

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.
2. **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 trails 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 without conversations she was not certain if the trail was not being used and that the preference was 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 there 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 a park. He stated that he could not support it also from the perspective 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.

9. 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 "Attachment 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 rescues. She stated that rescues 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's 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 pubic 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 accordingly.

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:

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.

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 pending 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