

## 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

August 10, 2017

6:30 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

### Call to Order

Chairman Eric Maxwell called the August 10, 2017 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Eagle Scout Gregory Crook 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:

1. **Recognition of Eagle Scout (Troop #176) Gregory Crook.**

Chairman Maxwell, on behalf of the Board of Commissioners, recognized Gregory Crook with a Letter of Recognition. Gregory gave a brief presentation of his Eagle Scout project.

2. **Recognition of the AFC Lightning 08 Girls Soccer Team.**

Commissioner Brown, on behalf of the Board of Commissioners, recognized the AFC Lightning 08 Girls Soccer Team. Coach Brian Rogers spoke regarding the team and their season. Each team member was presented with a certificate.

PUBLIC HEARING: None.

### CONSENT AGENDA:

Vice Chairman Ognio requested to remove item #6 from the Consent Agenda.

Commissioner Brown moved to accept the Consent Agenda, with the exception of item #6 for discussion. Commissioner Charles Oddo seconded. The motion passed 5-0.

3. **Acknowledgement of the Equitable Sharing Agreement and Annual Certification as required by the US Department of Justice and the US Department of the Treasury and authorization for the Chairman to sign any related documents.**

4. **Approval of the July 27, 2017 Board of Commissioners Meeting Minutes**
5. **Approval of the revision to the Parks and Recreation Policy and Procedures Manual to change the non-resident impact fees to \$25 per sport season beginning with the 2018 Sport Season as presented by the Fayette County Recreation Commission.**
6. **Approval of the July 13, 2017 Board of Commissioners Meeting Minutes. This item was tabled at the July 27, 2017 meeting. (Commissioner Brown's red-lined additions included).**

Vice Chairman Ognio stated that if the Board was going to add bits and pieces to item #10 of the July 13 meeting, then the entire item should be verbatim. He stated that it should be tabled and presented as verbatim.

Commissioner Brown stated that there were other items where verbatim was added. He stated that he had a transcript prepared of the Commissioners' comments and staff's comments. He stated that he did not have anything related to the citizens' comments. He stated that he obtained the transcript on his own because he did not want to add his own interpretation.

Chairman Maxwell asked Vice Chairman Ognio if he was requesting that a court reporter do verbatim minutes for this item. Vice Chairman Ognio stated no, that the County Clerk could produce the verbatim portion.

Commissioner Brown stated that he had no problem doing the item in verbatim, but that the Board should hire someone to do them quickly and not waste the Clerk's time.

Chairman Maxwell stated that as an attorney, he dealt with stenographers all the time and they are quick at what they do. He asked if it was just for item #10, Commissioners' comments plus public comments. Vice Chairman Ognio stated yes.

Commissioner Charles Rousseau stated that as a point of clarity and possibly a point of order. He recalled discussions from the Board retreat regarding the minutes. He stated that although Vice Chairman Ognio was only asking for verbatim minutes for this item, he feared that it would open the door on a selective basis. He recalled that at the retreat the Board agreed to allow the Clerk to "play around with" getting the Board a version just short of verbatim minutes and allow the Board to determine if that was the desire of the Board. He stated that he saw this as the Board moving into verbatim minutes and opening the door to wanting to hire someone to produce verbatim minutes for the next meeting for a different item number. He stated that he wanted to know where the Board was headed with this.

County Administrator Steve Rapson confirmed that Commissioner Rousseau's interpretation of the Board's decision at the retreat was accurate.

Commissioner Brown stated that the request was not pertaining to all minutes. He stated that this was something that the Board would vote to do.

Commissioner Rousseau stated that this request was adding another dimension which was cost, by hiring a court reporter. He stated that he wanted the Board to know that this was opening other doors.

Vice Chairman Ognio stated that any time there was one commissioner wanting to add "some" of the comments verbatim, then the entire item should be verbatim and not pick and choose.

Vice Chairman Ognio moved to table the July 13, 2017 Board of Commissioners Meeting Minutes until the August 24, 2017 meeting to make the entire item #10 verbatim in the minutes. Discussion followed.

Chairman Maxwell stated that by stating "item #10", it did not include Commissioners' comments. Commissioner Brown stated that he was referring to the Commissioners' comments within item #10 and not at the end of the meeting. He stated that he would also like to have the other changes added for the other items that he presented.

County Attorney Dennis Davenport explained how the Board should go about moving forward with the motion.

Vice Chairman Ognio moved to table the July 13, 2017 Board of Commissioners Meeting Minutes until the August 24, 2017 meeting. The motion passed 5-0.

Vice Chairman Ognio moved to have the minutes of item #10 of the July 13, 2017 Board of Commissioner meeting verbatim. Commissioner Oddo seconded. Discussion followed.

Chairman Maxwell stated that if anyone decided that they would like to have verbatim minutes, that was too much to put on the County Clerk. He stated that was a court reporter position. He stated that it was easier to have the court reporter present to do the take down of the meeting.

Mr. Davenport stated that he needed direction regarding who would create the verbatim minutes for item #10. Chairman Maxwell stated that it should be made part of the motion because he felt it was a court reporter position to do that. Mr. Davenport stated that in addition to that, the court reporter who transcribes the minutes was not present to take down the minutes. Chairman Maxwell stated that the court reporter would have to do the best they can from the recording and the video. Mr. Davenport asked if that was the amended motion.

Vice Chairman Ognio stated that the court reporter was not something that the Board had done in the past. He stated that he was not sure why the Board would go to a court reporter. He stated that he understood that the reporter could work faster and that the Clerk had a lot to do, but in the past the Board had not hired a court reporter.

Chairman Maxwell stated that he does depositions all the time and cost was about \$400 or \$500 if the court reporter was present to do a take down. He stated that he was not sure how much it would cost if the court reporter had to listen to a tape because she was not here to ask what was said.

Commissioner Oddo stated that the Board should not leave the path chosen at the retreat. He stated that the Board needed to refine the minutes. In this case, since Commissioner Brown decided to expand the minutes that were presented because of the contentiousness of the discussion, he felt it should be verbatim, but he did not want to go down the path of having verbatim minutes.

Vice Chairman Ognio moved to have the County Clerk provide verbatim minutes of item #10 of the July 13, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion failed 2-3, Chairman Maxwell, Commissioner Brown and Commissioner Rousseau voted in opposition.

Commissioner Brown moved to have item #10 of the July 13, 2017 Board of Commissioner meeting performed verbatim and to have it subcontracted, not done with the Clerk's office to tie up all her time. Vice Chairman Ognio seconded. The motion passed 4-1, Commissioner Rousseau voted in opposition.

Chairman Maxwell stated that, to Commissioner Rousseau's point, the Board needed to come up with a policy on what to do for verbatim items for future meetings. He stated that the Board had not done that in the past and he was not in favor of doing that. He stated that the Board was shooting itself in the foot if it was not done the proper way on the front end.

Commissioner Oddo stated that the Board needed to let the County Clerk do it or the Board would have to go down this path. He stated that he was content with the County Clerk doing the minutes as the Board suggested. He stated that if the Clerk provided the minutes and the Board did not like what was put in the minutes, then it would force the Board to go down a different road and he did not think the Board should go down that road, but he felt it was necessary this time.

Commissioner Brown stated that this item was not on the agenda and should be discussed at another meeting.

#### **OLD BUSINESS:**

**7. Reconsideration of funding request from Fayette Factor of \$7,000 to off-set annual rent, internet, complex association fees, and utilities' costs.**

Commissioner Oddo recused himself from this discussion as he had done for previous discussions involving this item.

Chief Finance Officer Mary Parrott briefed the Board on this item. She stated that the Board had requested that staff gather additional information to bring back to the Board regarding the funding request for two non-profits, Fayette FACTOR and Fayette Care Clinic. She stated that the income and expenses for Fayette FACTOR doubled between 2016 to 2017 because of the new drug-free program; Drug-Free Fayette. She stated that the request was for \$7,000 to help with the rent and utilities for fiscal year 2017. The amount of the rent was \$4,506. She stated that she had confirmed that there would be an increase in the rent of \$200 a month beginning in September which would add an additional \$2,400 to the annual financials. She further explained the financial data.

Fayette FACTOR Executive Director Becky Smith thanked the Board for their consideration. She stated that she hoped the Board could look at the income and expenditures and see that the organization had been good stewards of their funds. She stated that FACTOR had worked hard to find grants to make up the difference. She stated it was hard to get grant funding for operations versus programs.

Fayette FACTOR Board Chair Dawn Oparah stated that historically the County gave the organization space because of the family connection. She stated that they try to generate funds to do work in the community. She stated that they moved from the Department of Drivers Services (DDS) because there was no parking and moved to share space with another organization, rent-free, and when their cost increased, FACTOR was faced with having to pay rent. She thanked the Board for consideration of this request.

Commissioner Rousseau moved to approve the funding request from Fayette FACTOR of \$7,000 to off-set annual rent, internet, complex association fees, and utilities' costs to assist for one year not-to-exceed \$7,000 and in addition to have

the County Administrator and staff to conduct a review of the non-profit positioning to determine long-term what the Board might consider doing to assist those who fill some gaps where the County does not provide services. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown stated that the landlord for FACTOR was a non-profit that the County had already written a check for. He liked that the motion was only for one year. He stated that there had been a relationship with FACTOR in the past for in-kind use of the building, which had a monetary value attached. He stated that this was nothing new in terms of the County's interaction with Fayette FACTOR. He stated that his suggestion was to look at a joint request with the landlord in the future.

Commissioner Rousseau stated that there was precedent and history with FACTOR and with the other organization, Bloom. He stated that the County needed a long-term strategy to comprehensively look at the use of taxpayers' dollars as these organizations fill some valuable voids that the citizens might not otherwise have and bringing together resources for the citizens. He stated that he was strong about the position of doing one year and to do a long-term review of where the County wanted to go futuristically.

Vice Chairman Ognio stated that he recognized that the door was opened years ago, but he was concerned about where this would lead. He stated that he did not like the fact that the Board was taking taxpayers' dollars and giving it to non-profit organizations. He stated that there are a lot of non-profits in the county and how many more would line up to receive assistance. He stated that approving one would make it hard to deny the next. He stated that the parking would no longer be an issue at the old DDS building because the DDS have moved out.

Commissioner Brown stated that the organization was working with the regional government and receiving state funds. He stated that it was not so far outside the realm of doable. He stated that the landlord situation bothered him more than the contribution.

Commissioner Rousseau asked if this was moving into a territory concerning the use of public funds. Mr. Davenport stated that he could not participate in the discussion because his wife was the Executive Director of the non-profit that owned the building.

Mr. Rapson stated that the way to address this was to develop an intergovernmental agreement between the County and the entity that provided the service and not to tie it to rent, but to services that are being provided to residents of Fayette County. He stated that he was confident that the organization could provide statistics of the programs. He stated that the Board asked him to look at a long-term solution and he believed that would be the solution.

Commissioner Rousseau stated that he was not sure he was prepared to say he wanted to do that. He stated that the challenge was that with the service provisions there was a gap, but that the County had already been assisting non-profit organizations for several years. He stated that the County needed a long-term thought process and strategy.

Chairman Maxwell stated that he could support the motion as stated. He stated that it was limited in scope and duration, and that Commissioner Rousseau asked for a review of the non-profit process.

Mr. Rapson recommended that the funding from the Fund Balance be added to the motion because currently it was not included in the General Fund budget.

Commissioner Rousseau amended the motion to approve the funding request from Fayette Factor of \$7,000 to off-set annual rent, internet, complex association fees, and utilities' costs to assist for one year not-to-exceed and in addition to

have the County Administrator and staff to conduct a review of the non-profit positioning to determine long-term what the Board might consider doing to assist those who fill some gaps where the County does not provide services and for the funds to come from the Fund Balance. Vice Chairman Ognio amended seconded. The motion passed 4-0-1. Commissioner Oddo recused himself.

Commissioner Oddo returned to the dais.

**8. Reconsideration of funding request from Fayette Care Clinic of \$14,000 to off-set annual rent due to decreased grant funding.**

Mrs. Parrott briefed the Board regarding this item. She explained the information presented on Fayette Care Clinic's profit and loss (P&L) statement. She stated that their year was on a calendar year instead of a fiscal year. She stated that Fayette Care Clinic would not receive two grants, for \$50,000 each this year. She stated that the change was \$100,000 that would not be recognized. She stated that they also would only receive \$16,000 from Clothes Less Traveled, as opposed to the \$60,000 that they had received in the past to cover the rent. She stated that for 2017 there was an estimated loss of \$2,670 which reduces the equity balance. She stated that the issue the organization had was also regarding rent.

Fayette Care Clinic's Executive Director Dr. Loida Bonney also briefed the Board. She provided statistics of those in need in Fayette County. She stated that the organization had gone from seeing patients one day a week, to four week days and three evenings and that Fayette Care Clinic cared for about 750 unduplicated Fayette County residents and served about 3,500 to 4,000 visits per year. She continued her presentation. She stated that Fayette Care Clinic worked together with the Fayette County Health Department.

Fayette Care Clinic Chair Dr. Nimish Dhruva shared his experience of working with Fayette Care Clinic and those who visit the clinic. He stated that there was a myth that patients can get Obamacare. He stated that the premiums for Obamacare was so high that patients could not afford it.

Dawn Oparah stated that non-profits worked on "soft" money and when the organization did not receive expected funds it really had an impact in terms of giving services. She stated that sometimes people think there was no poverty in Fayette County, but there is and because there are organizations like this one and Fayette FACTOR who close the gap, sometimes people are not aware that there was a need. She stated that without funding it would affect the people.

Commissioner Rousseau moved to approve the funding request from Fayette Care Clinic of \$14,000 to off-set annual rent due to decreased grant funding for one year, not-to-exceed, \$14,000 and to incorporate the non-profit into a comprehensive plan and that the funds come from the Fund Balance. Chairman Maxwell seconded. Discussion followed.

Commissioner Rousseau stated that he did not harbor any ill will toward the Board. He stated that this was the authorization and use of funds that were not budgeted and he understood that. He stated that there was a vulnerable population in the community that the County had an obligation, to some degree, to assist. He stated that he was willing to make a recommendation for this organization.

Commissioner Oddo stated that this was a difficult vote for him. He stated that if the Board was going to move in the direction of supporting the non-profit there needed to be a plan and currently there was not a plan in place. He stated that his concern was what would happen if the Board opened that door.

Commissioner Rousseau recognized that Commissioner Oddo was out of the room for the previous item discussion. He stated that the Board did adopt to look at a long-term solution.

Chairman Maxwell asked if equity was the same as Fund Balance. Mrs. Parrott stated yes. He stated that there was a Fund Balance of \$198,000 and that the "Fund Balance" estimate for 2017 was \$196,000 which was less than a \$2,000 difference. Mrs. Parrott stated that was the loss estimated for 2017. Chairman Maxwell stated that it appeared there was a substantial amount in the Fund Balance. Mrs. Parrott stated that most of it was likely restricted funds.

Dr. Bonney stated that most of the money carried over from one year to the next was restricted. Chairman Maxwell asked if there was an unrestricted fund balance. Mrs. Parrott stated that at the end of 2015 the unrestricted fund balance was \$54,287. She stated that she did not have the information for 2016. The 2016 audit was in progress.

Chairman Maxwell stated that he voted for the other organization because it was relatively a small amount of money and it appeared that the organization did not have money. He stated that it looked like this organization had money. He stated that he had a hard time funding this request.

Dr. Bonney stated that the unrestricted fund balance at the start of 2016 did not reflect what the unrestricted fund balance would be at the end of 2017. Chairman Maxwell stated that he had to use the most recent information available.

Dr. Dhruva stated that the unrestricted funds can only be spent on certain services.

Commissioner Brown stated that he hoped there would be a relationship with the hospital because the clinic was offsetting some of the expense to the hospital. Dr. Bonney stated that Fayette Care Clinic had a robust relationship with the hospital and that the hospital had given quite a bit in in-kind donations, which was not included because it was a wash. She stated that the current lease expires on October 31 and the threat was that the rent would be raised. She stated that a new lease had not been presented. She stated that the clinic was told last year that the rent would be increased. Commissioner Brown stated that the gap could widen and then the clinic would return to request more assistance.

Dr. Bonney stated that she wanted to reiterate that the present request was for one year, for one time. She stated that over the years the organization had gone to different wells. She stated that this was the well that was chosen because they had trust.

Commissioner Brown stated that citizens should ask where their donated dollars go and to be careful where they donate. He stated that the money should go to charities that do work within the community.

Vice Chairman Ognio stated that the actual for the occupancy expense was \$54,649, but the annualized for 2017 was \$66,654. He asked did the rent go up from last year to this year. Dr. Bonney stated that they budgeted for the increase. Mrs. Parrott stated that the \$33,000 in the actual had been paid out. She stated that it was doubled not knowing what changes would occur. Vice Chairman Ognio stated that the rent had not gone up at this point so why was it only \$54,000 last year if \$33,000 was already paid this year. Dr. Bonney stated that the occupancy expense line item was not only rent. She stated that the clinic pays \$2,500 monthly for rent at \$30,000 a year. She stated that the Clothes Less Traveled grant of \$30,000 would have covered the rent for the entire year, however they only received \$16,000 for Clothes Less Traveled causing the deficit of \$14,000 for the rent. Vice Chairman Ognio stated that there were also financial needs at the Health Department that should be considered and it was hard for him to support this without addressing the other needs.

Commissioner Rousseau stated that there was a non-profit entity that the County had already given \$20,000 to for past several years and this organization had a gap. He asked the Board to seriously consider this request. He stated that the organization receiving \$20,000 for the past ten years also needed to be reevaluated. He stated that he had worked in institutions where the organization chose the charitable places to donate. He stated that he wanted that to be part of the plan so employees could look at local organizations to donate. He stated that the precedent had already been established and he would like for the Board to take that into account.

Chairman Maxwell stated that it was hard for him to vote one way on the previous item and then vote another way on one that was so similar. He stated that there had never been a question on the validity of the service or the need for the service. He stated that he had to make decisions on where the money was spent. He stated that he would support this request. He assured Dr. Bonney that in response to a comment she made, the County Administrator would not write any policy to exclude the organization, but that they would write it to be fair. He stated that the other reason that he was voting for this item was because she stated that she would not be back next year.

Commissioner Brown stated that all the non-profits that the Board supports are state mandated except for one, and then there was FACTOR. He stated that Fayette Care Clinic was taking state program money and using state program money which means it was working through a state entity working in relationship with the County. He stated that was how he was drawing the line because he gave him the ability to turn down other non-profit organizations.

Commissioner Oddo stated that this request was for one year. He stated that he did not want to be put in this position again until the Board had a plan.

Mark Scovel stated that Fayette Care Clinic did receive grants from the state. Dr. Bonney stated that there was a grant that funneled through a non-profit called Georgia Charitable Care Network who received funding from state appropriations to the Georgia Charitable Care Network and the non-profit served as a mechanism to distribute the funds.

Commissioner Rousseau moved to approve the funding request from Fayette Care Clinic of \$14,000 to off-set annual rent due to decreased grant funding for one year, not-to-exceed, \$14,000 and to incorporate the non-profit into a comprehensive plan and that the funds come from the Fund Balance. Chairman Maxwell seconded. The motion failed 2-3. Vice Chairman Ognio, Commissioner Oddo and Commissioner Brown voted in opposition.

## **NEW BUSINESS:**

### **9. Consideration of revisions to Policy 404.03 Equal Employment Opportunity.**

County Attorney Dennis Davenport briefed the Board regarding this item. He stated that the County had a relationship with an employment firm that worked with the County on employment related issues. He stated that occasionally the County received updates on policies from the firm. He stated that the firm looked at this policy and the one mentioned in item #10 on this agenda and recommended that the policies be updated as presented.

Commissioner Brown moved to approve revisions to Policy 404.03 Equal Employment Opportunity. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Rousseau stated that he did not just want to have the employees sign the policy, but that a training mechanism should be put in place. He stated that this was serious business.



Commissioner Brown moved to approve revisions to Policy 404.03 Equal Employment Opportunity. Vice Chairman Ognio seconded. The motion passed 5-0.

**10. Consideration of revisions to Policy 440.03 Harassment.**

Commissioner Brown moved to approve revisions to Policy 440.03 Harassment and for staff to receive training regarding the policy. Vice Chairman Ognio seconded. Discussion followed.

Vice Chairman Ognio stated that there was a typo on page two of the policy.

Commissioner Brown amended the motion to approve revisions to Policy 440.03 Harassment, for staff to receive training regarding the policy and to correct the typo "crteed" to "creed". Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed at 8:25 p.m.

The Board reconvened at 8:37 p.m.

**11. Staff update of the various concerns related to the Animal Shelter at the request of Chairman Eric Maxwell.**

Commissioner Brown expressed concerns regarding agenda items being presented by him that have a watermark of his name added to the agenda request form. He asked the County Administrator not to add a watermark to his request. He stated that it seemed it only happened on items where someone disagreed with him. Discussion followed.

Chairman Maxwell asked if there was a reason that the watermark was added. Mr. Rapson stated that the only time an agenda item was watermarked, was when the agenda item had not been vetted by staff or written by staff. He stated that in the past, staff had been accused of hijacking an agenda item or doing something different. He stated that over the past year, when Commissioner Brown completed an agenda request form, because no one else on the Board did that, staff would add the watermark to show the distinction that it was completed by a Commissioner instead of a staff member.

Commissioner Brown stated that the hijacking came from staff adding information that he did not ask for. He stated that when the Chairman sent an email asking staff to review an item, it simply had his name in the appropriate place. He stated that he did the same thing and he got the watermarked name added. He stated that it tells the public that something was obviously wrong with it because it had the watermark stamp. He stated that he was just saying not to do it again.

Chairman Maxwell stated that he was not sure that he agreed because the watermarked showed whether staff had reviewed the item. He asked Commissioner Brown if he would rather have a sentence that the agenda item had not been reviewed by staff. Commissioner stated yes.

Commissioner Rousseau stated that he would rather have it so that it was consistent. Chairman Maxwell stated that it would have to be added to the agenda. Mr. Rapson stated that there are hard deadlines that staff and the Constitutional Officers, who place things on the agenda, follow. He stated that the Board of Commissioners are not held to that same standard so a lot of times there was not an opportunity to have staff vet an item. He stated that staff can put that in the staff comments.

Commissioner Rousseau expressed his concern that without a vote to change the policy, the Board just instructed the County Administrator to change how we traditionally operate. He stated that the Board needed to be careful.

There was no vote taken.

Chairman Maxwell stated that he asked Mr. Rapson to give a presentation regarding the animal shelter. Mr. Rapson gave a PowerPoint presentation regarding this item to include: animal adoptability, five-day impoundment period, twenty-five-day adoption period, humane and rescue agency notification period, evaluate shelter capacity (75% operational threshold), no kill shelter statistics (dogs and cats), staff's visit to the DeKalb Animal Shelter, posting of animals in a timely manner, implementation of a behavioral assessment process, County grant writer working with advocacy groups to pursue grant opportunities for spay/neuter solutions, staff evaluations-facility capacity, run size, number of runs, double stacking of existing kennels, expansion of the current facility, moving existing facility, building new facility, contracting with other counties, private vendors, non-profit groups to handle excess capacity, facility options-renovation/expansion (\$346,800), new addition (\$1,012,400), new facility (\$1,506,500). He stated that each of the facility options presented included \$120,000 for capital just to fix the sewer system. He stated that he would recommend moving from 75% to 95%, which was one of the concerns expressed.

Commissioner Brown asked why this information was not in the meeting package. Mr. Rapson stated that he did not get the information until the morning of the meeting. Commissioner Brown stated that the previous discussion was that there was not money to pay an attorney to help finish some ordinances. He stated that there were officials saying that there was not money to expand the shelter and now expansion was being discussed as part of the presentation. Mr. Rapson stated that the Chairman specifically asked him to address what the staff thought in regards to capacity issues. He stated that he was attempting to give the Board some viable options. Commissioner Brown stated that staff was negating the options he had been working on which was the revision of the ordinance, creating an advisory council and working on adoptions.

Chairman Maxwell asked the County Administrator to address other issues that he had.

Sewer hook-up: He asked the County Administrator to address the sewer hook-up. Mr. Rapson stated that there were two septic systems at the back of the building. He stated that part of the problem was the constant use of the lines in the septic system. He stated that moving to the sewer system was a must.

TNR: Mr. Rapson stated that TNR was the trap, neuter and release program primarily for community cats. He stated that in 2014 a test project was put in place. He stated that areas that were agreeable to the program was targeted. He stated that it was a successful program. The problem with the TNR was that by trapping the cat and then releasing the cat, it violated the "leash law" ordinance. He stated that after a meeting with the Solicitor it was decided that it was a good program. Animal Control Director Jerry Collins stated that he supported TNR. He stated that the problem was that when the cat was trapped and released into a neighborhood it created a burden on the rest of the neighborhood.

Advisory Board: Mr. Rapson stated that the County already functioned with groups advising staff. He stated that a lot of the things being put in place at the animal shelter came directly from the conversations with various groups. He stated that the problem in the ordinance was the perceived delegated authority that was shifting from the professional staff to the advisory board. He stated that staff had meet with the groups and will continue to meet with the different groups. He stated that the County could not be successful in managing animal control in the County without the different groups.

Double-decker kennels: Mr. Rapson stated that the problem with double-decker kennels was cleaning them. Mr. Collins stated that he visited the Coweta County animal shelter and could not get an answer to the question on how to clean the kennel without getting fluids on the animals below. He stated that with some of the chemicals used, an animal had to be outside the kennel for ten minutes while the chemicals were being used. Mr. Rapson stated that it was hard for him to

believe that there would not be a design that could handle the cleaning of a double-decker kennel. He stated that staff was not opposed to a double-decker kennel design that could be wired into the drainage system.

Relocating the shelter: Mr. Rapson stated that there are two sites in the City of Fayetteville that might be viable to relocate. He stated that if it was moved to the City of Fayetteville, the County would lose the central aspect of the shelter being in the county. He stated that he was not sure what the sewer or water connection would be and alone that could make it not feasible. He stated that was on the list to evaluate.

Intergovernmental Agreement (IGA) with other counties: Mr. Rapson stated that he reached out to all the neighboring counties and they were all at capacity. He stated that none of the shelters that he spoke with, DeKalb, Spalding, Coweta and Fulton, were interested in an IGA if the County shelter was over capacity. He continued that there are non-profit groups that take animals out of the shelter and the county could enter an IGA with the non-profit.

Definition of No kill: Mr. Rapson stated that when staff says "no kill", what that means was 90% of the animals that come to the shelter was divided by the animals that are euthanized. He stated that at a no kill shelter the only animals that are euthanized are animals that are ill or animals that are deemed to be aggressive and not adoptable. He stated that the behavioral assessment that staff was working on putting in place, would be another measure to use in determining aggressive and adoptable animals.

2016 vs 2017 statistics: Mr. Rapson stated that he did not bring that information. He stated that the numbers from a no kill perspective as defined, are similar for both years.

Pictures on various websites: Mr. Rapson stated that all pictures are to be posted on intake. He stated that he communicated with staff to ensure that the animals are being posted. He stated that there was a program being put in place that would capture the animal during intake to be posted.

Contacting organizations about various animals: Mr. Rapson stated that staff was contacting the organizations. He stated that most are checking intake. He stated that staff was providing multiple notifications to get the animals adopted.

Chairman Maxwell asked how an individual could get on the email thread. Mr. Collins stated that if anyone sends him an email then he adds them to the list.

Chairman Maxwell stated that at the previous meeting Commissioner Brown stated that he could support 85%, but not 75%. Mr. Rapson stated that the issue was the cages. He stated that he goes from four cages in the back to six cages. He stated that it was not necessarily the number of cages, but narrowing the number of cages available for capacity. Mr. Collins stated that 85% was doable. He stated that the thought process was that he wanted the ability to have kennels free so that the animal would not have to be placed in crates.

Chairman Maxwell asked how many runs should a county the size of Fayette County operate. Mr. Rapson stated that it was hard to get a baseline from his counterparts. He stated that the comparison was the intake versus the resources available to handle the intake.

Commissioner Brown stated that he was saying 85% thinking that the Board was going to move forward with the ordinance provisions. He stated that 85% was only a part of the bargain.

The following made public comments:

Mrs. Stewart Barnes, a resident of Fayette County: Mrs. Barnes spoke regarding the concern about people not taking their dogs after they move out of the apartments. She suggested that the apartment owners make donations for the pets that end up in the shelter. She also made comments regarding the TNR program, an advisory board, staff availability to answer the phones at all times, raises for the animal shelter employees, and that no animal should be killed.

Jennifer Alvarez, a resident of Peachtree City and a veterinarian by degree: Ms. Alvarez made comments regarding the county's euthanasia policy, the concern of the lack of discussion regarding sterilization of animals, the importance of sterilizing animals before leaving the shelter, the need for an advisory board and having a no kill shelter.

No name was given. The speaker asked how the presentation presented by the staff different from a Commissioner working on something and having staff review it. She stated that the 85% was better than 75%. She continued comments regarding spay/neuter assistance and paying adoption fees. She stated that the transfer numbers in the presentation were due in part to the community cat program and she would like that to be considered when looking at an ordinance. She stated that the TNR ordinance was ordered in 2014 and it did not happen. She gave information regarding the double-decker kennels and she urged the Board to consider the advisory board.

Laura Line, a Fayette County resident: Ms. Line thanked Chairman Maxwell for being proactive in providing the information in the presentation. She stated that the only piece missing was the citizen input. She stated that there are so many citizens willing to get on board and help. She shared that she spoke with the Animal Shelter Director in Carroll County and that she had grant information to share with the County Administrator.

Marsha Hendershot, a Peachtree City resident: Ms. Hendershot shared that her expectation was that the Board would vote to resume work on the animal control ordinance provisions to bring it back for discussion. She referenced an email that she sent to the Board and received no reply from the Board. She expressed that the euthanasia policy could be made better. She continued that she could not believe that the Board voted on something that was not on the agenda. She questioned if it was legal and if not, then it was unethical. She stated that she was a cat trapper and she provided information to the audience regarding the TNR process. She stated that not having the TNR ordinance in place was a good reason to revisit provisions to the ordinance. She stated that the trappers need to have legal backing to continue to work the TNR program.

Andrew Krause, a resident of Peachtree City: Mr. Krause stated that actions of the Board on July 13 were the grossest disregard for citizen engagement and it was unconscionable. He stated that the actions of the Board showed the need for a citizen's advisory council.

Evelyn McNeil, a resident of the City of Fayetteville: She stated that the county population had grown, but the shelter had not. She expressed her experience with the animal shelter.

Mable McCaster, a resident of the City of Fayetteville: She stated that she did not understand anybody who did not feel the love for animals because they saved her life.

Jennifer Kline, a business owner in the City of Fayetteville: She thanked Chairman Maxwell for having the update added to the agenda. She also thanked the Board for acknowledging the 85% capacity. She asked that cats be given the same data points as given to the dogs when information was being presented. She showed a picture showing the cat cages being used for storage instead of having cats in them.

Dunnchadn Struad, a resident of Peachtree City: Mr. Struad spoke regarding privatization of the animal shelter.

Cindy Lauer, a volunteer at the Humane Society: Ms. Lauer stated that she would like to encourage the formation of the citizen's animal shelter advisory board to be appointed by the Board. The Board would create the bylaws and the advisory board would be comprised of animal shelter staff, a public administrator and subject matter experts. She stated that the precedent had been set with other advisory boards in the county. She stated that the advisory board would not get into the day-to-day operations and would have no effect on the county budget. She suggested working on "return to owner" and the TNR to decrease intake.

Barbara Moyle, a resident of the City of Fayetteville: She stated that she was an advocate for PetFinder and Facebook. She stated that she would vote for an increase in taxes for a new shelter.

Ann Law, a resident of the City of Fayetteville: She stated that she was for the advisory board. She spoke regarding the TNR program.

Lynn Lasher, a resident of Peachtree City: She thanked Susan Griffith for paying for the expert attorney. She stated that the County Attorney was not the subject matter expert on animal ordinances. She stated that the advisory board would save the county money and would be available to advise as subject matter experts. She also thanked Commissioner Rousseau for stating that there should be a comprehensive revision.

Abriel Rose, a resident of Peachtree City: She stated that all the information was left out for the cats during the July 13 meeting. She stated that over 30% of the cats in 2016 at the shelter were euthanized. She stated that she could not imagine that all were ill or aggressive. She stated the advocacy groups deserved recognition for the numbers presented and that she supported the initiative to have an advisory board.

Gloria Wilkins, a resident of Tyrone: She stated that she hoped that we could make the shelter better and that the Board would allow the staff to finish the review of the animal ordinance.

Susan Griffith stated that TNR was not just trap, neuter and return, but also vaccinations.

Caroll King Ouzts stated that she was a cat trapper. She stated that TNR worked and she was in strong favor of an advisory board.

Leah Thomson, a representative of the No Kill Coalition. She stated that she was glad to see the Commissioners, staff and director touring the DeKalb facility. She shared the history on how the new animal shelter came about. She stated that the animals of DeKalb County had the support of the Commissioners and the county staff. She stated that Fayette animals needed the Board's support as well. She stated that the citizens were counting on the Board "to do the right thing", by implementing policies and ordinances that are forward thinking and in the best interest of the animals. She stated that the new euthanasia policy was not in the best interest of the animals and not an improvement. She offered reasons why it was not in the best interest of the animals.

Karen Scannell, a resident of the City of Fayetteville: She stated that the top box of the organizational chart for Fayette County says, "the citizens of Fayette County". She stated that the Board was here to serve the citizens of Fayette County and the citizens own the shelter. She stated that the citizens care. She stated that one of the goals listed was to "renovate the animal shelter to improve the appearance and create a welcoming effect to draw more adopters." She asked if the Board had heard of curb appeal. She spoke about the condition of the shelter and suggestions for beautifying the shelter. She asked the Board to establish a citizenry advisory board.

Ray Coley, a resident of Fayette County: She stated that the County needed sound policies about when to put animals down, a better adoption process, a sound behavioral assessment for the dogs and an advisory board.

Barbara Fries, a resident of Peachtree City: She stated that the citizens value their families, homes and pets. She asked that the Board set up an advisory board and listen to the experts.

Nancy Turk, a resident of the City of Fayetteville: She stated that the proposal to review the ordinance was at no expense to the county. She stated that the fees for the attorney to review the ordinance was already incorporated in the budget. She stated that it was a win-win situation. She urged the Board to reconsider reviewing the ordinance.

Sally Pritchett, a resident of the City of Fayetteville: She stated that Vice Chairman Ognio made reference that no ordinance had been proposed by the citizens to the Board and that all ordinances had been proposed by the Board. She asked if that meant the proposed ordinance from the Fayette Humane Society, animal advocacy groups and Commissioner Brown could not be considered a legally proposed ordinance. She stated that the groups worked with Commissioner Brown and that he kept the Board informed on every step so a commissioner did work on the proposed ordinance, and yet the Board will not even consider the proposed ordinance. She stated that the citizens of Fayette County ask that the Board reverse the vote to work on the proposed ordinance and that the Board would show compassion and care for the less fortunate dogs and cats in Fayette County in making the shelter a no kill shelter.

Sharon Waples, a resident of Peachtree City: She thanked Jerry Collins and Leah Thomson. She thanked the Board for giving the citizens a chance to speak and for raising the threshold to 85%. She stated that she was worried about the term aggressive versus a scared dog. She stated that staff said no adoptable animal had been euthanized, but that Casper was advertised as adoptable and he was euthanized. She stated that the County had to have a spay and neuter policy. She continued to address the conditions of the shelter and creating an adoption room for potential adopters to visit with the animals. She stated that the advisory board was paramount.

Victoria Hopkins: She provided dates of intake versus the date that the animal was posted on Facebook. She stated that if there was going to be a 30-day policy then the dogs needed to be marketed immediately upon intake.

Gerald Gillet, a resident of Peachtree City: He asked the Board to support a citizen advisory group and to support moving forward with the animal ordinance provisions.

Commissioner Brown stated that he was reading a book titled, "The Idea Book". He quoted the following: "A thing is not right because we do it. A method is not good because we use it. Equipment is not the best because we own it.", and "I can't understand why people are frightened of new idea. I'm frightened of the old ones." He stated that he heard Mr. Collins say he did not want the advisory telling him what to do. He stated that was not the way it would be. He stated that the advocacy groups were grounded in the subject matter and that they have attended conferences, read the books, they are hands on and they know this subject matter. He stated that they are better than the County, because they are better than what the County has; which is why they vaccinate more animals, which is why they adopt more animals and which is why they do everything better than the County. He stated that he went by the shelter prior to one of the meetings with the animal advocacy and the parking lot project that was done there months ago, looked like crap. He gave examples. He stated that the shelter reflected the citizens of Fayette County and that it looked ugly because that was what was being produced at the shelter. He stated that the citizens are the top block on the organization chart. He stated that he was smart enough to know and he was going to listen to people with good ideas and that know what they are talking about. He stated that the Water System had a committee with citizens on it and the library had a board. He stated that there needed to be a personality to work with the citizens. He stated that staff needed to think outside the box. He questioned why the animal shelter director was not doing the presentations. He stated that if the people in the

room never went back to the animal shelter after the meeting, the animal shelter would collapse. He stated that it was because of the people in the room that the animals are getting adopted. He stated that he was for the advisory board. He stated that the advocacy groups have done things on the up-and-up and do not have anything to show for it. He stated that he felt sorry for Susan because she paid for the attorney. He stated that they were smarter than anybody that the County had and that they understand what was going on.

Vice Chairman Ognio stated that he would like to address why this item did not get approval to be on the agenda and why the other one did. He stated that it was staff's job to evaluate things and that was what happened. He stated that the ordinance was created outside and required the attorney's review, which required an action of the Board and that did not happen. He stated that the Board was addressing the appearance of the shelter with the \$119,000 that was approved for the shelter. He stated that things are getting addressed. He stated that the shelter was expanded in 2001. He stated that a citizen sent him information about a humane that was privately owned and maybe the citizens would like to see a privately-owned shelter. He stated that a citizen sent him an email asking where were the meetings publicized allowing citizens the opportunity to attend and be involved in the process and where can someone obtain copies of the minutes of the meetings. He stated that he listened to all the citizens. He stated that a lot of the citizens that he talked to do not want their names out because they have seen the blogs and they do not want to be crucified. He stated that individual commissioners are afraid to speak out because they will get crucified in the media. He stated that the same email asked why an outside attorney would be selected to write an ordinance; a law for the county and only seek the county attorney after the proposed ordinance was written, after the fact and why would a commissioner allow it. He stated that there are other citizens with opinions and that the Board tried to take the opinions of all and come up with a logical solution. He stated to have a commissioner crucify him on social media after that commissioner said there are no budget concerns or expansion was not true and that was in the proposed ordinance. He stated that the person who wrote the email, went on to ask what was the policy regarding commissioners posting on social media regarding matters that only they would have knowledge of which takes personal opinions to knowledge base on a position and what was the policy on defamation of a colleague as it relates to Resolution 2017-01 posted in the commissioners' chambers. He stated that the Board signed a resolution that said they would not do that kind of thing, but one commissioner does not abide by what he signed. He stated that he thought the whole Board cared and he was here for all the citizens and not just the ones that showed up to the meetings.

Commissioner Oddo stated that there were good ideas presented and he had tried to convey that. He stated that he was not opposed to considering good ideas and he hoped that staff would take down the information and come back with some concrete proposals. He stated that he did not know if the building would need to be expanded. He stated that there were a lot of things to consider. He stated that the Board was trying hard. He stated that this process was started with the some of the Board member's knowledge, to best of his reckoning. He stated that no one wanted to hurt the animals. He stated that it may not get where everyone wanted it, but it was moving forward. He thanked everyone for being present and offering ideas.

Commissioner Brown stated that the Board received a copy of the draft ordinance in March 2017, so they did know about the ordinance. He stated that the open meetings law pertains to elected officials and there was one elected official at the meetings. He stated that it required a quorum of elected officials, so it was a moot point that was ludicrous and not part of the equation. He stated that he wrote the resolution in the back of the room. He stated that in twenty-years of elected service he had never been short-cut by someone he supported by adding an amendment to a motion that killed something that he had been working on for six months. He stated that he would never do that to a colleague. He stated that he had asked that someone show him where it said he had to do something by "Randy's rules". He said if he was wrong he would say he was wrong, but he had seen nothing so far. He stated that there was a budget line item for the attorney, Mr. Rapson and Mr. Collins. He stated that the Board knew there will be legal expenses and this was no

different. He stated that there was no difference in using the staff and the attorney because it was all budgeted. He thanked Chairman Maxwell for running a fair meeting and allowing everyone to speak.

Vice Chairman Ognio stated that Commissioner Brown said that he had not tried to stop anything that someone else had done, but he tried to stop an equestrian park that he had been working on for two years. He stated that to direct the attorney to look at something took an action of the Board and per Section 8, Article 2 of the Enabling Legislation and Section 2-51 of the Code of Ordinances, "no action can be taken by the Board of Commissioner without the consent of at least three commissioners." He stated that did not happen. He stated that the Board got the proposed ordinance from the County Administrator. He stated that the progression of the ordinance was stopped, but it was never properly started. He stated that for Commissioner Brown to say he did everything properly was not true.

Commissioner Brown stated that the line item for the horse park was \$25,000. He stated that it was a joke. He stated that he wanted to take the \$25,000 and buy a vessel for the rowing team at Lake McIntosh to finish that project that had already started and do the horse park later. It was not killing the horse park. He stated that the ordinance that Vice Chairman Ognio cited was the official ordinance for what constitutes a quorum at a meeting and that had no relevance to anything that was talked about.

Vice Chairman Ognio stated that it was not about a quorum, but about an action of the Board. He stated that the \$25,000 was just the initial amount to start the project and he did try to stop it.

There was no vote taken.

## **12. Reconsideration to allow county staff to continue review and provide feedback on the animal ordinances proposed by Commissioner Brown, Fayette Humane Society and other animal advocacy groups.**

Commissioner Brown stated that the Board was at a stalemate with doing the ordinances. He stated that if the ordinance was brought forward in the state that it was in, the first question would be, did the county attorney vet the item and the answer would be no. He stated that he understood that people thought it was a waste of taxpayers' funds and some thought it had no chance of passing. He stated that he did not give up and he thought it was worth pursuing. He stated that the ordinance provisions deserve the same respect as the measures of the other commissioners provide. He quoted the following, "Leadership is measured by how you treat your weakest, in this case the cage, the ones that are waiting to die and how you treat those who show compassion to those who are begging for adoption or it might be under the current state where they will be put to death sometime soon." He stated that was how the Board was going to show its test of leadership. He stated that the animals in the shelter were probably the weakest beings in all of Fayette County and the decisions the Board made would prove the type of leaders they are.

The following made comments:

Marsha Hendershot, a resident of Peachtree City: She stated that she went out of order and her comments earlier were meant for item #12.

Cindy Lauer, a member of the Human Society: She stated that she supported that they continue to collaborate on the proposed ordinance revisions. She stated that they embarked on this endeavor to help the county strength and improve outdated (inaudible) ordinances. She stated that it was important for the Board to consider the ordinance and to allow the reconsideration of the ordinance to continue.



Dunnchadn Straud, a resident of Peachtree City: He stated that the old ideas frightened him. He stated that privatizing would be great for the animal shelter. He stated that he was encouraging the Board to reverse the previous vote to not allow county staff to work with the Humane Society on revising the county's animal ordinance because the ordinance was not on the agenda at the July 13 meeting. He stated that it was extremely important to establish a citizen animal advisory board and to allow more animal advocates to get involved and work to get more animals adopted and volunteers recruited. He referenced comments by Vice Chairman Ognio and stated that the ordinance had nothing to do with expansion as mentioned in Vice Chairman Ognio's comments. He continued comments regarding this item.

No name was given. The speaker thanked the Board for listening to the comments. She stated that she was asking the Board to reconsider the motion and let the staff continue to work on the ordinance. She stated that three of the current commissioners were part of the vote in 2014 that authorized the ordinances to be worked up for the TNR program. She stated that it had been said that it should not be piece milled and she agreed. She asked why had the vote changed from 2014. She stated she wanted to know how the Board could say that staff was not involved when two of the staff members were involved. She asked the Board to understand that it was not about an expansion or a budget item. She wanted to know what was the objection to the proposed ordinance. She stated that if the Board had objections to the ordinance they should hear it out and work on the them together. She asked the Board to approve the reconsideration of staff to work on the proposed ordinance.

Lori Shamus, a resident of the City of Fayetteville: She spoke on her experiences dealing with animals and the community. She stated that she would hope that the Board would reconsider the review of the proposed ordinance.

Laura Line, a resident of the City of Fayetteville: She stated that it saddened her that Mr. Collins did not want an advisory board and that he thought the advisory board would try to run the shelter. She stated that the Board had heard what the people wanted. She stated that she was passionate about moving on with the ordinance.

Abriel Rose, a resident of Peachtree City: She stated that no one cared about the progression, but that they do care about where they are now. She stated that the work had been done and it just needed the Board's consideration.

Susan Griffith, a resident of District 1: She read a section of Georgia state law. She continued by reading a letter from Claudine Wilkins to the Board.

Bobby Rost, a resident of Tyrone: He stated that he would ask the Board to try and clear away some of the baggage with the ordinance. He stated that things may not have been done correctly, but that he was asking for a vote so that it could be done correctly. He asked the Board to do what was best and to think about the community.

Robyn Dunn, a resident of the City of Fayetteville: She read portions of the Resolution 2017-01. She stated that there was talk about not wanting to set a dangerous precedent so she did not know how to reconcile that with voting on something that was not on the agenda and never came to public comments. She stated that on July 13 the citizens were told to bring suggestions and they have done that and where there was a will there was a way.

Commissioner Brown moved to reverse the previous vote made on July 13, 2017 that restricted access to the staff and County Attorney related to the animal ordinance revisions and to give the County Attorney the draft and that he would accept any recommendations and input the Board wish to provide. The motion failed for a lack of a second.

**PUBLIC COMMENT:** None.

## ADMINISTRATOR'S REPORTS:

### A. Contract #1340-S: Comcast Ethernet Service

Mr. Rapson stated that this contract was a \$62,000 for a 36- month period.

**Lake Kedron and Lake Peachtree Spillway:** He stated that Peachtree City was in the process of moving forward on the project. He stated that the joint press release would go out. He stated that Peachtree City was intending to give an award of the project on August 17 and on August 28 begin lowering Lake Peachtree by eight feet. He stated that Peachtree City estimated from August 8 to mid-October to construct the coffer dam and late October to lower Lake Kedron two feet and raise Lake Peachtree two feet until it was complete in June of 2018.

**911 Generator:** He thanked staff for getting the 911 generator back up and operational.

**Antioch and Goza Road:** He stated that staff was preparing a recommendation for Antioch and Goza Road for the August 24 meeting.

## ATTORNEY'S REPORTS:

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were three items involving threatening litigation, two items involving pending litigation and the review of the Executive Session minutes for July 27, 2017.

## COMMISSIONERS' REPORTS:

### Commissioner Brown

**Water Guardian:** Commissioner Brown stated that the Water Guardians cleaned Lake Peachtree. He showed some of the photos from the event. He thanked them all for the help. He stated that the Water Guardians would clean Lake Horton in September.

**Transportation Committee:** He stated that he would like to have an agenda item at the next available meeting related to the Transportation Committee with a copy of the bylaws as the backup.

Mr. Rapson stated that the deadline for the agenda had passed and would Commissioner Brown like it for the August or September meeting. Commissioner Brown stated, whatever the next available meeting was.

### Vice Chairman Ognio

**Addressed public comment:** Vice Chairman Ognio referred to the comment the young man made about the 2013 Moody situation that he and Commissioner Oddo worked on. He stated that the minutes reflect that they had to turn them down because an ordinance that had been created was going to destroy the zoning completely. He stated that the Board at the time made a commitment that it would do whatever it took to create an ordinance.

**General comments:** Commissioner Rousseau stated that the Board did a lot of harm during this meeting. He stated that he was referring to the watermark issue and staff indicating that they would change the format. He stated that the Board had debated over the past two years about "what the policy says" and when it was vague and nebulous, the Board put itself in the danger zone. He encouraged the Board to work harmoniously to have reasonable dialogue when there are issues and establish some

concrete policies. He stated that he would like the Board to be progressive in how to deliberate issues and deal with issues. He stated that for this issue the Board did not live up to the resolution that was brought up. He stated that the Board had been in Mr. Rapson's ear about how to operate with efficiency as a business unit. He stated that staff had done that, hence his comments at the last meeting; if the issue was reviewed piece milled, then the outcome would be what was produced at the meeting. He stated that the issue was not dead. He stated that he would admonish the Board and to do better in that regard. He concurred that giving people the opportunity to express themselves openly and fairly was a hallmark of this Board.

**Art Committee to review proclamation:** He stated that he would like the Board to consider a request to have the Public Art Committee to enhance the proclamations that are presented to citizens.

**HOA Bootcamp:** He stated that on September 23 he would host a HOA Bootcamp to bring homeowner associations together to help them stabilize bylaws, the transfer of documents and the legal implications associated with HOA's. He stated that infrastructure was more than the building and a lot of them did not understand. The bootcamp would be designed to help them understand.

**Winnie Anderson:** He wanted Ms. Anderson to know that the Board was in receipt of her letter and that he would like the Transportation Committee to look at the issue.

### Chairman Maxwell

**Mark Frady:** Chairman Maxwell stated that he was with Mark Frady (the son of Herb Frady) before the meeting. He stated that Herb Frady was in intensive care and that he would be moved to a regular room. He asked everyone to keep them in their thoughts and prayers.

### EXECUTIVE SESSION:

**Three Items of Threatening Litigation, Two Items of Pending Litigation and Review of the July 27, 2017 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 12:41 a.m. and returned to Official Session at 1:06 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 5-0.

**Approval of the July 27, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the July 27, 2017 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 5-0.

### ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the August 10, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The August 10, 2017 Board of Commissioners meeting adjourned at 1:07 a.m.

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Tameca P. White, County Clerk

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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 24<sup>th</sup> day of August 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk