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

ACTION AGENDA

July 13, 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 July 13, 2017 Board of Commissioners meeting to order at 6:35 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 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 with the exception of Items # 2 and #7. Commissioner Charles Rousseau seconded. The motion passed 5-0.

- 1. Approval of Resolution 2017-11 for implementation of Project FA-01 to the Atlanta Regional Commission documenting Fayette County's funding commitment for the 2017 Project Solicitation application for the alignment of State Route 279 and Corinth Road.
- 2. Approval of Resolution 2017-12 for implementation of Project FA-02 to the Atlanta Regional Commission documenting Fayette County's funding commitment for the 2017 Project Solicitation application for multiple resurfacing projects within Fayette County.

Commissioner Rousseau stated that he wanted to raise a point of clarity for the residents. He stated that he wanted the County Administrator or staff to explain what that \$2.5 million of the \$9 million project entails because it looks like the majority of the fund was going to the city and not unincorporated Fayette County. He wanted the citizens to understand why.

Public Works Director Phil Mallon stated that the agenda item was for a Resolution in support of a resurfacing project for county and city roads. He stated that sometimes there was a better chance of receiving favorable consideration for the projects when it was a larger project application, so he reached out to the cities to see if they were interested. He stated that each road would be evaluated individually. He stated that some or all of the roads might get approved or none of the roads might be approved. He stated the same was true for the city.

Commissioner Brown moved to approve Resolution 2017-12 for implementation of Project FA-02 to the Atlanta Regional Commission documenting Fayette County's funding commitment for the 2017 Project Solicitation application for multiple resurfacing projects within Fayette County. Commissioner Rousseau seconded. The motion passed 5-0.

- 3. Approval of Resolution 2017-13 for implementation of Project FA-03 to the Atlanta Regional Commission documenting Fayette County's funding commitment for the 2017 Project Solicitation application to fund detailed planning studies along Sandy Creek, Tyrone, Palmetto and Banks Road.
- 4. Approval of staff's recommendation to award annual bid #1314-A to Hanson Aggregates and Martin Marietta as primary vendors for gravel services for fiscal year 2018 with a not-to-exceed amount of \$51,262.50 and \$129,800 respectively, for a total not-to-exceed amount of \$181,062.50.
- 5. Approval of Water System's request to award Bid #1318-B Water Distribution Parts to five companies that were low bidders on items used for distribution and repair; Consolidated Pipe & Supply Co., Ferguson Enterprises, Fortiline Waterworks, Delta Municipal Supply and HD Supply Waterworks LTD, in an amount not-to-exceed \$216,568.27.
- 6. Approval of staff's recommendation to award Chemical Bid for twelve (12) months, to Brenntag Mid-South, Inc., American Development Corporation, Chemrite and Polydyne for chemicals used by the Fayette County Water System for water treatment, and authorization for the Chairman to sign any related documents.
- 7. Approval of staff's recommendation to contract with the Gordian Group (Centennial Contractors Enterprise, Inc.) to renovate the Animal Shelter building in the amount of \$119,598.67 per the approved CIP project #6565F.

Commissioner Brown stated that he wanted staff to give an overview of this agenda item. He further explained that this agenda item was not an expansion, but an upgrade to the shelter.

Animal Shelter Director Jerry Collins briefed the Board that this project was started prior to him being hired at the shelter. He stated that some of the renovations included fixing rusted doors, installing new siding on the building and to add runs in the back to give more air time to the animals.

Building and Grounds Director Carlos Christian stated that staff meet with Mr. Collins and determined what improvements needed to be made to bring the facility up to par.

Commissioner Brown stated that he would like to include having the Walgreens next door placed on sewer so that we could have the drain fields and use the parcels. County Administrator Steve Rapson stated that Mr. Christian was evaluating that. He stated that this project was about a four month project.

Chairman Maxwell opened the floor for public comments.

Sharon Waples asked questions about repair to the current runs, the new runs and a smell that she noticed outside at the shelter.

Julie Schwab asked questions about raising money for the Humane Society through a GoFundMe page. Chairman Maxwell explained that the Humane Society was not run by the county.

Samantha Beadle shared that there was a non-profit organization available for people to donate.

Cynthia O'Connor requested the break down to refurbish the shelter. Mr. Christian provided a further break down of the project.

Dana Lezaj asked the Board if they had ever received a request to expand the facility and what, besides the sewer issue, prevents an expansion. Chairman Maxwell explained how the Capital Improvement Program (CIP) worked. She asked what the public could do to formally request the Board consider expansion. Chairman Maxwell stated that the Board received the emails and phone calls and that there was no other process required.

Vice Chairman Ognio stated that he would like to see the shelter improvements also include electronic displays and he hoped that the staff would consider that. He stated that he was concerned about the process used and that he would like to see more of these type projects bided out instead of using state contracts. Mr. Rapson stated that staff used Gordian Group to expedite the project as directed by the Board. He stated that staff could go through the procurement process instead of the state contract process, if that was the direction of the Board.

Commissioner Rousseau stated that he had the same concern prior to speaking to staff. He stated that he would like to see Purchasing educate potential vendors about the state contract process. Mr. Rapson stated that Gordian Group would be the project manager. He stated that they use the competitive process through the state and also through local vendors, which was the preference.

Commissioner Brown stated that going back to the second mayor of Peachtree City, the overriding problem was stray dogs. He stated that the mayor then worked to get the animal shelter. He stated that he worked on the "bee ordinance", the "chicken ordinance" and "dog ordinance" and so he had worked around the gamut on all the animal issues. He encouraged all the different animal groups to work together to have a consolidated platform. He stated that the old adage, "the squeaky wheel does get the grease" was true, especially in government and that needed to happen. He stressed that the citizens own the shelter and that their input was important. He stated that the county was far from a no-kill shelter. He stated that the county had the human capital and intelligence in the community to make things happen. It just needed to be organized. He encouraged those in the audience to contact the Humane Society and become a part of the group that wanted to create positive change.

Commissioner Oddo moved to contract with the Gordian Group (Centennial Contractors Enterprise, Inc.) to renovate the Animal Shelter building in the amount of \$119,598.67 per the approved CIP project #6565F. Commissioner Brown seconded. The motion passed 5-0.

8. Approval of the June 22, 2017 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

9. 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.

Staff requested to have this item tabled to continue working with Georgia Department of Transportation (GDOT) regarding this agreement.

Commissioner Brown moved to table 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 to the July 27, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

10. Consideration of staff's recommendation to adopt Fayette County Policy 280.01; Animal Shelter Management/Euthanasia.

Chairman Maxwell stated that the Board was present to listen to any comments regarding this item. He asked several questions of the audience to get some information.

- a. How many where present for item #10?
- b. Who in the room was against any euthanasia?
- c. Anyone in favor of the current euthanasia policy that allows for euthanasia after seven (7) days?
- d. Anyone against the 30 day policy?
- e. Anyone disagree that euthanasia was an accepted practice when dealing animal control issues in various shelters?
- f. Who would support a complete 100% no-kill shelter?
- g. Who would support a 90% no-kill shelter?
- h. Was there anyone in the audience who was not a Fayette County resident?

Mr. Rapson presented a PowerPoint to the Board. He stated that the county operates animal control which means it controls the animal population as opposed to the Human Society which had a different role. He stated that the shelter was working to move closer to a no-kill role and in order to make that happen it would have to be based on the facility, staff and cage space. He stated that this policy was drafted with several animal advocates and he communicated that he understood that they may not agree with everything in the policy, but that some guidelines had to be put in place so that Mr. Collins could run the facility. He provided information and background on how this policy was drafted. During the presentation Mr. Rapson stressed that the policy does not euthanatize an animal on the 31st day unless there are more than 20 animals at the shelter. He stated that the policy would only go into effect if there are more than 20 animals in the shelter that have been there beyond 30 days. He continued that the shelter was currently 9 dogs over capacity, 7 of which are pit bull mixed.

Mr. Collins made additional comments.

The following spoke regarding this item:

Stephanie Cohran, Leah Thomson, Marcia Hendershot, Nancy Aikins, Jeanie Mahoney, Cindi O'Conor, Philip Doolittle, Terry Martin, Kim Ward, Mary Beth Davis, Victoria O'Hearn, Chris Waples, Shannon O'Conor-Larson, Ann Wittenberg,

Sandy Shubert, Sarah Bloomfield, Cathy Bonner, Julie Schwab, Joy Brim, Abriel Rose, Anastasia Derzhay, Philip Doolittle, Laura Line and Sharon Waples.

Chairman Maxwell asked Mr. Rapson and Mr. Collins to address the questions that were raised during public comments.

Commissioner Oddo asked the Board to change the notice from a five (5) day notice to a ten (10) day notice. At the request of Vice Chairman Ognio the words "whenever possible" of paragraph eight would also be removed.

Vice Chairman Ognio thanked all the volunteers and commended Mr. Collins for the job he does at the animal shelter. He stated that he had read the proposed ordinance that was in the works and that he was not in favor of moving forward with an ordinance and that the county should give the policy a chance to take effect.

Vice Chairman Ognio moved to adopt Fayette County Policy 280.01; Animal Shelter Management/Euthanasia with a modification to remove the words "whenever possible", to change the adoption notice to day six (6) and a ten (10) day notice prior to the end of the thirty day and to stop the progression of the ordinance. Commissioner Oddo seconded.

Commissioner Brown stated that he was working with someone regarding the inmate training of the dogs. He stated that he was looking for competent trainers to train the inmates. He stated that the budget reflects positive movement at the animal shelter. He continued that shelter expansion was important, but that it was just as important to ensure that the foundational documents, ordinance and/or policies were in place. He stated that he was shocked at the vote to stop the ordinance changes. The policy was a bandage and that the problem was not a complex problem. He stated that there needed to be an animal shelter advisory board. The only way to get the public buy-in was to get the public's input. He stated that the county does that with the Library Board, the recreation programs and the Board of Health. He stated that it made sense to bring the public in and allow them to be part of the process. He expressed that 75% was too low and he would not vote for that. He would support 85% and for staff to try to make it work. He stated that if this vote passed, then all the ordinance changes that he had worked with the groups on, would be trashed.

Commissioner Rousseau also thanked the volunteers. He stated that he would like for the Board to consider the following language: "The Fayette County Animal Shelter is committed to a well-managed facility that considers the preservation of life..." He addressed the audience stating that it was important for the public to participate in the budget process. He stated that the opportunity was missed to advocate for dollars and resources for this cause. He stated that was an admonishment because the Board does everything in its power to educate the community and put out the notices. He stated that the Board had adopted the budget and could have used the input at that time. He stated that discussion regarding adopting an animal after 30, 90 or 180 days, means that the discretion of the staff works. He stated that they do not put every animal down. He stated that he was in support of the policy change and giving staff additional quidelines on how to operate.

Commissioner Brown stated that he took exception to Commissioner Rousseau's comments that "no one cared". He stated that he had been working with a group of leaders in the advocacy since late January. Commissioner Brown stated that a vote to stop the ordinance was going to kill those changes. He stated that the advisory board included in the proposed ordinance was free and it would do a lot of good, but the Board was going to negate it from being on an agenda. He stated that he believed in listening to constituents and the Board should vote the issue up or down in a public meeting.

Commissioner Rousseau asked if there was a request made at any time for additional funds for the animal shelter. Mr. Rapson stated that there was an additional \$50,000 for the renovation. Commissioner Rousseau stated that was for regular CIP. He asked was there a request made to expand the facility. Mr. Rapson stated no. He stated that regarding

his comment regarding staff using discretion was that when the shelter was not at capacity staff would use discretion to ensure that the well-being of the animal was being addressed. He continued that this was the danger of piece mealing and not looking at a matter in a comprehensive manner.

Commissioner Brown stated that the proposed ordinance changes was a comprehensive review of the code of Fayette County. He continued that the only reason this item was on the agenda was because he complained that policy was being changed without coming before the Board. He stated that he would encourage the Board to speak with staff in regards to it not being a comprehensive review. Commissioner Rousseau stated that if it was comprehensive it would not be before the Board at this time.

Vice Chairman Ognio amended the motion to include language, "The Fayette County Animal Shelter is committed to a well-managed facility that considers the preservation of life..." Commissioner Oddo amended the second.

Chairman Maxwell stated that he viewed this as the beginning of the road and not the end of the road. He stated that he hoped that the agencies would get together with Mr. Collins and address this problem. He stated that using an inmate would require funds. He encouraged staff to continue to look at grants.

Commissioner Oddo stated that he did not deny that this was an extremely passionate topic. He stated that in his opinion this policy was better than the one in place. He stated that discretion was vital. He stated that the Board could not govern by the letter of the law which was proven daily. He stated that the county needed a good policy, a good law and people who knew how to manage it. He stated that he did not want anyone to think that the Board was being heartless. He stated that he noticed that some of the groups did not realize that the other groups existed and it would be good to have the groups get together and look at the situation and bring suggestions to the county.

Commissioner Brown stated that he was astounded at the comments made. That he had been working with all the groups since January.

Vice Chairman Ognio moved to adopt Fayette County Policy 280.01; Animal Shelter Management/Euthanasia with a modification to remove the words "whenever possible", to change the notice from day six (6) to the ten (10) day notice at the end, to stop the progression of the ordinance and to include language, "The Fayette County Animal Shelter is committed to a well-managed facility that considers the preservation of life...". Commissioner Oddo seconded. The motion passed 4-1 with Commissioner Brown in opposition.

The Board recessed at 10:16 p.m. The Board returned at 10:29 p.m.

Commissioner Brown did not return to the meeting.

11. Consideration of County Attorney's recommendation to adopt Ordinance 2017-12 to amend Policy 100.19; Board Appointments.

Mr. Rapson briefed the Board regarding this item. He stated that the redline edits included the ninety days in advance for the advertising, the addition for the department head to be a part of the process, any vacancy or resignation that occur may be filled by the Selection Committee, the agenda item would include all the incumbents and relevant documents and appointing positions with less than half the term would remain. He stated that Commissioner Brown had shared with him that he would like to see that changed from half the term, to less than one year.

Commissioner Oddo moved to adopt Ordinance 2017-12 to amend Policy 100.19; Board Appointments with a change to include "less than one year". Commissioner Rousseau seconded.

Commissioner Rousseau stated that it says, "...the Selection Committee to receive the applications". He stated that should indicate that the Clerk receives the applications. He asked for an amendment to remove the words "to receive".

Commissioner Oddo amended the motion and Commissioner Rousseau amended the second.

Vice Chairman Ognio stated that it states that the "Commissioner shall have discretion to appoint head of said department as additional member of the Selection Committee". He stated that he would like for it to say, "...additional non-voting member" of the Selection Committee. Commissioner Rousseau recommended adding "his or her designee". The Board agreed. Mr. Davenport read the statement as amended: "The Board of Commissioners shall have the discretion to appoint the head of said department or his or her designee as an additional non-voting member of the Selection Committee."

The motion was amended to include all items.

Commissioner Rousseau addressed issues regarding employees applying. The Board agreed that employees were not eligible to serve on the committees and employees who apply should be made aware at that time.

The motion passed 4-0-1. Commissioner Brown was absent.

12. Consideration of a recommendation of the Selection Committee comprised of Chairman Eric Maxwell and Commissioner Charles Rousseau to appoint Walter Ponder to the Board of Assessors for an unexpired term beginning immediately and expiring December 31, 2017.

Commissioner Rousseau moved to approve to appoint Walter Ponder to the Board of Assessors for an unexpired term beginning immediately and expiring December 31, 2017. Chairman Maxwell seconded.

Due to the previous approved Policy 100.19;

Commissioner Rousseau amended the motion to appoint Walter Ponder to the Board of Assessors for an unexpired term beginning immediately and expiring December 31, 2020. Chairman Maxwell amended the second. The motion passed 4-0-1. Commissioner Brown was absent.

13. Consideration of a recommendation from the Selection Committee, comprised of Chairman Eric Maxwell and Commissioner Steve Brown, to re-appoint Martin Sas to the Fayette County Transportation Committee to serve a term beginning April 1, 2017 and expiring March 31, 2020.

Chairman Maxwell moved to re-appoint Martin Sas to the Fayette County Transportation Committee to serve a term beginning April 1, 2017 and expiring March 31, 2020. Vice Chairman Ognio seconded. The motion passed 4-0-1. Commissioner Brown was absent.

- 14. Update regarding the procedural posture of the disabled veterans' homestead exemption under House Bill 196 as of July 1, 2017.
 - Mr. Davenport briefed the Board regarding this item.
- 15. Reconsideration of the approval of disposition of tax refunds for disabled veterans' Peter Davis, Jamie Kagels and Ora Williamson in the aggregated total of \$10,918.42 in respond to the recently adopted Disabled Veterans' Homestead Exemptions House Bill 196, initiated by the Board of Commissioners.

Commissioner Oddo moved to approve the disposition of tax refunds for disabled veterans' Peter Davis, Jamie Kagels and Ora Williamson in the aggregated total of \$10,918.42 in respond to the recently adopted Disabled Veterans' Homestead Exemptions House Bill 196, initiated by the Board of Commissioners. Commissioner Rousseau seconded. The motion passed 4-0-1. Commissioner Brown was absent.

16. Recommendation of the County Attorney to deny the disposition of tax refunds for disabled veterans, Ivonne Morrison and Ritesh Ghimire in respond to the recently adopted Disabled Veterans' Homestead Exemptions House Bill 196, initiated by the Board of Commissioners.

Commissioner Oddo moved to deny the disposition of tax refunds for disabled veterans, Ivonne Morrison and Ritesh Ghimire in respond to the recently adopted Disabled Veterans' Homestead Exemptions House Bill 196, initiated by the Board of Commissioners. Vice Chairman Ognio seconded. The motion passed 4-0-1. Commissioner Brown was absent.

17. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Jamie and Lisa Inagawa for tax years 2015 and 2016 in the amount of \$167.40.

Commissioner Oddo moved to approve the disposition of tax refunds, as requested by Jamie and Lisa Inagawa for tax years 2015 and 2016 in the amount of \$167.40. Commissioner Rousseau seconded. The motion passed 4-0-1. Commissioner Brown was absent.

18. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Roger Casale for tax years 2015 and 2016 in the amount of \$1,699.44.

Vice Chairman Ognio moved to approve the disposition of tax refunds, as requested by Roger Casale for tax years 2015 and 2016 in the amount of \$1,699.44. Commissioner Rousseau seconded. The motion passed 4-0-1. Commissioner Brown was absent.

19. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Pauline Parker for tax years 2012, 2013, 2014, 2015 and 2016.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Pauline Parker for tax years 2012, 2013, 2014, 2015 and 2016. Vice Chairman Ognio seconded. The motion passed 4-0-1. Commissioner Brown was absent.

20. Consideration of a request to connect to the City of Fayetteville sewer system to serve a proposed residential subdivision located on SR 92 North in Land Lot 157 of the 5th District.

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Mr. Davenport briefed the Board regarding this item. He stated that the basis of the request was regarding a sewer issue between the City of Fayetteville and Marvin Butler. He stated that documents presented reference an "Exhibit A", but there was no "Exhibit A". He continue to brief the Board on this item.

Ms. Donna Black spoke regarding this item.

Discussion followed.

Vice Chairman Ognio moved to have the County Attorney and County Administrator to draft a letter to the City of Fayetteville stating that the information is inconsistent and that the Board needs more clarification. Commissioner Oddo seconded. The motion passed 4-0-1. Commissioner Brown was absent.

PUBLIC COMMENT:

Trina Barwicks spoke regarding concerns about the county's compensation study. She was hired in 2005 and was present for the first compensation study in 2008. She continued that the duties in the job description from the 2008 study compared to the current job description duties had increased greatly. She shared that she spoke with Human Resource Director Lewis Patterson and Mr. Rapson in 2013 and in January 2016. Ms. Barwicks' grievance included concerns about a substantial change in her duties with no compensation in salary.

ADMINISTRATOR'S REPORTS:

Mr. Rapson briefed the Board on each item. He informed the Board that McIntosh Band was holding an event on July 21 and McIntosh Lake will be closed. He stated that proposed Peachtree City spillway design and Water System Director Lee Pope approved the design.

- A. Contract #P916: Auditing Personal Property Accounts for Compliance-Renewal #2
- B. Contract #940-P: Engineer of Record for Public Works: Task Order 21-Redwine Road (Starrs Mill Complex Multi-Use Trail and Tunnel Design- FY2017 SPLOST Project
- C. Contract #949-A: Dust Control Services- Renewal #2
- D. Contract #1307-A: Firefighters Uniform Annual Contract
- E. RFQ #1326-A: Patridge Point Culvert Replacement

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 June 22, 2017.

COMMISSIONERS' REPORTS:

Commissioner Oddo, Vice Chairman Ognio, Commissioner Rousseau and Chairman Maxwell made comments.

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EXECUTIVE SESSION:

One Item of Threatening Litigation and Review of the June 22, 2017 Executive Session Minutes: Commissioner Rousseau moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 4-0-1. Commissioner Brown was absent.

The Board recessed into Executive Session at 11:47 p.m. and returned to Official Session at 12:04 a.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 Oddo seconded the motion. The motion passed 4-0-1. Commissioner Brown was absent.

Approval of the June 22, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the June 22, 2017 Executive Session Minutes. Commissioner Rousseau seconded. The motion passed 4-0-1. Commissioner Brown was absent.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the July 13, 2017 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 4-0-1. Commissioner Brown was absent.

Tameca P. White. County Clerk	 	

The July 13, 2017 Board of Commissioners meeting adjourned at 12:05 a.m.