

## BOARD OF COUNTY COMMISSIONERS

Eric 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



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

February 23, 2017  
7:00 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 7:00 p.m.

### Call to Order

Chairman Eric Maxwell called the February 23, 2017 Board of Commissioners meeting to order at 7:02 p.m. All members of the Board were present.

### Invocation by Vice Chairman Randy Ognio

Vice Chairman Randy Ognio introduced Pastor Wayne Turner from the Fayette Bible Church to offer the Invocation.

### Pledge of Allegiance

Vice Chairman Ognio led the audience and the Board in the Pledge of Allegiance.

### Acceptance of Agenda

Vice Chairman Ognio moved to accept the agenda. Commissioner Brown seconded. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

1. **Proclamations in appreciation of U.S. Congressman Lynn Westmoreland and Georgia House Representatives John Yates for their service and dedication to Fayette County.**

Chairman Maxwell stated that former Representative Lynn Westmoreland was unable to attend. Commissioner Charles Oddo presented former Representative John Yates with a proclamation on behalf of the Board and the citizens of Fayette County. Mr. Yates gave comments and thanked the Board and the citizens for the honor. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

### PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the Introduction to Public Hearings for the Rezoning of Property, identified as "Attachment 2," follows these minutes and is made an official part hereof.

2. **Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.**

Mr. Frisina briefed the Board regarding this petition. He stated that this petition was a companion to item #3 on the agenda. He stated that both petitions were recommended for approval by staff and the Planning Commission.

Mr. Randy Boyd, agent for the petitioners, stated that this property was on the south side of Seay Road and approximately a fourth of a mile from the intersection of Seay Road, Harp and Highway 92. He stated that the property was split back in the summer of last year. He stated that the request was to take one lot from A-R to R-80 and to develop four lots that would include the existing home. He stated that the owners are brother and sister and the plan was to build houses for the children of the sister. He stated that this was an area of the Comprehensive Land Use Plan that was designated for low density residential and their density was 3.6 acres and within the Comprehensive Plan. He asked that the Board would approve this request.

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

Vice Chairman disclosed that his parents lived on this road, but that there was no relationship, financial or any kind, to this petition.

Commissioner Brown moved to approve Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

- 3. Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.**

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

Commissioner Oddo moved to approve Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

- 4. Consideration of staff's request to adopt Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.**

Mr. Frisina stated that this was the annual report that was due to Atlanta Regional Commission (ARC) and to the Department of Community Affairs (DCA) for Regional and state review of the impact fees. He thanked the Finance Department for the financial information and Chief Scarborough who helped to get things on track.

Commissioner Brown moved to approve Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional

Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Oddo seconded.

Commissioner Brown stated that the impact fees are fees that are levied on new construction. He stated that the fees go to infrastructure and in this case it goes to Fire and EMS.

Commissioner Rousseau noted a change to be made to the dollar amount. He stated that the comma was in the wrong place. Staff noted the change.

Commissioner Brown moved to approve Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

#### **CONSENT AGENDA:**

Vice Chairman Ognio requested to remove Item #5 and Commissioner Rousseau requested to remove Item #8. Commissioner Oddo moved to approve the Consent Agenda with the exception of items #5 and #8 for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

#### **5. Approval of staff's recommendation to make enhancements to the Heritage Park Water fountain at a cost of \$60,000.**

Director of Building and Grounds Carlos Christian briefed the Board on options listed for this agenda item. He stated that the fountain was built by Building and Grounds staff in 1996 and that staff had tried to maintain the water fountain over the years. He stated that the granite stone had been cracking and the granite becomes slippery when wet. He stated that repairs are difficult because of the way it was designed. He stated that staff was proposing a medium grade granite and to include a rough finish to the granite to provide a safer surface for anyone who stands or sits on it. He stated that one of the options included a cast stone façade with a trim and base and the second option was the brick inlay façade and the cast stone trim and base. He stated that staff's preferred option was Option #1. He stated that staff would do the work on this project. He stated that the project would also include resetting and leveling the brick pavers around the fountain. He stated that the other part would be the installation of the LED lights inside the water fountain. He stated that staff was asking the Board to approve setting the budget to \$60,000 and the selection of Option #1.

County Administrator Steve Rapson stated that since both projects have cast stone he wanted to clarify that staff's recommendation was Option #1. He stated that the funding for the project had already been established at \$125,000 so there was not additional funding being requested. He asked the Board to give staff latitude on this project because once the project starts there may be other needed repairs discovered.

Commissioner Brown stated that he would like to see skateboard deterrent installed on the edge of the fountain to prevent skateboards from riding along the edge of the fountain. He stated that he would highly suggest that the Board consider adding these as part of the fountain. He stated that he would rather not use granite on the fountain because of the difficulty in maintaining it. He suggested using a pre-cast concrete. He also spoke of his concern of having the annual Christmas tree placed on top of the fountain. He stated that he had suggested placing it at the Old Courthouse instead.

He stated that part of the wear and tear comes from placing that metal tree bottom on the fountain. He concluded that the pre-cast would be maintenance free and would eliminate having to replace the granite later.

Mr. Christian stated that the cost for the skateboard deterrents would be approximately \$1,000. He stated that he kept the granite finish because choosing a different material would change the look of the water fountain and require more cost.

Vice Chairman Ognio stated that if granite was used he would like to see the overhang of the fountain reduced. He stated that it overhangs quite a bit and that he believes that was one of the problems with it breaking off. He stated that he worries about the skateboard deterrents being a trip hazard when there are events where people walk along the fountain. He stated that the LED lighting might be underpriced in the proposal. He stated that he was concerned with the wiring associated with getting the LED lights to work increasing the price.

Mr. Christian stated that staff considered that. He stated that was one reason for the façade and staff does not believe that would be an issue. He stated that staff proposed that the lip of the fountain be reduced in the proposal submitted.

Mr. Rapson stated that staff can look into the skateboard deterrents and that staff had not asked the City of Fayetteville to move the Christmas tree. He stated that last year when the topic was addressed the Mayor of Fayetteville was present and stated that the city was not interested in moving the tree. He stated that staff tried to keep the project consistent with the material that was currently there.

Commissioner Oddo stated that staff had been working on the pricing for a long time. He stated that staff had gotten the price down substantially from where it was.

Commissioner Brown stated that the County had to be able to maintain the fountain.

Commissioner Oddo moved to approve staff's recommendation, Option #1, to make enhancements to the Heritage Park Water fountain at a cost of \$60,000 and to have staff evaluate the skateboard deterrents and include if needed. Vice Chairman Ognio seconded. Discussion followed.

County Attorney Dennis Davenport stated that evaluating the skateboard deterrents and moving forward with them if deemed necessary would mean an increase to the dollar amount and although, understood, he would be more comfortable if it was stated for the record.

Commissioner Oddo amended the motion to approve staff's recommendation, Option #1, to make enhancements to the Heritage Park Water fountain at a cost of \$65,000 and to have staff evaluate the skateboard deterrents and include, if needed. Vice Chairman amended second. The motion passed 5-0. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

6. **Approval of staff's recommendation for a.) Board execution of the Construction Agreement between GDOT and Fayette County for PI #0012623 for the resurfacing of 85 Connector, Ebenezer Road and Brook Woolsey Road; b) BOC approval of GDOT oversight; and c.) BOC to approve the low bid from C.W. Matthews Co, Inc. for Bid #1236-B Resurface Three Roads in the amount of \$1,076,040.76.** A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.
7. **Approval of staff's recommended mid-year budget amendments to the fiscal year 2017 budget.** A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

8. **Approval of a recommendation from the Water Committee to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants.**

Commissioner Rousseau asked Mr. Rapson if he had a number of the attendance to this event in the past years. Mr. Rapson stated that the first year was basically the participants and the second year there was about 12-15 patrons to show up. He stated that staff was anticipating the number of attendants to be closer to 30 to 35 this year.

Commissioner Brown stated that the people present were the people who were participating.

Commissioner Rousseau stated that the information stated that people from "around the country" attended and it raised an antenna for him. He stated that if there was a sizable turnout for attendance then he might not want to waive the fee. He stated since there was not a large attendance he would approve.

Commissioner Rousseau moved to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

9. **Approval of a recommendation from the Water Committee to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for the scrimmage on March 11, 2017.** A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.
10. **Approval of the February 9, 2017 Board of Commissioners Meeting Minutes.**

#### **OLD BUSINESS:**

11. **Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the February 9, 2017 Board of Commissioners meeting.**

Commissioner Brown moved to table this item to the March 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Oddo stated that he voted in opposition the last time this was on the agenda and he would be voting in opposition again.

Commissioner Brown moved to table this item to the March 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 4-1 with Commissioner Oddo voting in opposition. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

#### **NEW BUSINESS:**

12. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017.**

Commissioner Oddo stated that he and Commissioner Brown met some wonderfully talented artist. He stated that he would like to make a motion to have Jennifer Johnson serve a full term to expire May 31, 2019.

Mr. Davenport stated that this was a two year term and that the Board has not had this type of motion before. He stated that the policy had been to evaluate every term for the person sitting in the seat as well as any new applicants. He stated that to approve this motion would be a departure of evaluating every seat when the term was up.

Commissioner Brown stated that these are all unexpired terms for the committee. He stated that it was advertised as fulfilling an unexpired term and it should stay that way.

Mr. Davenport stated that the Board created the seats to serve staggered terms and this should not be an issue once the unexpired terms have been served.

Commissioner Oddo stated that this was one of the items that he brought up last meeting that he wanted staff to review. He stated that it makes little sense to have someone for three months and then advertise it again.

Commissioner Brown stated that generally the Board would just reappoint the person.

Commissioner Oddo stated that the issue was re-advertising and having people take the time to come interview knowing that the Selection Committee would reappoint the person.

Chairman Maxwell stated that the issue was that this was advertised as an unexpired term.

Vice Chairman Ognio asked Mr. Davenport if there was a "cleaner" way to handle this issue.

Mr. Davenport stated that it was possible to have another short term seat on another board as well. He stated that he would have to revert to the policy this Board put into place. He stated that the Board wanted to evaluate every seat that came up and not just the person in the seat, but any potential applicant that wanted to apply for that seat to be considered every time the term was up. He stated that the Board had applied that policy consistently and to do differently now would be a departure from that policy. He stated that the Board could decide to change the policy, but whatever the decision he advised that the Board be consistent.

Commissioner Brown suggested reviewing the term expirations three months prior to the end of the term. He suggested discussing this at the Board Retreat.

Mr. Davenport stated that an idea way to look at this appointment could have been to advertise for two positions, one to fulfill the unexpired term and one to fulfill the two year term.

Commissioner Rousseau stated that he was in agreeance with that approach. He stated that he was going to ask if the individual was comfortable applying knowing that the term would expire in three months. He asked if it was possible for the Board to wait to appoint for this position in three months.

Mr. Davenport stated that knowing that the applicant pool had been interviewed already, the Board could look at this from the perspective of using the same pool of applicants for the two year term.

Commissioner Brown stated that there was currently a term being advertised with the same dilemma. He suggested leaving this appointment as is and having this conversation at the Board Retreat.

Commissioner Rousseau asked if the applicant was fully aware that they would only be serving three months. Commissioner Oddo stated that he did not recall the conversation during the interview.

Mr. Davenport stated that there are more seats on this committee coming due in three months. He stated that the time to advertise for them would be now.

Commissioner Oddo stated that he would defer to the policy for now and that the Board does need to evaluate the policy regarding the appointments.

Commissioner Oddo moved to appoint Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017. Commissioner Brown seconded.

Public Arts Committee Chairperson Donna Thompson stated that the committee needs the appointments because there had been an issue with not having a quorum for the meetings. She stated that if the upcoming position application deadline was March, then that person would only be on the committee for one or two meetings.

Commissioner Rousseau directed staff to have options for the Board to review and to advertise for the position immediately.

Commissioner Oddo moved to appoint Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

13. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.**

Commissioner Oddo moved to appoint Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

14. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.**

Commissioner Oddo moved to appoint Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

**15. Consideration of staff's recommendation to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event.**

Parks and Recreation Director Anita Godbee briefed the Board about the Relay for Life Event. She stated that the components of the Relay for Life consist of the Open Ceremonies, Survivors Lap, Caregivers Lap, Illuminating Ceremony and Closing Ceremony. Volunteers for the Relay for Life made comments regarding the event.

Commissioner Oddo moved to approve to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

**16. Consideration of staff recommendations for maintenance and repair of the Fayette County Administrative Building's parking lot.**

Public Works Director Phil Mallon briefed the Board regarding the Administrative Building's parking lot and the staff parking lot behind the building. He stated that there are two options and that both options include the removal of some trees. Mr. Mallon presented the proposed options to the Board.

He stated that staff was proposing three new landscape islands and to extend the existing island. He stated that under the preferred option the county would lose 15 parking spaces. He then presented Option 2 which includes losing 35 parking spaces. He stated that the cost to either option was practically the same at \$113,000 versus \$110,000 and both options include milling up the old asphalt and resurfacing the front and back of the building and restriping.

Commissioner Oddo asked Mr. Mallon to clarify why we would be losing the parking spaces. Mr. Mallon explained the drawing that was presented with the agenda item. He continued that staff would be working with the City of Fayetteville to complete the parking spaces by the gazebo so that the area was consistent. Commissioner Brown asked if the city would pay for their portion. Mr. Rapson stated yes. Mr. Mallon stated that after reviewing the records the parking spaces may be county property.

Mr. Davenport stated that the cost to the county could decrease if those parking areas do belong to the city. Mr. Rapson confirmed that was correct.

Commissioner Brown stated that he would be in favor of taking the asphalt from some of the larger specimen trees and foregoing some of the parking spaces and gently taking the top layer of asphalt back to create a large greenspace.

Mr. Mallon stated that could be done.

Commissioner Oddo stated that he noticed on occasions that the parking lot was totally full. He stated that in either options we would be losing parking spaces.

Mr. Mallon stated that staff could do what was being asked without losing additional spaces other than the ones presented.

Commissioner Rousseau asked where this project was on the project list. Mr. Mallon stated that the Road Department was ready to begin upon approval. Commissioner Rousseau asked what the turnaround time was. Mr. Mallon stated March or April. Commissioner Rousseau asked if the remaining funds from the fountain could be "co-mingled".



Mr. Rapson stated that staff's recommendation was to move forward with Option #1 and pull the \$113,350 out of Project Contingency and when the fountain was complete, the funds that were left would roll back to Project Contingency.

Commissioner Brown moved to try to adhere to the plans in Option #1 with the provision that the islands are enlarged, that staff removes the tree closes to Highway 54 and attempts to save the existing tree canopy, and that the funds come from the Project Contingency fund. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.

**17. Consideration of staff recommendation to complete maintenance and repair work to Fayette County's Administrative Building (CIP 6565B).**

Mr. Christian stated that there was an approved Capital Improvement Project (CIP) for maintenance and repair work for the Administrative Building. He stated that staff worked to keep the scope as originally submitted with the CIP. He stated that it was discovered that there are structural issues in the rear catwalk and front handrails that had to be addressed. He stated that additional monies had to be spent to keep those repairs. He stated that staff was doing the repairs in-house. He stated that staff would like to move forward with pressure washing the building, painting the exterior and replacing some of the awnings and replacing the signs around the building to bring uniformity to the signs.

Mr. Rapson stated that it would also include the light poles being sanded and repainted and the leveling of the brick on the sidewalks. He stated that the in-house staff that was doing the welding on the catwalk and the handrails saved the county roughly \$150,000. He stated that it was an awesome reflection of the staff at the County.

Vice Chairman Ognio stated that he would rather look at replacing the poles. He asked if there was funds in LED lighting to have the poles replaced. Mr. Rapson stated that the poles could be replaced. He stated that there was \$738,000 in Project Contingency that could be used for the poles. Mr. Christian stated that the staff could evaluate how much that would cost.

Vice Chairman Ognio stated that staff could just place new poles on the pedestal and put in LED lights.

Mr. Rapson stated that he would recommend moving ahead with this project and having staff come back with details for the light poles so that this project was not delayed.

Commissioner Brown moved to approve Capital Improvement Project 6565B as budgeted for \$264,400 for the maintenance and repair work to the Fayette County's Administrative Building from the Capital Improvement Project fund. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Oddo asked if the light poles were brought back at a later time would staff have to tear up the parking lot. Mr. Christian stated that staff should be able to bring back lights that fit on the existing base. Commissioner Oddo asked staff to verify that the parking lot would not have to be affected before moving forward.

Commissioner Brown moved to approve Capital Improvement Project 6565B as budgeted for \$264,400 for the maintenance and repair work to the Fayette County's Administrative Building from the Capital Improvement Project fund. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part hereof.

**18. Consideration of staff's recommendation to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road.**

Transportation Engineer Joseph Robison introduced himself as a new employee and briefed the Board. He stated that the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank helps local communities complete projects. He stated that the Town of Tyrone and Newnan are two jurisdictions that have taken advantage of this grant. He stated that the Engineering Department came up with projects that would fit with the criteria of the program. He stated that the \$400,000 grant represents roughly 25% of the construction cost. He asked for Board approval on this project.

Vice Chairman Ognio welcomed Mr. Robison aboard and that it would be great to get the grant to help with the project.

Vice Chairman Ognio moved to approve to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 18," follows these minutes and is made an official part hereof.

**19. Consideration of staff's recommendation to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund.**

Road Department Director Steve Hoffman briefed the Board regarding this item. He stated that staff was seeking approval to surplus eight pieces of equipment and three vehicles. He stated that the funds would be returned to the Vehicle Replacement Fund.

Vice Chairman Ognio asked would they be placed on GovDeals with a minimum price. Mr. Hoffman stated yes.

Commissioner Rousseau stated that he visited the yard and this would help staff in clearing out equipment.

Vice Chairman Ognio stated that this would not stop the paving of dirt roads, but would move from the large quantity dirt moving. Mr. Hoffman stated that was correct.

Vice Chairman Ognio moved to approve to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part hereof.

**20. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43.**

Mr. Davenport stated that this tax refund request had to do with the square footage of a residence being substantially less than what was on the property tax card which yielded an error in the assessment of the value. He stated that the error in 2014 was \$2,155.95 and in 2015 it was \$2,118.48 for a total of \$4,274.43. He stated that the request was made for 2013 but that the request for 2013 was beyond the three year statute with regard to tax refund request.

Commissioner Oddo moved to approve disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 20," follows these minutes and is made an official part hereof.

**21. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71.**

Mr. Davenport stated that the tract of the property was 2.88 acres and there was a substantial amount of the property condemned to be used by the Georgia Department of Transportation. He stated that when a government authority such as GDOT condemns property and goes through the court hearing process and gets an order of condemnation, the only way the taxing authority was made aware was for the order to be filed with the deed records to show that the property was removed from the taxpayers' deed. He stated that process did not occur. He stated that the tax bills were sent with the same acreage of 2.88 acres to the taxpayer who dutifully paid the bills even though a good bit of the property was owned by GDOT. He stated that the request was to seek refunds for 2009 to 2015. He stated that consistent with the last recommendation, anything beyond 2014 was an excess of the three year window for statute of limitations for tax refund request. He stated that he recommended approval for the total amount of \$234.71.

Mr. Buddy Hand stated that he was just trying to help his father request the refund.

Chairman Maxwell asked if he understood the recommendation from the County Attorney. He asked Mr. Davenport to further explain.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71 with denial of all other years. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 21," follows these minutes and is made an official part hereof.

**22. Discussion regarding the approval of the Standard Utility Agreement for a water line relocation for the State Route 54 Road (PI 721440) project.**

Commissioner Brown made a presentation regarding the discussion on State Route 54 East widening and McDonough Road widening. He stated that the Board had asked a lot of questions of GDOT since 2013 and the Board had received very little in the way of answers. He stated that the County was asked to sign paperwork regarding the movement of utilities in the excess of \$1 million related to the Hwy 54 East widening project. He stated that he asked to have this contract placed on the agenda because he would like to see if he could get the Board to possibly reconsider. He shared his concerns regarding this project. He stated that GDOT talks about "logical termini" in the road projects. He stated that depending on where the termini rest it would determine what to expect from the projects. He stated that the idea was to take existing state routes that form a loop around Highway 85 and supercharge the capacity of the existing state route so that the right-of-way would not be a problem because the road structure already exist. He stated that the capacity could not be expanded on Highway 54 because there are historical buildings, a massive church and GDOT stalled at that point. He stated that with volume and increase in capacity would follow. He stated that a letter was submitted in 2014

with the SR 920 concerns and the Board did not receive any answers back from GDOT. He stated that it was important to note that the logical termini for Phase I was I-75 and Phase II was Fayetteville. He stated that GDOT states on the document that the primary purpose was to increase capacity and the reason was to offload traffic off of I-75 and move it east/west. He further presented information provided. He stated that GDOT had not answered concerns related to the construction of county property and services with the McDonough Road project. He stated that GDOT had not answer the questions regarding future traffic solutions, answers to why the county was paying for the build-up of traffic congestion in the County's system, was the County responsible for large increases in residential housing densities in other counties, why was the County being asked to pay anything when GDOT was receiving additional annual tax revenue from a sales tax that the legislature voted for in 2016 and lastly why was there a delay in GDOT projects that were important to the County. He stated that he would suggest that the Board not sign the agreement until GDOT can tell the Board what was the solution at the other end of the termini.

Mr. Wayne Turner stated that he lives on McDonough Road he attended the meeting in July 2013. He stated that because of the cemetery east of where he lives, the road comes over and cuts off a third of his front lawn. He stated that part of his front lawn would be on the other side of the street. He stated that he could not see having more traffic there because the capacity was already heavy.

Chairman Maxwell asked Mr. Rapson to explain the letter that was received from GDOT.

Mr. Rapson stated that in 2015 there was an issue that the County had been requested to move the utilities out of the Georgia 54 right-of-way because it was a state route and the County had waterlines there. He stated that was presented to the Board in February and approved with a 3-2 vote with Commissioner Brown and Vice Chairman Ognio voting in opposition. He stated that being presented was the standard utility agreement that aligns the cost associated with the moving of the utility. He stated that part of the reason it took so long to receive was because GDOT was working on the cost estimate and in this case when the County first received notification of the cost at over \$2.1 million. He stated that the County had set aside \$1.3 million. He stated that GDOT agreed to let the County use the contractor, Shockley, to reduce the \$2.1 million contract to what was being presented at \$1,289,446.19. He stated that this was two different projects being discussed.

Chairman Maxwell asked Mr. Davenport what would be consequence if he did not sign the agreement.

Mr. Davenport stated that two years ago the Board told GDOT that they believed the estimate was too high. He stated that over the past year and a half GDOT went back and later came back with new numbers. He stated that if the Board had not asked them to do that then the agreement may have been signed about a year ago. He stated that in that context the County was saying that we are willing to pay to move the waterlines out of the state right-of-way. He stated that it was state right-of-way, they are widening the road and they are asking the County to move the utility. He stated that if the Board were to tell GDOT "we will not sign this agreement", it would be more than just refusing to move the waterline out of the right-of-way it was the actual year and a half time that GDOT spent to work with the County at the County's request. He stated that if the County did not move the waterline he suspect that GDOT would still remove the waterline and bill the County the \$2.1 million instead of the \$1.289 million. He stated that they could probably do that because a lack of cooperation could provide punitive action on the part of GDOT.

Mr. Rapson stated that McDonough Road was a temporary state route that would be designated a state route after this project.

Commissioner Brown stated that it was easy to view these projects as separate, but that GDOT was treating these projects as a single entity because they do work in combination with each other. He stated that he would stress that the Board look at what Atlanta Regional Commission (ARC) put together in the diagram and see that they could not get it past Fayetteville. He stated that the County should see the red flags. He stated that he see the projects as one in the same. He stated that he would not want the Chairman to sign the document until someone at GDOT can explain what happens beyond the logical termini for both of the projects. He stated that he was not saying to object the project but to wait until the Board could get those answers from GDOT.

Commissioner Oddo stated that it was his understanding that the Highway 54 project was approved and that GDOT had purchased all the right-of-way. He stated that the projects are two separate projects and the County would be risking money and a critical relationship. He stated that he was not sure what the Board was going to be voting on because most of the backup was McDonough Road. He stated that there had been movement on this project. He stated that these are two different projects and the agreement was approved and therefore he did not see a reason not to sign the agreement.

Vice Chairman stated that he was in agreement with Commissioner Brown. He stated that GDOT cannot explain where the traffic would go and if more traffic was moved through the intersection faster it would be worse. He stated that this was not coming from the County's area DOT, but from the Clayton/Henry DOT. He stated that to promote the project would be crazy without a traffic plan to move the traffic through. He stated that the County already does not receive funds to improve the current road system, but they want to add more traffic. He stated that one issue that was a concern was that one person cannot decide not to sign something that was passed without the Board making a recommendation not to sign it. He stated that there are legitimate issues addressed and until GDOT provides the answer to where the traffic would go there should be a motion not to sign the document.

Commissioner Rousseau stated that the document in front of him states that the Board was executing an agreement entered into between the County and Georgia Department of Transportation, GDOT. He asked was the vote mentioned in the documentation properly conducted in 2015. Mr. Davenport stated that it was. Commissioner Rousseau stated that the Board at that time agreed to enter into an agreement. He stated that procedurally the Board was finalizing a vote. He stated that he and Chairman Maxwell were not present at the time that the agreement was approved and if the question was to be educated about this project it could have been done by pulling staff together to get the information. He stated that it was procedurally inappropriate for the Board to intertwine an agreement dully adopted by the Board to try to "cherry pick" another issue because there was an opening. He stated that the Board members should conduct the business fairly and do it with integrity. He stated that the Board should do this first and then bring back the other issue later. He stated that the public who was watching, according to the agenda, would think this was about Highway 54 and the traffic, but instead it was about executing a document that the Board authorized to be done. He stated that he was calling a procedural issue to only vote on the issue about signing the agreement that the Board approved. He cautioned people not to be misled. He asked the Board to stop this discussion and execute the agreement as approved. He stated that this Board was obligated to carry out the mission that the Board approved to be done. He stated that the Board raised some legitimate questions regarding cost and the new amount came back and so the Board did not get the option to hold signing the agreement because there was an opening. He stated that for him it was an ethical issue. He stated that the Board needs to be careful when it gets that deep into something because there was an opening. He stated that the public was misled when things like this happens. He stated that he was not saying that it was anyone's intention to do it but when the public was barely educated of the nuances of these projects it had a tendency to misled them.

Chairman Maxwell asked Mr. Davenport if a vote was taken does anyone have the right to have the item reconsidered at a later date. Mr. Davenport stated that the Board's procedures does not prohibit any item from coming back to the Board at any time on any issue. He stated that because of the delay it created an opportunity for this issue to come back up again because there was not a hard deadline provided for the agreement to be signed; although as stated by Commissioner Rousseau it was something that was agreed upon two years ago. He stated that the agreement was properly before the Board because there was nothing to prohibit the Board from voting in a different direction.

Chairman Maxwell stated that he was trying to address Commissioner Rousseau's issues of mixing the two projects. He stated that his concern was that he received a document, with an amount of \$1.3 million and he wanted to know what he was being asked to sign. He stated that it was approved in February 2015 and it should have been signed when Commissioner Oddo was Chairman, ideally. He stated that he was not against the document one way or the other. He stated that he wanted to bring it to the Board so that he could learn more about the project.

Commissioner Rousseau stated that he was in disagreement of the Chairman not signing the agreement. He stated that the Chairman had an obligation to sign the agreement first and then to discuss.

Mr. Davenport stated that the document was brought before the Board properly. He stated that the Board had competing interest that had to be resolved within the body. He stated that there was a vote to sign an agreement, but there was not an agreement to sign for two years. He stated that Commissioners have the prerogative to put any item on the agenda about any issue. He stated that if there was a Commissioner that wanted to address an issue that was voted on two years ago regarding an agreement that had not been signed, by no fault of the Board, there was nothing that crossed any legal lines to prevent it from being brought back to the Board. He stated that if the Board does not want it to come back on an agenda, then the agreement would be signed based on the vote that was taken two years ago.

Commissioner Rousseau stated that his issue was the starting point. He stated that once the issue related to cost was out of the way, and the parties were in agreement, then the document should have been signed.

Mr. Davenport stated that was accurate, but it had to be viewed in the context of what was allowed by the internal procedures.

Commissioner Brown stated that there was nothing unethical about what was done. He stated that he was doing something that can be done with any issue.

Commissioner Rousseau stated that the reason he brought in the word "ethic" was to differentiate between the road issue and the moving of the utility. He stated to mix those becomes a dangerous component. He stated that the ethic issue was mixing the two projects. He stated that the issue for him was that this agenda item was about executing a document that was dully voted on and not about the road widening project. He stated that it was not a County road, it was a state road and that the County was in their right-of-way. He stated that the County would do the same if any other individual was in the County's right-of-way. He apologized and stated that he wanted to be clear about using the word "ethic".

Chairman Maxwell stated that he got a legal opinion and was told that he was moving forward in the scope of his authority. He stated that he did not know how that caused him to be accused of an ethical situation. He stated that he did not know what this issue had to do with ethics.

Commissioner Brown moved to request that the Chairman not sign the document pending further information from the Georgia Department of Transportation on how the County was to respond to the increasing number of traffic volume that would follow after the widening Highway 54 East and to have a vote after that information was received. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Oddo stated that he also sees this as an issue of integrity of the Board. He stated that if agreements cannot be relied upon, then that would speak to the Board and could cause problems down the road. He stated that when he served as Chairman he had to sign agreements that he did not agree with but because it was approved by the Board he would have to sign. He stated that when GDOT widens the road the County will have to move the utilities. He stated that not signing the agreement could cost the county substantially more to move the utilities.

Commissioner Brown stated that he worked with GDOT over 20 years in different jurisdictions and that GDOT takes very seriously what the local jurisdictions want. He stated that this project was one of the most important decisions that the Board would make including its relation to the McDonough Road decisions that are forthcoming. He stated that it would affect land development, traffic congestion and quality of life. He stated that whatever was decided would be a mile post and a change in direction for this county.

Commissioner Oddo stated that there was more information to analyze regarding McDonough Road. He stated that it would affect the road whether it was four lanes or not four lanes. He stated that the County was growing and would keep growing. He stated that doing nothing was not an option. He stated how dangerous the McDonough Road was currently.

Commissioner Rousseau stated that for the record his issue about using the term ethics was to talk about the procedure not any individual. He stated that it was not his intention to speak in terms of personal ethics, but the ethics of this body was at stake.

Vice Chairman Ognio stated that there was a Resolution that was sent to GDOT and there was not a response. He stated that at this point there needs to be something different done.

Mr. Rapson stated that Mr. Mallon received feedback regarding McDonough Road, however the McDonough Road issue was a separate issue.

Commissioner Brown moved to request that the Chairman not sign the document pending further information from the Georgia Department of Transportation on how we are to respond to the increasing numbers of traffic volume that would follow after the widening Highway 54 East and to have a vote after that information was received. Vice Chairman Ognio seconded. The motion failed 2-3 with Chairman Maxwell, Commissioner Rousseau and Commissioner Oddo voting in opposition. A copy of the request, identified as "Attachment 22," follows these minutes and is made an official part hereof.

Chairman asked Commissioner Brown to work on a letter to be sent to GDOT regarding Highway 54 and McDonough Road. Commissioner Brown stated that he did not have a problem with that request.

Mr. Rapson stated that he would have Mr. Mallon send a summary to the Board of what information he received.

#### **PUBLIC COMMENT:**

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

Roy Bishop stated that he had questions about the Veterans Parkway and Westbridge Road intersection. He stated that Mr. Rapson gave him a schedule and he would like an update because it was behind schedule. He asked if the right-of-way had been secured and if so, did the County have to condemn the property.

### **ADMINISTRATOR'S REPORTS:**

Mr. Rapson stated that there was a schedule provided that was developed by Mr. Mallon. He stated that he checks with Mr. Mallon weekly to be sure the County was on schedule and so far we have been on schedule. He stated that he would not discuss property acquisition because that was discussed in Executive Session. He stated that this was a lead project and the County was working hard to complete the project.

Mr. Rapson asked for a Selection Committee for the Public Arts Committee.

Commissioner Oddo asked if it would be feasible to have four selection committees for the each of the vacant seats.

Commissioner Rousseau moved to approve Commissioner Brown and Vice Chairman Ognio serve as the Selection Committee to the Public Arts Committee. Vice Chairman Ognio seconded. The motion passed 5-0.

Mr. Rapson announced that the Blended Heritage event would take place at the Fayette County Library on Friday, February 24 at 7:00 p.m. He stated that the playground equipment was being installed at Kenwood Park and the contract was signed for the design of the restrooms. He stated commended Chief Financial Officer Mary Parrott and the Finance department for the findings from the Georgia Department of Audits. He stated that there were no comments given. He stated that a review of the Comprehensive Report, all the different accounting funds and all the ways the County handles transactions and Georgia Department of Audits had nothing to say, which was unusual for the state of Georgia. He stated that it was a great accomplishment. He stated that the second department that he wanted to brag on was Lee Pope and the Water System. He stated that the County received the Sanitary Surveys for the Water Treatment plants and the scores where 95.6% and 95.8%. This was a huge improvement from previous years.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated there were five items for Executive Session, four items involving Threaten Litigation and the Review of the February 9, 2017 Executive Session Minutes.

### **COMMISSIONERS' REPORTS:**

**Commissioner Oddo:** Commissioner Oddo congratulated the Finance Department and the Water System on the accomplishments. He stated that staff was evidence of a fantastic County. He stated that the Commissioners attended the South Metro Development Outlook Conference today and it was a long day. He congratulated and thanked former Representative Yates and Representative Westmoreland, who was not present, for their service.

**Commissioner Brown:** Commissioner Brown stated that the Board has spirited discussions and it was good to have the discussions and the Board should keep having the discussions because some of the topics are extremely important.

**Vice Chairman Ognio:** Vice Chairman Ognio stated that he wanted to remind citizens that the state legislative session was about half way through. He stated that they passed one of the largest balanced budgets for Georgia. He stated that the transportation funding was increased by \$185 million. He stated that he encourages citizens to contact their representatives because there are hundreds of Bills being considered. He stated that there was one Bill that was a concern for the Board. House



Bill 204; Property Tax Bill to not include non-tax related fees and assessments on tax bills. He stated that it concerns the Board because the Street Light District was on the tax bill. He stated that there are 350 neighborhoods that are billed for the street light. He stated that if the County cannot put that fee on the tax bill it would cost the County money to send out additional bills. He stated that he would like for the Board to send a letter to the Representatives from the Board saying that the Board did not support House Bill 204.

Mr. Rapson stated that he received an update from Association of County Commissioners of Georgia and it was prevented from coming out of the House. He stated that there was another week to go before it could come out of the House into the Senate.

The Board agreed to have a letter sent.

**Commissioner Rousseau:** Commissioner Rousseau stated that he makes a whole-hearted attempt to apologize if he implied or directly said, that he was personally questioning anyone's ethics. He stated that he was referring to the Board's ethical responsibility. He stated that he apologized to the audience and to be clear that he had not encountered any type of issue, directly or indirectly, where anyone on the Board acted in an unethical manner.

**Chairman Maxwell:** Chairman Maxwell stated that he was at the Atlanta Regional Commission and they have a program called MARC Model Atlanta Regional Commission. He stated that it involves high school students and he would like to have the flyer posted on the website. He stated that the deadline to submit an application for the program was April 7. He stated that some of the students have their ideas implemented.

#### **EXECUTIVE SESSION:**

**Five Items of Threaten Litigation and Review of the February 9, 2017 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:25 p.m. and returned to Official Session at 10:38 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 Rousseau seconded the motion. The motion passed 5-0. A copy of the Affidavit, identified as "Attachment 23," follows these minutes and is made an official part hereof.

**Approval of the February 9, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the February 9, 2017 Executive Session Minutes. Commissioner Rousseau seconded the motion. The motion passed 5-0.

#### **ADJOURNMENT:**

Commissioner Brown moved to adjourn the February 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The February 23, 2017 Board of Commissioners meeting adjourned at 10:39 p.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 9<sup>th</sup> day of March 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk