legislative Delegation, Atlanta Regional Commission Leadership, GDOT Commissioner, Chairman of the Senate Transportation Committee Sen. Brandon Beach and Chairman of the House Transportation Committee Rep. Kevin Tanner. http://commuting.blog.ajc.com/2018/01/09/metro-atlanta-transit-funding-martas-solution/

Metro Atlanta transit funding: MARTA's proposed solution

David Wickert

January 9, 2018 Clayton County, Cobb County, DeKalb, Fulton County, Georgia Legislature, Georgia Regional Transit Authority, Gwinnett County, MARTA, transit, transportation funding.

As The Atlanta Journal-Constitution has reported, the General Assembly will consider increasing state funding for mass transit this year. And some lawmakers want to reshape the oversight of transit service in metro Atlanta.

Currently, a slew of local agencies provides transit service, including MARTA, Gwinnett County Transit, CobbLinc and the Georgia Regional Transportation Authority. The idea is to create a regional board to consolidate transit funding and planning.

But lawmakers are still hashing out the details, which raise sensitive political questions. How large should the region be? Who would serve on the board? Who gets to decide how the money is spent in any given county or city?

MARTA Board Chairman Robbie Ashe has a solution he says would sidestep those thorny questions.

Ashe told The Atlanta Journal-Constitution the state should take on a grant-making role and leave planning and governance to the existing local agencies.

Like the Federal Transit Administration, Ashe said the state could shape the region's transit service by adopting criteria that local agencies would have to meet to quality for competitive grants. Such criteria could include the cost per mile of projects, how many people they serve per mile, and how they meet state or regional economic development goals.

The beauty of the solution, Ashe says, is it gives the state control over how its money is spent without requiring it to get involved in detailed decisions best left to local transit providers – like where to put bus stops or other operational decisions.

"I don't think anyone argues with the basic proposition that if you put money into transit you should have a voice in how that money is being spent," Ashe said. "The neatness of that solution is they can have a hundred percent control over a hundred percent of their dollars."

In fact, Georgia took just such an approach when it divvied up \$75 million in grants for transit capital projects in 2016.

That approach may not satisfy some lawmakers. They want to increase the efficiency of the region's transit system by consolidating at least some of the functions currently

carried out by the local transit agencies. They could use state funding as a carrot to entice systems to give up some of their local control.

State Rep. Kevin Tanner, R-Dawsonville, chairman of the House Transportation Committee, says he'll unveil a proposal by the end of January. Sen. Brandon Beach, R-Alpharetta, chairman of the Senate Transportation Committee, also is working on a Senate plan.



Board of Commissioners April 4, 2012 3:30 P.M.

Notice: A complete audio recording of this meeting can be heard by accessing Fayette County's Website at <u>www.fayettecountyga.gov</u>. Click on "Board of Commissioners", then "County Commission Meetings", and follow the instructions. The entire meeting or a single topic can be heard.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on Wednesday, April 4, 2012, at 3:30 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Herb Frady, Chairman Robert Horgan, Vice Chairman Steve Brown Lee Hearn Allen McCarty
Staff Present:	Jack Krakeel, County Administrator Scott Bennett, County Attorney Karen Morley, Chief Deputy Clerk

Chairman Frady called the meeting to order.

Acceptance of Agenda: Commissioner Brown made a motion to approve the agenda as presented. Commissioner Horgan seconded the motion. The motion carried 5-0.

Presentation:

1. <u>Presentation by the Atlanta Regional Commission staff regarding the Transportation Investment Act</u>:

Director of Public Works Phil Mallon introduced Cain Williamson of the Atlanta Regional Commission who presented a power point presentation for educational purposes regarding the Transportation Investment Act and the referendum scheduled for a vote on July 31, 2012. A copy of the request and backup, identified as "Attachment No. 1", follow these minutes and are made an official part hereof.

Chairman Frady said there have been numerous transportation meetings regarding the Transportation Investment Act both here and in Fayetteville. He said it was felt that a presentation could be held during the day so that individuals who had not been able to attend the evening meeting would have the opportunity to hear the presentation. He said at the end of the presentation, any questions or comments would be welcome.

Board of Commissioners Minutes April 4, 2012 Page 2

Public Works Director Phil Mallon introduced Cain Williamson and Regan Hammond from the Atlanta Regional Commission who would be making the presentation. He said the purpose of the presentation is educational. He said the vote for the Transportation Investment Act Referendum would be on July 31, 2012 and staff felt it was their responsibility to provide educational information on this so that the public can make a decision as to whether they will support it or not. He remarked that as of early March the ARC staff has conducted over 30-50 educational meetings throughout the Atlanta region. He noted that this meeting was at the direction of the Board during the March 10 Retreat meeting. He said there had also been a similar presentation at a public meeting in the evening independent of a Board meeting. He said after the presentation, staff would like to receive input from the Board and the public as to whether or not this exact type for mat would be good for the second presentation or if it should be tailored more toward County projects. He introduced Cain Williamson who would be making the presentation and noted that comments and questions would be entertained at the end.

Cain Williamson of the Transportation Demand Management Office of the ARC presented a power point presentation regarding the Regional Transportation Referendum. Mr. Williamson remarked that this presentation was for educational purposes only and pointed out that staff was legally prohibited from advocating for anything. He said staff had been spending time educating the public on the process by which they have gotten to where they are and where this will end up on July 31st which is the date for the vote. He encouraged citizens to educate themselves on the projects that are listed and the need to voice their support or lack of support on July 31st.

Mr. Williamson stated how staff had gotten to this point in putting together a list of projects and the reason for the movement to create this opportunity. He remarked approximately 30%-35% of all trips in the region cross some type of jurisdictional boundary lines. He said approximately 64% of just trips used for commuting to work across a jurisdictional boundary line in the morning and evening going to and from work. He commented on the financing of the way transportation was funded now. He said the primary mechanism for funding transportation at the Federal level was the Highway Trust Fund which is funded through the gas tax and it has been that way for fifty years or more. He said as vehicles get more fuel efficient there is less and less gasoline purchased and as a result of that there is less money going into the Highway Trust Fund. He said at the State level the gas tax has not been raised in the State of Georgia since 1971. He remarked the State's transportation system was basically being run on the same revenues that it was being run on almost 40 years ago. He said the region is certainly not getting smaller and it was projected that over the next 30 years, it was expected that 3-5 million residents would be added. He said with the additional residents, there would be additional vehicles and the need to travel among jurisdictions in the Atlanta region. He said the Atlanta region is the ninth worst region in the Country in terms of congestion and the 48th in the County in terms of the amount of money spent on the transportation system as a State. He noted that there are only two States in the union that spend less money than Georgia on transportation. He said this comes down to the Atlanta region having seven of the worst bottlenecks in the United States. He said this brings us to a decision point as to whether or not to continue with the lack of funding for transportation projects or should new alternative ways be investigated. He said this was when the State Legislature essentially decided that they were going to offer the State an opportunity to raise additional revenue for the purpose of transportation in districts around the State which came to be known as the Transportation Investment Act. He said a list of transportation projects has been put together and there will be a Transportation Investment Act referendum on the ballot on July 31, 2012.

Mr. Williamson further remarked that the TIA encompasses 10 counties in the Metropolitan Atlanta Region. He pointed out that the vote would be for a one cent sales tax for 10 years or until \$8.5 billion is raised. He said whichever comes first is when the tax would end. He said 100% of that money comes back to the Atlanta region and none of it is used to fund projects outside of the Atlanta region. He said 85% of the money raised will be spent on regional projects that the Regional Round Table comprised a list of. He also noted that 15% of the money would be returned to the local jurisdictions for the purposes of spending on transportation projects that they deem appropriate for themselves. He said

a lot of time is spent in the list development process talking to the public. He said they had approximately 200,000 residents in the Metropolitan Atlanta Region participate in one form or another in the list development process. He remarked that the referendum would accelerate the implementation of the transportation project list. He said the Regional Transportation Plan and Transportation Improvement Program totals approximately \$21.7 billion. He noted that \$13.2 billion of that amount was used to maintain the existing network. He remarked that 70% of the money that was expected to be spent currently over the next 10 years would be exclusively for the purposes of maintaining the existing network and not expanding it. He said the maintenance of the existing network would include repaving, filling potholes, making sure sidewalks are in working order, and those sorts of things. He stated that the referendum project list was \$8.5 billion and would add a substantial amount of money on top of what was expected and will allow expansion of the system in a meaningful way rather than just maintaining and operating the existing system. He said of the \$8.5 billion there was \$7.2 billion of that was for approximately approximately 157 projects. He said \$1.3 billion of the money would go toward local projects. He said in the 157 projects there would be 57 new miles of rail and bus rapid transit, 14 major interchange repairs and 165 miles of new or expanded roadways and also miles and miles of sidewalks and multipurpose trails.

Mr. Williamson further commented on the economic benefits to the region. He said it was expected that there would be 200,000 jobs supported as a result of the investment that was being made by the public. He said there would be a \$34 billion impact on the regional GDP and approximately \$18 billion rise in personal income. He said it was projected that over \$9 billion would be saved in terms of wasted time and wasted fuel over the life of the sales tax. He said there would be a reduction in emissions of approximately 1.2 million pounds of fewer tailpipe pollution daily or approximately 72,000 less vehicles on the roadway every day. He said all of this will lead to cleaner air for all of us and the ability to spend more time doing the things that we care of about doing. He said it was also expected that some of this money would help improve the efficiency of the roadways rather than expanding the roadways. He said there were approximately 45 projects listed that were meant to improve intersections across the region which would really increase the efficiency of these roadways anywhere from 15% to 40% depending on the roadway itself and the nature of the change to the intersection. He said it was also expected that there would be better access to jobs by car or by transit. He said this would help our region stay competitive with other places such as Charlotte, Phoenix, Denver and Minneapolis. He said these cities have all recently made decisions to tax themselves for the purpose of expanding and improving their transportation systems.

Mr. Williamson said this completed his presentation and he reminded everyone that on July 31, 2012 every citizen will be part of the decision making process. He said he would be glad to answer any questions that anyone might have.

Director of Public Works Phil Mallon pointed out that the list of 157 projects at this point in time are set and locked into place and cannot change. He said the flexibility is in the \$1.3 billion that would be given back to the counties for their use. He said this was discretionary money and could be used on any type of transportation related project.

Chairman Frady asked for the amount of money that would come back to Fayette County out of the 15%. Mr. Mallon replied that he believed it was approximately \$45,606,000 that the County could expect to get back over the 10 year period. Chairman Frady asked if the project lists are being done for the cities and the county. Mr. Mallon responded that he was not exactly sure what the cities had done but he would pass this information along to them. He said a proposed breakdown of the spending was discussed at the Board's Retreat meeting and he had just recently incorporated the comments that he had received back from the Board and he would be sending these to the Board for further comment and review in the next day or two.

Chairman Frady asked if there were any questions or comments on this presentation.

Bob Ross commented on the current annual operating losses of the current transit system MARTA and questioned the sustainability of this plan beyond the ten year planned tax. He said in looking at the annual operating losses of the current transit system in excess of half a billion dollars per year and it was accruing approximately six hundred million dollars worth of unfunded maintenance in a year. He said there would be more transit added on top of that and he questioned how this was going to be sustained particularly beyond the 10 year planned tax.

Mr. Williamson remarked that \$13.2 billion will be spent in the coming years to maintain and operate the existing transportation system which includes the roadway network and the transit network. He felt it important to point out that the entirety of the transportation system has operating and maintenance costs. He said once infrastructure is built it has to be maintained whether it is a roadway, rail line, sidewalk, airport, and so forth. He stated that the roadways enjoy the benefit of Federal transportation dollars to operate and maintain them at a higher degree than the transit system does. He said the transit system operates at a deficit and only recovers approximately 30% of its operating expenses from people paying the fares to get on the train or bus every day. He said there was a significant issue in terms of how the operation of the transit system would be paid for over the long term. He said currently that he did not have an answer to that. He remarked that the MARTA system in Fulton and DeKalb Counties was currently offset by a one cent sales tax that Fulton and DeKalb Counties levy on themselves. He said this was what helps make up that difference. He said obviously sales taxes have been declining and this was what leaves MARTA in the gap that it is in. He said the same thing is true for Cobb County and Gwinnett County with those systems also operating at a deficit and only recover4 approximately 30% of their operating expenses from fares. He said the local governments there pick up the tab to maintain those systems just like the local governments in Fulton and DeKalb Counties are picking up the tab for MARTA. He felt this was a question that would have to be addressed some time in the future the same way that we have addressed how the operations and maintenance of the roadway network would be paid for.

Chairman Frady asked if there was a limitation as to where the TIA money can be spent. He also questioned if it could be spent on the maintenance for MARTA.

Mr. Williamson replied that the State law prohibits the TIA dollars from being spent on maintaining and operating the MARTA system as it existed on January 1, 2012. He said anything that was in operation at that point, these dollars by State law cannot be spent to sustain it. He said the dollars could be spent to offset operational costs for new projects that would be built as a result of this.

Commissioner Brown remarked that this would be adding a significant amount of infrastructure and no one could give him an answer as to how we are going to pay for this plan. He said he has asked the same question to the leadership at DOT and the Speaker of the Georgia House of Representatives and no one can give him an answer about how this enormous amount of infrastructure was going to be paid for. He said this should be the first question that should be answered and then plan from that point forward. He remarked that DeKalb CEO Burrell Ellis, at the annual ARC Legislative Roundtable on December 6, 2011, said that a regional system where everyone participates and everyone pays and Fayette County was part of everyone. He said this was what was starting to bother him because the MARTA system was bleeding red ink in a dire way. He said another issue that needed to be taken into consideration that absolutely must have attention was the one cent sales tax agreement between the City of Atlanta, Fulton County and DeKalb County drops from 1% to a half percent in 2032. He said the cost of the present system could not be covered with the current one cent sales tax and it would be dropping to .5. He said this was going to be the largest economic drain in history on the Metropolitan Atlanta area. He said he was really concerned about this. He said there could be discussions about fancy bridge projects and road projects and he felt there were some really great bonafide projects to have. He said then there were the beltlines, the Cumberland CID's which are special interest projects and some of the most expensive projects in the entire plan. He said when looking at the sum of what the county would be getting, it was not the project list for Fayette County that was important but what the County would be getting into. He said the County

was about to get into something that was way above its head and dragged into paying for a lot of this. He noted that the money was not there now and everybody has admitted, even in the Legislature, that the money would not be there in the future. He said a recipe for success at ARC is to take a system that is \$3 billion in arrears in operations and maintenance that loses half a billion dollars per year and expand the infrastructure by \$3.2 billion and wonder how it would be paid for.

Mr. Williamson agreed with Commissioner Brown that in 2032 the sales tax was scheduled to drop to half a penny but this was a routine thing. He said over the life of MARTA, Fulton County, DeKalb County and the City of Atlanta have voted repeatedly to re-up that half penny. He said the three jurisdictions will have the opportunity to decide again before the tax goes away as to whether or not they want to have any sales tax.

Commissioner Brown interjected at the same dinner Roswell Mayor Jerre Wood in Fulton County said the exact same thing that Burrell Ellis had said and that was that it was time for everybody in the region to pay for it.

Mr. Williamson said he was not arguing and was just clarifying the funding for MARTA works and was written into the State law. He said the other thing that he wanted to clarify was that this was not an ARC program or proposal. He said this is the result of a State law that required the creation of a regional roundtable to come together to create this list of projects.

Commissioner Brown said he was referring to the Transit Planning Board, the Transit Implementation Board Concept III which is what this plan is based on. He said he had information from slides contained in ARC presentations where they are looking at emulating Chicago as a governance model and this is mentioned throughout the entire process. He pointed out that Chicago has a permanent regional sales tax and he felt like Atlanta was heading in the same direction. He felt it would be in the best interest of the leadership to show some character and show some backbone and say if a permanent regional sales tax was going to be used to cover all of this, that people needed to be told this before they vote on July 31st rather than hitting them with it after that. He remarked that mass transit was only half funded in this plan. He said one thing that he was getting very upset about with all of the groups who are supposedly supporting this was they are telling everyone about all of the transit that they will get but forgetting to mention that it was only half funded.

Chairman Frady interjected that transit would not come to Fayette County unless the people vote to have it in Fayette County.

Denise Ognio remarked that all of these fancy road projects would not be paid for. She said she was very concerned with where the money was going to come from for the operation of transit. She said the bottom line was that there was no money to pay for these road projects. She said in working for a family business herself, she plans first where the money would come from and not vice versa.

Mr. Williamson remarked that the State law required this to be a ten year tax or it would need to end when the amount of \$8.5 billion was reached. He said a ten year tax would not fund transit in perpetuity and they were just operating in the constraints of the State law. Chairman Frady said he wanted to remind everyone that Mr. Williamson was only the messenger and this was only for informational purposes.

Don Rehwaldt, former Mayor of Tyrone, remarked that Fayette County would be receiving 15% return and all of the other metro counties will receive 25% but that is State law. He said he did not think citizens would vote to approve this. He said he wanted it clear that this was a ten year and they fail to mention that this is a ten year renewable plan forever.

Mr. Williamson replied that this plan would have to be voted on again by the population every time it woud be put forward.

Commissioner McCarty interjected that Fayette County previously had a SPLOST here and it was voted down 3-1. He pointed out that there was no MARTA included in this plan, however, there is a transportation facility included in this plan that could then take over MARTA and MARTA would then become part of that new plan. He said according to what he had read in the original referendum that had come out, the authority of the new transportation assembly that was put together under this plan can go into any county in this region and tell them that they are putting transit in their county. He said Fayette County would have nothing to say about that. He also expressed concern with the citizens in Fayette County not voting in favor of the T-SPLOST, then Fayette County would be penalized and the money taken away anyway.

Mr. Williamson remarked that the Regional Referendum which is the funding piece is a separate entity and function entirely than the conversation about the creation of a regional transit governance structure. He remarked that if the sales tax at the regional level does not pass, the entirety of the region suffers. He said if the sales tax does pass, the entirety of the region does not suffer.

Commissioner McCarty said the county would not have a choice over the creation of a regional transit governance structure. He said it would happen and then come to Fayette County as a pre-done deal through the Legislature. He said another concern he had about this plan was the fact that if the citizens of Fayette County did not pass the T-SPLOST, then we would be penalized and the State would take the money from the Fayette County citizens anyway.

Mr. Williamson replied no, and said that was not correct. He said if the sales tax at the regional scale did not pass, then the entirety of the region would suffer. He said if the sales tax did pass, then the entirety of the region would not suffer.

Commissioner Cain said Fayette County citizens were told in a previous meeting when they came here to discuss this that if Fayette County did not pass this T-SPLOST, then Fayette County would not get the return of the money that it would end up paying in the tax that would be imposed.

Mr. Williamson replied no, that was not correct. He said the ten counties would hang together or hang separately.

Commissioner McCarty suggested Mr. Williamson read the fine print in this proposal and remarked that if Fayette County did not vote for this, then the citizens of Fayette County would have to pay the sales tax anyway as part of the region.

Chairman Frady remarked if Fayette County did not vote for the referendum the citizens would have to pay the sales tax anyway as part of the region but Fayette County would still receive 30% and Commissioner McCarty interjected that was still a penalty. He said he wanted to clarify Commissioner McCarty's comment regarding the SPLOST being voted down 3-1. He pointed out that this was not a continuation of the Local Option Sales Tax of 2003.

Commissioner McCarty remarked that he had been hired to represent the constituents of this county and the people that he has talked to in this County do not want this T-SPLOST. He said the citizens of Fayette County do not want to pay another penny tax to anybody for anything at this point in time. He said when the economy recovers and we all recover and the County starts to grow again, it might be brought up for consideration again but right now it was his job to say no to this tax. He said this was what the constituents who have hired him want him to do.

Bob Ross said he would like to thank Cain Williamson for coming down to Fayette County and making this presentation. He said he had a lot of respect for the work that the ARC staff has done and it was very detailed work. He said he had looked at the Three Rivers Commission website and all of the information that they provide their voters versus what the ARC provides on its website and there was no comparison. He said one of the considerations that he sees in the material put out by Mavin and the ARC talking about the benefits of reduced congestion resulting in less accidents, less fuel consumed, better air quality and the number of people using transit to go to and from work . He said he concluded from figures in this material that the transit's impact on the region's overall problem was very little. He said the road component, the bike path component and pathway component was what was really accounting for 98% of the benefit of relieving traffic congestion, air quality, gasoline reduction and given this very lopsided contribution to the amount of money that was being paid by taxpayers, he felt was somewhat disingenuous in some of the voter education mechanisms not to point some of that out so that all of the information is available.

Mr. Williamson said he was not going to get into a debate about transit and he had discussed this before with Mr. Ross and he was not going to change his mind on anything. He said the package of projects was the package of projects. He said when citizens go to the polls to vote on this Referendum, they would be voting for all of the projects or none of them. He said a person would either believe that this was a good package of projects or it was not a good package. He said in picking apart how much of a benefit comes from one project versus another one was relatively unimportant. He said this decision is made and this is the list of projects.

Mr. Mallon said he would like to add that this presentation as well as his job to answer questions in a neutral manner and present the facts, the public should be aware that there is a fact sheet for each project which really is the official word on what a certain project contains. He said he agreed with Commissioner Brown that if anyone is interested in these projects, to please read them carefully because how they are quickly discussed did not really match the details. He said there was a distinction between this public outreach today presentation and remaining neutral and the groups out there that are paid to promote the SPLOST.

John Munford said he had attended some of the Roundtable meetings and one of the points that were made in talking about the big question of how all of the transit operations would be funded for all of the buses and rails that would be put in place. He said of the approximately \$7 billion after that would take out \$3.5 billion of road projects that otherwise would have to have been funded. He asked if it was possible that the \$3.5 billion of freed up money could be spent on the transit and if that was the case then that information needed to get to the citizens.

Mr. Williamson replied that it was conceivable that the money could be spent on capital for transit meaning the construction of transit and possibly the maintenance of it but it could not be spent on the operations of the transit system. He pointed out that Federal dollars could not be spent to operate the transit system.

Mr. Rehwaldt asked for Mr. Mallon to explain what Fayette County would be getting now through 2016. Commissioner Brown said the project list had been provided several times. Mr. Rehwaldt remarked that Fayette County was not getting anything but a cart path and part of a road and that was all for the next four years out.

Mr. Mallon interjected that there are ten projects on Fayette County's list for now until 2016. He remarked that this was a ten year plan. Mr. Rehwaldt said he was pointing out that Fayette County did not have anything programmed to be done during the first four years. Mr. Mallon said the scheduling was an ongoing exercise. He said he had completed staff's recommendation for those ten projects and the majority of those have kick off for preliminary engineering or right-of-way in the next three or four years. He commented on the SR 92 to SR 138 connector project and he had recommended that project be pushed out but the vast majority of the projects have a very quick start off. He commented

on the East Fayetteville Bypass and said engineering was already underway and this was a great candidate to get some immediate funding to finish the design and start right-of-way and construction.

Commissioner Brown expressed concern with the low figure for new home sales as well as job growth, sales tax, new retail, and everything across the board. He said there had been mention of 200,000 jobs and he felt the citizens have a perception that there are people who would get a job that they would keep into perpetuity or whenever. He felt this was really not the case. He said this was not 200,000 long term jobs. Mr. Williamson replied that this was the reason the term "job supported" was used as opposed to "jobs" because this was some combination of jobs that are kept as a result of money coming into the economy so as to not put people out of work . Mr. Williams remarked that this did not mean these 200,000 jobs were permanent jobs that are being created. Commissioner Brown commented on the population figure of 6 million and that figure being held onto going forward and all of the other numbers in the statistical analysis have been shifted downward. Commissioner Brown further remarked that he has studied land planning and transportation in Metropolitan Atlanta for the last twenty years and very rarely has the ARC been hitting the numbers. He said in looking at plan for 2025 and the projections for mass transit. He said these projections for mass transit were so outrageous that the region was not even in the universe for the predictions for plan 2025. He said the rider ship for transit was projected to increase 40% between 2000 and 2025 and currently the region was on the negative end of that projection.

Mr. Williamson interjected that in regard to the rider ship projection, the economy has tanked and less people are working.

Commissioner Brown remarked that the MARTA bus rider ship was projected to increase 70% with no increase in the number of buses and he felt this projection was outrageous. Mr. Williamson interjected that routes had been cut and this reduced the amount of service partially because sales taxes have declined because people are not working. Mr. Williamson also remarked that if the buses were not there, then people could not ride them.

Commissioner Brown said in 2000 this was an actual projection of a 70% increase in bus rider ship during a bad economy. Mr. Williamson said this projection was for 2000 to 2025. Commissioner Brown noted there was no increase in the number of buses. Mr. Williamson replied that there was no money to buy buses and this was the reason the region has put forward this potential investment in the region's transportation system. Commissioner Brown remarked that the projection was unrealistic and many transportation experts across the Country have said that number was so unrealistic that it was not even in the realm of possibility. Mr. Williamson said he was not sure which projection Commissioner Brown was referring to but he would have to see that information.

Commissioner Brown concluded by asking if the region should expect the same outcomes with the projections that are presented today. He pointed out that we are in a bad economy and how could anyone know for sure that these projections are going to be fruitful. Mr. Williamson replied that was the nature of a projection and it was hard to predict the future.

Randy Ognio said he just wanted to make a comment. He remarked that the economy was bad, people have less money, gas prices are high and MARTA rider ship was going down and he expressed concern with spending billions of dollars more on mass transit. He said it looked like to him if the economy and gasoline prices were so high that MARTA rider ship should be increasing. Mr. Williamson remarked that the service that MARTA provides is pretty productive. Mr. Ognio remarked that if MARTA was so productive, then why were bus routes cut and now the push to spend more money on it. He said he also had a problem with the cost and all of the advertising for this tax. He said it was being promoted as a plus for the region and people do not realize what their money would really go toward. He said the transit system was actually failing.

Hearing no further questions or comments, Chairman Frady and the Board thanked Mr. Williamson for his presentation.

Old Business:

1. Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Article IV. Establishment of Districts, Article VI. District Use Requirements, Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, Commercial Development Standards and Land Use Element (Future Land Use Map and Narrative of the Comp Plan regarding Nonconforming Lots:

Director of Zoning Dennis Dutton presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 2", follow these minutes and are made an official pat hereof. He said at the Board's Workshop meeting held on October 5, 2011, staff was directed to work with County Attorney Scott Bennett in order to provide options pertaining to illegal nonconforming lots and to return later with recommendations. At the Board's Workshop held on January 4, 2012, staff presented three alternatives and the Board directed staff to continue working on Alternative #2 and come back to the Board at a future meeting with recommendations. He said an example of Alternative #2 would basically be taking a property that was an illegal nonconforming lot and give them the opportunity to rezone the property in an area that was land used for what that property was zoned and could not meet the requirements and then put the LNS (Legal Nonconforming Status) onto that zoning. He pointed out that the zoning designation would not change but the subcategory would be added as opposed to a variance or a total out rezoning. He said the Zoning Ordinance was not an issue with this and remarked that the main issue was the Future Land Use Plan which is the County's legal binding document for zoning decisions, rezonings or uses for future development.

Mr. Dutton asked for the Board's permission to proceed with the proposed amendments and to advertise these proposed amendments to the Zoning Ordinance regarding illegal nonconforming lots to be heard by the Planning Commission on May 3, 2012 and by the Board of Commissioners on May 24, 2012.

Commissioner Brown expressed concern with trying to adapt nonconforming lots and decisions made in five years on requests. He recommended the private sector and the courts handle this.

Chairman Frady commented on some other situations that had occurred in prior years and he felt this amendment was necessary.

After some further discussion, there was a consensus by the Board to move this item forward in the public hearing process and come back to the Board at a future meeting for consideration.

2. <u>Discussion of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning</u> Ordinance, Article III, V, VI, VII, IX and XI:

Director of Zoning Dennis Dutton presented this item for discussion. A copy of the request and backup, identified as "Attachment No. 3", follow these minutes and are made an official part hereof. He reviewed the proposed amendments with the Board including the adding of verbiage for thoroughfare, definition of training facility and recreational vehicle, front yard setbacks and common areas, accessory structures, buffers, and standards for telecommunications antennas and towers.

Commissioner Brown questioned notifying adjacent landowners of a variance request. He asked if there had been any discussion regarding notification to these adjacent landowners. Mr. Dutton replied that based on discussions with the Planning Commission there was no practice of mailing out letters to adjacent landowners. He said the newspaper

As a stark reminder of past attempts at regional transit consolidation and funding, here is a letter to the Editor that I wrote regarding the 2012 Regional TSPLOST that failed to pass in <u>every</u> metro Atlanta County.

http://thecitizen.com/2012/03/27/half-tsplost-money-underused-transit/

Half of TSPLOST money is for underused transit

By Letters to the Editor on March 27, 2012

Your March 21 edition of The Citizen newspaper had two distinct views on the upcoming July 31 voter referendum on the multi-billion dollar new tax called the Transportation Investment Act (TIA).

Your first view came from Terry Lawler, Executive Director of Regional Business Coalition of Metro Atlanta. To put it simply, Mr. Lawler is a lobbyist.

Lawler served in the Georgia Legislature back in the 1980s and has turned that experience into a nice career in "relationship management [that] capitalizes on synergies gained from building relationships with regulators, legislators and the media," (www.blueridgestrategy.com/services_overview.htm).

In other words, he helps special interests get what they want by "building relationships" with government regulators and legislators.

Lawler said my views on the TIA referendum were like "running with scissors." He is a good lobbyist and public relations man and I will give him a few points for creating a distracting metaphor.

Let me tell you what Lawler refuses to tell you. In fact, TIA leader Todd Long with GDOT, Governor Nathan Deal, House Speaker David Ralston and Metro Atlanta Chamber President Sam Williams all refuse to tell you, the voter, the following points.

1. We will be voting on a plan that uses half of the funding for mass transit projects that 95 percent of our commuters chose not to use and the ridership numbers continue to drop.

2. No one at the regional or state level will tell us how we are going to pay for the exorbitant costs of expanded maintenance and operations for the billions of dollars of new transit. Permanent regional sales tax, maybe?

3. There is no cost-benefit analysis of the \$3.2 billion worth of mass transit projects in the TIA referendum.

4. The mass transit projects in the referendum are only half funded and it will take an additional 10 years of sales taxes to complete them.

Conservative columnist Jim Wooten said the following about sales tax plan that Lobbyist Lawler is fighting for: "Rather than a straightforward 1 percent sales tax to finance projects that survive scrutiny on an honest cost-benefit basis, Republicans have come up with a system that continues the age-old

practice of parceling out goodies to the interest groups that pack the hearings and work the bureaucracies" (AJC, Aug. 19, 2011).

Rep. Ed Setzler says, "Passed by the Legislature to relieve traffic congestion in metro Atlanta, the heavily Atlanta Regional Commission-influenced project list allocates more than 50 percent of the region's \$6.14 billion to fund transit projects that by objective accounts will do little to relieve traffic congestion" (AJC, Jan. 23, 2012).

Keep in mind that this is the plan that both former Mayor Ken Steele and Fayette Chairman Herb Frady threw their unrelenting support behind.

But there was another view in The Citizen from Benita Dodd, vice president of the Georgia Public Policy Foundation, an independent think tank. Dodd is fluent in English, Afrikaans, Italian, Spanish and transportation policy.

Dodd said, "Proponents [like Lobbyist Lawler] are campaigning hard. Unfortunately, the plan barely translates into improved regional mobility. Operating in an if-you-build-it-they-will-come fugue, regional leaders allocate more than half the expected funds to expensive transit projects, most of which would not offer congestion relief within 10 years, if ever."

So you have a choice. You can believe lobbyist Terry Lawler and the special interests that will make a financial killing off of your "yes"" vote for TIA without much in return, or you can believe Benita Dodd, Jim Wooten, Rep. Ed Setzler and that crazy scissor-running Steve Brown who say the project list is a racket and billions of dollars will be wasted.

I suggest that you vote "no" and we can then come back to the table and create a sincere plan based on a cost-benefit analysis with metrics to gauge success.

Steve Brown Fayette County Commissioner, Post 4 CommissionerBrown@fayettecountyga.gov

COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Commissioner Stev	e Brown
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business	
Wording for the Agenda:				
	s privatization RFP for the Animal	Shelter without authority to do so from	the Board of Commis	ssioners.
Background/History/Detai	ls:			
Animal Shelter. This action		the County Administrator moved forwar rd of Commissioners and there was no posal.		
What action are you seek	ing from the Board of Commissior	ners?		
	arding staff acting without authorit	y and what actions to take.		
If this item requires fundin Not applicable.	g, please describe:			
Has this request been co	nsidered within the past two years	? No If so, whe	en?	
Is Audio-Visual Equipment Required for this Request?*			Provided with Request	? Yes
		nty Clerk's Office no later than 48 ho y audio-visual material is submitted	•	•
Approved by Finance	Not Applicable	Reviewed	d by Legal	
Approved by Purchasing	Not Applicable	County C	lerk's Approval	Yes
Administrator's Approval				

Staff Notes:

140 STONEWALL AVENUE WEST, STE 2 FAYETTEVILLE, GEORGIA 30214 PHONE: 770-305-5420 www.fayertecountyga.gov

November 28, 2017

Subject: RFP #1407-P: Fayette County Animal Sheltering Operations

Gentlemen/Ladies:

Fayette County, Georgia is seeking proposals from qualified firms for operating the county's animal shelter. You are invited to submit a proposal in accordance with the information contained herein.

Questions concerning this request for proposals should be addressed to me in writing via email to <u>PurchasingGroup@fayettecountyga.gov</u> or fax to (770) 719-5208. Questions will be accepted until 10:00 am, Thursday, December 14, 2017.

Purchasing Department office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. The office telephone number is (770) 305-5420.

Please return your response to the following address:

Fayette County Purchasing Department 140 Stonewall Avenue West, Suite 204 Fayetteville, Georgia 30214

Request for Proposals # 1407-P Reference: Fayette County Animal Sheltering Operations

Your envelope must be sealed, and should show your company's name and address.

Proposals will be received at the above address until 3:00pm, Wednesday, December 27, 2017 in the Purchasing Department, Suite 204. Proposals will be opened at that time, and the names of the responding companies will be read.

Proposals must be signed to be considered. Late proposals, faxed proposals, or emailed proposals, cannot be considered.

If you download this Request for Proposals from the county's web site, it will be your responsibility to check the web site for any addenda that might be issued for this solicitation. The county cannot not be responsible for a vendor not receiving information provided in any addendum.

Sincerely,

Ted L. Burgess Director of Purchasing

GENERAL TERMS AND CONDITIONS RFP #1407: Fayette County Animal Sheltering Operations

- 1. **Definitions:** The term "contractor" as used herein and elsewhere in these Terms and Conditions shall be used synonymously with the term "successful offeror." The term "county" shall mean Fayette County, Georgia.
- 2. **Preparation of Offers:** It shall be the responsibility of the offeror to examine specifications, scope of work, schedule and all instructions that are part of this request for proposal. Failure to observe any of the instructions or conditions in this request for proposal may result in rejection of the offer.

All of the specifications and information contained in this request for proposal, unless specifically excepted in writing by the offeror and such exceptions being included with the offer, will form the basis of the contract between the successful offeror and the county. The offeror should take care to answer all questions and provide all requested information.

- 3. **Submission of Offers:** Offerors must submit their proposal, along with any amendments issued by the county, in a sealed opaque envelope with the following information written on the outside of the envelope:
 - a. The offeror's company name,
 - b. The Request For Proposals (RFP) number, which is RFP #1407, and
 - c. The "reference" which is Fayette County Animal Sheltering Operations

Price schedules shall be placed in an additional opaque sealed envelope, identified as the price schedule, and enclosed in the sealed envelope with the proposal.

Mail or deliver one (1) original proposal, signed in ink by a company official authorized to make a legal and binding offer, and a copy on 5 flash drive(s) to:

Fayette County Government Purchasing Department 140 Stonewall Avenue West, Suite 204 Fayetteville, GA 30214

Attention: Contracts Administrator

- 4. **Timely Receipt**: Offers not received by the time and date of the scheduled proposal opening will not be considered, unless the delay is a result of action or inaction of the county.
- 5. **Open Offer**: The offer, once submitted and opened, shall remain open for acceptance for a period of at least ninety days from the date of the opening unless this time-frame is specifically excepted to in your offer.
- 6. **Corrections or Withdrawals:** The offeror may correct a mistake, or withdraw a proposal before the proposal opening date by sending written notification to the Director of Purchasing. Proposals may be withdrawn after the opening only with written authorization from the Director of Purchasing.

The county reserves the right to waive any defect or irregularity in any proposal received.

In case of discrepancy between the unit price and the extended or total price, the unit price shall prevail.

- 7. Trade Secrets Confidentiality: If any person or entity submits a bid or proposal that contains trade secrets, an affidavit shall be included with the bid or proposal. The affidavit shall declare the specific included information which constitutes trade secrets. Any trade secrets must be either (1) placed in a separate envelope, clearly identified and marked as such, or (2) at a minimum, marked in the affidavit or an attached document explaining exactly where such information is, and otherwise marked, highlighted, or made plainly visible. See Georgia law at O.C.G.A. § 50-18-72 (A)(34).
- 8. **Site Conditions**: Offerors are urged to visit the site to familiarize themselves with site conditions. Upon submission of an offer, it is understood that the offeror is acknowledging his acceptance of all site conditions.
- 9. Ethics Disclosure of Relationships: Before a proposed contract in excess of \$10,000.00 is recommended for award to the Board of Commissioners or the County Administrator, or before the County renews, extends, or otherwise modifies a contract after it has been awarded, the contractor must disclose certain relationships with any County Commissioner or County Official, or their spouse, mother, father, grandparent, brother, sister, son or daughter related by blood, adoption, or marriage (including in-laws). A relationship that must be reported exists if any of these individuals is a director, officer, partner, or employee, or has a substantial financial interest the business, as described in Fayette County Ordinance Chapter 2, Article IV, Division 3 (Code of Ethics).

If such relationship exists between your company and any individual mentioned above, relevant information must be presented in the form of a written letter to the Director of Purchasing. You must include the letter with any bid, proposal, or price quote you submit to the Purchasing Department.

In the event that a contractor fails to comply with this requirement, the County will take action as appropriate to the situation, which may include actions up to and including rejection of the bid or offer, cancellation of the contract in question, or debarment or suspension from award of a County contract for a period of up to three years.

- 10. Evaluation of Offers: The evaluation of offers and the determination as to acceptability of services offered shall be the responsibility of the county. Accordingly, to insure that sufficient information is available, the offeror may be required to submit literature, samples, or other information prior to award. The county reserves the right to obtain clarification or additional information from any firm regarding its proposal. The county reserves the right to select a responsive, responsible firm on the basis of best value that is deemed to be most advantageous to the owners. The county further reserves the right to reject any proposal, or all proposals, and to re-release the request for proposals.
- 11. **Non-Collusion:** By responding to this request for proposals, the offeror shall be deemed to have represented and warranted that the proposal is not made in connection with any other offeror submitting a separate response to this request for proposals, and is in all respects fair and without collusion or fraud.
- 12. **Ability To Perform:** The offeror may be required, upon request, to provide to the satisfaction of the county that he/she has the skill, experience and the necessary facilities, as well as sufficient financial and human resources, to perform the contract in a satisfactory manner and within the required time. If the available evidence is not satisfactory to the county, the county may reject the offer.

- 13. **Notice to Proceed**: The County shall not be liable for payment of any work done or any costs incurred by any offeror prior to the county issuing a written notice to proceed.
- 14. **Term of Contract**: The term of this agreement shall begin upon issuance of a Notice to Proceed, and continue through June 30, 2019. Thereafter, this agreement may be renewed by the county for three additional one-year renewal terms (each a "Renewal Term" and together with the Initial Term, the "Term"), which renewal will be by letter or other written correspondence from the county to the contractor ninety (90) days prior to expiration of the Initial Term or the then-current Renewal Term. If the county fails to provide notice of renewal, this Agreement will terminate at the end of the Initial Term or the then-current Renewal Term. This agreement is subject to the multi-year contractual provisions of O.C.G.A. 36-60-13(a).
- **15. Unavailability of Funds**: This contract will terminate immediately and absolutely at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the county under the contract.
- 16. **Severability**: The invalidity of one or more of the phrases, sentences, clauses or sections contained in the contract shall not affect the validity of the remaining portion of the contract. If any provision of the contract is held to be unenforceable, then both parties shall be relieved of all obligations arising under such provision to the extent that the provision is unenforceable. In such case, the contract shall be deemed amended to the extent necessary to make it enforceable while preserving its intent.
- 17. **Indemnification**: The contractor shall defend, indemnify and save the county and all its officers, agents and employees harmless from all suits, actions, or other claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons, or property on account of any negligent act or fault of the successful offeror, or of any agent, employee, subcontractor or supplier in the execution of, or performance under, any contract which may result from proposal award. The contractor shall pay any judgment with cost which may be obtained against the county growing out of such injury or damages.
- 18. Non-Assignment: Assignment of any contract resulting from this request for proposal will not be authorized.
- 19. **Insurance**: The contractor shall procure and maintain the following insurance, to be in effect throughout the term of the contract, in at least the amounts and limits set forth as follows:
 - **General Liability Insurance**: \$1,000,000 combined single limit per occurrence, including bodily and personal injury, destruction of property, and contractual liability.
 - Automobile Liability Insurance: \$1,000,000 combined single limit each occurrence, including bodily injury and property damage liability.
 - Worker's Compensation: Workers Compensation as required by Georgia statute.

Before a contract is executed with the successful offeror, the successful offeror shall provide Certificates of Insurance for all required coverage. The successful offeror can provide the Certificate of Insurance after award of the contract, but must be provided prior to execution of the contract document by both parties. Certificates shall list an additional insured as follows: Fayette County, Georgia 140 Stonewall Avenue West Fayetteville, GA 30214

- 20. **Termination for Cause**: The county may terminate the contract for cause by sending written notice to the contractor of the contractor's default in the performance of any term of this agreement. Termination shall be without prejudice to any of the county's rights or remedies by law.
- 21. **Termination for Convenience**: The county may terminate the contract for its convenience at any time with 10 days' written notice to the contractor. In the event of termination for convenience, the county will pay the contractor for services performed. The county will compensate partially completed performance based upon a signed statement of completion submitted by the contractor, which shall itemize each element of performance completed.
- 22. **Force Majeure**: Neither party shall be deemed to be in breach of the contract to the extent that performance of its obligations is delayed, restricted, or prevented by reason of any act of God, natural disaster, act of government, or any other act or condition beyond the reasonable control of the party in question.
- 23. **Governing Law**: This agreement shall be governed in accordance with the laws of the State of Georgia. The parties agree to submit to the jurisdiction in Georgia, and further agree that any cause of action arising under this agreement shall be required to be brought in the appropriate venue in Fayette County, Georgia.

Fayette County, Georgia Request for Proposals #1407-P Fayette County Animal Sheltering Operations

OBJECTIVE

Fayette County, Georgia is seeking proposals from qualified organizations to provide animal sheltering operations services.

INTRODUCTION

Fayette County is situated approximately 25 miles south of Atlanta, Georgia. The Atlanta Regional Commission estimates that it has a current population of 114,000. The county's Animal Control Department operates an Animal Shelter, located at 1262 Highway 74 South, Peachtree City, Georgia 30269. The shelter has a current capacity of 26 dogs and 42 cats. The shelter is committed to providing a well-managed facility that considers the preservation of life.

The county provides Animal Control services and operates an Animal Shelter. Animal Control services extend to unincorporated Fayette County and the cities of Peachtree City, Fayetteville, Tyrone, and Brooks.

STATEMENT OF NEED / SCOPE OF SERVICES

The selected vendor shall provide all personnel, supplies, utilities and equipment needed to provide the animal sheltering service set forth in the Request for Proposal (RFP). The selected vendor shall be fully responsible to the County for the acts and/or omissions of its employees.

The selected vendor must provide services in accordance with the mandates of the State of Georgia, Fayette County animal control ordinances, and all relevant Fayette County Policies and Procedures. The shelter and operations procedure is regulated by Georgia State Agriculture Rule 40-23-23. Fayette County policies and procedures are attached.

The selected vendor is required to have or obtain a sheltering license, and have a current unsuspended license during the time of the RFP. The selected vendor shall be required to provide reference copies of Animal Control Ordinances for on-site review by the public.

Impounding of Animals.

- a. It shall be the selected vendor's responsibility to promptly attempt to notify the owner of any animal taken into custody when the owner can be identified. The selected vendor shall keep records of owner contact and attempts and successes.
- b. The selected vendor shall only release animals back to their owner after they have paid the prescribed fee. The selected vendor shall make at least three documented attempts to contact the owner of any stray animal that has current identification of any type that provides information necessary to contact its owner.
- c. All impounded animals will be held for a minimum of 5 days, unless reclaimed by their owner.

Animal Care.

The selected vendor is responsible for all aspects of animal care. The selected vendor shall staff and operate the animal shelter inside of Fayette County Georgia. The facility will be used for impoundment, release to owner, protective custody, quarantine, rescue coordination and all other animal sheltering functions unless written approval to perform services elsewhere are obtained from the County.

Policies and Procedures provide the minimum standards for the care of animals, with attention to the following operations:

- o Health evaluation upon admission
- o Provision of sufficient and wholesome food and potable water
- o Treatment of sick, diseased, quarantined, or injured animals
- Proper bedding and kennel care
- Removal and proper disposal of animal and food waste, soiled bedding, and debris
- o Daily, weekly, and monthly cleaning requirements at the facility
- Provisions for animals to be protected from water and cleaning agents during cleaning
- o Provisions to minimize vermin infestation, odors and disease
- Provisions to provide adequate drainage
- A description of how the respondent proposes to segregate animals
- A description of how and when the respondent will quarantine animals
- A description of the disease control and prevention program to be utilized by the selected vendor
- o A description of the microchip implantation program
- A description of the spay and neuter program, including how the selected vendor would work with the feral cat population.
- A description of the circumstances in which euthanasia will be used, and the methods to be used and the disposal of euthanized animals
- A procedure for an owner to place animals in the facility
- A description of how individuals seeking information of animals will be able to contact the shelter for information

- A description of how respondent will use the internet, social media and other methods to market pets for adoption
- A description of respondents plans to lower Fayette County's current euthanasia rate
- A system by which all animals that enter the facility will be scanned for implanted microchips and checked for identification.
- A schedule for proposed hours of operation, consistent with current hours now in effect.

Veterinary Services

The selected vendor will obtain the services of at least one veterinarian licensed by the state of Georgia to treat animals brought to the shelter. The selected vendor will bear the cost of all medication utilized for medical treatment of animal at the shelter.

<u>Licensed Veterinarian</u>. The Licensed Veterinarian shall be validly and currently licensed to practice veterinary medicine in the state of Georgia pursuant to O.C.G.A. 43-50-1. A copy of the Licensed Veterinarian's current, valid license issued by the State Board of Veterinary Medicine shall be submitted to the County with the proposal.

The Licensed Veterinarian shall provide the following services and provide basic veterinary care when required, to include the following services:

- Performing a medical examination upon arrival for all sick/injured animals
- Directing and monitoring the care of injured and/or sick animals
- Adhering to and directing procedures to reduce or respond to the outbreak of infectious diseases
- o Making recommendations regarding behavioral problems
- Provide laboratory services including stool examinations, cytology, urine analysis, heartworm test, FELV/FIV test, electrolytes measurements, and blood counts
- Supervise vaccinations
- o Supervise the euthanasia of animals, when necessary
- Controlling drug supplies

Adoption.

The selected vendor shall promote and administer the adoption of unclaimed animals. All unclaimed animals will be evaluated for potential adoptability after 5 days of impound. Any animal deemed adoptable must be marketed for adoption to the public. Each animal over the age of three months selected for adoption will be given a rabies vaccination and be spayed or neutered, and implanted with a microchip, if not already done prior to adoption from the shelter. The only exemption is a written waiver from a Licensed Veterinarian.

- a. Onsite adoptions The selected vendor will be responsible for providing the opportunity for individuals to adopt animals for the shelter for a minimum of 54 hours a week excluding holidays.
- b. Website Selected vendor shall maintain a website for informing the public of vendor's activities. The information provided should include, but not be limited to, adoptions, adoptable animals, and hours of operation, contact numbers, a list of daily intakes of animals and other information that would be beneficial to the public

Euthanasia

The cost of euthanatized animals we be the responsibility of the vendor.

Customer Service

The selected vendor shall manage the facility 24 hours a day, 365 days a year, and shall have at least three paid staff within the facility for at least 8 hours a day and a minimum of 4 total staff members Monday – Friday to manage, clean and care for the animals in the shelter. The selected vendor shall be open to the public at least 54 hours per week, over the 7 days per week period, and at least 4 hours per day on Saturday and Sunday, with the exception of the 10 approved county holidays.

Citizens will be able to adopt, claim and turn in animals, and conduct related business during the facility business hours. After-hours and holidays, the selected vendor will provide staff to feed/care for the animals only.

A recorded telephone message shall be used by the selected vendor during hours the center is not open to the public and when staff is not available to directly answer incoming telephone calls. This does not preclude staff from answering the phone outside of business hours. The message service shall allow the caller to leave a message or transfer to dispatch where they will have the option of speaking to a live person.

Public Relations

It is imperative to Fayette County that the selected vendor maintain excellent public relations. The selected vendor shall ensure that all staff and volunteers work to help the public with problems that fall under their purview. Responses to the public shall always be courteous and prompt.

Collection and Disposition of Animal Shelter Service Fees

In accordance with established County procedures, the selected vendor shall report the collection of all animal control fees authorized by Fayette County. Formal procedures and safeguards shall be in place for the collection, separation by type, reconciliation, and

deposit of all fee monies. The selected vendor will be required to accept payment by cash, check or other authorized methods. The selected vendor will also be responsible for tracking and recording new and existing accounts with unpaid fees and collection of outstanding fees.

The selected vendor will receive an annual budget from the Board of Commissioners which includes all agreed-upon costs. Fee income or other revenues shall not be netted against expenses. All fee income or other revenues shall be reported and submitted to the county's Finance Department, according to a frequency schedule and in a manner determined by the Finance Department.

PROPOSAL RESPONSE REQUIREMENTS

Individuals and firms who attend the mandatory pre-proposal conference are invited to submit proposals. Proposals must include the following, in the order shown:

- 1. **Cover Page**: Include the Request for Proposals number (#1407-P) and title (*Fayette County Animal Sheltering Operations*). Also include your firm's name, address, telephone number, and e-mail address.
- 2. Table of Contents

3. Required Documents:

- a. Company Information Page
- b. Contractors Affidavit
- c. Signed addenda, if any are issued
- d. Current sheltering license
- e. Veterinarian's license issued by the State Board of Veterinary Medicine
- f. References, as specified in Number 7 (Company's Background and Experience) below.
- 4. **Project Understanding and the Proposed Solution**: State your understanding of the services required. Describe the approach you propose to take in addressing the needs addressed by this request for proposals. Indicate your level of expertise with animal shelter operations. Identify challenges you will face. Creativity and innovative ideas are encouraged in your response.
- 5. **Project Team**: Identify team members who would be assigned to this project. Include a resume for each key team member. Identify the main contact person for the county. Include copies or other proof of key team members' licenses, certifications, or other credentials which are pertinent to this project. Describe each key team member's experience with comparable projects, the role that each member played, and the expected role of each when doing work for this project.

6. **Company's Background and Experience**: Describe your firm's background and size. Include the number of years in business; the corporate structure, legal status and professional credentials. If you would use any subcontractors or partners in delivery of the proposed services, identify them and explain their roles.

References: Demonstrate the firm's experience and qualifications by providing a list of relevant projects you have undertaken that were similar to the work addressed by this request for proposals. Projects within the last five years are preferred, but projects over five years ago may be considered if relevant. Include a brief description of the project, along with a contact name, phone number, and email address. The county reserves the right to select projects from this list and contact them for references.

Describe any specialization or unique capabilities of your firm. This may include technical innovation, cost effectiveness, community outreach, or other capabilities in which you excel.

- 7. **Veterinary Services**: Identify the veterinarian, veterinary clinic, or other entity that you have selected to provide veterinary services. Describe how the quality of animal examination, care, and other services will be monitored and controlled.
- 8. **Price:** On a separate page, state your proposed annual dollar amount to provide the Animal Shelter operation services described in your proposal. Include costs of all operations, including animal care, veterinary services, adoptions, euthanasia, staffing, utilities, administration, and any other costs. Do not include fees or other income, as these will be remitted to the county's Finance Department on a regular, scheduled basis. Do not assume any netting of costs with fee income, as this will not be authorized. Please place this document in a separate envelope, as stated in the Terms and Conditions, item #3.

EVALUATION PLAN

An Evaluation Committee will review and evaluate proposals. The points earned for technical merit will comprise 70% of your evaluation score. Criteria for technical merit are, in priority order, as follows:

		Max Points
1.	Project understanding and the proposed solution	30
2.	Project team	30
3.	Company's background and experience	25
4.	Veterinary services	15

PRICING

The remaining 30% of your score will be determined by your proposed annual cost, as compared to other responding entities. Proposed prices will be assigned points earned through use of a "variance" weighting method. The lowest offered price will earn the maximum number of points for the Pricing portion of the score. Other proposals' price scores will be calculated based on the variance of their prices from the lowest offered price.

PRESENTATIONS

The county may at its discretion, choose one or more of the best-scoring companies to make in-person presentations. If more than one company makes a presentation, the Evaluation Committee will evaluate the presentations, and score up to an additional 50 points to the technical score for each company that makes a presentation.





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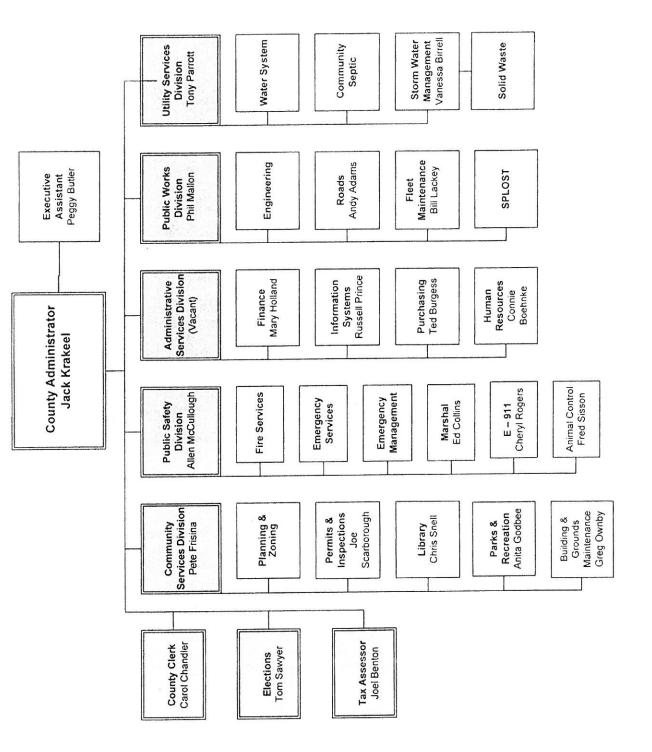
To establish an understanding for service needs in the community, customer expectations and governing principles in service delivery.

Policy

The Fayette County Animal Control mission encompasses the officer's/supervisor's duties, jurisdiction and commitment to the county. It defines the services provided as well as their purpose in this community.

Procedure

Fayette County Animal Control stands as a functional department of the Fayette County Public Safety Division. The Department is charged by the State of Georgia and Fayette County commissioners to uphold and enforce laws pertaining to animals, including but not limited to: Animal cruelty, local ordinances, and zoning codes. Such services are dedicated to promote healthy relationships between the citizens of Fayette county, companion animals and wildlife. Proposed County Administrator AOR Organizational Chart



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This Section shall apply to all personnel employed by Fayette County Animal Control, and will include, but is not limited to Animal Control Administrations, Officers and Kennel Assistants.

Article 1	All employees, while on duty shall devote their entire time and attention to the service of the Department. They shall attend all emergency incident to which they may be assigned and perform duties as ordered by the Supervisor or Director
Article 2	They shall participate in all department training activities as directed, be thoroughly familiar with all equipment they may be required to use in the performance of their duties, and perform related work as required
Article 3	Employees are encouraged to present, through proper channels, suggestions for the improvement of the Department's well-being
Article 4	Any member reporting for duty under the influence of a prescription drug that impedes mental or physical reaction should report that information to his superior.
Article 5	Employees shall use their training and capabilities to protect the public at all times, both on and off duty
Article 6	Employees shall be held responsible for all department property issued to them. Any property which may be lost or damaged through abuse, carelessness or neglect shall be replaced at the expense of the member to whom issued.
Article 7	No acting officer shall alter or annul the standing orders of a superior without specific authority to do so
Article 8	Employees shall immediately report to their superior any sickness or injury, or damage to department property which occurs while on duty/call
Article 9	No employee shall make any purchase or incur any liability in the name of the county or department without permission
Article 10	No employee shall receive any fee or reward for services rendered in the line of duty, except their salary as provided for by Fayette County, nor shall any member ask, demand or suggest from any person(s) pay for services rendered, except charges assessed by the county
Article 11	Personnel must maintain their uniforms and ensure their neat appearance at all times. Any uniform or part thereof may be replaced when, in opinion of a supervisor, is unfit for service
Article 12	If an officer's health is in questions after illness or injury, members shall be required to obtain a written release from a licensed physician stating that they are physically able to return to full duty
Article 13	No officer shall use their authority, badge, or uniform for any purpose except those permitted by the rules and regulations of the Department
Article 14	All members must maintain current and valid drivers license on their person at all times

Directors Approval

The purpose of this policy is to provide guidelines on the management of Department policies and procedures.

Policy

There shall be:

- 1. A consistent format for all department policies.
- 2. A uniform method for development, implementation, distribution, and maintenance of these policies.

Procedure

Format

All entries into these volumes shall include the following three categories:

- 1. Purpose why it's being written.
- 2. Policy what will be accomplished.
- 3. Procedure how it will be done.

Implementation

When the need for a policy or change is identified an initial draft will be written. The responsibility for the initial draft may be assigned to any member of the Department. Drafts will be typed by the Director or his designee. All drafts will include the "DRAFT" heading and new language will be highlighted and deleted language will have strikeouts. Once written, the initial draft will be submitted to Human Resources for review. The originator will make changes based on staff comments and submit the modified draft to the Division of Public Safety Director who will decide whether to resubmit for further staff review or to finalize the policy. The "DRAFT" heading will not be removed until this point in time.

Distribution

Complete sets of policies and procedures will be maintained in the following locations:

1 Animal Shelter Director Directors Approval

1 Division Director 1 Human Resources

Individual members may check out available volumes of these policies and procedures from the Training Division.

Maintenance of Volumes

Individuals assigned sets are charged with the responsibility of maintaining them in a current state (removal of outdated pages and insertion of new ones).

It will be the responsibility of the Director to see that all personnel are informed of (and trained in, when necessary) new or updated policies and procedures. It will also be their responsibility to insure that all sets within their jurisdiction are maintained in a current state.

Directors Approval

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101.00 102.00 103.00 104.00 105.00	Organiza Rules an Volume	ssion Statement and Philosophy ganizational Chart les and Regulations/Conduct of an Officer lume Management ministrative Instruction		
	$105.01 \\ 105.02 \\ 105.03 \\ 105.04 \\ 105.04a \\ 105.05 \\ 105.06 \\ 105.07 \\ 105.08 \\ 105.09 \\ 105.10 \\ 105.11 \\ 105.11 \\ 105.11 \\ 105.11 \\ 105.01 \\ $	Vehicle Assignment Vehicular Accident Procedures Non-vehicular Accident Procedures Emergency Response Policy Emergency After-hours Response Bite Case Policy Communications Policy Information Release Camera Usage Computer Usage Uniform/Attire Regulations Administrative POST Assistance		
106.00	106.01 106.02	Resources Annual Leave Sick Leave Evaluations		
107.00	Shelter I 107.01 107.02 107.03 107.04 107.05 107.06 107.07 107.08 107.09 107.10	Directives Intake Policy Adoption Assessment Out of County Adoptions Vicious Animal Policy Fee Schedule Quarantine Euthanasia Policy Adoption Returns Customer Service Financial Transactions		

Directors Approval

To establish guidelines and criteria for the assignment and utilization of vehicles by staff with on-duty and on-call responsibilities.

Policy

Vehicles are Fayette County property and must be utilized as such by adhering to the defensive driving and department standards set below.

Procedure

- 1. The assignment of a department vehicle to staff will be based upon the job description and responsibility of that position for on-duty and on-call duties.
- 2. Vehicles and vehicular equipment will be used only for official purposes. Official purpose is define as conducting county business only
- 3. Officers assigned a take-home privileges should be within a 15 minute response to Fayette County
- 4. Authorized uses include:
 - a. The performance of Animal Control service duties
 - b. Transporting employees, trustee or animals
 - c. The performance of official errands, routine follow-ups or travel to official county departments
 - d. Transporting consultants, contractors or commercial firm representatives
 - e. Transport of Animal Control equipment, medications and supplies
 - f. Miscellaneous uses during a disaster
 - g. "De minimis" personal use, such as lunch or an occasional stop for a personal errand on the way to or from work
- 5. Unauthorized uses are as follows:
 - a. Travel or task performance of a personal nature, not connected with the accomplishment of official business
 - b. Travel or task performance beyond the stated capabilities of such vehicle
 - c. Transport of family friend, associated or other persons who are not serving the interest of the county
 - d. Leaving the county, unless authorized to do so

Directors Approval _____ 105.01

- e. Extending the length of dispatch beyond that required to complete the official business purpose of the tripf. Outings except planned official county activities

Directors Approval 105.01

To provide direction regarding the proper action to be taken in the event of an accident involving an Animal Control Department vehicle.

Policy

Accident Procedure - Animal Control

Procedure

In the event an accident occurs, whether during emergency or non-emergency driving situations, the following actions are to be performed.

- 1. The vehicle will not be moved from the accident scene
- 2. Take steps to prevent further accident
- 3. In case of an injury, insure that appropriate emergency medical help is obtained
- 4. All persons involved need to be evaluated by EMS, even when they deny injury
- 5. Notify Communications Department and Animal Control Director of all vehicle accident, no matter how minor
- 6. If in-route to an emergency, contact director or supervisor in order to dispatch other personnel
- 7. Director will notify the Marshall's office and Humane Resources

General Information

In any type of accident, do not make statement to anyone except law enforcement or your supervisor regarding fault, actions taken or policies. You are not to discuss the accident with anyone on the scene, friends or neighbors until the case has been settled.

Directors Approval _____ 105.02

A full written report of the accident must be submitted to the Director within 24 hours by the driver and any other passenger(s).

Directors Approval _____ 105.02

To provide standards with which to react and respond to injuries or on-the-job accidents.

Policy

Establishing baseline facts and following proper procedure is essential to documenting Worker's Compensation claims. The following procedure should be adhered to by officers and supervisor to ensure claims are detailed and accurately handled.

Procedure

Any employee who suffers an injury while on duty is responsible for immediately notifying his supervisor. If the employee is incapacitated, the supervisor shall be responsible for notification procedures:

- 1. It is the Supervisor's/Directors responsibility to immediately take the necessary action required for the treatment of the injury. Any injury requiring evaluation by a physician shall be reported to the Director immediately.
- 2. Supervisor/Director will fill out all required forms and begin an investigation on the nature of the accident. Forms are to be submitted to HR immediately.
- 3. Employees must submit to a voluntary drug/alcohol screening if the nature of the job demands the need for such evaluation.
- 4. Person(s) injured on job are not to seek treatment from their personal physician. Treatment must be obtained through approved workers compensation physicians or other specialist as directed by HR

NOTE: County Insurance and Prescription Drug cards will not be used in the cases of Worker's Comp injuries or illnesses.

Failure to follow the guidelines set forth by the department and the county could result in the claim not being paid and subject to disciplinary action.

Directors Approval _____ 105.03

The Purpose of this policy is to provide direction on the matter of properly identifying an emergency and providing optimal response.

Policy

Emergency situations happen at any time and come in many forms. Primarily Animal Control officers provide emergency response to trauma, aggression and safety concerns. A proactive and rapid response is essential for the service we provide. As such, officers must consider not only the nature of an emergency call but the repercussions of not responding properly.

Procedure

Fayette Animal Control Defines the Following as Animal Related Public Safety Emergencies.

1. Injured STRAY Animals: Owners with injured animals should be referred to their Veterinarian or the Southern Crescent Animal Emergency Clinic at 770-460-8166.

2. Flagrant Cases of Abuse: Cases that should not be investigated the following business day due to the nature of the act being committed (i.e. the animal being at immediate risk of death, being repetitively beaten or killed, dog fighting, etc...)

3. Animal Bites: Any animal(s) that have bitten or pose a substantiated threat to the public.

4. Rabies Suspects: Animal(s) listed below and clearly portraying signs of rabies (i.e. foaming at the mouth, snarling uncontrollably, head slumped, loss of motor skills)

Rabies Suspects: Known carriers of rabies displaying unusual behavior. Limited to: Canines, Raccoons, Skunks and Bats. (Non-Carriers: Opossums, Squirrels, Rats and other rodents)

5. Dangerous Wildlife Removal From Living Space: Snakes, bats, feral animals and other animals that pose a threat to humans within the confinement of their own home.

When a complainant, 911 or another source relates information that may be pertinent to an emergency the individual taking the complaint must:

1. Establish baseline facts: Who, what, where, when (Where are the animals now? Is anyone in need of medical attention? Is anyone else in danger?) Baseline facts must be carefully noted and a complaint must be placed in our system ASAP.

Directors Approval _____ 105.04

- 2. Any emergencies filed during business hours must be related to present supervisor or director.
- 3. Emergency calls placed during officer hours other calls in queue will be immediately dropped by the assigned officer. This means emergencies supercede any routine calls or stray pick ups. Acting officer must radio in time of arrival and time of resolution with a summary of performed actions.
- 4. In all emergencies, the Animal Control Officer may take the necessary measures to protect the life, health or safety of citizens. In emergencies, the Animal Control Officer may enter all enclosed private property, except residences and buildings without the property owner's permission. A search warrant must be obtained when the emergency involves entry into a residence or a building on private property.

The purpose of this policy is to provide direction on after-hour responses by the Animal Control Staff.

Policy

Animal Control after-hour emergencies are filtered and relayed by 911. The main priority of the responding officer is to address threats to public safety. Consequently the officer shall follow these guidelines to ensure proper turnout, accountability and proper response procedures.

Procedure

- 1. Responding officer shall immediately establish baseline facts from the caller. Provided information must be thorough and noted as a report must be entered in the Shelter Database the following business day.
- 2. If a call is placed after hours, turnout time, the time it takes to leave the officers current location must be under 5 minutes. If response time from thereon takes over 40 minutes, reasons must be noted and relayed to 911/complainant
- 3. Responding officer must radio 911 and notify them of their ETA, arrival and completion of their call assignment.
- 4. Any questions regarding the response procedure of a call shall be placed to the on-call supervisor's cell-phone.
- 5. Any changes in the On-Call schedule are the responsibility of the staff member, and must be reported to Management so that changes can be reported to 911.

Directors Approval _____ 105.04a

The Purpose of this policy is to provide proper direction and protocols for establishing facts, tracking and filing bite cases as well as properly handling the disposition of animal(s) involved

Policy

Enforcing strict guidelines on quarantining, evaluating and responding to bite cases is the key to avoiding a rabies epidemic. Because of the potential of zoonosis, rabies potentials must be treated with safety as the number one consideration at all times

Procedure

- Assigned officer must establish baseline facts: victim's name and contact info, dog owner's info, where about of bite(s) etc...
- 2. Gather evidence from victim. If victim is willing to submit a doctors statement or other qualified evidence we may take that as proof of bite, otherwise they must appear in front of an officer to confirm bite
- 3. Owner of animal must be contacted immediately and advised that their animal is to be kept quarantined at their home until it can properly be quarantined at a Veterinary facility, or the shelter. During this period the animal may not come in contact with other animals or potentially pose a threat to any party unaware of the animal's condition.
- 4. Animals that have bitten an immediate family member may be quarantined at their domicile as long as said animal is not exposed to other animals that have access to outdoors/unrestricted areas
- 5. For reasons of liability and public safety, animals that have bitten a person not immediately related to the owner, must be quarantined at either a Veterinarian

Directors Approval _____ 105.05 facility (proof must be submitted) or at the Shelter. If said animal is not current on vaccinations, animal must be quarantined at the Shelter.

- 6. Bite victims must submit a voluntary statement in order for their case to be processed; a statement is optional for the owner of the animal involved.
- Owners who choose to expedite the handling of their animal by having said pet euthanized need to be advised that all associated fees are their entire responsibility.
- 8. Upon receipt of test results or end of quarantine, all involved parties must be informed of outcome.
- 9. All animals involved in an attack shall be considered by the director to be deemed vicious *(see vicious animal policy)*

Directors Approval _____ 105.05

To provide a method to improve communications between all positions within the Animal Control Department

Policy

Improvements, quality of service and reporting problems are communal responsibilities shared by the entire staff. Consequently, Proper intra-departmental communication is essential to maintaining a convivial workplace and optimizing the level of service provided

Procedure

Any time an employee has a question, problem or suggestions he or she is encouraged to immediately communicate with their supervisor or the director.

In an attempt to alleviate reservations amongst peers, issues may be brought up either by taking advantage of a superior's open door policy or behind closed door sessions (upon request).

The purpose of this policy is to reiterate that all unclear issues, whether based on a problem or a solution should be addressed to the proper staff in a timely manner.

Directors Approval _____ 105.06

To establish a clearly defined and uniform process that is consistent with local, state and federal guidelines for individuals pursuing employment with Fayette County Animal Control

Policy

Fayette County Animal Control hiring and promotional guidelines and conditions which an applicant must meet in order to be considered for employment or promotions.

Procedure

Any and all requests pertaining to public interest in employment availability, applications, employee files, and other information pertaining to Human Resources must be referred to the Fayette County Department of Humane Resources at the Stonewall office (770)305-5730 x5418.

Individuals must instigate the hiring process through Humane Resources by submitting an application and additional requested forms (i.e. driver's history, background release, ADA compliance forms, etc...) at the Stonewall Office. Forms may not be submitted or forwarded by Animal Control Staff. Candidates are reviewed by both Human Resources and Animal Control staff, interviews are not guaranteed and at the discretion of supervisory staff.

Promotional Requests must first be presented to the Animal Control Director and later submitted to Human Resource staff.

Directors Approval _____ 105.06

Policy

Procedure

During parvo scare/outbreaks. We go into a separate cleaning protocol. (we call it our outbreak protocol)

We use Kennelsol NPV/HC and scrub the cages clean, rinse and wash down all wastes (it's important to make sure it all goes down the drain). Then, we reapply a second coat of KennelSol and let it sit for 10 minutes. We rinse and wash that down. Finally, we apply a 1:15 solution of bleach and let it sit for 10 minutes before a last rinse.

This may be overkill, but the two step wash with kennelsol (both a degreaser and a parvocidal agent) insures we get rid of any fomites. The final step with bleach is there to appease those that think nothing works better than bleach. ^(C)

The procedure is lengthy but we do it for a minimum of 3 days. Depending on how many and where the "at-risk" animals we keep are.

Some important notes

- Rubber boots can be purchased at wal-mart for under \$15 and hold up well to the bleach tubs we all use
- We isolate these boots and staff so that the puppy room boots stay in the puppy room
- Staff is also appointed to certain areas. Example: Person who cleans/maintains puppy room only cleans that room and does not work in others.
- Hoses, door hinges, pathways and outside areas are disinfected daily instead of weekly during this time.

Directors Approval _____ 105.07

^{1.}

To establish guidelines for the use of recording equipment such as cameras, voice recorders or video cameras on emergency scenes.

Policy

Still pictures, voice recordings and videos of emergency scenes are an important part of documenting and recording occurrences, evidence or events. Images are often used in both criminal and civil legal proceedings well after the incident. These items are considered confidential and are not to be duplicated or used for anything other than official purposes.

Procedure

Officers have responsibility for scene documentation. All photos, recordings, video tapes or other images taken while on duty are property of the department. Under no circumstances will the press or unauthorized members of the department be allowed to take pictures inside personal residences without expressed permission of the property owner. Evidence is not to be shared with anyone other than Animal Control personnel. Any and all requests made for sharing of evidence should be addressed to the director.

Directors Approval _____ 105.08

To establish the scope in which the information and computer systems will be utilized by the Department.

Policy

Computer Information Systems

Procedure

Information and computer systems owned by Fayette County and operated by the Animal Control staff shall be utilized for record management and training associated with the daily functions and responsibilities of the <u>department</u>.

Hardware is defined as the basic computer system including a monitor, keyboard, cpu, modem, memory, disk drives, ports, and video card. Software is the set of programs, procedures, and related documentation associated with a computer system.

The addition or change of any software or hardware packages or components must be approved by IS. No changes, however slight, including additions or deletions of software, hardware or system configuration shall be done without approval.

Use of computer systems or components outside the scope of department business is expressly prohibited.

System failure or hardware problems will be reported at the time of occurrence to the Supervisor or Director for the generation of necessary work orders.

Directors Approval _____ 105.09

To define a standard dress code for field officers that will reflect consistency and professionalism.

Policy

Field officers reflect both our local government and the animal control operation when on the field. It is imperative that their disposition, conduct and appearance maintain the highest standard at all time.

Procedure

Personalized uniforms are provided to each field officer upon completion of their probationary period. Temporary uniforms may be loaned until the completion of the probationary period based on availability.

Uniforms, clothing articles and accessories issued by Fayette County shall be maintained in a neat and clean fashion at all time. These uniforms and other articles shall only be worn while performing the official duties of Fayette County.

ON DUTY

The On-Duty uniform shall consist of black trousers and the provided County shirt. Shoes should be black in color and any personal accessories must be conservative and not detract from the rest of the uniforms standard.

ON CALL

When paged, because of time constraints, the uniform becomes a second priority. The only requirement is that a county badge and ID be on the officer's attire during the response. It is also recommended that a piece of Fayette County identified uniform be worn in order to be able to represent one's affiliation at a distance (Fayette County overcoat, jacket or shirt).

At no time, shall any staff member wear any personal garments or accessories that may conflict with the safety standards of the position. These include any open toe shoes, shorts, tight or constrictive clothing, etc....

Directors Approval _____ 105.10

To establish guidelines and criteria for law enforcement protocols outside of the legal jurisdiction of animal control officers.

Policy

Animal Control officers are not recognized at the same level as Municipal Police and other Peace Officer Certified Officials. The legal powers vested upon A.C.O. s are assigned by a combination of Local, State and Federal Laws which recognize the importance of related enforcement duties. Because A.C.O.s are often the first respondent to scenes that should be addressed by POST certified Officials, and because often the assistance of POST certified Officials is essential to the fulfillment of our duties, the following procedures are set to establish protocols in which cases this need may arise.

Procedure

- 1. All POST certified requests within Fayette County must first be submitted to the Marshal's department. These include, but are not limited to, DMV, GCIC and Social Security related matters/searches.
- 2. After three (3) attempts to service a citation, or after attaining reason to believe that the addressee cannot be reached within business hours, citations may be forwarded to the Marshal's Department for service.
- 3. Returned Checks must be forwarded to the Marshal's Department for service. Receipt copies must be maintained on file.
- 4. *This policy is not meant to address matters of immediate need. Backup requests and field assistance are handled directly with 911.

Directors Approval _____ 105.11

To provide guidelines for the request and assignment of annual leave and holidays.

Policy

Annual leave is paid leave provided to the employee as a benefit with accrual based on length of service. This accrual rate example can be found in the Fayette County Employee Handbook under Leave Provisions.

Holiday time is incorporated into the Annual leave accrual. Additional holidays granted by the Board of Commissioners are added to the annual leave figures reflected on the employees pay stub after the Holiday has been observed. This procedure is limited to company employees on shift assignment.

Both annual leave and holiday leave will be called annual for the purposes of this policy.

Procedure

Assignment for annual leave bid will be made by seniority. Seniority shall be based upon the hire date as a regular full-time employee of Fayette County. All other leave requests are first-come first-serve.

1. Annual leave will be assigned every year by the Director so that no employee can receive the same Holiday two consecutive years in a row

2. Special consideration will be applied to seniority and scope of duties.

3. When requesting leave over 2 days, the employee should ensure an ample amount of time is available to cover the request. This request must be made two weeks in advance in writing. If the Annual leave is to be used in combination with a holiday this request must be 60 days in advance

4. Any leave under 2 days can be requested verbally to the supervisor for consideration with a minimum of 24 hours notice

5. It is incumbent on the employee to monitor their leave and take the proper accrued amount per year. Once maximum accrual is reached the continued accrual may stop

6. Annual leave will not be converted to training leave

Directors Approval _____ 106.01

To provide guidelines for reporting on sick leave and to identity expectations of employees utilizing sick leave

Policy

Sick leave must be defined properly in able to identify when one is capable of taking earned sick time

Procedure

- 1. When an employee determines he/she is too ill to work, notification will be made personally and directly to the Supervisor. The employee should be prepared to answer the following questions:
 - a. Is employee sick or family sick?
 - b. Using sick leave or annual leave?
 - c. What is the length of the shift needed?
 - d. If family is sick, can you report later?
 - e. Were you off last shift or are you off next shift?
- 2. In the event the Supervisor is unavailable, this notification shall go to the Director.
- 3. An employee on sick leave may be contacted by the Department each day he or she is off until notice of recovery is received. This contact may be through a personal visit or a telephone call.
- 4. Sick leave for extended illnesses or procedures shall be reported to the Director. A work excuse will be required, as well as a "return to work" certificate. Family Medical Leave Act forms are required for all sick leave of 3 days or more. For scheduled absences, all paperwork will be completed prior to the leave occurring. In extended illness situations, the notification requirement prior to each shift may be waived.
- 5. These guidelines are in addition to county guidelines as defined in the employee handbook.
- 6. A doctor's excuse can be requested and required as per County policy.

Directors Approval	
106.02	

To facilitate and ensure a standardized process within the organization for the completion of individual employee evaluations

Policy

Evaluations are performed in order to best serve the county by continually improving the quality of services we provide.

Procedure

- 1. Notification will be provided to Supervisory personnel 45 days prior to the required completion date for individual applications
- 2. Supervisory personnel will have 30 days during which to complete the evaluation process for employees under their supervision including the submittal of signed evaluation forms to the Human Resources
- 3. All private party complaints and compliments collected throughout the time period being evaluated will be presented to the employee (anonymity will be respected)
- 4. Evaluations will be conducted behind close doors and are expected to be kept confidential
- Please refer to the county Policy and Procedure Manual for all other policies regarding evaluations

Directors Approval _____ 106.03

To define Animal Control's responsibility and jurisdictional standards in regards to homeless, lost and abandoned animals.

Policy

Determining where jurisdictional boundaries exist and how ownership is defined optimally benefits Fayette County and the Shelter's operation. These stipulations will assist in retrieving information from clients and determining where the ownership responsibility lies and what course of action shall follow.

Procedure

Lost, abandoned and homeless animals are readily accepted by the Fayette County Animal Control given they meet the following criteria:

- 1. The animal(s) was found within Fayette County lines
- 2. The animal has not resided under anyone's immediate care as defined by local laws (longer than six days)
- 3. No previous owners can be identified

After a six (6) day owner release period, animals are assessed under the Adoption Criteria (see Adoption Assessment Policies)

Animals that are clearly owned (see above) are not the responsibility of Fayette County Animal Control, as they do not pose a threat to public safety and have alternatives to their disposition. Customers seeking to relinquish their pets should be referenced to local Humane Societies and other open admission facilities which are privately funded.

Adoption returns are at the sole discretion of management and will be eligible based on length of ownership, surrender reasons, contractual obligations and other individual particulars that are observed on a case by case basis.

Directors Approval _____ 107.01

To provide standards by which animals are determined eligible for adoption and guide their disposition

Policy

Using an abbreviated "Sue Sternberg Shelter behavior analysis" an animal's temperament can be evaluated without permitting the interference of outliers. This is a crucial step in judging whether the candidate will be a safety hazard as a domestic house pet.

Procedure

After a six (6) day owner-release period, animals are assessed through a thorough evaluation of Health, Adoptability and Behavior. Specifically:

- 1. Document any additional particulars not noted in the Intake, such as age, physical characteristics and breed.
- 2. Assess the animals response when cleaning the cage/kennel, how he/she responds to one's presence in his/her territory and contact. Also, evaluate the animal's response to foreign objects and different stimuli (i.e. hose, water, noises, safety hug, etc...)
- 3. Evaluate the animal's physical appearance and overall gross health evaluation. Document any ailments, infections, sores, lesions and/or any other symptoms.
- 4. Evaluate the animal's response to negative stimulus (slight pull on tail, hand in food bowl, etc...)

If at any point, an animal reacts to any form of stimulus with aggression notify the director and pull the animal from general population. The animal shall be reevaluated before consideration for euthanasia, bearing in mind whether this animal can be rehabilitated or if it poses a direct threat to someone's safety.

Bear in mind that sheltered animals are often not made to do something against their will. Consequently new owners will often receive an aggressive response to their demands of their new pet. It is important that animal's be challenged with the ideals that owners will present them with and be evaluated upon their response to such stimulus.

Directors Approval _____ 107.02

To provide standards by which animals are best matched to compatible homes. Our animals will only be adopted to individuals who have demonstrated the ability to provide a stable home, a safe environment, and companionship for the animal for its lifetime.

Procedure

The following criteria must be met for a successful adoption.

- 1. Adopting party must complete an adoption questionnaire.
- 2. Adopting party must sign and abide by the adoption contract.
- 3. Adopting party must be 18 years of age or older with a photo ID showing current name and residence.
- 4. Appropriate screening in regards to aggression, activity level, and possible problem behaviors may be employed during adoptions to minimize liability, secure permanent homes, and preserve safety standards.
- 5. Adoptions may be declined if found to be in conflict with County ordinances. FCAC will not adopt any animal to a person with a history of animal abuse.
- 6. The Fayette County Animal Shelter strongly recommends that all members of the prospective adoption household be present and participate in the selection of the animal.
- 7. If the potential adopter has current resident dog(s), the Shelter strongly recommends that those dogs be brought to the adoption location for a supervised introduction.
- 8. The Fayette County Animal Shelter strongly recommends that pets currently owned by the adopting party be current on vaccines and spayed/neutered.
- 9. All animals that are adopted from the Shelter will be sterilized prior to any adoption.
- 10. Adopted animals may be returned to the Shelter within 30 days of the adoption dated to ensure proper home placement.
- 11. If a potential adopter becomes verbally or physically abusive to FCAC staff or its animals the adoption will be denied and the potential adopter asked to leave the premises.
- 12. No animal will be adopted to an individual who is suspected of being drunk or under the influence of drugs at the time of the adoption.

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13. For all adoptions there will be a set fee, said fee may be waived with the authority of the Director or County Administrator.

The Shelter reserves the right to refuse adoptions. The Director of FCAC may waive certain procedures at his/her discretion. However, customer service standards must always be upheld. The Shelter does not refuse adoptions based on age, gender, race, religion, disability, sexual orientation, or personal belief.

To provide direction in the procedure for out-of-county adoptions, so that we can offer the best standards of service while still upholding local ordinances and state laws

Policy

Pursuant to State Law 4-14 and County Ordinance Ch 4 Art 4 Sec 4-82, our Animal Shelter must either provide means with which to sterilize animals before their adoption or enter into a written agreement with the adopting party to sterilize such animal within 30 days of sexual maturity. Enforcement of this law can be increasingly difficult as advertising our animals through our WebPages, local channels and newspapers continues to reach potential adopters from more distant areas.

Procedure

Adopters which reside (or will reside) outside of Fayette County at the due date for their animal's sterilization must not only sign the adoption paperwork, but also be briefed on the conditions of the agreement. Special attention need be paid to state law and the particulars of enforcing this chapter. In the case that the signing party fails to submit proof of sterilization these enforcements steps will be followed, with every subsequent step following if the prior has failed to initiate an appropriate response:

- 1. A call must be placed to the owner's contact number(s), if the call is not answered 2 more attempts will follow. The time and date of every attempt must be logged along with the response (whether a message was left, busy signal, etc...)
- 2. A letter notifying the owner of his responsibility will be sent out to the primary address on file via certified mail. This letter can be found in the "Original Forms" folder under "Failure to Sterilize".
- 3. Upon receipt of the certified mail response, the entire file will be composed and forwarded to the shelter supervisor to be considered for either a citation or dismissal.

Directors Approval _____ 107.03

To establish guidelines by which to observe, treat and respond to potentially vicious animals

Policy

Proactive measures against animals which have an established history of unprovoked aggression, as defined by O.C.G.A. §4 -34(a) is the principal measure by which to uphold public safety.

Procedure

Upon filing a bite report *(See bite case policy)* officers shall consult with the director to evaluate all animals involved under the State law and County Ordinance to discern whether said animal(s) should be deemed vicious or not

O.C.G.A. §4 -34(a)(1) Defines a vicious animal/fowl as any animal which attacks, bites or injures a human, other animal or fowl without provocation; or which because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation. The only exceptions to this ruling is if an animal bites, or menaces because someone was attacking the owner, was unlawfully trespassing on the property of the owner or someone was tormenting/abusing said animal or it's young

If the animal is deemed vicious, owner of said animal must sign a vicious animal note and be provided with a copy of O.C.G.A. 4 -34(a)(2) so that he or she may abide by the restraint regulation imposed on such animal

If an owner is found in violation of O.C.G.A. \$4 - 34(a)(2), he or she shall be charged in the appropriate court. All documentation gathered from the time of the original incident to the time of the violation(s) shall be gathered and presented to the director before the appointed court date.

Directors Approval _____ 107.04

Policies and Procedures

PURPOSE

To provide policy direction on the management of financial transactions and advise of the fee schedule adopted by the Fayette County Board of Commissioners for the Shelter services provided.

POLICY

In providing services, Fayette County Animal Control assesses various fees to its customers. Deviation from the immediate collection of these exact fees must be presented to the Director for consideration.

FEE SCHEDULE				
Dog Adoption \$30.00				
Cat Adoption \$20.00				
Sterilization Dog \$120.00				
Sterilization Cat \$60.00				
Rabies vaccination \$10.00				
Pet redemption nonemergency \$20.00				
Pet redemption emergency	\$35.00			
Owner unaware Kenneling	\$3.00 a day *(Owner not aware that animal is at shelter)			
Owner advised Kenneling	\$10.00 a day *(Owner aware that animal is at shelter)			

Directors Approval

To provide policy direction on the installation, data entry and selling of Microchipping services at the Fayette County Animal Shelter.

Policy

Fayette Animal Shelter recognizes the importance of permanent pet identification to facilitate fast and effective reclaims. As such, the shelter offers a permanent Microchip implantation with all adoptions and as a discounted service to the public.

Procedure

All shelter pets must be Microchipped prior to adoption, but not before the owner default period is met (*see Adoption Assessment policy*). Injection site, implant and registration should be pursuant to manufacturer standards. Finally, the Microchip Identification number, along with all pet details shall be recorded on the Adopt-A-Friend® Shelter Database.

As an additional service, Microchipping is also offered to the Public at the time of reclaiming a pet. The fee is \$20.00 and covers both the implant and the registration.

Microchips may not be sold or distributed directly to the public. All implants must occur on shelter grounds with proper receipt given at the time of payment.

Directors Approval _____ 107.05a

The Purpose of this policy is to provide direction on the matter of state regulated Quarantine procedures

Policy

This policy is governed and supplemented by Georgia state law. As such, this policy details the proper method by which to treat, respond and hold quarantine suspected cases. This policy works in conjunction with *Euthanasia and Bite Case Policies*.

Procedure

- 1. All animals that qualify for Rabies quarantine shall be held for a period of ten (10) days. The only acceptable venues for quarantine include:
 - a) Fayette County Animal Shelter's Observation Room
 - b) State Licensed veterinary facilities (only if animal is current of rabies vaccinations and proof can be provided)
 - c) Animals that have bitten someone in their household may be quarantined at the home so long as the animal is not exposed to other animals or permitted to roam.
- 2. Domestic rabies vector species will be admitted to Fayette County Animal Control for quarantine if one of the following applies:
 - a) The animal was involved in a bite case
 - b) The animal's behavior is suspected of Rabies
 - c) The benefits of keeping such animal under quarantine outweigh the risk or potential of such animal's exposure
- 3. Any animal that exhibits signs of rabies (i.e. unprovoked aggression, lack of appetite, loss of motor skills) must immediately be euthanized and sent for testing.
- 4. All costs incurred are the owner's responsibility. Owners must be notified of our fee schedule/policies and be asked to sign the "Quarantine Agreement" Applicable Charges are as follows :
 - a) \$5.00 per day of Quarantine (begins on day of Impound/Surrender)
 - b) \$10.00 Regular Impound or \$30.00 Emergency Impound if applicable
 - c) \$25.00 charge if optional euthanasia is chosen after 10 day Quarantine
 - d) Vet services and/or courier services if the animal is sent for testing
- 5. If the nature of the incident requires, owners should be encouraged to send the animal for testing. Animals sent for testing must first be transported to a

Directors Approval _____ 107.06

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veterinary facility to be examined and decapitated.

6. Non-domestic rabies vector species that are involved in bite cases must be sent out for testing in accordance to state law.

Directors Approval _____ 107.06

The purpose of this policy is to provide direction in matters of adoption returns

Policy

From time to time previous adopters will return animal originally acquired at Fayette County Animal Control. Proper feedback must be received before and after the return to assure that the customer's and the County's best interest are being met.

Procedure

- 1. Monetary refunds can not be given for an adoption after the close of business the day of the adoption.
- 2. In order to return an animal, all stipulations set forth by the Adoption Contract and Local Laws must have been met by the date set forth on the document.
- 3. Adoptions may only be returned within 6 months time of the original signed contract date. Exceptions to this time limit may be extended by a supervisor on a case by case basis.
- 4. Original paperwork must come in with any return. If the customers fails to do so, and no paper trail can be found to show the origination of the animal, the return may be refused.
- 5. Adoption exchanges may be arranged by staff on a case by case basis considering the factors surrounding the return.
- 6. Profiling questions regarding the animal's temperament, compatibility and medical background must be asked of all parties that qualify for a return.

Directors Approval _____ 107.08

The purpose of this policy is to provide direction to best serve clients in the shelter and out in the field.

Policy

Good customer service is an essential part of daily operations; it has a direct impact on those we serve and our success as a sheltering facility. Customer service can often play the determining role in an adoption or a witness's cooperation. Consequently it is imperative that Animal Control staff present themselves in a professional and courteous manner at all times.

Procedure

- 1. If staffing permits, the employee should accompany visitors to the kennels to view the animals. Customers should be instructed at this time to help us keep the animals healthy by being sure to sanitize their hands between each animal that they touch. This simple procedure will cut down the spread of disease throughout the shelter.
- 2. Staff should help facilitate adoptions by counseling potential adopters as to what type of pet that they are looking for. The employee should encourage the customer's choice of animal by asking questions to help determine the best selection for the customer. Examples of these questions include: "What conditions suit the animal (apartment/home)? Does the animal require a fenced in yard? Are small children a consideration? Will the animal have to be alone during the day?"
- 3. To help adopters introduce a new pet to their home, they may (at their own risk) bring their current pet into the shelter to test interaction with the potential adoptee.
- 4. Employees shall provide the customers with useful advice, training, and access to educational materials. The animal shelter should encourage the interaction with other animal welfare organizations in the community.
- 5. If a customer can not be assisted by the services provided, they shall be referred to organizations that can assist their need. A list of trappers, veterinarians, other rescues and behaviorists should be available to customers at all times.

Directors Approval _____ 107.09

- 6. Special attention should be given by staff to lost and found reports. Employees should make sure that all reports are complete and include thorough descriptions of the animals. The employee must include gender, color, breed, identifying traits, collars, and the location of where the animal was lost or found along with the contact information of the customer.
- 7. Staff answering telephones should give a cheerful and professional greeting, followed by, "How can I help you?" The employee should include his/her first name in this greeting.
- 8. Ringing lines must be picked up by the fourth ring and should be dealt with as a first come first serve basis with the exception of emergencies.
- 9. When confronted by a customer who has a grievance, the employee should always follow the chain of command by asking the customer if he/she can be better served if allowed to speak to a supervisor.
- 10. Grievances in the field should not escalate to the point where an officer is put in harms way. If such situation does rise, the officer should leave the property and contact law enforcement immediately.

To provide a policy direction on the management of financial transactions conducted during the normal conduct of business by Animal Control

Policy

Financial transactions conducted by staff a the Animal Shelter shall adhere to the following requirements in order to uphold the accountability standards of the county

Procedure

- 1. There shall be no discretion with respect to fees charged by the department. All customers shall be charged the same rate and fees associated with the services provided. Any exceptions to this must be presented before the director and will be evaluated on a case by case basis.
- 2. Cash on hand at the beginning of the business day for financial transactions will be \$50.
- 3. All transactions shall be entered into the Shelter Database. Each customer shall be guided through and provided with copies of all paperwork including a fee receipt. The shelter's copy of the fee receipt shall be placed in the daily tender folder.
- 4. At the end of each business day the cash drawer will be balanced against the daily tender folder. Any discrepancy shall be immediately reported to the director.
- 5. Financial reconciliations, along with each business day's collection, will be submitted to finance by 12:00pm of the next business day. Reconciliations must be signed by at least 1 member of management.
- 6. A weekly financial audit report shall be completed on the last business day of the week. The report shall balance with the daily tenders, any discrepancy shall be immediately reported to the director. A copy of the weekly audit must be sent to Finance Department by 12:00 on the fist business day of the following week.
- 7. Monthly reconciliations shall be included in the Activity Report and shall be submitted to the Director of Public Safety on a regular schedule

FAYETTE COUNTY POLICIES AND PROCEDURES

OPERATIONAL FUNCTIONS Animal Shelter Management/Euthanasia 280.01

PURPOSE

The Purpose of this policy is to provide direction on shelter management and when necessary, euthanasia within the shelter.

POLICY

The Fayette County Animal Shelter is committed to a well-managed facility that considers the preservation of life and to the objective use of approved methods of euthanasia. Euthanasia is normally reserved for animals that are suffering mentally, physically, terminally ill or considered dangerous to themselves, other animals, and/or humans. Euthanasia for reasons due to insufficient operational capacity is established when capacity reaches (85%) of available cages, leaving the remaining (15%) to be free to be utilized for required stratification of dangerous animals; isolate sick; puppies and manageability of shelter.

PROCEDURE

1. Each animal admitted into the animal will be evaluated initially at intake. Animals placed in the shelter's adoption program will be spayed or neutered after the 5-day stray hold and then once the operation is completed posted on social media and other outlets to encourage adoptions and will be continuously evaluated for medical and behavioral considerations.

Evaluations are intended to identify:

- a. Animals with a poor prognosis, protracted painful recovery, incurable illness, and/or are non-responsive to treatment or who suffer from an affliction in which treatment is not reasonably available.
- b. Animals who are deemed to pose an unacceptable danger to other animals, themselves or the public.
- c. Animals who have a condition that individually may not necessitate euthanasia, but that contribute to escalate other conditions that, in total, warrant euthanasia.
- 2. Notice to owner of impounded animals will be sent and a five-day impoundment period enacted to reach the pet owner. If the owner cannot be located, it shall be

OPERATIONAL FUNCTIONS Animal Shelter Management/Euthanasia 280.01

the duty of the director or his/her designee to determine adoptability of the animal.

- 3. If the animal is not deemed adoptable the director or his/her designee will notify the appropriate humane and rescue agencies in writing on the sixth day with the determination. The notice will advise that at the end of a tenday hold that the animal may be euthanized.
- 4. When an animal has been deemed adoptable, there will be an additional twenty-five days once an animal is spayed or neutered allowing for possible adoption.
 - a. Ten days prior to the end of the twenty-five days from the date the animal has been spayed or neutered staff will send a notification to the appropriate humane and rescue agencies that describes the animal and informs the agencies that the animal may be in danger of possible euthanization.
- 5. After all possible alternatives, including the notice on the sixth day to the humane and rescue agencies, have been exhausted and due to space limitation, an animal is to be euthanized. Animals that have been at the shelter the longest may be euthanized.
- 6. Animals that are to be euthanized will be approved by the director or his/her designee before any action is taken.
 - a. Should an animal be considered wildlife, a rabies specimen or seriously sick or injured to the extent that allowing the animal to live will cause undue suffering and be inhumane, no prior approval will be needed.
- 7. The entire euthanasia procedure must be performed by two staff members.
- 8. Euthanasia must be performed in accordance with HSUS standards.

RFP #1407-P: Fayette County Animal Sheltering Operations

COMPANY INFORMATION

COMPANY

~		
Comnai	ny Name:	
Compa	Ty Tyanne.	

Physical Address:

Mailing Address (if different):

AUTHORIZED REPRESENTATIVE

Signature:	
Title:	
Email Address:	
Phone Number:	Fax Number:
PROJECT CONTACT PERSON	
Name:	
Title:	
Office Number:	_ Cellular Number:

Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of Fayette County, Georgia has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

Federal Work Authorization User Identification Number

Date of Authorization

Name of Contractor 1407-P: FAYETTE COUNTY ANIMAL SHELTERING OPERATIONS Name of Project FAYETTE COUNTY, GEORGIA Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, ____, 201___ in (city) ______, (state) ______

Signature of Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE ______ DAY OF ______, 201 ____.

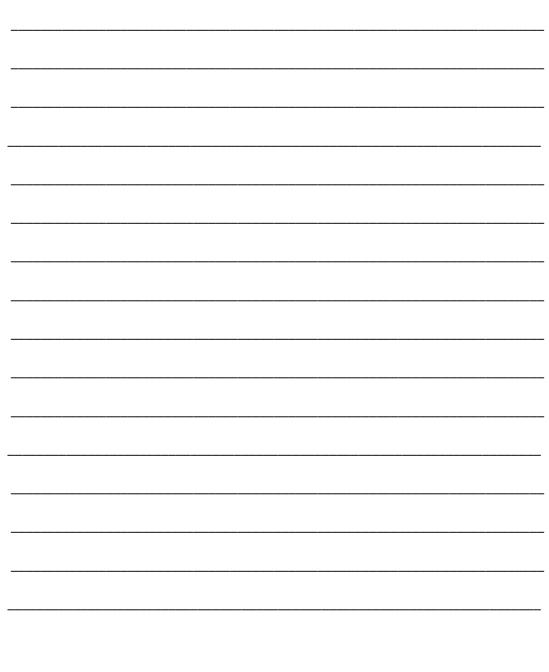
NOTARY PUBLIC

My Commission Expires:

RFP #1407-P: Fayette County Animal Sheltering Operations

EXCEPTIONS TO SPECIFICATIONS

Please list below any exceptions or clarifications to the specifications of this bid. Explain any exceptions in full.



COMPANY NAME: ______

Fayette County, Georgia Checklist of Required Documents

(Please return this checklist and the documents listed below with your submittal)

RFP # 1407-P: FAYETTE COUNTY ANIMAL SHELTERING OPERATIONS

Company Information form	
Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)	
Pricing proposal – in separate envelope	
Exceptions, if any	
Addenda, if any	
Survey – Communication of Opportunity to Quote, Bid or Propose	

COMPANY NAME:

Survey – Communication of Opportunity to Quote, Bid, or Propose (Please return this form with your response)

Solicitation Number: 1407-P

Solicitation Name: Fayette County Animal Sheltering Operations

In order to serve you better, the Fayette County Purchasing Department is conducting a survey to determine the most effective ways to communicate with you and other vendors. Thank you for your assistance in collecting this information.

My company learned of this opportunity to do business with Fayette County, Georgia through:

- a) _____ Direct notification from the county (email, U.S. Mail, or other means)
- b) _____ Fayette County Website
- c) _____ Fayette News
- d) _____ Local Government Access Marketplace (www.glga.org)
- e) _____ Cable Channel 23
- f) _____ Greater Georgia Black Chamber of Commerce
- g) _____ Georgia Procurement Registry
- h) _____Other: _____

Company Name: ______





December 5, 2017

Subject: RFP #1407-P: Fayette County Animal Sheltering Operations Addendum #1

Gentlemen/Ladies:

Below, please find responses to questions, clarification, or additional information for the above referenced request for proposals. You will need to consider this information when preparing your proposal.

1. UPDATED ORGANIZATION CHART: Attached, please find an updated organization chart for county operations. You will want to discard the chart that was included in the original request for proposals, and use this one instead.

Received by (Name):_____ Company_____

Note: If this addendum is not returned to the Fayette County Purchasing Department or if it is returned not signed, responding individuals, companies or other organizations will still be responsible for the requirements of this addendum and the specifications or changes herein.

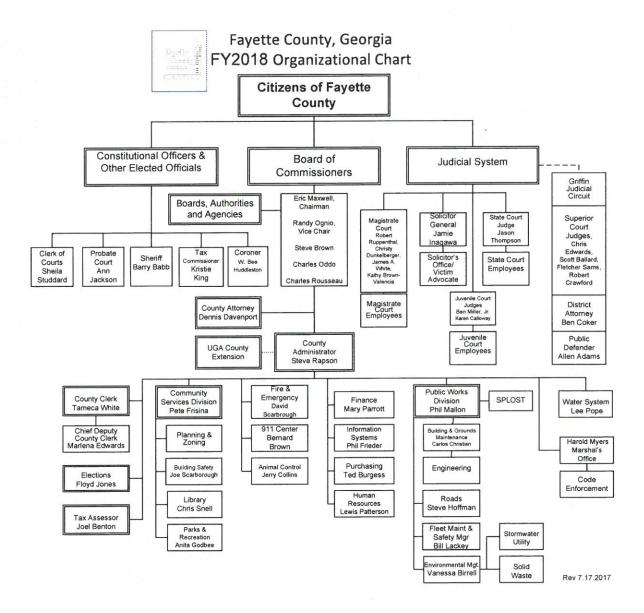
The opening date for this request for proposals has not changed. The opening time and date are 3:00 pm, Wednesday, December 27, 2017. Proposals must be received by the Purchasing Department at the address above, Suite 204, at or before the opening date and time.

Questions regarding this solicitation will be accepted until 10:00 am, Thursday, December 14, 2017. After that, we will not be able to respond to any inquiries about this project.

If you have any questions, please do not hesitate to contact meat (770) 305-5393, fax (770) 719-5515 or email at tburgess@fayettecountyga.gov.

Sincerely,

Ted L. Burgess Director of Purchasing





"WHERE QUALITY IS A LIFESTYLE"

December 19, 2017

Subject: RFP #1407-P: Fayette County Animal Sheltering Operations Addendum #2

Gentlemen/Ladies:

Below, please find additional information that may be helpful is preparing a proposal for the above-referenced Request for Proposals (RFP).

- 1. If the county enters into a contract for operation of animal sheltering operations, the shelter (building) would be turned over to the entity managing the day-to-day operations. This would be similar to how senior services runs and manages the Senior Center. The entity managing the day-to-day operations would be responsible for utilities (current budget \$15,470 does not include sewer costs, which are estimated to be another \$1,800) and medical treatment for animals at the shelter (current budget \$5,000). Please keep in mind that \$4,250 for animal sterilization in the budget goes away, since it is funded as part of the revised adoption fees.
- 2. Policy and procedures for the treatment of sick, diseased, quarantined, or injured animals would follow the approved county policies for such activities.
- 3. The RFP calls for a minimum of four (4) staff members. For clarification, only three (3) were envisioned to be full-time employees. The fourth would be part-time to help fill in for sick leave, vacation, weekends, or other staffing needs. Hours of operation would be 54 hours per week, over the seven-day period, with at least four (4) hours on Saturday and Sunday to manage, clean, and care for the animals in the shelter.
- 4. Animal Control Enforcement activity would continue to be handled by the county. We would need one (1) office in the existing facility for the Animal Control Director, who would have oversight responsibility for contracted services, and for managing day-to-day enforcement activity.

Received by (Name): Company_

Note: If this addendum is not returned to the Fayette County Purchasing Department or if it is returned not signed, responding individuals, companies or other organizations will still be responsible for the requirements of this addendum and the specifications or changes herein.

The opening date for this RFP has not changed. The opening time and date are 3:00 pm on Wednesday, December 27, 2017. Proposals must be received by the Purchasing Department at the address above, Suite 204, at or before the opening date and time.

We hope you find this additional information helpful. The deadline for inquiries has passed, so the Purchasing Department will not be able to accept any additional questions after this time.

If you have any questions, please do not hesitate to contact me at (770) 305-5393 or email tburgess@fayettecountyga.gov.

Sincerely,

10

Ted L. Burgess Director of Purchasing

Tameca,

Please include this full correspondence with my agenda item for February and also include the full RFP submitted by the County.

Many thanks.

Steve Brown

Sent from my Verizon, Samsung Galaxy smartphone

------ Original message ------From: Charles Rousseau <crousseau@fayettecountyga.gov> Date: 1/5/18 4:21 PM (GMT-05:00) To: Steve Rapson <srapson@fayettecountyga.gov> Cc: Commissioners Group <Commissioners@fayettecountyga.gov>, "Jerry J. Collins" <jcollins@fayettecountyga.gov>, Ted Burgess <tburgess@fayettecountyga.gov> Subject: Re: Animal Control Privatization RFP

I didn't realize we had put this out for solicitation. My comments and thoughts on this subject were designed to have us discuss further and agree to reach some kind of consensus as to the viability of such a proposal.

I may have missed something along the way. Interesting information.

Thank you.

Sent from my iPhone

On Jan 5, 2018, at 3:52 PM, Steve Rapson <<u>srapson@fayettecountyga.gov</u>> wrote:

Honorable Commissioners,

Purchasing did not received any bids or offers concerning seeking proposals for a qualified firm to operate the Animal Shelter.

Stephanie from the Humane Society and Rebecca Tate had expressed interest in this procurement but no bids were received.

Staff will continue to operate the facility based upon the revised

policies and guidance approved by the Commission.

Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100

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 28, 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 28, 2017 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

Commissioner Charles Oddo offered the Invocation and led the Board and audience 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: None

PUBLIC HEARING: None

CONSENT AGENDA:

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

- 1. Approval of staff's recommendation to declare miscellaneous shop equipment as unserviceable and to sell the assets utilizing the GovDeals internet web site and for all proceeds to be returned to the General Fund. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.
- Approval of staff's recommendation to declare 37 county vehicles and 1 Boat & Trailer as unserviceable and to sell the assets utilizing the GovDeals internet web site and for all proceeds to be returned to the Vehicle Replacement fund. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.
- 3. Approval of staff's recommendation to adopt a final supplemental budget adjustment for the fiscal year ended June 30, 2017, and authorization to adjust and close completed Capital Improvement Projects within the Capital

Improvement Projects program moving those remaining funds to project contingency. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.

4. Approval of the September 14, 2017 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

5. Approval of staff's request to award Contract #1301-P to the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$179,130.00. This item was tabled at the September 14, 2017 Board of Commissioners meeting. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part thereof.

County Administrator Steve Rapson stated that corrected documents had been provided for the Board regarding this item. He stated that the corrections included the scoring of the vendors. He stated the prices had been adjusted to reflect the variance scoring method. He stated that although using the variance method changed the points, it did not change the overall ranking of each vendor. He stated that staff's recommendation remained the Howell Group Inc. He stated that the Howell Group gave a "best and final" cost that was lowered by \$10,000 and an addendum was included to the contract to state that the contract documents and the CAD documents would be at the ownership of the county, if approved by the Board.

Commissioner Charles Rousseau thanked staff for taking this item and looking into the county having ownership of the documents.

Commissioner Rousseau moved to award Contract #1301-P to the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$179,130.00. Commissioner Oddo seconded. Discussion followed.

Commissioner Brown asked for clarity on the judging category, "Understanding an Approach" and "A Firm's Expertise and Experience". Chief Scarbrough confirmed that the firm's experience was checked by staff. He stated that in the "Understanding an Approach" the scores varied drastically. He asked staff for clarity on what was the grading methodology under this scoring. Purchasing Director Ted Burgess explained the process. Commissioner Brown asked if the replies given was taken at "face value". Mr. Burgess stated that unless there was information contrary to what was being stated, the information provided was taken at "face value". Commissioner Brown stated that he was asking the questions because sometimes the fees were so close and the lower bid was not chosen. He wanted to know how the presentations were flushed out and not just based on a "nice" presentation.

Mr. Roy Bishop asked if this was an open bid process, was this the lowest bidder and why was the vendor allowed to cut his price. Chairman Maxwell addressed the questions. He stated that there was a bid for this project and that this was not the lowest bidder. He explained the variance scoring method that was used in the scoring. Mr. Burgess further explained the procurement/bid process.

Commissioner Oddo stated that the ratings were determined before the \$10,000 discount was given.

Mr. Tom Waller asked if this was the last fire house to be built within the next five to ten years and what steps were being taken to save the county money for the next time.

Chief Scarbrough stated that there was a proposal to rebuilt the fire house on Highway 92 North. He stated yes, there are plans to build another fire house and yes, lessons learned moving forward.

Commissioner Brown confirmed that this was to rebuild existing structures. Chief Scarbrough stated that was correct.

Vice Chairman Ognio stated that the county would own the drawing after this award.

Mr. Rapson stated that the process was done at the front end and that everyone understood how the proposals would be evaluated.

Commissioner Brown stated that he would like to have further discussions to ensure that someone who was highly skilled, but didn't have a "pretty" proposal, was not being excluded. He wanted to be sure that the process was refined so that they are not missed.

Commissioner Rousseau moved to award Contract #1301-P to the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$179,130.00. 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.

NEW BUSINESS:

6. Approval of a Firefighter and EMT Training Classes Intergovernmental Agreement with the City of Riverdale for the purpose of providing training and certification for Firefighters and Emergency Medical Technicians as outline in the agreement and for the Chairman to sign said agreement.

Chief Scarbrough stated that the City of Riverdale's fire chief reached out to him about training. He stated that the City of Riverdale did not have training facilities and that the fire chief was having difficulties providing training. He stated that he outlined the program and it was receptive. He stated that the fee was \$3,000 per person.

Commissioner Oddo moved to approve a Firefighter and EMT Training Classes Intergovernmental Agreement with the City of Riverdale for the purpose of providing training and certification for Firefighters and Emergency Medical Technicians as outline in the agreement and for the Chairman to sign said agreement. Commissioner Rousseau seconded. Discussion followed.

Commissioner Brown asked if a vote was given to move forward on this. Chief Scarbrough stated no. Commissioner Brown asked if the County Attorney had reviewed the document. Chief Scarbrough stated that he approached the attorney to compose the document. Commissioner Brown confirmed that Riverdale had approved the contract. Chief Scarbrough stated yes.

Commissioner Oddo moved to approve a Firefighter and EMT Training Classes Intergovernmental Agreement with the City of Riverdale for the purpose of providing training and certification for Firefighters and Emergency Medical Technicians as outline in the agreement and for the Chairman to sign said agreement. Commissioner Rousseau 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 request to establish an Equestrian Park/Trail and to have staff move forward with discussions with the Board of Education regarding the use of a portion of existing trials located behind Inman Elementary School for establishing the Fayette County Equestrian Park/Trail.

Parks and Recreation Director Anita Godbee stated that the county had been presented with the opportunity to have an equestrian trail within the county. She briefed the Board regarding this item. She stated that she was coming before the Board to request a letter from the Board of Commissioners to the Board of Education (BOE) to establish an intergovernmental agreement to use the parcel of land behind Inman Elementary School for the equestrian trail.

Chairman Maxwell asked if the Board of Education had any interest. Ms. Godbee stated that she reached out to the BOE and they requested a letter from the Board stating interest in an intergovernmental agreement.

Commissioner Brown asked who drew up the conceptual drawing. Ms. Godbee stated that staff in the Public Works department. Commissioner Brown stated that there were no restrooms or water shown in the drawings. Ms. Godbee stated that the project was only to enhance the trail and provide a parking space for the trailers and access from Inman Road. Commissioner Brown asked if staff was looking to buy the property. Ms. Godbee stated that the hope was that the Board of Education would let the county use it and that the county would assume liability. Commissioner Brown asked if the trail was currently being used by the BOE and would it only be used by county residents. Ms. Godbee stated that it would only be used for county residents, however it could be like the walking trails where others could use it. Commissioner Brown asked who would maintain the trail. Ms. Godbee stated that staff envisioned the special interest groups would help to maintain the trail. Commissioner Brown stated that he supported the proposal and that he hoped that staff would look closely at addressing his concerns.

Mr. Tom Kerlin, gave a brief background. He stated that about ten years ago he suggested building a covered facility for less than \$1 million with parking for \$2 million. He stated that at the time a commissioner stated that he would rather spend \$2 million for that type of facility, rather than \$32 million for a swimming pool. He stated that he was asked to draw up a design and he did. He stated that an organization was created and went to the school board about this property and that they were in favor of the proposal at the time. He stated that at the time the BOE could not get a commitment from the county.

Mr. Rick Minter stated that this type proposal was key to wanting to keep the county green. He stated that this was a great way to carry the county forward in an agricultural manner. He stated that the land once belonged to his grandmother and he would like to see other generations enjoy the land and ride horses on it. He commended Mr. Kerlin on getting this project started up again.

Commissioner Brown moved to approve to allow staff and the attorney to approach the Board of Education to have the discussion related to the creation of the equestrian trail park and that a letter be sent to the Board of Education from the Chairman stating that the Board of Commissioners was in favor of the trail. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown stated that there will need to be some soil testing and core samples completed. Mr. Kerlin stated that had been done. Commissioner Brown stated that he brought it up because he was told in the past by an engineer that there were only certain places where the school could be built. He stated that he wanted to be sure that the land would support a larger facility if needed in the future. Commissioner Brown suggested having discussions with stormwater staff about possibly altering the path of the trail.

Commissioner Rousseau stated that he was in support of talking to the Board of Education and the trail, but he was not in support of a park. He stated that he did not share the sentiment of having an equestrian park or trail, rather than a recreation center or pool. He stated that here were too many unknown variables associated with the cost of a park that are not evident in the presentation. He stated that a trail was a good start to maintain the rural parts of the county. He stated that he could not support it also from the perceptive of the county's need for a health center. He stated that this was seed dollars that the county continues to spend. He stated that there are other pressing needs in the county. He stated that he was in support of a trail, but not a park.

Vice Chairman Ognio stated that when the project comes to the point of wanting to have buildings added, more information on funding would come before the Board. He stated that he looked forward to having an intergovernmental agreement with the Board of Education to get the project going. He stated that there are people in the county that have horses and attend horse events; there were a lot of potential uses.

Commissioner Oddo stated that the agenda item was not to approve any funds. He stated that the agenda item was to give Ms. Godbee permission to speak with the Board of Education regarding the merit of the project. He stated that this was a starting point.

Chairman Maxwell stated that he remembered this project ten years ago. He stated that the county's digest would not support a million-dollar project. He stated that he was happy to see that the county was getting back on its feet. He stated that this would start the dialogue and that he supported the project.

Commissioner Brown moved to approve to allow staff and the attorney to approach the Board of Education to have the discussion related to the creation of the equestrian trail park and that a letter be sent to the Board of Education from the Chairman stating that the Board was in favor of the trail. Vice Chairman Ognio seconded. The motion passed 4-1 with Commissioner Rousseau in opposition. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part thereof.

8. Consideration of an Agreement between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$302,400.00, from October 1, 2017 through September 30, 2018.

Water System Director Lee Pope gave a background on U.S. Department of the Interior Geological Survey (USGS). He stated that it was important to ensure that the creeks and streams are supporting and that it was removed from the 303D list. He stated that USGS generally never fails with the data. He gave examples of the needs for USGS. He stated that USGS stated that they could do a contract with an annual renewal with a savings of \$6,000 to \$7,000 a year if the Board would approve to do so.

Commissioner Rousseau asked if the price could go down. Mr. Pope stated that it could. Commissioner Rousseau asked if it went down would USGS honor that rate. Mr. Pope stated that staff would bring it back to Board if there was a change.

Commissioner Oddo asked if the annual renewal option had been discussed with Mr. Rapson. Mr. Pope stated that he had just gotten the information right before the meeting.

Mr. Rapson stated that this was a sole source agreement because USGS had the instream monitoring and that they were the only ones approved by EPA. He stated that he would be interested in discussing a five-year agreement. He stated that it was the first he had heard of it. Mr. Rapson stated that he recommended approval as presented. He stated that the discount was less than 2% discount for a five-year, \$1.5 million contract and that he believed the county could do better.

Commissioner Oddo moved to approve an Agreement between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$302,400.00, from October 1, 2017 through September 30, 2018, with the caveat to have staff to look at entering a multi-year contract. Commissioner Brown seconded. Discussion followed.

Commissioner Brown stated that the Water and Sewer Authority in Peachtree City put a lot of the effluent back in the streams. He stated that it was important to maximize the volume in the streams because it would cause problems. He commended Mr. Pope for the county being a responsible neighbor in the Flint River basin.

Commissioner Rousseau stated that he also gave kudos to the Water System team.

Commissioner Oddo moved to approve an Agreement between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$302,400.00, from October 1, 2017 through September 30, 2018, with the caveat to have staff to look at entering a multi-year contract. Commissioner Brown 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.

Consideration of Task Order Proposal FC-18-02 to Contract #1221-P, Water System Engineer of Record, for CH2M South Fayette Chemical Improvements in the amount of \$198,393.00 and authorization for the County Administrator to sign all required documents.

Mr. Pope stated that this was for a task order to do renovations at the South Fayette water treatment facility. He stated that there were issues at the Water System in 2013 and the money set aside for the MIEX (magnetic ion exchange) project to complete necessary repairs at the Crosstown Water Treatment Plant. He stated that had been done and now there are similar issues at the South Fayette plant. He stated that the county struggled to keep the chlorine dioxide system online, so water was purchased from the City of Atlanta. He stated that it would be less expensive to treat the water, as opposed to purchasing it from the City of Atlanta.

CH2M Hill Project Engineer Michael Diaz gave supporting comments regarding the need for this task order. He stated that it would help by moving the injection point upstream to increase the run time for the filters which had an increase on production.

Commissioner Oddo asked if staff knew how many years it would be before recovering the cost savings for implementing this project. Mr. Pope stated that it would likely be two to three years based on the amount of water purchased from the City of Atlanta when the plant went offline.

Commissioner Brown stated that the county routinely failed the stated test in the past years. He stated that was not the case anymore. He commended Mr. Pope for a great job. He stated that CH2M was one of the best engineering firm and was doing a great job.

Vice Chairman Ognio moved to approve Task Order Proposal FC-18-02 to Contract #1221-P, Water System Engineer of Record, for CH2M South Fayette Chemical Improvements in the amount of \$198,393.00 and authorization for the County Administrator to sign all required documents. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that the last report sent to the public contained some deficiencies. He stated that he received calls based on that information and he would like to have staff elevate a community education campaign to address deficiencies and to eliminate them. He stated that he would not be opposed to a town hall on water so people who are interested can come learn about the quality of the drinking water.

Mr. Pope stated that staff had begun having monthly samples that will be placed on the website to be transparent at the request of Commissioner Brown.

Commissioner Rousseau stated that online played a role, but people only "Facebook" about water when its bad. He encouraged staff to work on community education and town hall type events in addition to putting information on the website.

Vice Chairman Ognio moved to approve Task Order Proposal FC-18-02 to Contract #1221-P, Water System Engineer of Record, for CH2M South Fayette Chemical Improvements in the amount of \$198,393.00 and authorization for the County Administrator to sign all required documents. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 9", follows these minutes and is made a part thereof.

10. Consideration of staff's recommendations to award RFQ #1375-A Surry Park Drive Full Depth Reclamation (FDR) to the low bidder Atlanta Paving and Concrete Construction Inc. in the amount of \$127,533.00.

Road Department Director Steve Hoffman was asked, how the county got to point that a residential subdivision street needed full depth reclamation. Mr. Hoffman stated that the road was a total base failure which was the main road into Surry Park Drive. He stated that the side roads would be surface-milled and resurfaced. He stated that the road had not been resurfaced by the county and it was likely that the problem was due to the base failure.

Vice Chairman Ognio asked what was the process to ensure that the roads were not damaged when the subdivision deeds the roads over to the county. Mr. Hoffman stated that the roads were inspected at the time and the inspections continue as part of the process when the roads are deeded to the county.

Mr. Terry Williamson stated that he was told that the road was built in 2001. He stated that the road in his subdivision had some spot repairs completed by the county. He stated that it was built in the 1980s and the county did not realize that the road was the county's responsibility. He continued that it might be necessary to do a broad survey to determine how many other roads need repair that the county was unaware of its responsibility to repair.

Mr. Hoffman stated that there was a current pavement evaluation being used to conduct the inspections and determine the condition of the road systems.

Commissioner Brown moved to approve RFQ #1375-A Surry Park Drive Full Depth Reclamation (FDR) to the low bidder Atlanta Paving and Concrete Construction Inc. in the amount of \$127,533.00. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Atlachment 10", follows these minutes and is made a part thereof.

11. Presentation of the Fayette Humane Society and other animal welfare advocates to consider the need to create a task force for the near term and subsequently, an Advisory Board in the long-term, for the purpose of updating animal ordinances and operational procedures concerning animal welfare for Fayette County.

Animal Control Director Jerry Collins introduced the President of the Humane Society Stephanie Cohran.

Ms. Cohran stated that she was one of four of the presenters regarding this agenda item. Ms. Cohran continued the presentation to the Board. The presentation included the various need to help the animal shelter succeed; facility, management, staff, volunteers, citizens/taxpayers, rescues, ordinances and policies. The presentation also included the following topics:

- Background, history and current situation of the animal shelter
- Combining resources
- Updating ordinances
- The Need for an immediate and Comprehensive Plan

Ms. Cohran stated that in 2014 the Fayette Humane Society was granted permission from the Board of Commissioners to conduct a Trap, Neuter, Release (TNR), now known as Trap, Neuter, Vaccine, Release (TNVR) program, She stated that the program was conducted for six months at four designated sites; residential and commercial. She stated that at the end of the test period several representatives made a presentation to the Board that showed how the program saved feline's lives and the cost saving to the county without having to euthanize the cats. She stated that after that presentation the Board of Commissioners at that time instructed staff to work with the Humane Society to draft ordinances for the TNR program to permanently continue in Fayette County as the preferred method to handle community cat complaints. She stated that the current Director met with the county attorney and the legal concerns regarding the leash law to enforce rabies control. She stated that the ordinance was not brought back to the Board. She continued that one of the volunteers, personally hired an expert animal law attorney to work with the animal advocacy groups to work on language to address the objectives raised in 2014. She stated that since making a small change to one ordinance could affect other ordinances, the attorney recognized that and started working on the whole ordinance to ensure there were no conflicts. The animal advocates then met with Mr. Rapson and Mr. Collins in June of 2017 to discuss the changes to the ordinance. She stated that progress was being made and that the advocacy groups would work out the objects presented by Mr. Rapson and Mr. Collins and bring a final version to the Board. She stated that the state bar released a resolution that urged local legislative to interpret existing laws and policies and adopt the laws and policies to allow implementation and administration of TNVR programs, to allow community cats to promote effective, efficient and humane management. She stated that they would like to combine all resources to work on changing the ordinances and policies to benefit the animals in Fayette County. She stated that implementing a task force would start the first step in a comprehensive plan to put processes and procedures in place to be established and worked on and input from all parties that are concerned with animal welfare. Once presented and ready to enact, she asked that the task force work be given to a future advisory board.

Jennifer Kline presented the data regarding the number of animals in Fayette County. She stated that Fayette County's population has an estimated 25,000 pet households with an estimated 50,000 pets within the county. She continued that there were two aspects of the services at the animal control, (1) ensuring public safety and (2) animal abuse. The presentation included the following topics:

- Current animal shelter capacity
- Average intake of pets and current return to owner ratio

She continued with examples of intake and animal control staffing in Fayette County with comparisons between Coweta, Carroll and Habersham counties.

Sharon Marchisello continued the presentation with discussions regarding grants. She stated that there are a lot of organizations that provide grants for rescue groups to provide spay, neuter and other veterinary services for animals. She stated that the Humane Society had been very successful in obtaining grants. She stated that when the previous request to work on the ordinance was stopped, it hindered the efforts to get grants.

Leah Thompson discussed recues. She stated that recues were a vital extension of government services. She stated that each rescue group saw a need and met the need. She continued that each had a different strength to support the shelter. Ms. Thompson recognized each rescue and expressed that they were vital in supporting the shelter.

The remaining presentation topics included:

- Population Growth & Animals in Households
- County lack of Comprehensive Program to Combat Overpopulation of Animals
- Resources are Limited for all Involved
- Local Resources
- Fayette Humane Society overview
- Citizens/taxpayers
- Multiple citizens support the advocate' efforts for ordinance revision and for an Advisory Board
- Combining Resources

Ms. Kline stated that there were three parts to the proposal; to work collaboratively with the county, the creation of an animal welfare task force initially and then an advisory board or commission for the long-term. She stated that the task force would develop a comprehensive action plan, to focus on the basics to ensure a complete set of standard operating procedures, forms and metrics and an advisory board to continue the work. She concluded with the request of the Humane Society to have the Board approve the following items: (1) allow for county staff to work with citizens on animal welfare related issues including but not limited to ordinance revisions. (2) Grant approval for the development and implementation of an animal welfare task force to work on a comprehensive plan that would include processes and procedures related to animal welfare concerns for Fayette County. (3) Grant approval for an animal welfare advisory board (post-task force) that would assist with the establishment of animal welfare related metrics, benchmarks and best practices for Fayette County.

The Board recessed at 8:55 p.m.

The Board reconvened at 9:05 p.m.

Chairman Maxwell asked for public comments.

Laura Line, Fayette County, commended the Board for listening to the presentation and commended Mr. Collins for working with the community and making things better for the animals. She asked the Board to approve the request of the Humane Society.

Emily Rose, Peachtree City, stated that she was supporting the efforts presented and that she hoped the Board would allow the Humane Society to improve the animal ordinances and create the task force.

Karen Scannell, Fayetteville, stated that there were a lot of concerned citizens and rescue animal volunteers. She stated that they will continue to attend the meetings. She criticized the publishing of the negative headlines regarding the animal shelter. She stated that the citizens are the top of the Fayette County organizational chart.

Jeanne Elmore, Fayette County, stated that she supported the partnership of the county and citizens regarding animal welfare matters. She expressed the great work of the volunteers at the animal shelter.

Jennifer Alvarez, Peachtree City, stated that the most important goal of a task force and advisory board would be to increase the adoption rate of animals, thereby stimulating the economy, decreasing euthanasia, decreasing intake and decreasing spending. She stated that the county was working on an antiquated system of killing for space based on the assumption that it was necessary, although the data states that it was wrong and unnecessary. She urged the Board to move forward.

Lori Shamos, Fayetteville, thanked everyone for the information presented. She stated that the advisory board would help the shelter be proactive and help the county catch up to where it should be.

Sharon Marchisello, Peachtree City, stated that she wanted to clarify that they were not asking for money or for the county to spend money.

Commissioner Brown moved to allow for county staff to work with citizens on animal welfare related issues including but not limited to ordinance revisions. Commissioner Rousseau seconded. Discussion followed.

Commissioner Brown stated that the Humane Society had done it all and their work spoke for itself. He stated that they were knowledgeable and generous with their time and money. He stated that he would love to see the Humane Society involved in the process.

Commissioner Rousseau stated that there were implications that there was not collaborative work to get to this point. He stated that the advocacy groups continue to work with Mr. Collins and that was why the county was close to a no-kill status and why the return rate was high. He stated that there was a task force, revisions and conversations taking place to get the county to a better level. He stated that he was troubled that when speaking of priorities, the county had allocated approximately \$300,000; \$190,000 for the animal shelter facility, \$130,000 for sewer connections, and \$10,000 to initiate the spay and neuter program. He stated that at the July meeting he raised the issue about the budget. He stated that although it was stated that there was no request for funds, the Board had a responsibility to make sure it was a safe facility for staff, animals, volunteers and citizens. He stated that a task force was already happening.

Mr. Collins stated that he met with the advocacy and the volunteers monthly.

Commissioner Rousseau stated that he questioned where the priority of the monies spent and where it was headed.

Commissioner Oddo stated that he recognized what the volunteers are doing. He stated that he saw a lot of interaction with the advocacy groups and Mr. Collins already in place. He stated that he did not vote to stop collaboration the last time. He stated that he was not looking to stop collaboration, but that he was not looking to go forward with the ordinance the way it was written. He stated that he hoped that everyone would continue to collaborate with Mr. Collins. He stated that a lot of improvements had been made and he hoped it would continue.

Vice Chairman Ognio stated that when he thinks about the task force versus what Mr. Collins was doing, the advisory board would be limited people. He stated that right now it was a large group that can come in and make comments that are treated equally. He stated that he had a lot of issues with the ordinance that he received. He stated that the ordinance he saw created an advisory board, but it read more like an oversight board.

Chairman Maxwell asked what difference would it make if the Board voted for the motion or not. He stated that he understood that Mr. Collins was already meeting with the advocacy groups. He stated that he had meetings with the advocacy groups, Mr. Rapson had meetings with them and so did Mr. Collins. He stated that his problem with the motion was that he didn't see a difference in what was already being done.

Commissioner Brown stated that he was approached by the leadership to address the ordinance. He stated that an attorney was brought in at a private expense and a discussion was had regarding the animal ordinance. He stated that the draft ordinance was sent to the county attorney for feedback and they were having a civil discussion on changing and concerns. He stated that it was a great dialogue. He stated that at the July meeting, for an issue that was not on the agenda, there was a motion to stop staff from working on the ordinance. He stated that technically Mr. Collins was not supposed to be interacting with the advocacy groups because the Board voted for him to stop. He stated that he would like to bring back the cordial, civil discussion about the ordinance. He stated that most of the changes were amenable. He stated that it did not make sense to him why the Board was building a wall between the citizens and the government.

Mr. Rapson stated that staff was told to stop work on the ordinance. He stated that the discussions that Mr. Collins was having in the meetings were subject matters that may end up turning into an ordinance. He stated that he disagreed that Mr. Collins was outside of the parameters of what he was being told to do. He stated that he had an open-door policy and anyone can come meet with him. He stated that staff was not having discussions regarding the ordinance, but that Mr. Collins was having discussions about topics that may require ordinance changes.

Commissioner Brown stated that was spinning circles.

Chairman Maxwell stated that he disagreed. He stated that this was the first step and not the last. He addressed comments made regarding the negative newspaper headlines. He stated that sometimes the headings of the newspaper are completely different from the body of the article. He stated that the Board does not control that. He gave some examples of things that the Board had done to make improvements at the shelter and how the articles in the newspapers are written about that. He stated that he felt it better for the approach to be piece-milled because of the many portions. He stated that the ordinance he saw had an oversight board and that was the only version he had seen.

Commissioner Brown stated that the attorney that worked on the ordinance wanted to meet with the Board to get feedback on the ordinance. He stated that the language was open for discussion. He stated that he was not sure why the people in the audience get the stigma that the Board could not work with them like they do with the Recreation Commission, Library Board and Transportation Committee. He stated that the only good promotional efforts have come from the people in the audience.

Chairman Maxwell stated that if he continued to have a proposal for an oversight board to be over Mr. Collins, he would continue to vote no.

Commissioner Brown stated that he understood that. He stated that it was never intended to be that way. He stated that it was intended to create citizen ownership of management of the shelter.

Chairman Maxwell stated that if that was the case then that was not what was provided to him and he read it twice.

Commissioner Brown stated that if there are discussions being held regarding animal cruelty and then have changes to an ordinance presented on animal cruelty meant that staff was not following the Board's direction and was doing what the Board said not to do and doing it in a controlled way with very little citizen's input.

Commissioner Rousseau stated that he disagreed. He stated that Mr. Collins was looking at the operation of the animal shelter and in doing so he would look at the issues that effected how to carry out his assignments. He stated that his comment at the July meeting was to allow Mr. Collins to look at his operation and as he evaluated the operation, things would come up that needed to be addressed. He stated that he was in support of citizen input, but the break down was with the language used in the ordinance. He stated that he was in favor of looking at having the advocacy group to run the shelter. He stated that he did not want anyone to leave with the feeling that there was not movement to address the needs of the citizens, staff and the operation.

Commissioner Oddo reiterated that he did not vote to stop people from talking with Mr. Collins. He stated that he hoped the discussions would continue.

Commissioner Brown moved to allow for county staff to work with citizens on animal welfare related issues including but not limited to ordinance revisions. Commissioner Rousseau seconded. The motion failed 2-3 with Chairman Maxwell, Vice Chairman Ognio and Commissioner Oddo voting in opposition.

Commissioner Rousseau moved to grant approval for the development and implementation of an animal welfare task force to work on a comprehensive plan that would include processes and procedures related to animal welfare concerns for Fayette County. Commissioner Brown seconded. The motion failed 2-3 with Chairman Maxwell, Vice Chairman Ognio and Commissioner Oddo voting in opposition. A copy of the request, identified as "Attachment 11", follows these minutes and is made a part thereof.

PUBLIC COMMENT:

Denise Ognio thanked the Board for allowing citizens to voice concerns even when they do not agree. She stated that at the last meeting she made comments that "someone" on the Board broke ethic code. She addressed Commissioner Brown and stated that she did not state his name. She stated that she contemplated writing a formal complaint, but there was little recourse for a commissioner to be called out by formal complaint. She stated that she was asking the Board to consider a stiffer penalty for someone that breaks an ethic code. She addressed Commissioner Brown and stated that he told the public that it was ok that he broke the code of ethics because the county was no longer in litigation. She stated that several lawyers informed her that until all the paperwork was signed it was still considered litigation. She asked for clarity. She continued to address Commissioner Brown regarding comments he wrote in the newspaper and his behavior/actions. She stated that because Commissioner Brown openly admitted to breaking the ethic code via Facebook post and articles, she was filing a formal ethics complaint. She stated that she was only filing the complaint for public record because there are minimum consequences to breaking the ethics code. She gave the ethics complaint to the County Clerk.

Suzanne Waits stated that she wanted to clarify her thoughts on the task force. She stated that having an official task force for the animals was like a quality assurance team. She stated that it takes a quality assurance team to work with Mr. Collins. She stated that the advisory board could consist of a commissioner, veterinarian and other volunteers who work with the animals. She asked what was the problem with creating a task force.

Lynn Lasher, Peachtree City stated that she found a positive with Commissioner Rousseau because he voted against what the Board was trying to do. She stated that the Board did vote to stop the discussion of the ordinance. She stated that piece-mill does not work. She stated that Commissioner Brown did not ask the Board to approve what the advocacy group had done, but to further the conversation. She stated that there was a place for group discussion and a place for an advisory board and she was glad that two of the five commissioners recognized the difference.

Stephanie Cohran stated that the Board mentioned not getting the revised ordinance with the advisory board removed. She stated that it was sent to Mr. Rapson and that she was not sure if it was forwarded to the Board. She stated that she would forward to the Board via email.

Jennifer Kline stated that she wanted to clarify that when she spoke of a comprehensive plan it was not to turn over the ordinance as is. She stated that the groups wanted to have a discussion and prioritize a list of what needed to be done and systematically work through them. She stated that it was not a request to accept what was worked on six months ago.

J.J. Klaus stated that when citizens work with government the government works better. He stated that the Board needed to have citizens on the board.

Dale Klaus, Fayetteville stated that her animals are her children and that it hurt her to see a Board not take into consideration the lives of the animals.

A citizen, whose name was inaudible addressed the Board. She stated that there are citizens who want to speak on behalf of the animals and make the community a better place. She stated that no one was asking for money. She asked the Board to allow citizens to help make the shelter better.

ADMINISTRATOR'S REPORTS:

Public Comments:

Mr. Rapson stated that he would speak with Mr. Collins to increase the frequency of the meetings and to get the priority list of things to address and advise the Board accordantly.

Letter to the Editor:

He stated that a letter to the editor stated that the Peachtree City Water and Sewer Authority was receiving \$130,000 from the county for the sewer connection. He stated that was not true. He stated that their component of the \$130,000 was \$3,050 and he had requested that the \$3,050 be waived. He stated that it was also mentioned that the \$130,000 was for the sewer system itself. He stated that there are two sewer systems and both failing and that was the justification for moving forward with the emergency recommendation. He stated that the paper also stated that the adoption fee was going to triple. He stated that the adoption fee would remain the same and the additional charge was for the spaying and neutering of the animals before leaving the shelter.

Notice to proceed:

Mr. Rapson stated that he would be issuing a notice to proceed for the animal shelter renovation. He stated that the first change order would be removing the outdoor pins because of the concerns about having the animals outside. Commissioner Brown asked if the project would be brought back to the Board for a vote, because it sounded like the design was being changed substantially from what the Board approved. Mr. Rapson stated that the only change was the outside runs. Commissioner Brown stated that it needed to be brought back to the Board for a vote. Mr. Rapson stated that he would bring it back at the October 26 meeting.

Selection Committee:

Board of Health: Commissioner Rousseau moved to approve Commissioner Oddo and Vice Chairman Ognio to serve on the Selection Committee for the Board of Health. Commissioner Brown seconded. The motion passed 5-0.

Zoning Board of Appeal: Commissioner Brown moved to approve Chairman Maxwell and Commissioner Oddo to serve on the Selection Committee for the Zoning Board of Appeals. Commissioner Rousseau seconded. The motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item involving threatening litigation, one item involving pending litigation, one item involving real estate acquisition and the review of the Executive Session minutes for September 14, 2017.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Public comments:

Commissioner Rousseau stated that he also got hammered from other people about the animal advocacy issue. He stated that they are not in favor, but do not want to be participants at the meetings. He stated that the Board tried to find a balance between good policy and good operational oversight.

Thank you:

He thanked Lisa Smith and Mr. Webb, from Georgia Power and EMC for an outstanding job of responding to the power outages in Fayette County during the storms.

He thanked Representative Debra Bazemore who was in the audience earlier for coming to the meeting.

He thanked staff for an outstanding job in assisting in hosting the HOA boot camp last Saturday. He thanked all of the staff for their assistance, Commissioner Oddo and Mr. Rapson for attending, and County Clerk Tameca White and Deputy County Clerk Marlena Edwards for helping with the agenda and logistics. He stated that the citizens found the information to be critically important.

He thanked staff for keeping the right-of-way cut and encouraged that it would get even better.

Water system meeting:

Commissioner Rousseau stated that he lost his phone and thereby his calendar. He apologized for missing the Water Committee meeting, but thanked staff for working to address the issue of well water and public safety regarding the water.

Public health facilities:

He stated that the public health facilities were a higher priority as the Board considers the four legged animals versus the homosapien two legged who have been voicing the lack of privacy in the health facility and lack of comfort. He stated that it needed to be addressed and the Board was moving forward.

Privatizing the animal shelter:

He stated that he would like for the Board to consider giving instruction for the County Manager to look at someone else or another agency running the animal shelter.

Commissioner Oddo:

Commissioner Oddo thanked everyone for attending the meeting and expressing themselves. He asked when did disagreement become about someone being wrong or that someone was evil. He stated that there was just a difference of opinion and nothing more than that.

Commissioner Brown:

Animal Shelter:

Commissioner Brown stated that he was sorry about the way things turned out regarding the animal shelter. He stated that he did not want people to give up.

Grass and trash:

He stated that it was a bad combination when there was grass and trash. He stated that it produced shredded trash and the odds of picking up all the shredded trash was next to impossible. He stated that maybe staff should be present when GDOT will be cutting.

Ethics complaint:

He stated that regarding the ethics complaint and legal things, it was not the first time he had been on his own about something. He stated that he didn't take much into it. He stated that when he served as mayor he took a judge to the Judicial Qualification Committee who used the "N-word" and he could not believe it. He stated he was adamant that the county should not pay the legal fees for the district voting lawsuit. He stated that he never sits for anything that was the wrong thing to do and if the legal fees are pushed to Scott Frabricius it would be the wrong thing to do because it was the Republican Party and not Scott Frabricius who brought the law suit. He stated that he fights for the underdog, the little widow, the single mom, the cat people, the dog people and he had no problem fighting for the people who are not represented. He stated that he made no apologies.

Vice Chairman Ognio:

Public Comments:

Vice Chairman Ognio stated that he did have an outdoor pet that he had to put down. He stated that he did have an indoor pet as well. He stated that he had owned almost every animal there was.

Wounded Warrior project:

He asked the Board to allow him to put a proclamation on the next agenda for the Wounded Warrior project. He stated that it was past the agenda deadline and he didn't realize the project was moving so fast. He stated that the Gary Sinise Foundation had acquired the property and they were requesting to have the permit fees waived. He stated that Sergeant Eric Hunter stepped on an IED and he was a double amputee who would get the home.

The Board agreed to add the proclamation and the request to waive the permit fees on the next agenda.

Concerns about articles in the newspaper:

He stated that he wrote a letter to the Fayette News and they printed a rebuttal at the same time. He stated that he talked about the newspaper writer attacking the county attorney and using untrue information to make that attack. He stated that she replied, "Commissioner Ognio seems to believe that evaluating County Attorney Dennis Davenport's action or inaction is wrong.

Commissioner Ognio appears to feel that public officials like Ms. Watts and Mr. Davenport should somehow be insulated from exposure to criticism." He stated that he never said that. He stated that he did not believe what she wrote at all and he did not know why the newspaper would allow that type reporting. He stated that she then wrote, "...was it not Mr. Davenport who refused to argue against a temporary restraining order in June 2013 filed by Ms. Watts to adjunct the county commission from certifying the appointment of the FCRP representative and Board of Election." He stated that was not the county attorney's responsibility because the restraining order was not against the county, but it was against the Republican Party. He stated that the writer prints this in the paper and the citizens read it and they do not know the difference unless someone points it out. He stated that she wrote, "that it was unnecessary to contact Mr. Davenport to check any facts because a thorough review was made public record including, but not limited to hundreds of pages of court documents and minutes of the county commission meetings in which the issue of insurance coverage was discussed." He stated that he was not sure where she was getting her information, but that she needed to do more research. He stated that the citizens had the right to know the facts. He stated that he would caution citizens when reading these articles. He stated that she did not contact him or any of the other commissioners, except Commissioner Brown. He stated that it was all opinions and not facts. He stated that it was not right.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were one item involving threatening litigation, one item involving real estate acquisition and the review of the Executive Session minutes for September 14, 2017.

One Item of Threatening Litigation, One Item of Pending Litigation, One Item of Real Estate Acquisition and Review of the September 14, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 11:20 p.m. and returned to Official Session at 11:35 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 briefed the Board that the county was involved in a settlement negotiation with Richard Andrews regarding worker's compensation claim. He stated that he had an on-the-job injury as a deputy sheriff involving his ankle and his hip. He stated that the negotiation was through mediation and both sides agreed to the terms and conditions of the settlement. He stated that the settlement amount was a total of \$140,000 and in addition there would be a voluntary resignation along with appropriate releases of all claims that are part of this issue and confidentiality provisions for both parties to the extent that the Board can keep those under the open meeting and open records act. He stated that there was a non-disparagement clause as well as, no rehire provision.

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.

Commissioner Rousseau stated that he would like to have the Board approve staff explore a RFP for the privatization of the animal shelter. Mr. Rapson stated that staff would bring that to the Board at the October 26 board meeting.

ADJOURNMENT:

Commissioner Rousseau moved to adjourn the September 28, 2017 Board of Commissioners meeting. Commissioner Brown seconded. The motion passed 5-0.

The September 28, 2017 Board of Commissioners meeting adjourned at 11:38 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 12th day of October 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

Steve Rapson

RFP AC Operations	Subject:
'Ted Burgess'	Cn
Jerry J. Collins	To:
Monday, October 9, 2017 9:34 AM	Sent:
Steve Rapson	From:

Jerry,

of Animal Control Services on the street as requested at the last BOC meeting... Can you research the DeKalb RFP for services and get a similar limited scope of services to Ted so we can put a privatization

Have to given more thought into increasing the frequency of your monthly meetings as discussed at that same meeting?

Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100

Steve Rapson
From: Steve Rapson
Subject: RE: October 9th RFP-1364-P-Consultant for Animal Shelter Operations
Thanks
FYI – I edited the email is "Big" font – but forgot to make it "little" again – didn't want anyone to think I was shouting email ugh
Steven Rapson Favette County
County Manager srapson@fayettecountyga.gov 770.305.5100
From: Leah Thomson [mailto:leahthomsonptc@gmail.com] Sent: Friday, November 3, 2017 3:00 PM To: Steve Rapson <srapson@fayettecountyga.gov></srapson@fayettecountyga.gov>
Cc: Jerry J. Collins jcollins@fayettecountyga.gov>; Stephanie Cohran <stephanie13245@comcast.net>; Eric Maxwell <emaxwell@fayettecountyga.gov>; Charles Oddo <coddo@fayettecountyga.gov>; Steve Brown <commissionerbrown@fayettecountyga.gov>; Randy Ognio <rognio@fayettecountyga.gov>; Charles Rousseau <crousseau@fayettecountyga.gov>; Ted Burgess <tburgess@fayettecountyga.gov> Subject: Re: October 9th RFP-1364-P-Consultant for Animal Shelter Operations</tburgess@fayettecountyga.gov></crousseau@fayettecountyga.gov></rognio@fayettecountyga.gov></commissionerbrown@fayettecountyga.gov></coddo@fayettecountyga.gov></emaxwell@fayettecountyga.gov></stephanie13245@comcast.net>
Steve,
Thank you for the update and information. For what is is worth, I think a consulting firm with knowledge of sheltering would be a great way to get an outside expert to help us continue to move forward in making the shelter the best it can be. But, now I do understand that is not what Mr. Rousseau and the rest of the board asked the staff to do. I appreciate the clarification. Thanks again, and have a great weekend.
leah

On Fri, Nov 3, 2017 at 2:35 PM, Steve Rapson <<u>srapson@fayettecountyga.gov</u>> wrote:

Leah,

animal shelter" operations... ie., "look at someone else or another agency running the asked us to do was issue a procurement to privatize the animal control animal shelter and its daily operations and what the Commission had Purchasing had issued an consultant to develop a strategic plan for

normal advertisements; ie newspaper, Georgia Registry and GLGA reterencing. Sorry for the confusion. his vacation and noticed it he posted the cancelation notice you're postings – the county website was not updated - once Ted got back from While the consultant procurement was pulled the next day from our

Jerry is finalizing the privatization procurement scope of services and is will do this no later than Friday next week. planning on sharing it with Stephanie once he has a draft complete and

actual procurement as directed by the Commission. Once we get Stephanie's thoughts and incorporate – we will issue the

Steven Rapson

Fayette County

County Manager

srapson@fayettecountyga.gov

770.305.5100

To: Steve Rapson < <p>stepson@fayettecountyga.gov>; Jerry J. Collins < ">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>">"icollins@fayettecountyga.gov>" Sent: Friday, November 3, 2017 12:58 PM From: Leah Thomson [mailto:leahthomsonptc@gmail.com]

Subject: October 9th RFP-1364-P-Consultant for Animal Shelter Operations Randy Ognio <<u>ROgnio@fayettecountyga.gov</u>>; Charles Rousseau <<u>crousseau@fayettecountyga.gov</u>> Maxwell <<u>emaxwell@fayettecountyga.gov</u>>; Charles Oddo <<u>COddo@fayettecountyga.gov</u>>; Steve Brown <<u>CommissionerBrown@fayettecountyga.gov</u>>;

Good Afternoon,

you for your attention to this matter. I was just made aware that the above referenced RFP regarding the animal shelter was pulled. If so, can you please explain why this action was taken. Thank

Leah Thomson

From: Steve Rapson Sent: Tuesday, October 10, 2017 9:05 AM To: Ted Burgess <<u>tburgess@fayettecountyga.gov</u>> Cc: Jerry J. Collins <<u>jcollins@fayettecountyga.gov</u>> Subject: RE: Animal Shelter RFP

Ted,

Jerry is going to work on this – once he has a draft he will share it with us prior to placing anything on the street...

Ted B.	Thanks,	The Animal Shelter RFP is "on the street." The due date for proposals is November 7. A copy is attached. If you want to make any tweaks, we can send out an addendum.	Steve,	From: Ted Burgess Sent: Monday, October 9, 2017 8:40 PM To: Steve Rapson < <u>srapson@fayettecountyga.gov</u> > Subject: Animal Shelter RFP	770.305.5100	County Manager srapson@fayettecountyga.gov	Fayette County	Steven Rapson
		we can send out an						

Steve Rapson	
From:	Steve Rapson
Sent:	Tuesday, November 14, 2017 11:36 AM
To:	Commissioners Group
Subject:	Weekly County Administrator Meeting
Honorable Board of Commissioners,	Commissioners,
FYI – Please find the	FYI – Please find the agenda used for my weekly Department Head meeting this morning
Interdepartme	11.14.17 – County Manager Meeting Interdepartmental Coordination
Animal Control – Foster Animal Control – Privat Clerk – Legislative Pack Environmental Mgmt Finance - ACCG/GATE Road Dept. – Traffic Ca Road Dept. – Provide up Water System - Private V Water System – Emerge	Animal Control – Fostering Program - Status Update – Target YE Animal Control – Privatization Shelter Operations – RFP Underway – Target December Clerk – Legislative Package – Fluoride & TAVT Legislation – Status Update Environmental Mgmt Service Delivery Strategy Ongoing – Ongoing City Managers Meetings Scheduled Finance - ACCG/GATE Agriculture Exemption Legislative Request – Minimum Impact - Complete Road Dept. – Traffic Calming Policy – Status Update Road Dept. – Provide update 2004 SPLOST Remaining Funding - Underway Water System - Private Water Systems Evaluations – Water Committee Evaluating Water System – Emergency Water Systems Connections – Pending Ordinance Underway
Capital Improv	Capital Improvement Projects – Status Update
911 – Carbyne Public Sa 911 Mission Critical Rac Animal Control – Sewer	911 – Carbyne Public Safety Ecosystem (PSES) Project Beta Test Implementation – Status Update 911 Mission Critical Radio Replacement Project – Scheduled RFP Release - December Animal Control – Sewer-line Project – Evaluating Options – Status Update
Building Grounds - Ston Building Grounds - Ston	Building Grounds - Stonewall Refurbishment – Staining Project Nearing Complete – Status Update Building Grounds - Stonewall Water Fountain – Status Update
Public Works - Veteran's Public Works - East Mal Public Works - Emerald	Public Works - Veteran's Parkway - Intersection at SR 92 – Construction Underway – Status Update Public Works - East Mallon Parkway – Wetlands Mitigation – Status Update Public Works – Emerald Lake Dam - Status Update

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Steven Rapson Fayette County County Administrator <u>srapson@fayettecountyga.gov</u> 770-305-5100	Upcoming Events Nov 15 th – Bank Road Annexation Meetings – Stonewall 10:00am & 4:00pm Nov 15 th – Fayette Visioning – Chamber of Commerce Nov 15 th – Mission Critical 911 Board Update Nov 15 th – SDS Meeting – Fayetteville Nov 15 th – SDS Meeting – Fayetteville Nov 15 th – SDS Meeting – Fayetteville Nov 15 th – ACCG LOST Development Meeting Nov 16 th – ACCG LOST Development Meeting Nov 18 th – ACCG LOST Development Meeting Nov 18 th – ACCG LOST Development Meeting Nov 19 th – ACCG LOST Development Meeting Nov 19 th – ACCG LOST Development Meeting Nov 19 th – ACCG LOST Development Meeting Nov 29 th – 23 ^{ch} – Chamsgiving Holday Nov 29 th – 30 ^{ch} – County Manager Vacation Nov 29 th – 11mksgiving Holday Nov 29 th – 11mksgiving Holday Nov 29 th – File Arms Training Complex Ribbon Cutting - On-Site 2:00pm Nov 30 th – The Fire Arms Training Complex Ribbon Cutting - On-Site 2:00pm Dee 9 th – Arustic Center – 11:00am-2:30pm Dee 14 th – Lactis Mill Culvert Ribbon Cutting - 4:30pm On-site Dee 15 th – McDonough Road - 7:30am-9:30am Dee 15 th – ACCG Winter Board Managers Meeting Dee 15 th – ACCG Winter Board Managers Meeting	Public Works – Pedestrian Bridge Veterans Parkway - Sandy Creek Trail/Path - Underway Public Works - Lee's Mill Road Culvert Ribbon Cutting – Dec 14 th On-Site 4:30pm Recreation – McCurry Park Restroom Projects - Status Update Recreation – Kenwood Park Phase II Project – Status Update Sheriff - Fire Arms Training Tower, Range and Shoot House - Nov 30 th On-Site 2:00pm Sheriff - Public Training Facility Project – Final Design Pending – Status Update	

Capital Improvement Projects – 911 – Carbyne Public Safety Ecosystem (PSES) Prc 911 Mission Critical Radio Replacement Project – § Animal Control – Sewer-line Project – Evaluating (Animal Control – Renovation Project – NTP Issued Building Grounds - Stonewall Refurbishment – Stai Building Grounds - Stonewall Water Fountain – Stai Justice Center – Courtroom Audio/Visual Enhancen Public Works - Veteran's Parkway - Intersection at Public Works - East Mallon Parkway – Wetlands M Public Works – Emerald Lake Dam - Status Update Public Works – Pedestrian Bridge Veterans Parkway	11.28.1 Interdepartmental Coordination Animal Control – Fostering Program - Status Update Animal Control – Privatization Shelter Operations – F Clerk – Legislative Package – Fluoride & TAVT Legi County Manager - Service Delivery Strategy Ongoing Road Dept. – Traffic Calming Policy – Status Update Road Dept. – Provide update 2004 SPLOST Remainin Water System - Private Water Systems Evaluations – V Water System – Emergency Water Systems Connectio	Honorable Board of Commissioners, FYI – Please find the agenda used fo	Steve Rapson From: Sent: To: Subject:
Capital Improvement Projects – Status Update 911 – Carbyne Public Safety Ecosystem (PSES) Project Beta Test Implementation – Status Update 911 Mission Critical Radio Replacement Project – Scheduled RFP Release - December Animal Control – Sewer-line Project – Evaluating Options – Status Update Building Grounds - Stonewall Refurbishment – Statining Project Complete – Status Update Building Grounds - Stonewall Refurbishment – Status Update Justice Center – Courtroom Audio/Visual Enhancement Projects – Underway Public Works - Veteran's Parkway - Intersection at SR 92 – Construction Underway – Status Update Public Works - East Mallon Parkway – Wetlands Mitigation – Status Update Public Works - Pedestrian Bridge Veterans Parkway - Sandy Creek Trail/Path - Underway	Interdepartmental Coordination Animal Control – Fostering Program - Status Update – Target YE Animal Control – Privatization Shelter Operations – RFP Underway – Target December Clerk – Legislative Package – Fluoride & TAVT Legislation – Status Update County Manager - Service Delivery Strategy Ongoing – Ongoing City Managers Meetings Scheduled Road Dept. – Traffic Calming Policy – Status Update Road Dept. – Provide update 2004 SPLOST Remaining Funding - Underway Water System - Private Water Systems Evaluations – Water Committee Evaluating Water System - Emergency Water Systems Connections – Pending Ordinance Underway	Honorable Board of Commissioners, FYI – Please find the agenda used for my weekly Department Head meeting this morning	Steve Rapson Tuesday, November 28, 2017 10:12 AM Commissioners Group Weekly County Administrator Meeting

 Recreation – NrC. Urry Park Kestroom Projects - Status Update Recreation – Kenwood Park Phase II Project – Status Update Sheriff - Fire Arms Training Tower, Range and Shoot House – Jan 11th On-Site 4:00pm Sheriff - Public Training Facility Project – Final Design Pending – Status Update Nov 28th – SDS Meeting - Fayetteville Nov 29th – CUC Meeting 3:30pm Nov 30th – Starr's Mill Meeting – Tim Harper Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – Annual Mery Door Decoration Contest – Deadline Dec 7th – Judging Dec 6th – A Pride – Fayetteville Old Courthouse 10:00am Dec 9th – AV Pride – Fayetteville Old Courthouse 10:00am Dec 14th – Holiday Open House - Justice Center – 11:00am-2:30pm Dec 14th – Lee's Mill Culvert Ribon Cutting – 4:30pm On-site Dec 14th – Fayette Commission Meeting Dec 15th – ACCG Winter Board Managers Meeting Dec 22nd & 25th – Christmas Holiday Jan 1th – The Fire Arms Training Complex Ribbon Cutting - On-Site 4:00pm Jan 11th – The Fire Arms Training Complex Ribbon Cutting - On-Site 4:00pm 	 Dec 14th - Lee's Mill Culvert Ribbon Cutting - 4:30pm On-site Dec 14th - Lee's Mill Culvert Ribbon Cutting - 4:30pm On-site Dec 15th - McDonough Road - 7:30am-9:30am Dec 15th - ACCG Winter Board Managers Meeting Dec 22nd & 25th - Christmas Holiday Jan 11th - The Fire Arms Training Complex Ribbon Cutting - On-Site 4:00pm Jan 11th - Fayette Commission Meeting Jan 25th - Fayette Commission Meeting
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Steve Rapson
From:Steve RapsonSent:Tuesday, December 12, 2017 10:59 AMTo:Commissioners GroupSubject:Weekly County Administrator Meeting
Honorable Board of Commissioners,
FYI – Please find the agenda used for my weekly Department Head meeting this morning
12.12.17 – County Manager Meeting Animal Control – Fostering Program - Status Update – Target YE Animal Control – Privatization Shelter Operations – RFP released – Status Update Environmental Mgmt Service Delivery Strategy Ongoing – pending IGA – Status Update Legal - Pending IGAs – Inmate, Paving, EMS & Recreation – Status Update Legal – Legislative Package – Fluoride, TAVT & Religious Freedom Legislation – Status Update Road Dept. – Traffic Calming Policy – Status Update Road Dept. – Provide Update 2004 SPLOST Remaining Funding - Underway Water System - Private Water Systems Evaluations – Water Committee Evaluating Water System - Emergency Water Systems Connections – Pending Ordinance Underway
Capital Improvement Projects – Status Update 911 – Carbyne Public Safety Ecosystem (PSES) Project Beta Test Implementation – Status Update 911 Mission Critical Radio Replacement Project – Scheduled RFP Release - December Animal Control – Sewer-line Project – Rite Aid Option Underway – Status Update Building Grounds - Stonewall Refurbishment – Nearing Completion – Status Update Building Grounds - Stonewall Refurbishment – Nearing Completion – Status Update Justice Center – Courtroom Audio/Visual Enhancement Projects – Underway Public Works - Veteran's Parkway - Intersection at SR 92 – Construction Underway – Status Update Public Works - East Mallon Parkway – Wetlands Mitigation – Status Update Public Works - Emerald Lake Dam - Status Update

SPLOST - Capital Program - Status Update Sheriff - Public Training Facility Project - Final Design Pending - Status Update Sheriff - Fire Arms Training Tower, Range and Shoot House - Jan 25th On-Site 4:00pm Recreation - Kenwood Park Phase II Project - Status Update Recreation - McCurry Park Restroom Projects - Status Update Public Works - Lee's Mill Road Culvert Ribbon Cutting - Dec 14th On-Site 4:30pm Public Works - Pedestrian Bridge Veterans Parkway - Sandy Creek Trail/Path - Underway

Upcoming Events

Dec 13th – FCDA Meeting Dec 14th - Justice Center - 11:00am-2:30pm Dec 14th – Public Works Department Luncheon - 11:30am Kiwanis Park Dec 14th – Lee's Mill Culvert Ribbon Cutting – 4:30pm On-site Dec 14th - Fayette Commission Meeting Dec 15th - McDonough Road - 7:30am-9:30am Dec 15th - McDonough Road - 7:30am-9:30am Dec 15th - ACCG Winter Board Managers Meeting Dec 22nd & 25th - Christmas Holiday Jan 1st – News New Holiday Jan 1st – News New Holiday Jan 11th - Fayette Commission Meeting

Steven Rapson Fayette County County Administrator <u>srapson@fayettecountyga.gov</u> 770-305-5100

Steve Rapson From: Sent: To: Friday, January 5, 2018 3:52 PM Commissioners Group
Subject: Animal Control Privatization RFP Honorable Commissioners
Purchasing did not received any bids or offers concerning seeking proposals for a qualified firm to operate the Animal Shelter.
Stephanie from the Humane Society and Rebecca Tate had expressed interest in this procurement but no bids were received.
Staff will continue to operate the facility based upon the revised policies and guidance approved by the Commission.
Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100

Steve Rapson
From: Steve Rapson Sent: Monday, January 8, 2018, 4:02 PM
c t
Just fyi
Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100
From: Steve Rapson Sent: Monday, January 8, 2018 3:59 PM
Cc: 'Ted Burgess' <tburgess@fayettecountyga.gov>; Jerry J. Collins <jcollins@fayettecountyga.gov> Subject: Animal Control Privatization RFP 1407-P</jcollins@fayettecountyga.gov></tburgess@fayettecountyga.gov>
Chairman Maxwell & Vice-Chairman Ognio,
Please find below the timeline for the Animal Control Privatization RFP 1407-P in case it comes up Thursday evening
The request came from Commissioner Rousseau during his Commissioner report:
BOC Meeting September 28, 2017
COMMISSIONERS' REPORTS:
Commissioner Rousseau:
Privatizing the animal shelter:

	From: Steve Rapson Sent: Tuesday, November 28, 2017 5:50 PM To: Eric Maxwell < <u>emaxwell@fayettecountyga.gov</u> >; 'Randy Ognio (<u>ROgnio@fayettecountyga.gov</u>)' < <u>ROgnio@fayettecountyga.gov</u> > Subject: FW: RFP 1407-P	Notification was provided to Chairman & Vice-Chairman when RFP was released:	Animal Control – Fostering Program - Status Update – Target YE Animal Control – Privatization Shelter Operations – RFP Underway – Target December Clerk – Legislative Package – Fluoride & TAVT Legislation – Status Update	11.14.17 – County Manager Meeting	Updates to staff's progress started with the November 14 th Weekly Update until the RFP was actually released:	He stated that he would like for the Board to consider giving instruction for the County Manager to look at someone else or another agency running the animal shelter.
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Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100

From: Ted Burgess Sent: Tuesday, November 28, 2017 5:11 PM To: Steve Rapson <<u>srapson@fayettecountyga.gov</u>> Cc: Jerry J. Collins <<u>jcollins@fayettecountyga.gov</u>> Subject: RFP 1407-P

Steve,

FYI, RFP 1407-P, Fayette County Animal Sheltering Operations, has been issued. Proposal due date is 3:00 pm December 27.

Ted B.

to entire ommission when no hids were rece

Subject: Animal Control Privatization RFP Cc: Jerry J. Collins < "Ged Burgess" < tburgess@fayettecountyga.gov To: Commissioners Group < <u>Commissioners@fayettecountyga.gov</u>> Sent: Friday, January 5, 2018 3:52 PM From: Steve Rapson

Honorable Commissioners,

Purchasing did not received any bids or offers concerning seeking proposals for a qualified firm to operate the Animal Shelter.

Stephanie from the Humane Society and Rebecca Tate had expressed interest in this procurement but no bids were received.

Staff will continue to operate the facility based upon the revised policies and guidance approved by the Commission.

Steven Rapson Fayette County County Manager <u>srapson@fayettecountyga.gov</u> 770.305.5100

COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Commissioner Steve Brown			
Meeting Date:	Thursday, February 8, 2018	Type of Request:	New Business			
Wording for the Agence	la:		-			
	n related to the complaints and investiga	tion of the working environment of t	he county's 911 Department.			
, Background/History/D	etails:					
the Board of Commis the Human Resource safety of every citizer	the 911 Department issued public comp sioners with documentation related to the S Director to obtain some clarity on this of Fayette County. That meeting has less stration of leadership within our ranks.	e situation. After reviewing the afor significant breakdown in a county d	rementioned documentation, I met with epartment which is vital to the health and			
The County Attorney	advised that this matter be handled in th	ne public meeting and not in executi	ve session as a personnel issue.			
What action are you se	eeking from the Board of Commissioner	s?				
The Board of Commissioners committing to a clean investigation of the matter by an independent party chosen by the Board of Commissioners.						
If this item requires fur	nding, please describe:					
Not applicable.						
Has this request been	considered within the past two years?	No If so, whe	en?			
Is Audio-Visual Equip	ment Required for this Request?*	No Backup F	Provided with Request? Yes			
All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.						

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			
Staff Notes:			

Table of Contents

Fayette County Commissioners-

I greatly appreciate your time in reading our concerns. I have included a paper copy of the Fayette County Marshal's Office findings and a summary of some things that were said by various employees. The flash drive in this packet has all other information, over 70 pages. I would suggest reading the documents in the "most important" folder first.

Thank you again, on behalf of all former 911 employees in attendance tonight.

Fayette County 911 – 2017 Concerns Summary

The Fayette County 911 center has gone through many significant events this year. More than 15 employees were terminated or resigned in 2017 alone. The center switched from 8 hour shifts to 12 hour shifts starting in July 2017, and no leave requests longer than one day have been accepted since July.

Please see the other documents in this packet for further details. Of particular interest:

"At that point I stood up and yelled 'if you don't like it you can get the hell out.' Dana then yelled back something (I do not recall) and I responded 'I don't give a goddamn. I am sick of this.""

- Bernard "Buster" Brown, Center Director (Buster Statement, Page 2)

"Heather Brown - Called male trainee 'pussy' & told Buster & got away with it"

- Brady Every, Human Resources (BE Notes, Page 2. Handwritten)

"He [Director Brown] became very angry and yelled at her [Assistant Director Smith] and said 'You don't tell me to wait' and he began huffing and breathing hard."

- Janika Terrell, Former Shift Supervisor (Janika Statement)

"Altercation did occur between Buster and Dana, Buster was aggressive and used profanity several times, as a result Dana became aggressive [...] Buster was not forthcoming with the HR director on the day following the altercation to divulge the total severity."

-Fayette County Marshal's Office investigation findings. (FCMO Findings. Likely written by Deputy Marshal Caldwell, but no name appears on the report).

COPY

No criminal findings from Marshal's investigation

Buster did not drink beer at Tavern

Altercation did occur between Buster and Dana, Buster was aggressive and used profanity several times, as a result Dana became aggressive

Janika was not interrogating cadets, she did agree supervisors need to improve upon communication with cadet

Buster did not have all the fact when he stated Janika was interrogating cadets

No grounds for terminating Buster, Dana or Janika

Dana requested to transfer to another department if Buster was not terminated but there are no vacancies for which she is qualified.

Buster should receive one-day suspension and written reprimand for using profanity toward an employee. This is consistent with past disciplinary action throughout the County

Dana should receive a written reprimand for not remaining professional and letting her emotions get the best of her resulting in aggressive behavior when confronted by Buster.

Janika should receive a verbal in her file that she has agreed with the HR Director to work on improving her and other supervisors' communication with cadets

Buster and Amber need to be counseled that their relationship needs to be maintained above reproach. There is a general perception that their relationship is more than just on a professional level

Buster was not forthcoming with the HR Director on the day following the altercation to divulge the total severity

To restart the engine, there needs to be a meeting between Buster and Dana, management and the cadets, supervisors and management, all with HR present

Remarkably noted is the fact that even those who have issues with Buster feel he is the right person for the job and is taking the center to a new level

Recommend discarding rank system, it is not recognized in Munis, position control or anywhere outside the center itself

Recommend some type of team building with supervisors and management, maybe via EAP

Buster did not meet with employees before they were allowed to acknowledge evaluations, he made them do that before they met

Buster is known to be loud and use profanity in the radio room, known to make comments in jest about

Anytime an employee clocks in they will be in appropriate uniform. It appears that in the past there may have been instances where employees dressed very casually when training.

Jordon Posey

December 14, 2017

Request to County Commissioners

To whom it may concern:

I am hereby requesting a waiver of any training fees that I may have incurred as a result of my early resignation. The Fayette County Marshal's Office has confirmed that Bernard Brown used profanity and acted in a threatening manner towards several employees on multiple occasions. Every witness statement, including Mr. Brown's own statement, confirms this. In addition, some former employees, such as Chelsea Rosales, were not required to pay back any fees, despite being employed for less than three years. I feel it is discriminatory to require some employees to repay training costs, but not others.

The center has also undergone massive changes since my start date in May 2016. We changed from eight hour shifts to twelve hour shifts, which forced a major lifestyle change on all employees. The center was staffed by 5-6 employees when I started, but now we are having trouble keeping four employees on a shift without having to rely on administrative staff. I have rolled the call counter past 99 on many occasions and it quickly leads to burnout, and that is in addition to working a busy radio. I have also expressed concern about officers calling out traffic stops incorrectly, sometimes with them even failing to provide a location (which creates a major officer safety issue.) All of my concerns have been dismissed as "crabbing" or "being butthurt". A mock "butthurt report" was even given to me on one occasion. During training, it was drilled into my head to always enter a correct location, but I can't do that if officers don't provide one and tell me to standby. These major changes in the work environment nullify the contract in my opinion.

In addition, I am requesting that all of my accrued time off (including sick and holiday time) be paid in full. We have not been able to take time off since late June, meaning I have been accruing time that I am unable to use. Director Brown has intimidated us and discouraged the use of sick time, since we have to call the assistant director, no matter what time of day it is. We are always questioned about what is wrong when we call out sick, despite that being private information.

My last evaluation had no negative marks and I have even been responsible for training a few new employees and letting them observe. I feel that I have more than repaid any training debt to Fayette County since I have been involved in training new employees myself.

I have already contacted County Administrator Rapson on three different occasions. The first two times I was told to wait for a meeting date, and the third time I was advised of an EEOC complaint that is pending, and Mr. Rapson advised he would be unable to discuss these concerns. I have included a copy of these emails on the flash drive.

Thank you for your time-

Jordon Posey

Joseph Porter

December 14, 2017

Request to County Commissioners

To whom it may concern:

I am hereby requesting a waiver of any training fees that I may have incurred because of my early resignation. The center has undergone massive changes since my start date in November 2016. It was explained to me before accepting the job that our schedules changed every few months and yet I was stuck on a shift that required me to be on a completely different sleep schedule from my wife, 10 year old daughter, and my then newborn baby girl for the majority of my employment. Those are precious months of my youngest's life that I will never get to experience. I've been in the military and understand sacrifice, what I've witnessed at the 911 Center in Fayette County is the direct result of poor leadership that doesn't care about the well-being of its employees.

When I was signed off on Fire Dispatch in May of 2017 it was with the understanding that I would receive further training on the midnight shift that I was going to. Trainers and cadets were both under heavy pressure from the administration to get cadets out of training as soon as possible because of the current manning issues, that is the only reason that I signed any documentation saying that I was trained. Upon transitioning to my new shift as a Fire dispatcher, I received no further training and was unable to utilize any procedure guides to train myself because they had not been updated in a very long time. There were other cadets that were rushed out of training around this time due to other issues in the center. When we transitioned to 12-hour shifts, I was put on a shift with two other cadets that were rushed out of training as well. We also did not have a trained supervisor on our shift at that time. Three inadequately trained dispatchers with one dispatcher who knew what he was doing. We would often turn to him anytime we did not know what to do, which was multiple times each shift and a serious safety issue for our units. Knowing that the administration cared more about quantity of dispatchers over quality of dispatchers and unit safety, I started looking for a new job.

The Fayette County Marshal's Office has confirmed that Bernard Brown used profanity and acted in a threatening manner towards several employees on multiple occasions. Every witness statement, including Mr. Brown's own statement, confirms this. In addition, there is a long list of former employees that were not required to pay back any fees, despite being employed for less than three years.

Working conditions at our 911 Center, enforcement of the standard operating procedures, and training procedures should all be examined and improved upon.

I appreciate you taking the time to read this,

Joe Porter

Investigation Findings:

Complaint of Harassment, Hostile Work Environment and Discrimination at the Fayette County 911 Center

June 21, 2017

On June 1, 2017, Wendy Coulter, a Communications Officer at the Fayette County 911 Center, presented a charge of harassment, hostile work environment and discrimination against Supervisor Janika Terrell, Supervisor Dana Evans, and Communications Officer Rebekah Acosta. See attachment A. The allegations were presented during a meeting with County Administrator Steve Rapson and Human Resources Director Lewis Patterson. Also attending the meeting were 911 Assistant Director Amber Smith, and Communications Officers Lea Brown, Hazel Holcomb and Terminal Agency Coordinator Sharon Battle. After hearing from those in attendance, Mr. Rapson instructed 911 Director Buster Brown to place Terrell, Evans and Acosta on paid administrative leave pending an investigation of the allegations by Human Resources.

Between June 2 and June 19, Human Resources Director Lewis Patterson and Human Resources Administrator Brady Every interviewed twenty-nine of the thirty-one 911 Center employees. A new employee who has not had exposure to the radio room and a part time employee were not interviewed. A summary of information obtained during the investigation relating to the allegations in the complaint is as follows:

Threatening Statements ("snitches get stitches")

Ms. Coulter states that the three employees named in the complaint talk about "how cadets are thin skinned and are snitches," that "cadets need to remember that they don't like snitches and that snitches get stitches," and that they look at her and say that she "needs to remember that snitches get stitches." Assistant Director Amber Smith interviewed Ms. Coulter on May 31 about her allegations. During that meeting, Ms. Coulter stated that the supervisors would use the "snitches" statement when either they (the supervisors) were violating policy, by using cell phones in the radio room or propping their feet up on desks, or when they (the supervisors) were complaining about the administrative staff. She did not perceive the statement to be made in a joking manner, but perceived it as a threat to her personal safety, particularly because she had brought a complaint against Ms. Evans and Ms. Terrell earlier this year.

Of the other employees interviewed, three stated they had heard the comment before. One employee [Hazel] stated that she has heard all three employees named in the complaint make the statement, particularly in response to any mention of the prior incident in February 2017. She stated that she specifically heard Ms. Evans make the comment after stating that Buster Brown, 911 Director, must go, which Ms. Hazel took to be a deterrent to anyone who might tell management about Evans' statement. Ms. Hazel also stated she heard Ms. Evans make the statement in reference to cadets who were interviewed about her [Evans] conduct during the February 2017 incident. In addition, one employee [Megan] stated that she had heard the phrase used, but that it was directed towards callers who were

"tattling" on their neighbors, and another employee [Lea] stated she has heard the statement, but it was not directed towards any specific individual. Finally, one employee [Sharon] stated that she had not heard any threatening statements directly, but she has heard Ms. Terrell make the "snitches" comment many times when something was going on in the radio room that they did not want the Administration to know about, such as using personal cell phones.

When questioned about the comment, Ms. Evans stated she has not said "snitches get stitches" in the radio room and she is not sure if she has heard it in the radio room. Ms. Terrell admitted making the statement "snitches get stitches," but stated that it was directed towards callers and was not made in a threatening manner. She further confirmed that the statement is made a lot in the radio room, but she has never heard it directed towards another employee. Ms. Acosta denied making the statement and denied hearing it. Ms. Acosta did state that "playful" talk could be perceived as threatening to some.

Comments of a Racial Nature

Ms. Coulter also alleged that the three individuals make comments of a racial nature in response to current events on the news. She states that she has heard the following statements:

* Statements attributed to Ms. Acosta, Hispanic: "white people are racist"; "that's what white people do to black people"; "all cops want to kill black men"; "all white cops are out to get black people"; "you white people finally know how it feels"; "I bet you white people are mad you can't have slaves anymore"; and that she "hopes the cops and white people get hurt by the protesters because that is the only way they will learn."

* Statements attributed to Ms. Terrell, African American: "white people are racist"; "that's what white people do to black people"; "all white cops are out to get black people"; "and you white people finally know how it feels";

* Statements attributed to Ms. Evans, Caucasian: "that's what white people do to black people"; and "all white cops are out to get black people".

Two other employees said racial comments were directed to them in the workplace. One, a Caucasian female [Cary Ann], said that Ms. Terrell said to her "Is that too white girl for you?" when the topic of race came up during a general discussion. A Caucasian male [Jason] stated that Ms. Acosta told him he must be the new favorite since he got to go to a conference and no black employees were allowed to attend. Another employee, a mixed-race female [Hazel], confirmed that she has heard Ms. Acosta make statements along the lines of whites being racists, she has heard statements from Ms. Acosta and Ms. Evans along the lines of "whites deserve what they are getting" and, more recently, she has heard Ms. Terrell say something similar to "whites are sorry they cannot have slaves anymore." She considered these statements to be derogatory.

A Caucasian female employee [Racheal] stated that racial discussions take place in the radio room that could be taken out of context. A Caucasian male employee [Derek] stated that Ms. Terrell likes to discuss national race issues, but she has not said anything to cause him concern. Two employees [Cary Ann,

Melissa] stated they have heard racial comments used in general but they were said in a joking manner. Another employee [Megan] also stated that racial comments are common in the Radio Room, but she has not been offended and considered everyone to be joking.

One Caucasian female employee [Sharon] stated there was tension over the Black Lives Matter movement, and there is frequent discussion of a racial nature which is generated from current news events. As an example, she has heard statements that whites do not understand the black community. This employee also expressed concern about these racial comments because as dispatchers, they are charged with protecting the lives of law enforcement and she believes the negative comments about police officers are offensive, particularly because some employees in the radio room have relationships with or are married to law enforcement officers.

Another employee [Katye] also stated that Ms. Acosta's opinion that when officers get hurt, it is justifiable payback, is of concern and a conflict with their duties and responsibilities, which is to protect law enforcement.

When questioned about these statements, Ms. Acosta denied making racial slurs or derogatory comments but did admit racial conversations occur in the workplace but no one has ever told her they object to what was being said. She stated that as a person of color, she relates to the people who are getting hurt. She further stated, however that she has no hostility towards the police or whites.

Similarly, Ms. Evans denied making any "direct" comments of a racial nature towards others and states that she would not tolerate that. She acknowledges that they do discuss racial issues in the context of the news headlines. Ms. Terrell also denied making racial comments and stated that she would not tolerate others making such comments. Ms. Terrell stated that Ms. Acosta does talk about what is on the news, but no one has complained to her (Terrell) about the discussions.

Concerns about the Work Environment

During the course of the investigation, a number of employees shared concerns about their work environment under the supervision of Ms. Evans and Ms. Terrell. They described an atmosphere that is plagued by low morale, negativity, and intimidation. At least one employee stated she is considering finding other employment because of the negative work environment. In addition to the comments addressed above, employees stated that Ms. Evans and Ms. Terrell have a condescending attitude, talk down to employees in a rude and degrading manner, do not require trainers to provide adequate training for new employees and, on one occasion, ignored one employee completely and failed to offer assistance when requested. One employee also specifically described the lack of adequate training by Ms. Terrell and how Terrell publicly embarrassed her when she made a mistake. As supervisors, Ms. Evans and Ms. Terrell are responsible for adhering to the highest standards of conduct and setting the example for their subordinates as well as other employees in the 911 Center. They also are expected and required to take corrective action with any of their direct reports who fail to conduct themselves in an acceptable manner or otherwise meet expectations.

Findings and Recommendation

The use or tolerance of inappropriate racial comments or slurs, threatening language, and derogatory comments are all violations of the County's Harassment Policy 440.03 and Disciplinary Policy 428.01. See attachments B and C. As outlined in Policy 428.01, the County has a right to expect a minimum standard of conduct from each employee. Employees are expected to conduct themselves in a manner that is compatible with public service and the position which they occupy. Supervisors are held to a higher standard as they set the example for their subordinates.

Based on the information obtained during this investigation, it is the opinion of Human Resources that the two supervisors identified by the claimant, Ms. Evans and Ms. Terrell, have engaged in conduct that violates the County's policies and is unacceptable for their positions of authority as supervisors. Their actions have fostered a work environment of negativity, intimidation and distrust. Therefore, it is the recommendation of Human Resources that Ms. Evans and Ms. Terrell be terminated for failing to meet the standards of conduct which the employer has a right to expect by creating an intimidating or offensive working environment.

Based on the information obtained during this investigation, it is the opinion of Human Resources that Ms. Acosta made inappropriate racial comments which her co-workers found to be concerning and offensive. It appears that no one, including her supervisors, communicated to Ms. Acosta that other employees regarded her comments as inappropriate and offensive. However, Ms. Acosta should have understood the inappropriate nature of her comments relating to white officers given the duties of her position as a 911 Communications Officer, and her knowledge that some employees in the radio room have relationships with or are married to law enforcement officers. Therefore, it is the recommendation of Human Resources that Ms. Acosta be suspended for three days without pay and be required to attend sensitivity training.

EMPLOYEE NOTICE

Employee Rebekah Acosta	Employee No. 3115	Supervisor Amber M. Smith			
Position Communications Shift Supervisor	Date June 26, 2017	Department Head Bernard J. Brown			
This notice is given to advise you of either loss of pay, a change in job duties or responsibilities due to unsatisfactory work performance or misconduct, or documentation made part of your personnel file due to unsatisfactory work performance or misconduct. Continuance will result in further disciplinary action up to and including termination.					
NATURE OF INFRACTION	COMMENTS				
Group 1 Group 2 Group 3	Construction of the second second				
		avestigation Findings: Complaint of Harassment,			
Group 1 Group 2 Group 3	Hostile Work Environment and Discrimination at the Fayette County 911 Center. June 21, 2017				
Group 1 Group 2 Group 3					
Group 1 Group 2 Group 3					
Group 1 Group 2 Group 3					
Group 1 Group 2 Group 3					
Group 1 Group 2 Group 3					
Has employee been warned before about	this offense: Yes	No 🗌			
How? Oral Written When?					
□ ADMINISTRATIVE LEAVE	🗆 3 Days 🗆 5 Days 🔤 10 Days				
	□ 3 Days □ 5 Days □10 Days	Other Effective Date:			
	Position				
RECORD SECTION					
Supervisor's Comments					
		r's determination that Rebekah Acosta			
failed to meet the standard of conduct which the employer has a right to expect and termination is					
warranted.					
Employee's Comments					
If you are no longer a probationary employee and you disagree with this action refer to Section 428.01, Disciplinary, of the Personnel Policies & Procedures Manual for rights of appeal					
Supervisor's Signature Date					
6-26-2017					
Signature of Employee Acknowledging Receipt Date					
Employee's signature does not necessaril	y indicate agreement with the action taken.	It indicates only that the supervisor has reviewed the			
EMPLOYEE NOTICE with the employee.					

June 7, 2017

Mr. Patterson,

Per our conversation on Monday, June 5, here is my statement about some of the issues that have occurred at the 911 center. I feel the environment has been hostile since the incident in February where the cadets were removed from their trainers. Since then, there has been a lot of negativity toward the cadets as well.

My trainer changed from Jason Passmore to Kaesha Strain after the incident in February. Personally, I felt as though I could not say anything to anyone about the way I was being treated by Kaesha. I felt she was very condescending and was not training me. If I made a mistake on the phone, I would not be allowed to answer. My "time out" periods usually lasted about an hour or more and there was a time I went over three consecutive hours before I was allowed to answer phones again. When I was on the radio, Kaesha would say things like, "you are slow" and "you will not be able to handle a busy radio", but she did not properly train me on how to enter radio traffic. If I had a question, she would make an issue out of my asking. If I missed radio traffic and asked for assistance, she would only say, "I don't know, what do you think they said?" If I got it wrong, she would not allow me to continue working on the radio. I only spent two days working Fayetteville Radio under Kaesha, and of those two days, the only direction I received was being told to read the training manual unless a supervisor heard my question. If I asked one of my coworkers, Kaesha would become upset and tell me she is my trainer and I should ask her if I have a question. Janika Terrell noticed the way Kaesha would talk to and treats me and finally took me into the supervisor's office to talk about why I was upset. After this

conversation, when Kaesha was condescending towards me again, I told her I am fine with her giving me direction but she did not need to be condescending. This angered her and she told me she would say nothing to me anymore and just print out policy. The last time she printed policy, she slapped it on my desk, told me to read and sign the paper then put it into my DOR book. This action was done in front of everyone and was embarrassing. I felt she was threatening me by saying she would just print policy. Since Kaesha left, Janika has been my trainer. Once again, I feel I am not being trained. I have noticed other people making mistakes on locations but they are usually corrected by their trainer before being entered into a call. If I make a mistake with location, the call is entered then I am berated for making the mistake and I have been told I will lose my job. I understand the importance of correct locations but I do not understand why incorrect locations for other trainees are changed and mine are not. The same is true for when I make a mistake on the nature of the call. When I make a mistake with the nature, Janika only asks, "What would be a better nature?" or she will phrase a question that does not have a correct answer then notates in my DOR that I was unable to resolve an issue myself. I have heard other trainers explain why another nature would be appropriate, but I have not received that same kind of training. I feel I cannot ask questions and I am being set up to fail. Although I was told by some of the administrative staff to ask if I wasn't sure, when I ask Janika she only tells me to use my best judgment then notes in my DOR that I did not do it correctly. Because I have heard and observed other trainers giving direction and assisting their trainees, I feel as though I have been set up to fail. I do not know why I am being treated in this manner but I feel it is very hostile and discriminatory toward me.

I also feel the environment at the 911 center is hostile toward most of the trainees. I understand this is a very involved job, but there is no reason for trainees to be treated as inferior while being trained. There is also hostility toward the administrative staff by the supervisors and some of the members of my shift, 4pm to midnight. I have heard many derogatory statements toward Buster like "he does not know what he is doing" and "he needs to go". There have also been statements like "it wasn't like this before". Since I was not there before, I have nothing to compare. I have also heard racial statements along the lines of whites being racists, mainly by Rebecka. During the time of rioting, I heard Rebecka and Dana saying things along the lines of whites deserve what they are getting. Janika has recently said something similar to "whites are sorry they cannot have slaves anymore." Whenever the issues that occurred in February are mentioned, often Dana, Rebecka, and Janika have said "snitches get stitches". Janika has also said words along the lines of "I don't care for that CaryAnn". I feel as though Janika, Dana, and Rebecka have tried to bully members of my shift and it is an uncomfortable environment while they are together. There are times I have felt uncomfortable because of the way Janika, Rebecka, or Dana would talk quietly then watch what I was doing. I have witnessed Rebecka talking quietly with Janika and Dana and I also heard her say "draft" then collect paper from Janika and Dana. I have also witnessed Rebecka tell Dana to meet her in the supervisor's office and they quietly talked. There have also been comments like "why is Amber still her?" and "here come a salaried one" made by Dana, Rebecka and Janika. They also have said statements about Sharon like she thinks she is one of us and they talk badly about people who used to work there. I remember one night a call came from a former employee, Kim, that sparked comments like, "I'm glad she is gone" by Kaesha and someone else, I cannot remember said she was "totally 96". There have been many times Dana or Rebecka start to say something and Janika will make them stop by shaking her head. It has been a more comfortable environment without the negativity Janika, Dana, and Rebecka have brought to the shift.

There have been may conversations and incidents that have occurred while I was there that I only partially witnessed because for a time while Kaesha was my trainer, I was not allowed to talk to anyone and I was told to read SOP's or the training manual. If you have any questions, please feel free to contact me.

Thank you,

Hagel Holcomb

Hazel Holcomb

06/01/2017

I first would like to say that I DO enjoy my position here at Fayette County 911 but I am concerned about the work environment. Earlier this year I had an incident which made me feel bullied, humiliated and not welcome. I am referring to the incident with Janika and Dana. I have not had much interaction with either of them since due to scheduling but there has been obvious tension during shift change, initially with being ignored, even with simple hellos.

Recently, I have had to work on the same shifts with both of them, which required more interaction, or lack thereof in this case. Working with them has been something that has been weighing heavily on me since the big incident and I have dreaded it, because I cannot even receive a simple reply to a cordial hello on any other given day. Well, I guess I had every right to feel this way. This last week I had to work side by side Janika and she acted as if I weren't sitting right there. I was supposed to be observing her in between call taking and she did not acknowledge me in any shape or form. During the shift I had a question regarding someone looking for where a vehicle had been towed. Janika was the documentor on the original call but she was on the phone and I believe Dana was busy as well so I asked Jason for help. He also could not find the answer so across the room Janika says "Dana is right behind you!", I assume she was talking to me but of course without saying my name or looking at me I cannot be sure. I approached Dana after that and Dana tried to find the answer and also couldn't so Jason then asked Janika after she was off of the phone.

I feel that some of my coworkers are aware of the tension or have heard stories about the incident between myself, Dana and Janika and step in for me and have the conversations for me so that I am not subjected to the cold shoulder or "attitude". To be honest, the further I get in my training the more I worry, "Will I be stuck on shift with these two and subjected to this out casting behavior for hours at a time?", Will I be treated unfairly because they are supervisors and clearly do not like me?" so I have considered looking for different employment, not because I do not like my job, or the majority of my co-workers but because of these couple people and their "friends", they have recruited to act the same towards me.

I would like to see these issues resolved so that I am able to stay and retire here, which has been my plan from the beginning.

Thank you for your time and understanding.

Respectfully,

aughintoss

Cary Ann Ross

On Tuesday May 30, 2017 I was travelling back from Kentucky and Director Bernard J. Brown (Buster) called me on my cell phone. He advised that Communications Officer Wendy Coulter had come to him and expressed multiple concerns about what was happening on her shift and how employees were being treated. I was at the end of my trip and coming into the county so I decided to stop to speak with Buster and Training Manager Kyle Turner in person. Buster and Kyle both explained that Wendy stated trainee Hazel Holcomb was being set up for failure by her former trainer Communications Training Officer Kaesha Strain (who has since resigned) and being threatened by her current trainer Shift Supervisor Janika Terrell. Buster and Kyle explained that Wendy advised "Snitches get Stitches" was said to her and Hazel on multiple occasions by Shift Supervisor Janika Terrell, Shift Supervisor Dana Evans and Communications Officer Rebekah Acosta. I questioned if they were saying it as a joke or were referring to something outside of work. Buster suggested we both talk to Wendy again when she returned to the Center the next day so I could hear it first hand from her and could ask her my questions directly.

On Wednesday May 31, 2017 Wendy came into work at approximately 3:30pm. We asked to speak with her and she came into Buster's office. I asked her to explain what was going on. She said that Janika, Dana and Rebekah have been drafting a document while on duty on the county computers to attempt to get Buster fired. I asked her how she knew that was what they were doing and she said she has heard them talking about it. She advised that they were using a personal flash drive in the county computers for these documents. She explained that they have been discussing filing fabricated complaints against Buster so he will be terminated. She said that Hazel had been set up for failure explaining that Kaesha would let her sit for hours and wouldn't train her and now Hazel is in fear of losing her job. I asked about Hazel's training now and Wendy advised that she is not sure what is going on with her training now that Janika is training her. She said that her and Hazel have been harassed and threatened since the last incident occurred that involved Janika and Dana, but that she has been too afraid of retaliation to bring it forward. She explained that she got to a point where she felt obligated to tell us due to the severity of what was happening which is why she decided she needed to speak to us now. She stated that Janika, Dana and Rebekah have all said to her "Snitches get Stitches". I asked Wendy in what context were they using that phrase; if they were saying it while joking around or in reference to something outside of work and she said they were not. She advised they would say it anytime they were violating policy or when they were complaining about the administrative staff. I asked how it was said to her and Wendy explained that when it was said it did not sound like a joke. I asked how often it occurred and she said "All the time". I asked when it started and she said it started after Dana and Janika returned to work after the last incident. I asked Wendy if she felt threatened and she said she did. I asked her in what sense did she feel threatened... if she was afraid she would lose her job or if she thought they would harm her. She started to cry and said she was scared that they might do something to her outside of work. She explained it has gotten to that point where she thinks they might harm her physically which was why she decided it was time to come forward. She mentioned that they asked Hazel where she lived and that really concerned her. Wendy also advised that a lot of racial anti-white and anti-cop discussions occurred on the shift between Janika, Dana and Rebekah. She explained that several comments had been made in a derogatory nature about "white people" and "white cops".

Assistant Director Amber Smith

Amber Smith

6/7/17

Date

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During my meeting with Human Resources Director Lewis Patterson June 6, 2017 he mentioned not being familiar with the term "snitches get stitches" prior to this incident. I told him although I was already familiar with it, I had taken the time to look at case law related to threats with that statement. I told him everything I found deemed "snitches get stiches" a threat and said I would share this information with him.

I did a general search for 'case law snitches get stiches' and every article that I read stated that the statement was a "true threat" and was used against the prosecuted subjects. A "true threat" is defined as a statement that a reasonable recipient would have interpreted as a serious expression of an intent to harm or cause injury to another. The cases that I viewed are related to "witness tampering" or "witness intimidation" and not workplace harassment, but it still gave me a better understanding of how serious the statement "snitches get stitches" is taken in a court of law. To be a threat, a statement or act must occur in a context or under such circumstances where a reasonable person, in the position of the speaker, would foresee that the statement or act would be interpreted as a serious expression of intention to carry out the threat rather than as something said in jest or idle talk. As stated above, when asking Wendy Coulter in what context the phrase "snitches get stitches" was being used, she advised it was during deprecating discussions about the administrative staff and when they were blatantly violating policy in the radio room.

The phrase "snitches get stitches" may imply that violent reprisal should and will befall those who cooperate with law enforcement. In the proper context, these words would cause a reasonable person who is cooperating with investigators to fear bodily harm. Other courts have upheld convictions for witness tampering or witness intimidation based on this exact phrase. See State v. Sabato, 321 Conn. 729, 749, 138 A.3d 895 (2016); People v. Horton, 21 N.E.3d 207, 208–09, 24 N.Y.3d 985, 996 N.Y.S.2d 578 (2014); State v. Clark, 175 Wash.App. 109, 302 P.3d 553, 555–557 (2013); cf. Cantu v. Mich. Dep't of Corr., 653 F.Supp.2d 726, 744 (E.D. Mich. 2009) (finding that "snitches get stitches" was a "threat of physical harm [that] would without doubt deter an individual of ordinary firmness" from cooperating in an investigation).

Below I have included information in regards to Hostile Work Environment Harassment which is what I am basing my general knowledge of the subject on and the cases I am referencing. I also included an article on workplace violence "When Snitches Get Stitches: Physical Violence As Workplace Retaliation On The Rise" and an article that describes a retaliation lawsuit "Fire department dispatcher's retaliation lawsuit settled for \$80,000 by city". I included those two articles to help further explain and articulate what I fear will potentially be the future for Fayette County 911 if Janika Terrell, Dana Evans and Rebekah Acosta continue to be employed at our Center.

Assistant Director Amber Smith

6/7/17

Date

Amber Smith

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https://www.dol.gov/oasam/programs/crc/2011-workplace-harassment.htm

Hostile Work Environment Harassment

A hostile environment can result from the unwelcome conduct of supervisors, co-workers, customers, contractors, or anyone else with whom the victim interacts on the job, and the unwelcome conduct renders the workplace atmosphere intimidating, hostile, or offensive.

Examples of behaviors that may contribute to an unlawful hostile environment include:

discussing sexual activities;

telling off-color jokes concerning race, sex, disability, or other protected bases;

unnecessary touching;

commenting on physical attributes;

displaying sexually suggestive or racially insensitive pictures;

using demeaning or inappropriate terms or epithets;

using indecent gestures;

using crude language;

sabotaging the victim's work;

engaging in hostile physical conduct.

When harassing conduct violates the law*

First, unlawful harassing conduct must be unwelcome and based on the victim's protected status.

Second, the conduct must be:

- 1. subjectively abusive to the person affected; and
- 2. objectively severe and pervasive enough to create a work environment that a reasonable person would find hostile or abusive.

Whether an instance or a pattern of harassing conduct is *severe or pervasive* is determined on a case-bycase basis, with consideration paid to the following factors:

- the frequency of the unwelcome discriminatory conduct;
- the severity of the conduct;
- 3. whether the conduct was physically threatening or humiliating, or a mere offensive utterance;
- whether the conduct unreasonably interfered with work performance;
- 5. the effect on the employee's psychological well-being; and
- 6. whether the harasser was a superior within the organization.

Amber Smith

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Each factor is considered, but none are required or dispositive. Hostile work environment cases are often difficult to recognize, because the particular facts of each situation determine whether offensive conduct has crossed the line from "ordinary tribulations of the workplace, such as the sporadic use of abusive language . . . and occasional teasing,"2 to unlawful harassment.

*However, the intent of the Department of Labor's *Harassing Conduct Policy* is to provide a process for addressing incidents of unwelcome conduct long before they become severe and pervasive enough to create a hostile work environment under the law.

Harassing Conduct Policy – The Department has determined that the most effective way to limit harassing conduct is to treat it as misconduct, even if it does not rise to the level of harassment actionable under the law. The goal of this policy is to <u>eliminate harassment</u> before it becomes severe and pervasive enough to violate the law.

Therefore, for the purposes of the Harassing Conduct Policy, harassing conduct is defined more broadly as "any unwelcome verbal or physical conduct based on any characteristic protected by law when: (1) the behavior can reasonably be considered to adversely affect the work environment; or (2) an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct." Conduct that "adversely affects the work environment," even though it may not be "severe or pervasive" as required under federal law, is prohibited by the Harassing Conduct Policy.

Examples include those listed above, as well as less severe or more isolated incidents, such as derogatory name calling, use of epithets, and unnecessary touching.

It is the responsibility of *every*DOLemployee to *promptly report* harassing conduct to anyone in your supervisory chain; or to your Agency EEO Manager in the National Office; or for regional employees, to the Regional Administrator, OASAM.

Management must take prompt, remedial action to investigate and eliminate any harassing conduct. All information will be maintained on a confidential basis to the greatest extent possible.

The Department cannot correct harassing conduct if a supervisor, manager or other Department official does not become aware of it. When an employee unreasonably fails to report harassing conduct, the Department has the right to raise this as a defense against a suit for harassment.

EEO Process – The Department's Harassing Conduct Policy is not intended to replace an employee's EEO rights. An employee may pursue claims of harassing conduct through both avenues simultaneously. To learn more about your EEO rights, please contact an EEO Counselor or visit CRC's web page at http://www.dol.gov/oasam/programs/crc/index.htm. Contact the Civil Rights Center at 202-693-6500 within 45 days of the alleged discriminatory event in order to preserve your right to file an EEO complaint. Any questions on this guidance should also be addressed to the Department of Labor's Civil Rights Center.

Footnotes

1 The Department of Labor's Policy & Procedures for Preventing & Eliminating Harassing Conduct in the Workplace (Harassing Conduct Policy) is contained in DLMS 4 – Chapter 700.

2 Faragher v. City of Boca Raton, 524 U.S. 775, 788 (1998).

Amber Smith

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Statement: Assistant Director Amber Smith

CASE LAW

Court of Appeals of Washington, Division 2.

STATE of Washington, Respondent, v. Stephen Blair CLARK, Appellant.

No. 42496-7-II.

Decided: June 04, 2013

Catherine E. Glinski, Attorney at Law, Manchester, WA, for Appellant. Jeremy Aaron Morris, Kitsap County Prosecutor's Office, Port Orchard, WA, for Respondent.

PUBLISHED OPINION

¶ 1 Stephen Blair Clark appeals his conviction of intimidating a witness, contending that the trial court erred in not giving his proposed definitional instruction of a "true threat." Because the trial court's instructions properly precluded the jury from convicting Clark based on constitutionally protected speech, we affirm.

FACTS

¶ 2 On January 5, 2011, around 10:30 in the evening, Jeffrey Rimack looked out his window when he heard a high-revving car speed past his home. He watched as the white Saturn went straight through a "T" intersection, crashed through a cyclone fence, drove across the neighbor's front yard, and smashed into the home's front door. While rushing to the scene, Rimack observed the passenger, later identified as Clark, get out of the passenger door, followed by the driver, and saw the driver run off, stumble in a ditch, and disappear. Clark stumbled over to Rimack and several neighbors that had gathered at the scene and asked them to help him pull the car away from the house.

¶ 3 When Clark noticed Veronica Reczek on the phone, he asked her if she was on the phone with the police. When she responded that she was, Clark leaned toward her and said, "Don't you know that snitches get stitches, bitch?" Report of Proceedings at 43. This remark startled her because she was concerned that Clark could be hurt and she was trying to help him. Both Rimack and Reczek noticed that Clark smelled strongly of alcohol and appeared highly intoxicated.

¶ 4 The State charged Clark by amended information with intimidating a witness and, after he missed a required court appearance, with bail jumping. Clark testified at his jury trial that he was the passenger, was highly intoxicated, had fallen asleep in the car, and had awoken when his head smashed into the dashboard during the crash. He testified that he did not remember making the snitches comment but that he did not doubt that he made it. He explained that he was concerned the police would think he was the driver and did not intend to threaten anyone; he just wanted to getaway.

¶ 5 Clark proposed the following definitional instruction:

As used in these instructions, threat means to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time. Threat also means to communicate, directly or indirectly, the intent to cause bodily injury in the future to the person threatened or to any other person.

To be a threat, a statement or act must occur in a context or under such circumstances where a reasonable person, in the position of the speaker, would foresee that the statement or act would be interpreted as a serious expression of intention to carry out the threat rather than as something said in jest or idle talk.

Clerk's Papers (CP) at 44. The trial court, citing State v. King, 135 Wash.App. 662, 145 P.3d 1224 (2006), declined to instruct the jury on the second paragraph of this proposed instruction, instructing it only on the first as the State had proposed.

Amber Smith

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¶ 6 The trial court's jury instructions also defined the offense: "A person commits the crime of intimidating a witness when he or she by use of a threat against a current or prospective witness attempts to induce that person not to report the information relevant to a criminal investigation." CP at 56 (Jury Instruction 7). And, in instruction 8, set out the elements of the offense:

To convict the defendant of the crime of intimidating a witness as charged in Count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about January 5th, 2011, the defendant by use of a threat against a current or prospective witness attempted to induce that person not to report the information relevant to a criminal investigation; and

(2) That the acts occurred in the State of Washington.

CP at 57.

¶ 7 The jury found Clark guilty on both counts. Clark appeals.

ANALYSIS

¶ 8 Clark asks us to reverse his intimidating a witness conviction because the trial court should have given his proposed "true threat" definitional instruction. He argues that because RCW 9A.72.110° criminalizes speech, the trial court's refusal to give his proposed instruction permitted the jury to convict him based on constitutionally protected speech.

¶ 9 We review de novo a claimed instructional error based on a legal ruling or a constitutional question. State v. Schaler, 169 Wash.2d 274, 282, 236 P.3d 858 (2010). We independently review the record in First Amendment cases to ensure that the legal ruling does not intrude on free expression. Schaler, 169 Wash.2d at 282, 236 P.3d 858 (quoting State v. Kilburn, 151 Wash.2d 36, 49–50, 84 P.3d 1215 (2004)). The First Amendment does not, however, protect "true threats." Schaler, 169 Wash.2d at 283, 236 P.3d 858. "A true threat is a 'statement made in a context or under such circumstances wherein a reasonable person would foresee that the statement would be interpreted as a serious expression of intention to inflict bodily harm upon or to take the life of another person." "Schaler, 169 Wash.2d at 283, 236 P.3d 858 (quoting Kilburn, 151 Wash.2d at 43, 84 P.3d 1215). "The First Amendment prohibits the State from criminalizing communications that bear the wording of threats but which are in fact merely jokes, idle talk, or hyperbole." Schaler, 169 Wash.2d at 283, 236 P.3d 858 (citing Kilburn, 151 Wash.2d at 43, 84 P.3d 1215).

¶ 10 The trial court must give the jury an instruction defining "true threats" for several types of crimes. See State v. Allen, 176 Wash.2d 611, 628–30, 294 P.3d 679 (2013) (felony harassment); Schaler, 169 Wash.2d at 287, 236 P.3d 858 (threats-to-kill provision of harassment statute); State v. Johnston, 156 Wash.2d 355, 364, 127 P.3d 707 (2006) (bomb threat statute); State v. Ballew, 167 Wash.App. 359, 370, 272 P.3d 925 (2012), review denied, 175 Wash.2d 1019, 290 P.3d 994 (2012) (threatening to bomb or injure property); State v. Tellez, 141 Wash.App. 479, 484, 170 P.3d 75 (2007) (felony telephone harassment based on a threat to kill); see also State v. Brown, 137 Wash.App. 587, 589, 154 P.3d 302 (2007) (insufficient evidence to show a future threat on charge of intimidation of a judge). But the instruction is not required in all cases. See Schaler, 169 Wash.2d at 287, 236 P.3d 858 (no "true threat" instruction is necessary when instructions given require a mens rea as to the result); King, 135 Wash.App. at 666–67, 145 P.3d 1224 (witness intimidation does not prohibit constitutionally protected speech); State v. Edwards, 84 Wash.App. 5, 12, 924 P.2d 397 (1996) (State need not prove that threat to injure property is a "true threat" because RCW 9.61.160 criminalizes communicating a threat, not the defendant's intent to carry it out); but see State v. Johnston, 156 Wash.2d 355, 364, 127 P.3d 707 (2006) (RCW 9.61.160 is limited to true threats).

¶ 11 In Schaler, our Supreme Court provided an analytic format for resolving whether a "true threat" instruction is necessary. 169 Wash.2d at 286–87, 236 P.3d 858. The key question the Court asked was

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whether the statute, included a mens rea as to the proscribed result and, if not, a "true threat" instruction was necessary to protect the defendant's right of free speech. 169 Wash.2d at 287, 236 P.3d 858. The trial court instructed the Schaler jury that Schaler had to intend to communicate a threat. 169 Wash.2d at 286, 236 P.3d 858. The instructions did not, however, require the jury to find that Schaler intended that the person threatened reasonably fear that the threat would be carried out. 169 Wash.2d at 286, 236 P.3d 858. The Court held:

Because the First Amendment requires [the mens rea of] negligence as to the result but the instructions here required no mens rea as to result, the jury could have convicted Schaler based on something less than a "true threat." The instructions were therefore in error.

Because they did not comply with the First Amendment's "true threat" requirement, the instructions given at trial allowed the jury to convict Schaler based on his utterance of protected speech.

Schaler, 169 Wash.2d at 287, 236 P.3d 858 (footnotes omitted).

¶ 12 Here, the instructions do not suffer a similar flaw as they required the jury to find an intentional act; namely, that Clark, by use of a threat, "attempted to induce that person not to report the information relevant to a criminal investigation." CP at 57. The trial court relied on King. 135 Wash.App. at 662, 145 P.3d 1224. But Shaler superseded King and presents the analytic framework to apply in "true threat" cases and therefore we need not address whether the trial court's reliance on King was appropriate. Focusing on the criminal statute's mens rea element as in Schaler demonstrates that the State had to prove that Clark threatened a potential witness in an attempt to induce that witness not to report what she knew to the police. In other words, the State had to prove that Clark made a true threat. The element of inducing the witness not to report supplies the mens rea for the result that Schaler requires. Clark's proposed instruction was unnecessary and therefore the trial court did not err or impinge on Clark's First Amendment rights in refusing to give it to the jury.

¶ 13 We affirm.

WORSWICK, C.J.

We concur: PENOYAK and BJORGEN, JJ.

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Court of Appeals of Maryland. United States Court of Appeals, Eighth Circuit.

United States of America, Plaintiff-Appellee, v. Lona Lee Colhoff, Defendant-Appellant.

No. 15-2800

Decided: August 19, 2016

Before RILEY, Chief Judge, COLLOTON and KELLY, Circuit Judges.Counsel who presented argument on behalf of the appellant and appeared on the brief was Paul Robert Winter, of Rapid City, SD. Counsel who presented argument on behalf of the appellee and appeared on the brief was Ted McBride, AUSA, of Rapid City, SD.

A jury convicted Lona Lee Colhoff on two counts of conspiracy to distribute a controlled substance, see 21 U.S.C. §§ 846, 841(a), (b)(1), and one count of attempted witness tampering, see 18 U.S.C. § 1512(b)(1). The district court 'sentenced Colhoff to concurrent forty-five month sentences for each conviction. On appeal, Colhoff argues that the conspiracy charges and the witness-tampering charge were improperly joined. She also challenges the sufficiency of the evidence on the witness-tampering conviction and asserts that the statement underlying her conviction was protected expression under the First Amendment. We affirm.

I.

This case involves the prosecution of a drug-distribution network headed by Colhoff's brother, Gerald LeBeau. Gerald relied on a network of family members and friends to transport, store, and distribute cocaine and marijuana on and around the Pine Ridge Indian Reservation. His distribution network included his siblings (Colhoff, Twila LeBeau, and Marlyn "Tuck" LeBeau, Sr.), sons (Neil and Pablo LeBeau), wife (Marie Zephier), sisters-in-law (Whitney Zephier and Kateria Patton), and mother-in-law (Susan Schrader).

Gerald stored drugs and money at Colhoff's house. Several of Gerald's dealers testified to obtaining drugs for distribution from Colhoff's home. Gerald was present for some of these transactions, but dealers also would pick up the drugs directly from Colhoff and deposit money with her for Gerald. Gerald was arrested in 2011 for a supervised release violation and in 2014 for possession of cocaine. While Gerald was incarcerated, Colhoff collected money on Gerald's behalf, coordinated at least one delivery of cocaine, and conveyed messages from Gerald to other members of the conspiracy.

A grand jury charged Colhoff, along with Twila and Pablo LeBeau, with two counts of conspiracy to distribute a controlled substance. A separate indictment charged Susan Schrader, Whitney and Marie Zephier, and two others with various conspiracy and distribution offenses. There was testimony in the Colhoff trial that Schrader and her co-defendants, like Colhoff, were involved with Gerald LeBeau's drug-distribution operation. With the exception of Colhoff and Schrader, all of the defendants named in the two indictments pleaded guilty.

Schrader's trial commenced first. The same FBI agent was the case agent for both the Schrader and Colhoff trials, and several witnesses were scheduled to testify at both trials. Tr. 57. The government subpoenaed Colhoff's brother, Tuck LeBeau, as a potential witness against Schrader. On the second day of the Schrader trial, Colhoff transported Tuck to the United States Attorney's Office and waited for him in the lobby. Brady Ferguson was also present in the lobby. Ferguson had also been subpoenaed to testify in the Schrader trial and was present for a meeting with Officer Preston Patterson, a state law enforcement officer tasked to the FBI Drug Task Force. For at least part of this time, Colhoff and Ferguson were alone.

Ferguson testified that after Tuck left the waiting room, Colhoff threatened him for "snitching" on a fellow Native American. Specifically, Colhoff told him:

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I don't understand you guys just f***ing turning against your own people. All they are trying to do is divide and conquer the people. Just a bunch of snitches. Do the crime, but can't do the time. Why don't you guys just do the time? . Snitches get stitches. That's all you guys are. That's all you guys are, snitches. Should have listened to Russell Means.

Ferguson testified that he did not know Colhoff, and that he suspected at the time that she was Schrader's sister. Ferguson reported this perceived threat to Patterson. Based on Colhoff's statement to Ferguson, the government obtained a superseding indictment and added a charge of attempted witness tampering against Colhoff. A jury later convicted Colhoff on all counts.

П.

Colhoff argues that the conspiracy charges were improperly joined with the witness-tampering charge. Joinder of offenses is permissible when the charges "are of the same or similar character, or are based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan." Fed. R. Crim. P. 8(a). Rule 8(a) is "broadly construed in favor of joinder to promote judicial efficiency." United States v. McCarther, 596 F.3d 438, 441–42 (8th Cir. 2010). Colhoff did not challenge the joinder in the district court, so we review for plain error. United States v. Yates, 734 F.2d 368, 370 (8th Cir. 1984); see Fed. R. Crim. P. 52(b).

Witness tampering is "factually interrelated" with the proceeding in which the defendant attempted to interfere. United States v. Rock, 282 F.3d 548, 552 (8th Cir. 2002); accord United States v. Mann, 701 F.3d 274, 289-90 (8th Cir. 2012). Joinder of a tampering or obstruction charge with an underlying substantive offense is proper, because the former is "connected to, and interrelated with" the latter. United States v. Little Dog, 398 F.3d 1032, 1037 (8th Cir. 2005). While our prior decisions involved attempts by a defendant to obstruct his own prosecution, we do not think it was plain error for the district court to extend the logic to an attempt to impede the prosecution of another drug trafficker who was supplied by the same person as the defendant. Colhoff and Schrader were charged in separate indictments with conspiring to distribute drugs. There was evidence at Colhoff's trial that Gerald LeBeau distributed cocaine to both women for redistribution. Witnesses in the Colhoff trial implicated Schrader as one of the people who sold or stored cocaine for Gerald LeBeau. Tr. 125-26, 172-73, 195-98, 238-39, 264. One of Gerald's drug dealers, Pat Brewer, testified that he picked up cocaine for distribution from Schrader and Colhoff. Tr. 238-42. Because there was a reasonable basis to conclude that Colhoff and Schrader were involved in a common scheme to distribute drugs, the court did not plainly err by permitting joinder of Colhoff's conspiracy charges with the charge that she attempted to tamper with a witness against Schrader.

The evidentiary overlap between the conspiracy charges and the witness-tampering charge further demonstrates the interrelatedness of the charges. Evidence of Colhoff's attempted tampering would have been admissible in a stand-alone conspiracy trial as an act in furtherance of the conspiracy to show the existence of an agreement. See United States v. Madrigal, 152 F.3d 777, 780 (8th Cir. 1998). At least some evidence of the drug conspiracy would be admissible to show motive in a stand-alone prosecution for attempting to intimidate Ferguson. See 1 Kenneth S. Broun, McCormick on Evidence § 190, at 1042-43 (7th ed. 2013). Because evidence pertaining to both charges likely would have been admissible in separate trials, Colhoff also cannot show a reasonable probability that joinder affected the outcome of the proceedings. See United States v. Olano, 507 U.S. 725, 734, 113 S.Ct. 1770, 123 L.Ed.2d 508 (1993). For these reasons, we conclude that there was no plain error warranting relief.

III.

Colhoff also challenges her conviction for witness tampering. She argues that the government produced insufficient evidence on the element of intent. Colhoff was convicted of violating 18 U.S.C. § 1512(b)(1). That statute requires the government to show that Colhoff knowingly attempted to "use[] intimidation, threaten[], or corruptly persuade [] another person" with the intent to "influence, delay, or prevent" testimony in an official proceeding. Here, the government's theory was that Colhoff attempted to intimidate or threaten Ferguson to prevent his testimony in Schrader's trial. Evidence is sufficient to



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support a conviction if any reasonable jury could have found the disputed element beyond a reasonable doubt. See United States v. Johnson, 745 F.3d 866, 869 (8th Cir. 2014).

We conclude that there was sufficient evidence to support a finding that Colhoff intended to influence, delay, or prevent Ferguson's testimony in Schrader's trial. At the time of the incident, Ferguson was at the courthouse preparing for possible testimony against Schrader in an ongoing trial. Colhoff had accompanied Tuck LeBeau, who was also subpoenaed to testify in the Schrader trial, to the same waiting room where she encountered Ferguson. Colhoff attended portions of Schrader's trial and spent a lot of time in the witness check-in room. Tr. 56. Her statement directly accused Ferguson of "turning against [his] own people." It was reasonable for the jury to infer that Colhoff knew that Ferguson was present as a prospective witness against Schrader.

Colhoff's warning that "snitches get stitches" came in the middle of a diatribe about Native Americans like Ferguson assisting the federal government to "divide and conquer the people." She made this statement when she was in a room with a potential witness against Schrader while the trial was underway. She implored Ferguson not to "turn[] against your own people" and to "just do the time." From these facts, a jury reasonably could conclude that Colhoff intended to influence or prevent Ferguson's testimony in the Schrader trial. We therefore conclude that the evidence was sufficient to support Colhoff's conviction.

Colhoff contends alternatively that a conviction based on her statements to Ferguson violates her right to freedom of speech under the First Amendment. The district court did not address this point, and we find nowhere in the record where Colhoff raised a constitutional claim before this appeal. Accordingly, despite the government's reference on brief to de novo review of First Amendment claims, we review Colhoff's constitutional challenge to her conviction under the plain-error standard. United States v. Bausch, 140 F.3d 739, 741 (8th Cir. 1998); see United States v. Bain, 586 F.3d 634, 639 n.4 (8th Cir. 2009) (per curiam).

Colhoff's constitutional argument is that her statements to Ferguson were merely a "political rant" protected by the First Amendment, and that only a "true threat" of a type not present here may be proscribed by the criminal law. She cites Virginia v. Black, 538 U.S. 343, 123 S.Ct. 1536, 155 L.Ed.2d 535 (2003), where the Court said that "[i]ntimidation in the constitutionally proscribable sense of the word is a type of true threat, where a speaker directs a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death." Id. at 360, 123 S.Ct. 1536. This court has concluded, before and after Black, that a "true threat" is "a statement that a reasonable recipient would have interpreted as a serious expression of an intent to harm or cause injury to another." Doe v. Pulaski Cty. Special Sch. Dist., 306 F.3d 616, 624 (8th Cir. 2002) (en banc); see United States v. Mabie, 663 F.3d 322, 332–33 (8th Cir. 2011). We held in United States v. Gavin, 583 F.3d 542 (8th Cir. 2009), that a conviction under another subsection of the witness-tampering statute, 18 U.S.C. § 1512(a)(2)(A), did not infringe on First Amendment rights, because "threats of violence are . unprotected speech." Id. at 548 (alteration in original).

The prosecution focused on Colhoff's statement to Ferguson that "snitches get stitches." Ferguson testified that he perceived this statement as a threat and immediately reported it to Officer Patterson. Ferguson's reaction was evidence supporting an inference that a threat was made. See United States v. J.H.H., 22 F.3d 821, 827–28 (8th Cir. 1994).

The phrase "snitches get stitches" may imply that violent reprisal should and will befall those who cooperate with law enforcement. In the proper context, these words would cause a reasonable person who is cooperating with investigators to fear bodily harm. Other courts have upheld convictions for witness tampering or witness intimidation based on this exact phrase. See State v. Sabato, 321 Conn. 729, 749, 138 A.3d 895 (2016); People v. Horton, 21 N.E.3d 207, 208–09, 24 N.Y.3d 985, 996 N.Y.S.2d 578 (2014); State v. Clark, 175 Wash.App. 109, 302 P.3d 553, 555–557 (2013); cf. Cantu v. Mich. Dep't of Corr., 653 F.Supp.2d 726, 744 (E.D. Mich. 2009) (finding that "snitches get stitches" was a "threat of physical harm [that] would without doubt deter an individual of ordinary firmness" from cooperating in an investigation). In Clark, the court ruled that a defendant made a "true threat" when he directed the statement to a witness in an attempt to induce that witness not to report what she knew to the police. 302 P.3d at 557.

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The context in this case supports a conclusion that Colhoff's statement would cause a reasonable person in Ferguson's position to fear bodily harm. Ferguson was in the United States Attorney's Office as a potential witness against Schrader. In other words, he was there to "snitch"—the very act that Colhoff said was deserving of "stitches." Ferguson was not acquainted with Colhoff, so he did not know what she was capable of doing or whether she was prone to issue empty threats. Colhoff says it was unreasonable for Ferguson to fear harm from a sixty-year-old woman such as she. But a person who is not physically imposing can wield a firearm or other weapon, and there also is no requirement that the victim fear that the speaker herself will cause the stitches. Ferguson rightly surmised that Colhoff was connected to the Schrader family, and he reasonably could have interpreted the statement as a warning that an associate of Schrader's would harm him if he cooperated with the prosecution.

Colhoff did not request a specific jury finding on whether her conduct amounted to a "true threat," and she did not ask the district court to conduct an "independent examination" of the record to ensure that the jury's decision did not intrude on protected expression. Cf. Doe, 306 F.3d at 621. We accept for the sake of analysis that a "true threat" standard must be satisfied for a conviction based on the use of intimidation or a threat under § 1512(b). Compare, e.g., Clark, 302 P.3d at 556–57, with United States v. White, 670 F.3d 498, 514–15 (4th Cir. 2012). Even so, there was sufficient evidence here to support a conclusion that Colhoff made a true threat that would place a reasonable person in fear of bodily harm. At a minimum, under the plain-error standard, her claim of protected expression is "subject to reasonable dispute." Puckett v. United States, 556 U.S. 129, 135, 129 S.Ct. 1423, 173 L.Ed.2d 266 (2009). There was no plain error in entering a judgment of conviction on this record.

* * *

The judgment of the district court is affirmed.

FOOTNOTES

1. The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

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http://patersontimes.com/2015/08/06/fire-department-dispatchers-retaliation-lawsuit-settled-for-80000-by-city/

Fire department dispatcher's retaliation lawsuit settled for \$80,000 by city

The federal lawsuit filed by a former Paterson fire department dispatcher Robert Connizzo alleging coworkers tormented, assaulted, and retaliated against him for reporting a conversation he heard over the dispatch system where two employees discussed illegal drug use and a violation of the city's sick leave policy was settled for \$80,000 by the city council on Tuesday evening.

The incident that resulted in the lawsuit happened on November 8th, 2011. Connizzo was listening to dispatch calls from the previous day at the behest of his supervisor fire battalion chief Thomas Behnke when he came upon a call in the dispatch system between Leticia Howe and firefighter Kippy Smith.

"Howe and Smith could be heard planning illegal activity, including the use of narcotics, and also planning a deliberate" violation of the city's sick leave police, alleges the lawsuit filed on August 13th, 2013.

Connizzo, feeling obligated to inform a higher up what he had heard, informed Ryan Murray, battalion fire chief. Murray instructed him to go home and that he will be "in touch" about the call.

Murray subsequently had Conizzo write reports about what he had heard. After the reports were submitted to Murray, Connizzo was subjected to bullying at the department. He was called a "f*cking rat," a "piece of sh*t," "garbage," a "faggot, and even threated with, "snitches get stitches."

Howe, fire alarm operator Keisha Wesley, and a number of city firefighters allegedly were involved in the verbal abuse, according to the lawsuit. The lawsuit states the abuse took place in front of Murray who did nothing to stop it.

Connizzo complained to higher ups including Murray and Behnke, both indicated they would address the matter, but never did, according to the lawsuit. He unsuccessfully attempted to transfer from the shift where Howe and Wesley worked in December 2011. The verbal abuse continued into mid-December, according to Connizzo's lawsuit, which resulted in him calling a meeting with deputy fire chief Michael Fleming.

Flemings allegedly informed Connizzo that "nothing would come of it" and that fire chief Michael Postorno was allegedly "pissed" of at him for reporting the "illegal and violative activity and for writing the report" that Murray had ordered him to write.

The retaliatory behavior continued during the subsequent months. On January 20th, 2012, Connizzo was informed by Murray that he would be transferred to a different shift. He was further told not to come to work until the afternoon of January 22nd, 2012.

On January 21st, 2012 at about 12:15 a.m. Connizzo's home was visited by two Little Falls police officer, who received a call from members of the Paterson fire department stating he was suicidal and was a danger to himself and other, according to the lawsuit.

Connizzo and his parents convinced the officers of the "absurdity" of the report. The officers left. On January 21st, 2012 at 10 a.m., Connizzo mentioned the incident to Fleming.

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Flemings told him he notified Little Falls police after Howe and Wesley reported he was suicidal, according to the lawsuit. The lawsuit states the incident was orchestrated to "cast doubt on the veracity" of Connizzo's valid complaint which resulted in retaliation.

Connizzo was placed on paid administrative leave on January 21st, 2012 by fire brass.

On March 16th, 2012, Connizzo was called into a meeting with Michael Postorino and deputy fire chief Kevin Hancock. He was advised that he was "cleared of all charges" despite not being charged with anything, according to the lawsuit.

Connizzo was allowed to return to work on March 17th, 2012 without any fitness for duty evaluation. After returning, the same abuse continued, until it took a far worse turn later that month, according to the lawsuit.

While leaving work after his shift, "he was accosted, assaulted and battered by a group of Paterson firefighters" including Howe, according to the lawsuit. Connizzo was allegedly approached from behind, slammed against a wall, frisked as if he was a police suspect, and content of his bag was dropped to the ground, according to the federal court complaint.

On June 18th, 2012, Connizzo was allegedly intimidated by public safety director Glenn Brown, as he was briefly leaving work with permission from supervisors to retrieve his cellphone charger, which was left home.

Brown allegedly gestured towards his handgun on his right hip as if to draw it against Connizzo as the latter was leaving the firehouse. He "immediately felt threatened and drove home."

Connizzo informed higher ups who told him to write a report. After the report was written, He was instructed to go home and not return until further notice, according to the lawsuit.

Connizzo was placed on administrative leave without his notice, he alleges. Not until September 2012, did Connizzo receive any notices. After retraining an attorney, Connizzo received a letter to undergo fitness for duty testing.

In March 2013, he was found "fit for duty," according to the lawsuit. And was to return to work on March 31st, 2013. The same day he was notified by Fleming, Connizzo sought to be re-trained in the dispatch system.

Fleming told him not to return to work on March 31st, 2013, and to wait further instruction about the retraining, according to the suit.

On June 19th, 2013, Connizzo finally heard back from the city, charging him with "inability to perform duties" and calling for his termination, according to the lawsuit.

Council members approved the settlement amount during a special meeting on Tuesday evening without any public discussions.

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https://www.forbes.com/sites/meghancasserly/2012/09/21/when-snitches-get-stitches-physicalviolence-as-workplace-retaliation-on-the-rise/#53f069fa1ffa

When Snitches Get Stitches: Physical Violence As Workplace Retaliation On The Rise

"The number one weapon used at work is the fist," says Larry Barton, a professor and leading expert in workplace violence who estimates more than 1.2 million Americans were assaulted at work by a coworker in the past calendar year.

The second most popular weapon? The stapler on your desk.

A new report from the Ethics Resource Center shows that physical violence at work as retaliation against whistle blowing is on the rise. Since 2009, the percentage of people who've reported misconduct at work and were victims of physical harm jumped more than 25%. By these tallies, both fists and staplers have been getting quite the workout.

In numbers from the 2009 National Business Ethics Survey, just 4% of victims of retaliation cited physical harm to their person or property—much more common was being passed over for a raise or promotions, relocation within the company or even demotion in rank. But just three years later, 31% say they were victimized by physical harm after coming forward with bad behavior or unsafe policies within their organization.

"We're seeing an absolutely stunning increase in this form of retaliation," says ERC President Patricia Harned. "And we're not entirely sure why. It could be physical harm to a person, it could be damage to a work equipment, damage to their personal property, damage to their car. But no matter how you look at it, it's a remarkable jump—and it says something pretty upsetting about where the needle has moved in corporate culture."

Amy Leiberman, an attorney who specializes in mediating workplace disputes and retaliation claims says that while she hasn't seen physical violence among her own clients and cases, attributes the rise in overall retaliation to the increased pressure upon the workforce in a continued down-turned economy. "It's absolutely associated," she says.

Her view is echoed by Joshua Estrin, a researcher who specializes in the behavioral aspects of violence in the workplace. "Anytime there's a spike in anxiety in the workforce—which we continue to see in the wake of the recession—people tend to act in ways they otherwise might not," he says. "So when a whistle blower is outed in a workforce that's under incredible pressure to perform at any cost, if what might have been a verbal interaction gets physical... Well, I'm not excusing that behavior, but I can understand the logic."

"The biggest problem with reporting ethical violations or other problems in the workplace right now is that there are negative perceptions about the people who do come forward—the whistle blowers," says Harned. Feelings like they're disloyal, that they're going against the work of the team. In other words, that they're no-good tattletales.

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Harned says she's working towards changing the corporate culture of American companies to create business environments where concerns are raised and employees are, in fact, incentivized to inform upon colleagues and even organizational practices they suspect are under-the-table or unethical. A culture where snitches are rewarded instead of abandoned or abused?

Estrin, who specializes in violence in the construction industry, says those dreams might be far-fetched. "In theory it sounds great," he says, "but in practice, maybe not." If a worker reports something that's unsafe or unethical, it could result in added costs for the company to fix the problem—not to mention damage the reputations or careers of other employees. "And then what," says Estrin, "You're going to give that guy a Starbucks gift card to thank him?"

A more likely result, he says, is you walk to the parking lot and find your car has been keyed.

So what, if anything, can employers do to create a corporate culture in which whistle blowing is encouraged? Lieberman, who's made a career of mediating and investigating workplace disputes points to the nuclear industry as a leader in the movement towards Harned's vision. The industry, particularly in the United States, has made encouraging its employees to come forward with concerns over safety, management and operations a priority. She points to plants plastered with posters, hotlines and action committees devoted to creating a culture of open communication without fear of retaliation.

"There's no easy answer," Estrin says. Company policies encouraging whistle-blowing through ethics hotlines (most commonly associated with the financial sector), a comment box or an open-door policy with management—not only seem like a perfect-scenario solution, but they come with their own set of problems. Barton, who teaches at The American College in addition to running his own consulting firm says he's observed some truly concerning behavior in the ranks of his clients who have established hotlines.

"In the past 18 months I've seen a surge of individuals who are leaving messages on the hotline accusing coworkers of heinous things—embezzlement, infidelity, even pedophilia," he says. These accusations create huge problems for the employer, as they're faced with discerning what's true or untrue. "When used appropriately," he concludes, "Ethics reporting hotlines and policies can be a valuable asset for a company." But when they're abused, they can be their own kind of weapon for retaliation—a weapon just as abusive as fists.

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To whom it concerns,

To some a job is all this will ever be; to others it is a charge from God and humanity. In seeing that contrast we understand there is no perfect job. There will never be a job in which every individual employee is satisfied with every aspect. We are adults who come from all walks of life expected to work professionally as a team five or more days each week. In that time, people will be offended, feelings will get hurt, we will laugh, and rejoice in each others' triumphs. We are human. Part of being human is recognizing our mistakes and making a change. I don't think anyone I work with is a bad person, but some need to make changes. I can only offer a few examples, as I can only inform you of what I have witnessed. There may be other details to go along with what I have to offer. There may have been other instances, meetings or conversations that took place that I was not near to witness.

Hazel has been training on call-taking alone for quite some time. She told me Monday she is in danger of losing her job. I guess no one was informed her previous trainer only let her answer phones a portion of the shift each evening. When she asked questions she was talked down to rather than instructed. She is a grown woman capable of learning who was spoken to as if she were a disobedient adolescent. That trainer has left the center, and I am sure Hazel is getting the training she needed all along but now she is behind. I wondered if supervisors had spoken to the trainer about how harsh she was, and how little she was letting Hazel actually answer phones. I wondered if the supervisors did talk to her and she continued, did the supervisors inform administration of the poor training Hazel was receiving? I saw Hazel receiving poor training, but I do not know if anyone was communicating with her or her trainer to improve her situation.

When on evening watch I was very preoccupied with my training, but it was very obvious there was one person who was singled out. As much as she wanted to be, she was not part of the team. She is often pushed aside, and brushed off when expressing her concern or ideas. There was one evening Wendy answered a call and entered it as a theft. The male on the line stated he was selling his IPad to an individual in a restaurant parking lot. The male on the phone told Wendy he handed his IPad to the subject to look at. He was expecting the gentleman to give him money for the IPad, but the subject turned and ran away with it instead. After another CO dispatched the call she asked why is wasn't entered as a robbery. Wendy answered by explaining the IPad was not forcibly taken from his person. He actually handed the device to the subject. The was not enough. Others in the room joined in trying to argue with Wendy, but Wendy was not interested in a quarrel. The debate went on much longer than it should have considering the CO could have changed the call to a robbery prior to dispatch if she thought it a more suitable nature, but she argued it after dispatch when it can no longer be changed. I don't know how Wendy felt that evening, but it made me feel uncomfortable being just a bystander.

After that evening I started noticing Wendy being moved. She would put her things down at the Fayetteville position upon arrival, and go to the restroom before her shift started. Another CO would

come in while Wendy was away and move her things to SO. Wendy was working SO every evening for quite some time. She was patient while all of us cadets trained on Fayetteville and Peachtree City. When one of us were not there she had the opportunity to work a different position. However, because others don't like to work Fire or SO Wendy would be moved to SO.

I do not expect everyone to be in a happy mood every day. I don't expect everything to run smoothly every second. I do expect my coworkers to have a sense of respect for each other. Even if one is not liked he or she can still be respected. We are on the same team, and are expected by the community to work smoothly together. Our administrators expect us all to do such important tasks because the citizens count on it. If someone is afraid she will lose her job because she was poorly trained or if someone is miserable on her shift due to the unnecessary disrespect of her coworkers the citizens will not be receiving the very best service possible.

It is on purpose that I have only put two names in this letter. I do not wish to point fingers, and I certainly don't want my coworkers to think I am singling them out. There are multiple people at fault including myself. I could have told my supervisor and my administration about all of this but hadn't until now. If it is so many at fault, why punish one or two. It is agreeable that a change needs to be made, but it is with more than just individuals. I would appreciate very much if you would omit my name as well. I'd like to stay at Fayette County 911 for some time, and would like the opportunity to serve the citizens in as much peace as is humanly possible.

Sincerely,

Previously a Cadet

June 1, 2017 Lewis Patterson Fayette County HR Director CC: Bernard Brown and Amber Smith Re: Harassment, Hostile Work Environment and Discrimination

Mr. Patterson,

This letter is to notify you that I am formally lodging a complaint against Fayette County and Fayette County 911 Center for harassment, hostile work environment and discrimination due to actions and comments from Supervisor Jankia Terrell, Supervisor Dana Evans and Telecommunication Officer Rebekah Acosta. I am hoping this matter can be rectified internally rather than filing an EEOC charge with the federal government. Attached is a list of everything to support the claims made to you on this date.

Sincerely,

Wendy Coulter

Contra

Fayette County 911

Telecommuncations Officer

- All of the following information has occurred inside the telecommunications center while each person was on the clock being paid to work for Fayette County 911.
- Janika Terrell, Dana Evans and Rebekah Acosta have been targeting myself and the below listed cadets since Ms. Terrell and Ms. Evans returned to work a few months ago. Somehow the three found out who was involved in submitting a complaint on their discrimination and harassment of the cadets. They have been targeting myself (Wendy Coulter), Cary Ann Ross, Hazel Holcomb and Lea Brown ever since. There are also other cadets that they target, but they are too afraid to come forward because they are scared of retaliation. Some of the cadets that have been targeted are no longer employed at the 911 center.
- Whenever Janika, Dana and Rebekah (or any combination of them) are present in the radio room on evening watch they talk about how the cadets are thin skinned and are snitches. (They do this when any cadets are in or out of the radio room)
- They say that the cadets need to remember that they don't like snitches and that snitches get stitches.
- They also look at me and say that I need to remember that snitches get stitches.
- As soon as Janika and Dana came back to work from the last report of harassment, they talked between themselves and Rebekah Acosta about how they could make up complaints about Bernard Brown to get him terminated because of them getting into trouble.
- They have spoken of this on at least 4 different occasions over the last couple of months in my presence.
- I heard Rebekah say that if Dana and Janika would draft letters of complaint she would be responsible for writing the final copy.
- I have witnessed Rebekah use a personal flash drive in a county computer in the radio room as soon as all of the women finish talking about said letters.
- Whenever a report on the news is read or seen on the television Rebekah, Dana and Janika consistently make out loud comments among which I have heard the following in the room that "white people are racists" said by

Rebekah and Janika "that's what white people do to black people" said by all 3 "all cops want to kill black men" Rebekah "all white cops are out to get black people" said by all 3 "you white people finally know how it feels" by Rebekah and Janika "I bet you white people are mad you can't have slaves anymore" said by Rebekah

- When the riots were going on Rebekah told me she "hopes the cops and white people get hurt by the protesters because that is the only way they will learn"
- Janika and Rebekah have made jokes about fat people and me being overweight.

It has become such a hostile work environment that I am currently seeking other employment because I can no longer function under these conditions. I am scared of retaliation from Janika, Dana and Rebekah physically, toward my family and for my job. I could not in good faith leave without speaking up as to why and I can no longer provide excellent customer service to our law enforcement officers, fire and ems personnel and our citizens in this environment.

Hendy Coulter

99999999999999999999999999999999 Rebekah Acosta 9:05am 5 6/7/17 Shifts 2017 - Evenings 4-Midnight Racial Slors - No ; No talked about race but not racial slors. As a person of color - ppl getting hurt matches my femily Has nothing to the do uslipts No hostility towards the police or vale Being singled out i hot surprising -Complaints - against Busti Joseph Portr - Buster want to him. In the radio room to told him to Step up- (shows he have what's going on. Straight to Co. Admin-Bustins Friend Shipped chain of commend "Witch hunt"- according to Joe Threat in radio room - NOO ; "playful" towards each other - trying to keep the mood light. Not happening threatening comments in radio room-No

Bosty only-problems. No degrading- do not see them as a constict! Have not had any Comos which pple Seemed totlered by the convo Radio room - no problems mood-merale up & dawn j fifness-wendy (weight loss) book club - Job (discuss) Talk joke and get along hot big issues. - Canty disproportion has the Canty treats ppl of color. - Rech - hept working w/a sexual CORRECT horassment claim - Heather Brown - called male trance "possy" & told Boster + got away with it - My claim against Buster + Denais child + nothing happened. - Janiha + superviser - matting Tonya Collins-

9:25 nothing is being done to others who we bring complaints. Race is fer sure playing arole Boster Sent on email out to eczyone about admin leave for the 3 of term to everyone in the radio room & that has neer happened with any officer ar ever been madmin leave like wel 3 black women I have been put on even befor an investigation.

6/7/17 Pana Evans 10 am No recording; no discussion w/ Rebehah. Racial stors - "No"; you said anything "No" - "thats ridulous" "would not tolerate that". Do know discuss the headlines of the news but as a radio room as a whole this seems racial (3 black women) Threat - No - threaten: to punch my grandchildren in the face "do you wont to get punched in the face" States "get "Snitches "get Stickes"-Have heard it by but do not think I have used it Regrating talk - Kaesha + Hazel - Janha mediated it & hondled it betteren them. need to vent about job- some of it can be bullied Grown person-should try & change topic or Say they are offended. Wendy - felt she was being attacked during a meeting be about performance

Feb-been on thenging watch later she applogical t we let it go - around March Do not degrade people - do not tolerate it No cop hating Respects law Enferenment. Thought we all mested well (on shift) together ; disappointed ; feel like being singled out. Thought we were all a grasp Meliciously-none if you feel one When way say something + Speak op and it will change I do not tolerate it. Protocol Kepert a hostile work environment - nicole requested a mtg + Still has not heard buch but this person was able to got Rapson immediately Seems Suspicious. - Busty wasn't placed on Adumn leave when I find a complaint against him - unfair - try to be professional

10:35am no write up in 6 years thow I Seel being standared that all this against me. 71 x

Znel Shift-Evening 11:0000 Janika Terrell No recording ; no meetings or talking w/ Dona & Rebehah Kacial Slurs- "No" + no how not made those connents. Shifs discuss news in general I would not put w/ that - no Discossions include everyonegeneral topics no words like that. Always asked if anyone is offende we will drop it - no one has ever Said anything about being ofSended Threat - NO Shift is pretty good we get along we try to schedule things atside of work too, No threating Ves said in radio raom- said about callers - all the time - neighbour Calline on others. "Snitches get stickes" Buster phed about them and up in "diferes" Everyone has said it - heard it said

never been said to another employee that I have heard - non theat mame "Anoter Snitch is calling" for sure

Regrading talk - Yes - heard about it about Kaesha + Nazel- talka to them twice - made complaints to Admin Staff about it & continue to talk to tem.

When I I have fallied about the way we talk to employees/travees: can't ghe around as much as used to. Take it why seriously withranices especially. - No derogratery commity Complaint- came as a complete shoch. - no issues on shift. Talk & laugh schedule shift dinners. Rebehah + Joe make every get up every here + exercise - Pushups

11:20am Wendy of Ser way radio has been handled - professionalism on radiovery opset whit. I when she is approached about it upset & stendaffst told to work her. Downhill after Surgery. Turn page & do better from last meident this is total surprise.

Wordy Caster 6/7/17 3:45p Evening shifts Mes - Janiha, Rebekah & Donawhite ppl are all racists white ppl deserve what they get. white ppl are sad tuy can't have slaves - look at white ppl in room when saying into. Happening Since January. Yes- bring up training w cadets "Snitches get stickes" - " these Cadets need to have thick Shin! Say it in frant of shift. Talk to whole room instead of EE when something is done wrong. "Do what you truth is kest"- from Janiha then get in trouble -Does that w/ evenpone. Search Convos d/w the threes of them Mahing claim - told Amber & Boster building the For Since January Sotten worse since off that

week I came back Singk pp out & isolate caplets. Joneha - retaliation of chefred filled first complaint -Looking for new job. - new cadets core to her w/ problems - scared to go ahead blc nothing happene befere May 30th - brought it to Buster + Amlor. Priving Sactor - new "cadet soid they have locking Ser 'new job blo of environment, licying on the cake) Scared Ser Samily & myself - add I phone in CAD. Port lie kids Wet don't lie couldn't leave who first trying to bringing it up the everyone Drectly to me Atrainer just out of the oble & ble they been they were out blo of cadets in January. m L 1 m 1

No- write -up not handled correctly - officer + her took care of it - sent email to Amber Since no supervisor was present So treat somearc would knew Jonika hept sough a I did not lister to call first Said Dont agree but will handle it their way m'the future - not anything to make he Seel, that way written verbal - they due not go over the actual written - only reason cause I dant agree within IT no-not a reason for filing daim just reiterates that I am not in a Sale environment-lister on calls w/ husten. Taken core of internally + not be a black spot on canty. moral-autil when this this. when art it is completely different great-even shift to shift berg apparent that things get better when

our reason no-no just r Sale husten tal

Janiha - should be gene - second time us this type of incident. Dona | Rebehah - Sheuld go too Splitting up will not thetp concerit will spread. Alot of positives are cancelled aut by this concer Angery about environment they have Created Weight - fat people - not directly; about things on TU= insensitivity the ask about Surgery right after

-----tein Trye Jacon Ressu Lea Brown Questions Ashed Kyle Hainer Amand Reid Have you heard any racial Stors or anything you would consider to be advogator radial comment? Have you heard oneything that sunder like a threat? Have you withersed any degrading comments cr discrimination? the vance or have you heard theit it is gang on? (After each Q) If any yes have then provide a written statement. Elean copy of complaint / How did you come about making claim? how ded it roll out? what was the drupp factor? How has the write ups made you feel did you file this damas a resulf of getting written up I hav it was handled? was Snitches get Stickes dreckly Spoken to you or another employee? Porter-Did Buster Say anything to you to say when intrivered

Kyle Haynic 6:50 6/8/17 - No second Hand-no - NO second hand-no - No second hand - no j 3ppl on Evening shift-through the email t on the schedule. No-no. - Merale - Stressed blc of being Sherthanded, overtime. - 100. Amanda Reich : 7:00 6/8/17 - No j'just what was said gossip Svom email it happens - shortstaff. - No j No yelling @ employees. - No j easily replaceable said by Bustit to me & fermer employée - morale - pretty low - not appreciated not seeing admin staff they do not care how much OT they are polling. - Kadio room fine-need to do shiff tid differently-medical dispatch 5 not working right - con't always Set a good catter had fair.

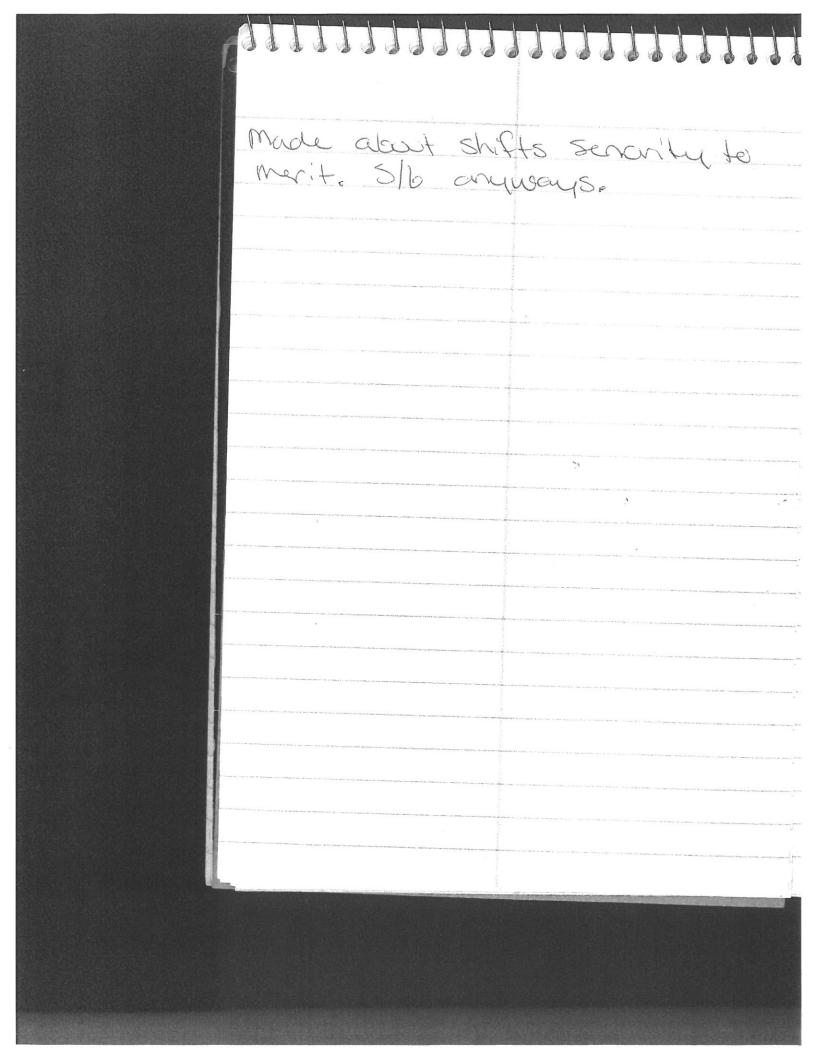
d 1-*

Servity tased was better work way dp. Mood - failled down to through Email-admin staff from Amber + Buster passive aggressive. Not there to talk to when needed. The Porter-7:10 6/8/17 He said-care over to station + said need you to step-up here - the Self weird we don't talk - be herest in investigation Seemed, Right \$4 Lewis Came + right befere called back. Oddly timed blc dent talk every day Not focused on the vest of file room hind. lift door open doesn't normally do that.

the second secon

6/9/17 8:30ar ica Brain Wight shift - "Snitches get stickes" not directly & anyone tough shin- so don't take kaeshar warned about the clicke I that you had to be tough w tem around - Doner Janika + Rebekah. ponit really talk to anyone on that shift. Meanes directed to ppl on that shift. Hazel got third degree about Meeting w/ Rapson "Critical" what go's on test who went eterro Threat - no- "snitches get shickes" Yes-corried about or in parking lot Asha Hazel what her address was after questioning her about Kapsons meeting. kery hard to wark withanika - no help the communication.

Day shift primerily Atmosphere is different while no ques if you dent knew it you don't need to be here Same w/ Rebehah. Cadet comments white people - get everything Pen't wont to be on a shift w/ tem so applying for another positions if not here (3) she would stay try add to the Stress of an already stressful j00. Janika made Mergen Cry + I tenen I didn't want any. Marale - Crappy tenture ppl talking about leaving the in Grant of new people when ting came back it was just like trug where on voice felt like nothing changed + nothing addressed Wo one wants to go to admin Cause trul get burated by them



-heard racial skys or anything you novi by consider a derogatory racial comment @911 6-2-2017 Joe Porter -anything that sounded 4:30pm Link -has seen Belicka north on documents resume's - withnessed any -head of issues on 2nd bot has the months degrading comments since change -ho racial; Megan Granzer - Dana Dher Frainer since April 7:43 pm - racial commonty are common in RR noun offinded by Dana thas head soitcher comment Callas thas no idea of what these accusations came from manner O ercypic making comments in John manner O ercythig is On table -- neight 4:55pm Jordan Posey - only worked mybe 15 day Ind 2017 - Korent head anythis saint - no thoreast -all or ticism has been anstruction - no bad laguage Bacheal Horley - 2rd the lastym 5:00 pm - nothing I would prevere as theat - rocal discussions that could be taken out of context - scheduling sucks ; nontadmin to be up front - they vert free hy Dar & Tanh an come across as hostile to some who don't

5-23pm Dereh Rader day shift mainly job may be a month in dalerda 2017 -no vacial comments -110 threats - Para can social theater but never intentional nothing Janikah Is her to discuss notionale issues but got tout - chargin EE may have had adverse action in last month -heldoesn't see any of the 31 adies actions being basis for hostile work environment 5-4-2017 Nicole Smith-Via phone 404-694-550/ the3 4pm. Bister sont set the memore one staff fercent the3 they should not be on staff - Tool Joe Porter aside, nede his help, described Bester as very happy about all of this no racial how through no theat Kaesha tristrated with Hazel Bista & Bomber told Janifu Micale isn't going annue she is too verbal - Rapson seres reached back out to Nicole - Byde kung beause at schedule Amber to has condes centing attitut - enaite talk - accusal lices entry ine attitut to Amber agonesive - ort in Nicole's enalue time on the merectal to Amber agonesive

- feels Store Rapson dies At are Too many people believe lip sence from Biston, be paint dove anothing for retention, was a protection when he care of Still an issue, 6-5-2017 Kylelurner - avance of threath being made - avance of threath being made - no degrading - the 10112 7:45AM - heard Hazel's acrusations - Cheng Aidn't rin certin, syn did - Now Bister takes change - Admin team sees Bustor's ability & has bough in - Symposons are uncomfortable of Bester -schedule sucks, bet seniority puts tonged on one shift & new on one shift, no comigling of superione -new ones serenegize older EE's > At - new people come in encited & enthusiastic, after month in radio room they physically wole different Horadio room affire is toxic - need to get oid of problem otherse jist bleed out that and

6-5-2017 Leslie Dackson 3:53pm - Nozacia) -No Threat Wendy north hore opportunity to get off SO, north more statt to go on quick break & core back & she is back on SO another does not know who mored it back wasto even Tiospm Melissa Morrison maybe 24 brs Noracia); have beach from others, Jokes nobaly took sorioush -No threats: - Not to me Bebekah very put downy make you feel stypid - did it to me when I was a cadet - Hone hend amont trainer have had issues Tamar Genby out of training 4.13 - No racid - No theaty -No derseations - Feels admiv/us radio room - don't been from ayore until you de something wrong A had thigh profile calle & no one said good fot breigher werht fotality - shift bids Bot good ; zero feedbach on EMD-next brinklins of our life is dependent on EMD scores "significant problem to me" doesn't encourge tenure

- don't feel like EE's have input - paranosa about admin "suggest team mtgs" 4:28 PM Flat to and the comb - in training mainly engrated - constantly Trongainto my president KA Aland Oan & Rebehah say there things Janika not as wocal -> Stitches get snitches from all 3 Bebehah aslad udre Hovel fires toopit as a corren - Alegraded by Kaesha No one will belone of of tean of what Tanky will do, how she will send - she kept quiet beaue of how creyor beated Cary Amore -> Supr don't the fait that Buster make then be accountable - 3/adis infecting their way of thisking on others KA-Almosphere now much lighter with 3 on supposion

6-6-2017 Chelsea Bosales - mornings - has northed n/ Janton Han 7:50 AW - No racial - hadred head inthe new Jani Ja no hertrank No Threat - Teels direction can sometime be kne jork reaction any j sometime aggressive approach - Teel communication from admin's poop poor - don't feel valued ; perfed as replaceable - my ortlook has changed since come here - no incentro to stay > Janifea & Dane - I segget & admire them -great pupt Travis Andrews morning since Feb 8 AM No racia Here to threats Here in the Brid hast acts stories intermed and hast acts arter we taken - has bend some isdated thigs but rey random arter you can semember particular their to these them. "her" - it these this happend to me I would be offended - can't imagine on this from the three, raid, thirds ultic - sometime good not used in between I tored - Istarty to feel disconnert between redio room & admin At - remort any aspert of senionty has but morale big issue - admin his it held to Smonth bid, has been pit off - and from life outside center

8-28 Am Cary Hoss - still in training days shift They don't a ch nowledge her existence They are not over 03 Feb issue -hold gridge against everyose who spoke att equinit them - Is That foo white girl for you? AA -> Like a possee, bundh of high school bullies been crapped sire January Mgmt open to discussion 3:10 pm Sharon Battle - mainly 2nd shift Racial tension, black lives matter. Disturbes her asthey me suggest to protect law enforcement lives, white don't understand bloch community Flot is generated from arrent news brents highly offered or are maried to officers -acussy your hisbard of being murderer No threats directly - bot does feel they use sally a message not to tell admin what is going on m RA

No degrading Bad interaction between Kresha OHazel This job has a lot of paintal learning. It your feelings get hurt easily this is not for you-- but there is more to it -intimidation , bullying -erenthing, escalated from January Event No soves up Buster Naysayers make it miserable place to work-super negativity in RR - Need to get people interested in aneers 2073-5 Jan Heather Doonry Healther Voonn Nothaual - have hand it is goby on Notheats - Ind hand Desogations comments from trainen Just beg rude - river de not want to work here it theated like that - Dana & Jamike typp document, but most /ilely for ThEAP 6-12-2017 - Heather notified me Rebehah & Bachar Huty

Chet Ripka - pický up slachon all 3shift 470 Bpm No racial, Indhad yos No thread, Indhad No degrady, Indhad Badio room discussion not out of control EE's not boys in use all good EE's at one time. -> If you don't wont to be here you can't stay here. -> leople need to leave inorden to center to more forward. Hatye Vogt - Rillis in on all 3 shifts No racial, 2nd hand No threat, they whisper a lot when I'm there 4:34 Janika has been degrades to Harel, could have been said better Janika tade to save voice of some cases jould have been had led betts, yells arm soom Would have deen a cat fight falling to me -talky down; poorly allowed Clan conglaint alot ; sounds unpotestind at fine

A=> hebetrah's opinion on police of the is a conthit of start working in police safety Tistificable prybach when they get how -scory for dispatcher to have that attook -> Nothing will change intil change in pasonnel -splitting upon shift won't halp They will just attinue on

6-7-2017 nostly energy Bebehahkasta LP, BE No racial stor No racial stor have discussed racial events on news -nothing toward cops -could pissibly # Buster contacted Te lorder in radio room & made comments - dov bit Bista & Amon did not kim - work strough to Coarty Admin - Busters Tried - seen very suspicious Bh is hang u/nort & things brought to the play fill talk could be theating to some No one seen to be bothered by conversations nothing stande out Made general emotional comments that it's not Tair how you mys treat blacks c. Ted Bister's comments own im Onep's comments nothing i been done Heather's comments pussy Considers Dan peron of woor

Dance Evans - Lod sine Feb No racial-has not made direct comment 6-7-2017 LOF Not sne on snitche get stated is stated she has not said I not sure I she has bead it in RR Baeshu-Hazel - degrading don't like bullies No one singled out by comasation in radio room Mindly coulder made comments radia our un attating - Day said to soom that and of conversation Northy later apolyized Vses gos this language with 3 yr old gradohill For these port, nely: "Ya want to get punched in the face?"

5-7-2017 Janika Terrell - mostly and LP, BE Noracid -Bebehah talks & white on news - I wouldn't pot up too that. - anyone can ask to change topics - No one has complained to her - vature of an shift is pethy good -schedule bouting - nothing the ship f can really ne say "snitches at stitches" a lot Callers said a lot in RR - never head it again another EF -nere threatening Kuche falled to Hacel the dog - talkel to Ama 3x, pacht Have 2x each -admin allowed then to confirme to work fogether Doc & Dare , the uffrainces Dan of have talked Chow to interat uffrainces BR exercise every hour, prohops even Jove EF standoffish bot seprimaded / dely

Jason Paismore day shift mainly sine Jan Just a Ten hons OT on 2nd No shr i hend attidudes of me al peter prilege tawnig Hend 1st had black conglain on Jude Mand 1st had black conglain on Jude that ke got to go to Br NENTA & black didn't 6-12-2017 12:45 pm. 4 Rebehah -said he must be new towants Has bend snitches get stitchen, is vally johy out north not be supriced of threat beig make No degrading - head bid hard 6-19-2017 Sharon Battle 4:40 pm tollow p on what 3 unt kept from admin Amon Smith - blatanthy isolater who poken Hazel Adamt - who said what Busta Brown - Jowth claimed he said snithen wird up m Atches -the said emphatically "No, that's a lie"

FAYETTE COUNTY POLICIES AND PROCEDURES

HR - SAFETY Harassment 440.03

PURPOSE

The purpose of this policy is to establish that all employees of Fayette County have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment.

Fayette County is committed to maintaining a work environment that is free from unlawful discrimination and harassment where employees at all levels are able to devote their full attention and best efforts to their jobs. Unlawful harassment, either intentional or unintentional, has no place in the work environment. This policy ensures that in the workplace, each employee is able to accomplish his or her job without being subject to unlawful harassment.

Fayette County maintains that sexual harassment, intentional or unintentional, is a form of misconduct which undermines the integrity of the employment relationship. No employee – male or female – should be subject to unsolicited and unwelcomed sexual overtures or conduct, whether physical, verbal or visual. Sexual harassment refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with work effectiveness. Fayette County will not tolerate sexual harassment in the workplace.

POLICY

There shall be a consistent process for a County employee to file a harassment complaint and an investigation to be made.

PROCEDURE

The county encourages employees, who believe that a situation is unjust, inequitable, and/or a hindrance to effective operation, or who otherwise perceive a work-related problem to exist, to bring any complaint of harassment to the attention of his or her supervisor, Department Head, Division Director or the Department of Human Resources by filing a written complaint.

After notification of an employee's complaint, management will immediately contact the Department of Human Resources.

After notification from management of an employee complaint, the Department of Human Resources will immediately initiate a confidential investigation to gather all facts about the complaint.

After the investigation has been completed, a determination will be made by the Director of Human Resources and the County Administrator regarding the resolution of the case. If warranted, disciplinary action will be taken, up to and including involuntary termination.

Definition

Discriminatory practices and harassment on the basis of race, color, religion, sex, national origin, age, disability, or any other reason prohibited by law, whether the harassment is caused by another employee, supervisor, manager or other person are unlawful. Harassment can include,

but is not limited to, slurs, epithets, threats, derogatory comments, and unwelcome jokes which would make a reasonable person experiencing such harassment uncomfortable in the work environment or which would interfere with the employee's job performance.

Sexual harassment is defined as any unwanted physical, verbal or visual sexual advances, requests for sexual favors, and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs or gestures; offensive posters, cartoons, pictures, or drawings; or other conduct such as uninvited touching and sexually-related comments which tend to create an intimidating, hostile, or offensive work environment.

Violation

A violation of County policy to provide a workplace free of harassment would occur when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, e.g., promotion, training, timekeeping or overtime assignments, etc., or
- 2. Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting such individual, or
- 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Responsibilities

Management

It is the responsibility of Department Heads, Division Directors and Supervisors to make sure that the workplace is in full compliance with this policy. Management, at all levels, is responsible for taking corrective action to prevent harassment in the workplace.

Employee

It is the responsibility of employees with complaints to report in writing such conduct to Management. If this is not appropriate, employees are urged to seek the assistance of the Department of Human Resources. Allegations of harassment will be promptly investigated, giving due regard to the need for confidentiality.

Human Resources

It is the responsibility of the Director of Human Resources to provide guidance, investigate charges of impropriety and recommend appropriate action. All complaints must be thoroughly investigated.

FAYETTE COUNTY POLICIES AND PROCEDURES

HR - SAFETY Harassment 440.03

Confidentiality Provision

The identity of both complainant and alleged harasser will be protected throughout the investigation. Upon completion of the investigation all records become public record.

Protection Provision

Any employee making a complaint will not be subjected to disciplinary action, so long as the complaint was made in good faith. Any witnesses will also be protected from retaliation. An employee has the legal right at any time, when conduct comprising sexual harassment occurs, to raise the issue of sexual harassment without fear of reprisal.

Penalties

Any employee violating this policy will be subject to discipline ranging from a warning to termination, if appropriate. Civil penalties may also be imposed for violating the laws against harassment.

HR – DISCIPLINE/GRIEVANCE Disciplinary Policy 428.01

PURPOSE

The purpose of this disciplinary policy is to provide supervisors with a fair and objective guide for determining the seriousness of an employee's unsatisfactory work performance or misconduct. The seriousness of the unsatisfactory work performance or misconduct shall determine the appropriate disciplinary action to be taken.

POLICY

There will be a minimum standard of conduct expected of each employee of the County. An employee shall conduct himself/herself in a manner compatible with public service and the position to which he/she may occupy. Conduct which is not compatible with public service and/or the position of the employee will be subject to a progressive disciplinary policy. All regular full-time and regular part-time employees who have successfully completed their new hire probationary period and are within departments which are part of the classified service shall be covered under this policy.

PROCEDURE

Progressive Policy

All regular full-time and regular part-time employees shall fall within the County's progressive disciplinary policy. When appropriate, disciplinary actions less severe than dismissal shall be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct. A dismissal is appropriate only when a serious offense of the type outlined herein has occurred or where an employee's unsatisfactory work performance or misconduct has continued in spite of efforts to correct the behavior. Disciplinary action may take any of the following forms and is not necessarily restricted to the order set forth below:

Verbal reprimand Written reprimand Suspension Demotion Dismissal

All disciplinary actions which are adverse actions may be appealed by the employee using the County's Appeal procedure. However, only those adverse actions which diminish the employee's pay (i.e. suspension, demotion, dismissal) may be appealed to the County Administrator.

Definitions

<u>Verbal Reprimand</u> - A discussion between the supervisor and the employee where the employee is advised and cautioned about his/her unsatisfactory work performance or misconduct. Verbal reprimands are given for offenses which are less severe in nature but which require correction in the interest of maintaining a productive and well managed work force.

<u>Written Reprimand</u> - Documentation presented to the employee from the supervisor wherein the employee is advised and cautioned about his/her unsatisfactory work performance or misconduct. Written reprimands are generally given where a verbal reprimand has not successfully corrected the behavior at issue. However, it is not necessary that a verbal reprimand be issued prior to the issuance of a written reprimand.

<u>Suspension</u> - The temporary prohibiting of an employee from performing his/her duties. The suspension period shall be without pay. Suspensions are given for acts of misconduct of a serious nature, including unsatisfactory work performance or misconduct which continues after discipline has previously been imposed. Suspensions may also occur where an employee's continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the employee's department, other departments, or to the public.

<u>Administrative Leave</u> - The temporary prohibiting of an employee from performing his/her duties. The leave period shall be with pay. Employees are placed on administrative leave, when necessary, for the purpose of conducting investigations in order to determine whether or not disciplinary action is appropriate.

<u>Demotion</u> - A reduction of the pay grade of an employee and a change in job duties and responsibilities. Demotions can occur as an intermediate discipline or as an alternative to termination in Second or Third Group offenses and in cases of continued commission of First Group offenses after discipline has been imposed for prior First Group offenses.

<u>Dismissal</u> - An involuntary separation from employment initiated by the County as a result of the employee's unsatisfactory work performance or misconduct. An employee may be dismissed for acts and/or behavior of such a serious nature that a first occurrence should warrant termination. An employee may also be dismissed for unsatisfactory performance or misconduct of a less serious nature which continues where discipline has been imposed for prior unsatisfactory performance or misconduct.

<u>Adverse Action</u> - An action taken by the County toward an employee resulting in either a loss of pay, a change in job duties or responsibilities due to unsatisfactory work performance or misconduct, or documentation made part of the employee's personnel file due to unsatisfactory work performance or misconduct. Examples of adverse action are: written reprimand, suspension, demotion and dismissal.

<u>Mitigating Circumstances</u> - Those conditions related to a given offense that would serve to support a reduction of corrective action in the interest of fairness and objectivity, including consideration of an employee's work history with the County.

Types of Offenses

Unacceptable conduct has been divided into three (3) types of offenses according to severity. The severity of the discipline chosen by the supervisor must fit the seriousness of the offense. If there are mitigating circumstances, supervisors may reduce the discipline, but they must state their reasons for such action.

First Group Offenses (Examples Only)

- a. Unsatisfactory attendance or tardiness;
- b. Abuse of County time, such as: Unauthorized time away from work area; or Failure to notify supervisor promptly of completion of assigned work;
- c. Use of obscene or abusive language;

- d. Inadequate or unsatisfactory job performance;
- e. Violating the Safety and Loss Control Policy where there is not a threat to life;
- f. Failure to timely report a work related accident.

Second Group Offenses (Examples Only)

- a. Failure to follow supervisor's instructions, perform assigned work or otherwise comply with applicable established written policies;
- b. Reporting to work when under the influence of alcohol or unlawful controlled substances;
- c. Leaving the work area without proper notice to supervisor;
- d. Unauthorized use, misuse, or inappropriate use of County property or records;
- e. Unauthorized installation of computer programs;
- f. Conviction of or failure to report, a moving traffic violation, or accident, while using a County vehicle.

Third Group Offenses (Examples Only)

- a. Absence or leave without a satisfactory explanation;
- b. Unlawful possession, consumption, distribution, sale or manufacturing of controlled substances and/or alcohol;
- c. Falsifying any records such as, but not limited to: vouchers, reports, insurance claims, time records, leave records, or other official records;
- d. Willfully or negligently damaging or defacing County property or property of another;
- e. Theft or unauthorized removal of County property or property of another;
- f. Acts of physical violence or fighting;
- g. Engaging in sexual activities while on the job or on County property;
- h. Violating safety rules where there is a threat to life;
- i. Unauthorized sleeping during working hours;
- j. Participating in any kind of work slowdown, sit down, or similar concerted interference with County operations;
- k. Unauthorized possession or use of firearms, dangerous weapons or explosives;
- 1. Threatening or coercing employees or supervisory personnel;
- m. Criminal convictions for acts of conduct occurring on or off the job which are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the department's duties to the public or to other County employees;
- n. Sexual and racial harassment, including but not limited to: making unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature and either (1) making submission to such conduct by another employee an explicit or implicit term or condition of employment, or (2) making another employee's submission to or rejection of such conduct the basis for employment decisions which affect that employee;
- o. Failure to follow supervisor's instructions when such failure poses critical problems to the operation of the department;
- p. Illegal gambling while at work;
- q. Violation of the Code of Ethics.

Not All Inclusive

The offenses listed herein are not intended to be all inclusive. Conduct which, in the judgment of the Department Head and/or Division Director, although not listed, would seriously undermine the

effectiveness of the County's activities or the employee's performance, should be treated as an offense to be dealt with consistent with the provisions herein.

Verbal Reprimands

Verbal Reprimands shall be issued in the following manner:

- 1. The supervisor shall discuss the behavior at issue with the employee and advise him/her of the need for corrective action.
- 2. The supervisor shall recommend a corrective course of conduct appropriate to the behavior at issue. This discussion is a verbal reprimand.
- 3. Failure on the part of the employee to successfully correct his/her behavior could result in a written reprimand.

Adverse Actions

The procedure for commencing an adverse action against an employee shall be as follows:

- 1. The issuance of the adverse action from the supervisor to the employee shall occur in a meeting between the supervisor and the employee where the supervisor explains the reason(s), as documented, for the adverse action.
- 2. The supervisor shall warn the employee on the appropriate notice form of the type of further possible disciplinary action which could be imposed if the behavior at issue is not corrected.
- 3. The supervisor shall provide the employee an opportunity to comment in writing.
- 4. The supervisor shall provide the employee an opportunity to sign the document. Should the employee refuse to sign, the supervisor shall note such refusal on the document where appropriate.
- 5. The supervisor shall notify the employee in writing of the employee's right to appeal (if any) in accordance with the County's Appeal procedure.
- 6. The supervisor shall provide the employee a copy of the document at the end of this meeting.
- 7. The supervisor shall place all documentation generated by this process in the employee's file.

Procedure to Appeal Adverse Actions

The employee must present a written appeal request to their Department Head or Division Director within five (5) work days of when the adverse action was issued to the employee. The Department Head or Division Director shall issue a written decision supporting, reversing, or modifying the adverse action to the employee within five (5) work days of receipt of the written request for review. The written decision shall also notify the employee of the employee's right to appeal (if any) in accordance with the County's Appeal procedure. The written decision shall be provided to the employee and placed in the employee's personnel record.

If the employee is dissatisfied with the decision of the Department Head or Division Director, The employee may request that the adverse action be reviewed by the County Administrator. The employee must present a written request to the County Administrator within five (5) work days of receipt of the written decision of the Department Head or Division Director. The County Administrator shall review all the documentation surrounding the adverse action and render a written decision supporting, reversing, or modifying the adverse action within five (5) work days of receipt of the written request for review. The written decision of the County Administrator will be the final decision in the appeal process. Any further action taken by the employee must be through civil court proceedings. The written decision shall be provided to the employee and placed in the employee's personnel record.

Procedure to Appeal Adverse Actions, Supervisory Personnel

This appeal procedure shall be followed as described above except that when the employee at issue reports directly to a Division Director or is a Division Director, the appeal process shall be amended accordingly.

When the employee reports directly to a Division Director, the appeal procedure will commence with the meeting between the employee and the Division Director.

Where the employee is a Division Director, the appeal procedure shall consist of a meeting with or review by the County Administrator.

Adverse Actions as Part of Employee's Personnel File

Documentation from adverse actions shall be placed in and become part of the employee's personnel file.

Meeting and Response Time Frames

Notwithstanding any provisions in this policy to the contrary, should any meeting or response time frame contemplated herein involving the Department Head, Division Director or County Administrator conflict with the Department Head's, Division Director's or County Administrator's ability to accomplish same, the Department Head, Division Director or County Administrator, as the case may be, shall notify the employee in writing of the inability to meet the meeting or response time frame and the reason therefore. This written notification shall be mailed to the employee's home address. The Department Head, Division Director or County Administrator, as the case may be, shall provide an alternate meeting date or response date within the aforementioned written notification.

Emergency Action

The County Administrator, Division Director and/or Department Head may take immediate action against an employee under emergency situations. The immediate action will be to place the employee on administrative leave until an investigation can be conducted. If discipline is appropriate, the foregoing disciplinary procedures will be followed. Examples of emergency situations include crimes of moral turpitude, commission of a felony, injurious or dangerous behavior, and damage to or destruction of public property.