

BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

Minutes

September 13, 2018
6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Eric Maxwell called the September 13, 2018 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Chairman Eric Maxwell offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Ognio moved to approve the agenda with the amendment of adding Constitution Week Proclamation as item 1a. Commissioner Brown seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the staff and volunteers that assist with the organization of the Water Guardians program.

Commissioner Brown, on behalf of the Board, recognized all the hard work and tremendous effort of the Water Guardian participants, volunteers, and staff. The goal of the Water Guardian initiative was to help keep the reservoirs in Fayette County clean; and in turn helping keep the drinking water for Fayette County citizens safe and clean. Fayette County Water Systems Director, Lee Pope also offered thanks and appreciation to all those involved in making the Water Guardian initiative a success; and expressed that he hoped to see it continue for years to come.

PUBLIC HEARING: None

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Oddo seconded. Commissioner Rousseau asked to have item #5 pulled for discussion. Commissioner Brown amended his motion to approve the Consent Agenda as written with the exception of item #5. Commissioner Oddo amended his second. The motion passed 5-0.

2. **Approval of staff's recommendation to include "Addendum 5-Blessing of Animals" as an added event to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.**
3. **Approval of staff's recommendation for the Board of Commissioners to enter into an agreement between Fayette County and the Town of Woolsey for the enforcement of similar Soil Erosion, Sedimentation and Pollution Control Ordinances.**
4. **Approval of staff's recommendation for the Board of Commissioners to enter into an agreement between Fayette County and the Town of Woolsey allowing Fayette County to act on behalf of the Town of Woolsey to maintain compliance with the Metropolitan North Georgia Watershed Planning District Water Management Plan.**
5. **Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2018, and authorization to adjust and close capital projects and move remaining funds to project contingency.**

Commissioner Rousseau stated, a concern that was posed to him, was what people often saw as a budget overrun or the county not living within its means; and to the naked eye that may appear as so, but there was plausible explanation in more cases than not.

Commissioner Rousseau stated, he had a brief conversation with the County Administrator, and asked him to provide an overview to demonstrate those starting budgets, amended budgets, and how it appeared on paper that a particular department may have gone over.

County Administrator Steve Rapson stated, that pages 32-37 are the net results of all the budget entries that are outlined on pages 38-41. Mr. Rapson stated that the best way to explain this was to review each of the journal entries that would account for those "over and under". Beginning with page 38, items 1 (A, B and C) all relate to the confiscated property fund (the US Customs Fund and the Federal Confiscated Funds) these are funds we get from confiscations or through legal settlements regarding the Sheriff's Department. Mr. Rapson noted, that because these are separate funds we do not record these at the beginning of the year, which was why these entries were presented. This was staff posting the total revenue and the total expenditures for these particular funds.

Mr. Rapson continues, by outlining items number 3 & 4 which are similar in description and display audit adjustments for revenue. Item number 3 is a direct reflection of a change on the State level. Mr. Rapson explains, that in the past we would (cities and/or counties) pave the roads first, then we would receive our Local Maintenance & Improvement Grant (LMIG) allocation. The State ran into some issues with smaller municipalities that did not have the funds available to spend upfront, then be reimbursed. The State provided the funds in advance. The county received the \$860,000 but did not complete the 3 road paving projects (Ebenezer, Hwy. 85 Connector, and Brooks) that the funds were allocated for by June 30, so we reclassified the year for the remaining \$621,000.

Mr. Rapson states, item number 4 is the Hazard Mitigation Plan, where there is also a timing difference as to when we can record the monies, which resulted in that revenue being pushed into next year as well. He continued that item 5 had to do with legal settlements for Workers' Compensation cases during the course of the entire year. The impact would be to the general funds which was the \$189,600; and the other was Fire Services fund of \$150,000.

Item number 6 was what was typically associated with budget adjustments. There was some over-time in the Administration Department so that was trued up. Items number 6 (B and C) have to do with the Justice Center, at the County Commissioners Retreat, earlier in the year, the Board discussed the increase in jury- trials; so, presented, was the court reporter services and jury trials being impacted. He reiterated that these were estimated at the beginning of the year, which are based on case-load. State Court overages are attributed to a new employee that was hired, and the selections made for the new hire's health care plan.

Mr. Rapson continued the presentation to include discussions of the storm water charges that were discontinued by the county, but not by Peachtree City and the City of Fayetteville and as a result there were charges associated with those charges. He stated that the Coroner Office made a modification of a part-time position in that department, there was a vehicle repair for the Health department, the Road department completed various paving projects, the Library Surcharge Fund had to be trued-up based on the increase in the operating budget. He mentioned the Countywide AEDs, which was an increase from the projected budget. The remaining accounts (item 8; B through E) deal with the closing out of various projects. He stated that water projects had been completed and those residuals are placed in R&E (Renew and Extension Fund) within the Water Department so that those funds remain solely in the Water Department fund balance. He noted that the Net Results of all of this was displayed by the "overs and unders", presented on pages 32-37. He concluded that he was available for any question if there were any.

Commissioner Brown asked, regarding State Courts' new hire, if the \$3,100 overage was caused by them exceeding the scale? Mr. Rapson responded, that no they did not exceed the scale.

Commissioner Rousseau moved to approve staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2018, and authorization to adjust and close capital projects and move remaining funds to project contingency. Commissioner Oddo seconded. The motion passed 5-0.

- 6. Approval of staff's recommendation to award Contract # 1440-P for Debris Clearing, Removal, and Disposal Services to Ceres Environmental Services, Inc.**
- 7. Approval of staff's recommendation to award Contract #1441-P for Debris Monitoring Services to Thompson Consulting Services, LLC.**
- 8. Approval of staff's recommendation to award RFP #1504-P, Public Works Engineer of Record to Pond & Company for a nine-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions.**
- 9. Approval of Election's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing the Fayette County Board of Elections to act as Superintendent of Elections for the Special Called November 6, 2018 Election, and authorization for the Chairman to sign said Intergovernmental Agreement.**
- 10. Approval of Election's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing the Fayette County Board of Elections to act as Superintendent of Elections for the Special Called November 6, 2018 Election, and authorization for the Chairman to sign said Intergovernmental Agreement.**
- 11. Approval of the August 23, 2018 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

12. Consideration of a request from Kenneth Banner to connect current septic tank system to the City of Fayetteville sewer system.

Mr. Rapson stated that this item was a request from a previous Board of Commissioners Meeting (July 26, 2018). From that meeting the Board asked, which of the surrounding parcels had previously been put onto the City of Fayetteville's sewer system.

Mr. Banner addressed the Board and expressed a correction that the map denoted 435 Forrest Ave., but his actual address was 436 Forrest Ave. Mr. Banner explained that his home had a septic tank, but that a sewer line did run through the back of his property. He contacted the City of Fayetteville sewer department and they advised him to request approval from the Board first, hence, his request to connect his current septic tank system to the City of Fayetteville sewer system. He stated that he was here with the same request about a month ago and the Board asked for additional information. He stated that the map showed that six (6) other homes surrounding his home, had connected to the City of Fayetteville sewer system. This information was provided by the City of Fayetteville.

Mr. Rapson stated that staff checked with the City of Fayetteville and they are in agreement with this request, however, the Board typically approved it first and then the City would review for consideration.

Commissioner Brown asked whether other properties in the County that had received sewer connection, received Board approval.

Mr. Rapson stated that this was protocol, but that this was the first request that he had seen in the six years he had been with the county, however the process was to bring the request of unincorporated properties connecting to the sewer, before the Board for review and approval prior to the connection being granted.

Commissioner Brown stated that he did not remember seeing a request in his eight years as commissioner.

Chairman Maxwell noted that what made this request more unique was that there was an easement on record. He stated that he did not recall in his previous four years as commissioner, approving a sewer-line connection request, but he noted that at some point it had to have been approved because surrounding properties are connected to the City of Fayetteville sewer system. He stated that

Chairman Maxwell motioned to approve request from Kenneth Banner (436 Forrest Ave.) to connect current septic tank system to the City of Fayetteville sewer system. Commissioner Oddo seconded.

Commissioner Brown stated that his concerns and hesitations in regard to the Board allowing sewer extensions from municipalities into the County, approving one could become a catalyst for future requests; especially as it related to the Boards' increase in annexation request and larger developers.

Chairman Maxwell stated, that part of the discussion from the initial meeting on July 26, 2018 regarding this request was that this was not the only place in the County that had connection to the sewer, which was what led him to make his motion as specific as possible noting the actual street address, so that it was limited to this specific property.

County Attorney Dennis Davenport stated the example he used at the July 26, 2018 Board of Commissioners Meeting, was Our Lady of Mercy Catholic School, who requested sewer connection and the reason they received approval was because they had property that straddled the Fulton County-Fayette County line and there was sewer on their part of the property in Fulton County; so the County acquiesced to have the line extended.

Mr. Davenport also stated that generally speaking, cities that have sewer lines did not extend the sewer, unless that property annexed into the City. That was the cities' general policy, and to his knowledge that policy had not changed and was still in effect. He stated that this was a unique situation, in that the request was not seeking to extend a line to property in the County, this was looking at a line that was already there. Mr. Davenport noted that the line was ran by the City of Fayetteville to go from the City of Fayetteville to the City of Fayetteville and it crossed over some unincorporated County property. In order to do that, the City of Fayetteville was required to acquire easements from each of these property owners, and the easement of Mr. Banner's property was of record; and it specifically outlined what was granted and was why the line was there. This was not a force-main or a trunk-line, it was just a sewer line that the City of Fayetteville had people attached to all up and down the line. He stated that the fact that the line happened to be there was what made it unique, generally, when someone requested sewer connection it meant that the City had to run the line to the property and those are the type of request that had been received over the years; someone wanting to have sewer-line run to their property. Unless it was an emergency type of situation it was not favorable received by the County. He stated that with respect to setting a precedent, he did not see this as doing so but if anything, the precedent had already been set by the people that had tapped onto the line already. He continued that it was not something that the county was doing to extend the line further. It doesn't take any extraordinary effort for this gentleman to tap onto this line because it was already there. He stated that the only reason that sewer was not coming into the County now, was because the city with the sewer had decided they did not want it to go into the County. And the County told the cities' they don't want the sewer in the County, and its work out well over the years.

Vice-Chairman Ognio asked to amend the motion slightly, in that, along with noting the specific address the motion also state "connecting to existing sewer-line that was on the property."

Chairman Maxwell stated he was agreeable to amending his motion.

Mr. Rapson stated a suggestion of tying the motion to a single-family residence, based on the concern he heard regarding density.

Commissioner Rousseau stated he saw density more as big picture, and he was more interested in how the county got here; how did the other residences received connections. He stated that his understanding was that the county could not locate a record of such approval being granted.

Mr. Rapson stated that the records for these being approved would exist only if handled in a Commission Meeting, he noted that County Clerk Tameca White looked for such records but was unable to locate such records. Mr. Rapson stated that perhaps such approvals occurred in the 1970's or 1980's with the City of Fayetteville.

Commissioner Rousseau stated to not have any records and for a procedure to had been in place, but somehow it was not adhered to that was troubling to him and that there are ways to maneuver around requesting Board approval. He stated that the Board was seeing the direct result of that, because there were ways to get around it. He stated he was very perplexed, all though nothing could be done about it now, how those procedures were not followed for approximately six (6) separate lots, there were able to tap onto the sewer-line but are in unincorporated Fayette County.

Mr. Rapson responded and confirmed that those lots that were connected are in unincorporated Fayette County.

Commissioner Rousseau stated he had some real concerns on how it happened without Board approval for the six (6) other homes.

Mr. Davenport stated that he did not know that there was a firm procedure in place today. There was nothing in writing to his knowledge. Mr. Davenport stated he was only aware that it had been a practice over the years and by virtue of the property being in the County, the County had over the years made it clear that they wanted to weigh-in on these issues, to the requester that need the sewer-line. He stated that for the record, he believed that Chairman Maxwell agreed to amend his motion, and he needed to make sure that Commissioner Oddo was agreeable to amend his second.

Commissioner Oddo stated he did agree.

Commissioner Rousseau reiterated for his understanding that it was a matter of customary practice, not procedure that the Board would like to weigh-in on such requests. Mr. Davenport stated that is his understanding.

Commissioner Oddo stated that it was uncertain what the procedures were back then. He stated that his house, which was in the unincorporated County, was on sewer and was built in 1981, so this had happened not as general rule. He noted that this was an unusual situation and that the Board was not extending it in order to accommodate a request, but just giving permission.

Additional discussion ensued.

Chairman Maxwell amended his motion to approve request to connect single family house (located at 436 Forrest Avenue) septic tank system to the City of Fayetteville sewer system. Commissioner Oddo amended second. The motion failed 3-2, with Commissioners Ognio, Commissioner Rousseau, and Commissioner Brown voting in opposition.

NEW BUSINESS:

13. Overview from the Board of Elections of the integrity and security of Fayette County Elections.

Fayette County Elections and registration Director, Floyd Jones, provided the Board an overview of the integrity and security of the elections in Fayette County.

Mr. Jones stated that beginning on July 2018, the Fayette County Board of Commissioners, Fayette County Board of Elections, and the Director of Elections and Voter Registration began receiving numbers of emails from a non-profit Organization called Coalition for Good Governance. The emails' information consistently provided the following observations: 1. Georgia's and the nation's election security are an alarming topic of today's news. 2. Boards of Commissioners have the authority and responsibility to immediately secure the county's November Election. 3. Most counties have an adequate supply of optical scanners. Polling places with optical scanning machines are more secure practice. 4. Others can also sideline the Direct Recording Equipment (DREs), such as the Secretary of State, the State Elections Board, County Commissioners, and County Board of Elections.

Mr. Jones stated that The Coalition for Good Governance was in current litigation with the State of Georgia in an effort to have paper balloting utilized in the November election and possibly beyond. Despite the claim that the state and counties can enact paper ballots, it was important to note that there are no known attempts to change from the current method of voting to a paper ballot by either the Secretary of State, the State Elections Board, any of the 159 County Commissions in the State of Georgia, or any Board of Elections. On Tuesday, September 11, 2018, the State Board of Elections voted 4-0 to continue with electronic ballots for the November Election. U.S. District Judge Amy Totenberg held the latest hearing yesterday and stated that she planned to make a ruling on either the upcoming Friday or Monday.

Mr. Jones highlighted for the Board the Fayette County Local Security Measures- GEMS Servers.

Mr. Jones stated there was no network connectivity used with any component of the voting system. The GEMS Server can never be connected to any network. The GEMS Server is very tamper-evident, meaning if someone accessed the system or tried to inject something into the system, they would leave evidence that were there. Access to the GEMS server was controlled and the GEMS Server was locked at all times when not in use. Password protection was implemented at both the operating system and application software level. He continued that the GEMS Server and its memory cards use SSL (Secure Sockets Layer) encryption to ensure that only those cards created on a specific GEMS server can be used on election night for uploading. An election official cannot close out the election until all of the cards that were issued during the preparation of an election are returned on election night. Any counterfeit cards will be detected and rejected. He highlighted for the Board the Fayette County Local Security Measures- Cybersecurity.

Mr. Jones stated given ever-increasing public concerns and on-going, evolving challenges from exploitable technology, the Elections Office is working in concert and cooperation with the Information Technology Department in the following ways: after consulting with Chief Information Officer Phil Frieder, the Elections Office and the Information Technology Department devised a strategic plan to improve the security of the elections infrastructure and management system for the county and its remote voting precincts. The primary goal of the plan was to separate the election infrastructure from all other unnecessary networks; decreasing the overall attack surface while minimizing risk.

The Elections Office and the Information Technology Department joined EI-ISAC (Election Infrastructure- Information Sharing and Analysis Center), thus ensuring both offices are especially kept apprised of the latest threats and of best practices in the industry. Mr. Jones outlined additional safeguards: there was paper documentation of records that could be checked to show discrepancies of total number of votes. (For instance, if a polling place had 250 completed voter certificates, but 600 votes cast on a DRE machine, it could be easily understood.) Sending End of Night Reporting (ENR) results to the Secretary of State does occur over the internet, but only after the data had been separated from the GEMS Server by an "air gap" – that was, data was extracted from GEMS via a secure USB drive and physically moved to a different computer for upload. Furthermore, ENR data is always checked against GEMS data, so any intercepting or manipulation in transit would be instantly obvious. As Georgia has a uniform voting system, any discrepancies would tend to be more obvious while election officials have to safeguard against a single system and process. All Georgia election officials are required to be certified in the use of the voting system. This training included 24 hours of training in the use, maintenance, and security of the voting system. Voter access cards do not contain any personal voter information. The card contains a code that ensures that the ballot to which the voter is entitled to vote is displayed on the DRE, and a counter that is set to "1" when the card is issued to the voter and reset to "0" once a voter casts their ballot. Voters can only cast one ballot when issued a card. He stated that Georgia has a uniform voting system of which all 159 counties follow the same process. The Elections Office performs Logic and Accuracy Testing- The DRE units are tested publicly to demonstrate they are working properly before any voting. All such testing had to be documented. Mr. Jones stated that Computing and Canvassing the votes are done in the Public.

Vice Chairman Ognio asked how the votes got from the Precincts to the GEMS?

Mr. Jones responded, once you cast your vote in a DRE machine, it's saved on the machines memory card. Once the polls are closed at night, the poll manager along with one other person pulls that memory card, it had to be accompanied by two people. Those two individuals will check the memory card into the Election Office, with the actual Board of Elections. They then take the memory card and put it into the GEMS servers. We are protected at that time through the GEMS server, and it calculates the vote at that time.

Vice Chairman Ognio stated that he's been questioned by citizens saying it needed to be connected by the internet or via phone lines.

Mr. Jones stated that from the 36 precincts to the Elections Office there was no connection to internet.

Commissioner Brown stated that there was a connection to the Secretary of the State Office

Mr. Jones stated yes, they are electronically transmitting, but it was not from the GEMS server.

Commissioner Brown stated his concerns regarding the voting machines integrity and vulnerability and expressed his thoughts on the purchase of the machines. He stated that accountability was a major issue and he expressed his concerns of the ability to hack into the voting machines. He stated that he was really worried about the situation in Randolph County, he stated the Commissioners in Randolph County had very poor timing wanting to change the system right before the November Election. He stated, it would have been more advantageous to let the election occur then go into a Precinct consolidation. He stated that the county was also looking into reducing the number of precincts, because we are hiring staff and equipment but not seeing the numbers at the various poll locations, but with a precinct consolidation our expense could be cut. He stated that it needed to be a very transparent process, well publicized, with a possible hearing at the Board of Commissioners Meeting to discuss the process and explain what it was and why we're doing it.

Mr. Jones stated that he did think there were real reasons to consolidate, but it would have to be done in the light of transparency, he stated that he had visited the various parties to speak about it and have hosted numerous hearings as well. It didn't go through last time, and right now the Board of Elections was looking toward the census perhaps, which may be a guiding factor into when to proceed.

Commissioner Brown reiterated his concerns for voting machines integrity and suggested manual security, double locks, vaults to assist in assuring voters that the machines would not be stolen or tampered with.

Commissioner Rousseau stated his appreciation for Mr. Jones and Board of Elections Chairman Mr. Lester for their attendance at the meeting and willingness to provide this overview. He stated that his intent for requesting this Overview from the Board of Elections of the integrity and security of Fayette County Elections, was to discuss voter integrity, voting integrity, and voting participation. He continued that he wanted to focus his concerns on encouraging voter participation and increased public engagement to explain this process was key. He stated that there was still a lot of angst around purging voters' rolls. He suggested adding something to the website, perhaps from the Secretary of the State Office website, which addressed citizen's questions and concern; of which being removed from the rolls was an example. He stated that he encouraged constituent education. Also, Commissioner Rousseau suggested using the large Public Works sign machines advising the public to vote on Election Day.

Vice-Chairman Ognio asked that Mr. Jones explain double election process.

Mr. Jones stated that when the brunch bill was passed it had to be placed on a separate ballot so there would be two sets of machines and two sets of data-banks. Within the municipalities the citizens would cast their votes into two separate machines, one for Federal, State, and County election; and a second for city elections. But within the City of Fayetteville citizens may have to go to two separate locations. Mr. Jones noted that the public would be notified.

Commissioner Rousseau moved to instruct the County Administrator to work with Public Works to make use of the signage machines to encourage voting participation. And make a formal request to cities to follow suit. Commissioner Brown Seconded. The motion passed 5-0.

14. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Frank Destadio to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2019.

Commissioner Oddo stated that he and Commissioner Charles D. Rousseau were recommending Frank Destadio, be appointed to the Fayette County Water Committee.

Commissioner Oddo moved to approve recommendation from the Selection Committee, comprised of Commissioner Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Frank Destadio to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2019. Commissioner Rousseau seconded. The motion passed 5-0.

15. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint William "Bill" Holland to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2021.

Commissioner Oddo stated that he and Commissioner Charles D. Rousseau were recommending William "Bill" Holland, be appointed to the Fayette County Water Committee.

Commissioner Oddo moved to approve recommendation from the Selection Committee, comprised of Commissioner Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint William "Bill" Holland to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2021. Commissioner Rousseau seconded. The motion passed 5-0.

16. Consideration of the approval to use \$49,000 of residual funding from the Library Roof Replacement (Project 186AK) and \$46,000 of General Contingency Funds to install a new chiller at the Fayette County Library.

Engineering and Buildings & Grounds Director Carlos Christian briefed the Board on the 21-year old air-cooled chiller at the Fayette County Library; which had exceeded its life expectancy which was typically about 15-20 years. The chiller needed to be repaired or replaced to remain operational. He continued that the current estimate was \$95,000 to replace the chiller, there are three (3) funding opportunities that can be considered: (1) Purchase new chiller outright, (2) Purchase new chiller over time - \$49,000 down and balance paid over 2-years, or (3) replace the existing chiller's compressors for \$32,000 to extend chiller life for 5-years, delaying the purchase of a new chiller. Of the three opportunities noted above, staff was recommending purchasing the chiller outright. He stated that the Fayette County Library recently completed a Capital project to replace the roof. This roof project was initially funded in the FY2018 Budget as part of the 5-year capital improvement plan (CIP) for \$110,175. A grant was applied for through the Georgia Public Library Service Major Repair and Renovation Grant Program. Fayette County was awarded a 50/50 grant in the amount of \$61,000 to replace the Library roof. This grant was accepted by the Board on June 14, 2018 and applied to project 186AK. The awarded grant funding created an available balance of \$49,175 that could go toward partial funding of the Library chiller project. The balance of funding (\$46,000) for this project was recommended to come from the General Contingency Funds.

Commissioner Brown asked if we were sure the State was not going to come back and ask for the money back from the Georgia Public Library Service Major Repair and Renovation Grant.

Mr. Carlos stated that was correct, they would not.

Engineering and Building and Grounds Director Carlos Christian stated Commissioner Brown moved to approve to use \$49,000 of residual funding from the Library Roof Replacement (Project 186AK) and \$46,000 of General Contingency Funds to install a new chiller at the Fayette County Library. Commissioner Rousseau seconded. The motion passed 5-0.

17. Consideration of the approval of the revised Division 2. Rules of Procedure provided in the county ordinance.

Mr. Davenport, stated this revision was a revisit to an item he presented at the Retreat in April, entitled Rules of Procedure. He stated that the basic premise of these revisions was that there was a substantial amount of state law language included in the code that was in his opinion, better off being removed. The reason for the removal was because the county was governed by the state law whether we had it in the code or not, but when we have included, and the state law changed now we have to change the codes. Mr. Davenport stated that if the state law had it in place it really preempted us from putting it in our code. He stated his recommendation would be to remove all the state law language. He stated that as he reviewed the document Commissioner Brown pointed out a provision on page 183, which was on page 9 of the redlined document. The provision had to do with the meeting items- what they would be and the order they are in. It was pointed out that the Board was not following that currently and the question was asked could it be removed. He stated that he saw no reason why not, and that was a change in the document from the original Rules of Procedure from the Retreat. He stated that everything else was the same and more of a house keeping change; grammatical issues, form issues and the state law revisions as well.

Commissioner Oddo motioned to approve the revised Division 2. Rules of Procedure provided in the county ordinance. Commissioner Brown seconded. The motion passed 5-0.

18. Discussion of disclosure of possible conflict of interest from the County Attorney in a matter involving Fayette County and the Town of Tyrone, both clients of McNally, Fox, Grant & Davenport, P.C.

Mr. Davenport, stated that this item came up because of his firms' representation of both Fayette County and the Town of Tyrone, occasionally an issue came up that involved both these governmental agencies. Mr. Davenport explained that the possible conflict of interest regarding the potential transaction of the Fire Station in Tyrone; involving Fayette County and the Town of Tyrone, both clients of McNally, Fox, Grant & Davenport, P.C. He stated that although he did not foresee a conflict, he had to do his due diligence in advising his clients of any possible conflict of interest.

Vice Chairman Ognio moved to approved that there is no conflict; and to move forward in the matter involving Fayette County and the Town of Tyrone. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Rousseau asked if in the future if an issue did arise and/or conflict of interest, what was the backup plan for legal representation.

Mr. Davenport stated that he recommended turning to our partnership with Association of County Commissions of Georgia (ACCG).

Commissioner Brown asked in reference to the Fire Station transaction with the Town of Tyrone if the county would be going through an appraisal process.

Mr. Davenport stated that with government to government transactions there were no rules for guidance. He stated that the Board could choose the direction to go in.

PUBLIC COMMENT: No public Comment

ADMINISTRATOR'S REPORTS:

Board of Health Selection Committee

Mr. Rapson stated he had one item for a selection committee for a Board of Health a citizen position we had the resignation Mrs. Becky Smith, her term expires Dec. 31, 2021.

Commissioner Oddo moved to appoint Commissioner Brown and Vice- Chairman Ognio for the Board of Health selection committee. Motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were two items for Executive Session, one item of land acquisition, and the Review of the August 23, 2018 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Brown

Commissioner Brown stated that the ARC is hosting the State of the Region Breakfast on November 2, 2018, and they will be speaking on the ATL Transit initiative, and he defiantly wants to go. He advised that there is early bird pricing if we purchase by September 26, 2018.

Commissioner Brown stated that the spillway in Peachtree City is nearing completion and wanted to give them some accolades and kudos on a job well done on the project.

Commissioner Rousseau

Commissioner Rousseau extended his gratitude to the Board for their support in encouraging voter participation and using the signage boards.

Commissioner Rousseau stated he came upon his second accident at 92 and West Bridge and he highly recommends us considering writing letter of importance for safety concerns to GDOT and to our state representative and to put it heavily on the agenda for our legislative packages.

Commissioner Rousseau advises he will be conducting a HOA Bootcamp on October 20.

Vice Chairman Ognio

Vice Chairman Ognio advised that Iman Heritage Days were September 21-23 and encouraged citizen to go because there would be fun for the whole family.

He stated that the problem he wanted to address was grass-cutting along the State Routes. He stated that staff was cutting the grass too often and neglecting our local roads. He's received multiple complaints. Vice-Chairman suggested to adjust the grass-cutting schedule.

He advised that Commissioner Rousseau had organized a presentation for the October 2, 2018 Transportation Meeting which may require a Special Called Meeting, notice of that would be forthcoming.

Vice Chairman Ognio stated that for the McDonough Road Bridge replacement project GDOT replacement policy was the same as coastline and they are offering the county the same conditions to buy the right-of-way; Fayette County and Clayton County would have to comprise an intergovernmental agreement. GDOT would do all the engineer, design, and construction.

He thanked GDOT this consideration project and hopefully we can get Clayton County to pay their share and move forward from there.

Vice Chairman announced for the public that the NAACP is hosting an event on Saturday September 15, 2018 at Sams auditorium beginning at 10:00am.

Commissioner Oddo

Commissioner Oddo wanted to acknowledge that today September 13 was the anniversary of the writing of the Star Spangled Banner, in correlation with Constitution Week.

Chairman Maxwell

Chairman Maxwell noted he attended the ARC Meeting today and had the opportunity to say thank you to GDOT and ARC.

Chairman Maxwell stated the Board had received a letter two weeks ago from GDOT, which stated they had found some funding for the road improvement project at the intersection at Highway 74 and Interstate 85 (although not in Fayette County). Chairman Maxwell noted that visible indications of the project may not be immediate due to the process of right-of-way acquisition, but it is slowly moving forward.

Vice-chairman Ognio added the drawings for the right-of-way acquisition have been approved by GDOT and that's a huge hurdle. He noted now that the funds are there and the drawings are approved the next step is property acquisition.

Chairman Maxwell stated the issue that stalled this project was a difference in cost for the right-of-way acquisition, initial estimates were \$15 million but ending up being \$31 million more than twice as much as was originally estimated.

Chairman Maxwell stated that GDOT created a unique feature of split funding. With the standard process a project would have to be 00% funded before they started any work. With split funding at the least they can begin the right-of-way acquisition.

EXECUTIVE SESSION:

One item involving land acquisition and the Review of the August 23, 2018 Executive Session Minutes. Chairman Maxwell moved to go into Executive Session. Commissioner Brown seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:45 p.m. and returned to Official Session at 9:07 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Approval of the August 23, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the August 23, 2018 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 13, 2018 Board of Commissioners meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The September 13, 2018 Board of Commissioners meeting adjourned at 9:07 p.m.

Marlena Edwards, Deputy County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of September 2018. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk