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

June 22, 2017 7:00 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 7:00 p.m.*

*The Board of Commissioners new meeting time will change to 6:30 p.m. effective July 13, 2017.

Call to Order

Chairman Eric Maxwell called the June 22, 2017 Board of Commissioners meeting to order at 7:03 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

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

Acceptance of Agenda

Chairman Maxwell moved to accept the Agenda and to add Item 1a. County Administrator's recognition of staff. Commissioner Steve Brown seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County State Court interns.

State Court Judge Jason Thompson, on behalf of the Board recognized law school student interns, LaJimmie King (Texas), Siarra Carr (Fayette County High School), college intern Carla Whitehead (University of Georgia) and high school interns Sydney Jones (Fayette County High School) and Rose Wilson (Starr's Mill High School). Judge Thompson also introduced Paige Jann and thanked her for her part in obtaining the grant for the interns through the Association of County Commissioners of Georgia (ACCG) and for her selection of the interns.

1a. County Administrator's recognition of staff.

County Administrator Steve Rapson awarded the *County Administrator's Award of Excellence* to Parks and Recreation Director Anita Godbee for her work with the 2017 Balloons Over Fayette event and Environmental Management Director Vanessa Birrell for her work on the 2017 Special Purpose Local Option Sales Tax (SPLOST). Both recipients thanked everyone that helped to make the respective projects successful.

PUBLIC HEARING:

2. Public Hearing on Fayette County's recommended annual budget for Fiscal year 2018 which begins on July 1, 2017 and ends June 30, 2018, and adoption of Resolution 2017-09 establishing the annual operating, capital and CIP budgets for Fiscal Year 2018.

Chief Financial Officer Mary Parrott presented a PowerPoint presentation of the fiscal year 2018 proposed budget to include three items for consideration (Consideration #1. UGA Solicitor and State Judge supplements, Consideration #2. Fayette FACTOR request for assistance with rent increase and Consideration #3. Fayette CARE Clinic request for assistance with rent increase and the Health Department's request regarding a new facility) and the findings of the pay and class study.

Commissioner Charles Oddo recused himself, as he had done in the previous Board meeting, from discussion of items regarding Fayette FACTOR because his family has a financial interest with the organization.

This was the second public hearing of the proposed fiscal year 2018 budget. The presentation included one change to the proposed budget from the first public hearing to include increasing the supplement for the Griffin Circuit Superior Court Judge from \$36,000 to \$40,000 with an impact to the budget of \$24,742 and decreasing the positive fund balance from \$656,897 to \$632,155. By state law the changes also impact the salaries for the State Court Judge and the State Solicitor. The proposed recommendation was to also increase the supplements for the other Constitutional Officers; Clerk of Superior Court, Tax Commissioner, Sheriff and Probate Court Judge at a 2.4% increase as included in the \$24,742 total. Fayette County's portion of funding the Griffin Circuit was \$8,711.31.

University of Georgia (UGA)/Carl Vinson Institute of Government Public Service Assistant Alex Daman presented and answered questions regarding the Classification and Compensation Study. The objective of the project was to update the content and format of the job descriptions, to update the classification system, to collect and analyze wage survey data and to work with the Human Resource department on implementation of project results, if approved by the Board and to ensure the implementation and maintenance of the system. He explained the steps taken for the study. He continued that upon the completion of the project each department would have an updated job description for each position in its department. Each position was assigned one of twenty-two salary grades (5-26) and each salary grade was given a salary range associated with the position. The counties and municipalities included in the Salary Survey included: Clayton County, Coweta County, Henry County, Spalding County and the City of Fayetteville, City of Griffin, City of Newnan, and the Town of Tyrone. The total proposed implementation cost figures are projected based on a current payroll total of \$29,705,787.54. The current compensation plan total was \$206,831 with \$78,000 associated with the study, \$55,000 was contributed to the enhancement in the 911 and Fire & Emergency Services departments and \$66,000 was associated with the new classification for the advanced EMT position.

There were no comments in favor or in opposition from the public.

Mr. Rapson explained the methodology used for the compensation and class study. He explained that the adjustment for the general fund was \$78,000. He stated that there was direction from the Board to review the Advanced EMT position which resulted in the \$66,000 increase and the 911 Operators to be moved up two steps with a \$55,000 impact.

Commissioner Brown wanted to make clear that the ultimate responsibility of the Board was to the taxpayers. He asked why there was no consultation with the Board while conducting the study. Mr. Daman responded that there were meetings with the department heads, constitutional officers and commissioners were invited to attend those meetings. He stated that there was no meeting individually with the commissioners, but that they did meet with the constitutional officers.

Commissioner Rousseau stated to be clear, invitations did go out and that he attended one or two meetings, however from Commissioner Brown's point, the meetings were on the front end as opposed to meeting once a recommendation was determined.

Mr. Rapson stated that the retreat was when the Board gave direction. Commissioner Rousseau stated that the Board did not have the findings at that time. Mr. Rapson stated that was true. He stated that the report was shared with the Board as soon as it was made available.

Commissioner Brown stated that he would have liked to have some dialogue before the plan was inserted into the budget before giving the Board a chance to see it. He asked if Mr. Daman had done similar studies for other counties in metro Atlanta. Mr. Daman stated that they had worked with the City of Griffin, Upson County, City of Thomaston, Bartow and City of Dallas. Commissioner Brown stated that in using the Department of Labor statistics, he assumed that would mean that they used Atlanta, Sandy Springs and Marietta in the study. Mr. Daman stated that the metro area was defined by the United States Department of Labor who received their definitions for the metropolitan areas by the Office of Management Budget which comes from the executive branch of the United States government. He stated that it was not a judgment that Carl Vinson could make. He stated that Atlanta, Sandy Springs and Marietta are included and so were Clayton County, Spalding County and Henry County. He stated that no data was used from International County/City Managers Association (ICMA). He stated that the Bureau Labor statistics were for validation purposes. He continued that the American Water Works Association data was national data from other city and county owned facilities that were similar to Fayette County Water System's customer base. Information from the Department of Community Affairs was used for the eight communities when collecting their pay data and six of the eight have recently provided adjustments to employees.

Commissioner Brown stated that by blending data from national and metro Atlanta skews the data. He stated that Fayette County would never be in Fulton or Gwinnett counties' class. Mr. Daman stated that they were not trying to make those judgments and that those were only used in instances where the other eight communities did not have the equivalent water utility positions and that was why the American Water Works Association was also used to gather data.

Mr. Rapson stated that the minimum and maximum data was only generated from the eight jurisdictions given by the direction of the Board. The metropolitan counties were only used as a benchmark to ensure that there were no oversight when evaluating the grades, therefore it was not mixed data.

Commissioner Brown stated that the data was skewed even when using the other jurisdictions as a benchmark. He stated that the other eight jurisdictions would have had to use a rational budgeting process. He stated that he had a problem with Clayton County being used as part of the group of eight because of the international airport in their jurisdictions. Mr. Daman stated that the direction from the Board was that this was the eight that the County wanted to benchmark against. The jurisdictions were not selected by UGA.

Mr. Rapson stated that there were 251 classifications with 34 classification changes (13.5%) and 6% of the entire workforce that was effected in dollars with this study. He stated that if the findings had been skewed there would be a radical difference in the outcome.

Commissioner Brown asked if there was ever any discussion of leading in some areas, lagging in other areas or match in areas. Mr. Daman stated that the direction was to objectively collect all the data and classification data was generated from the county employees' surveys and interviews. The changes were made where there were changes in duties or evolution of job since the last report. Mr. Rapson stated that the two areas where Carl Vinson was instructed to lead were with 911 and the Advanced EMT.

Commissioner Rousseau inquired about the participation response to the inquiries for the job class. Human Resource Director Lewis Patterson stated that it was 100% participation.

Commissioner Brown asked if the salary comparison across the private sector was for the purpose of benchmarking. Mr. Daman stated that no specific private industry was reviewed for this project. He stated that the Bureau of Labor Statistics was inclusive of all industries; private, government and non-profit sectors.

Commissioner Rousseau stated that one of the inherent dangers was for employees to believe that this study would lead to a pay increase when the goal was to reevaluate the classifications. He stated that he hoped that the County did a decent job in conveying that information, although he was not sure that it had. He stated that once additional clarification was given and the study was conducted, he had a problem with receiving the study at such a late time before having to adopt the budget. Mr. Rapson stated that Carl Vinson followed the original schedule. Commissioner Rousseau wanted to know what mechanism was in place for staff to challenge the findings if they did not agree. Mr. Rapson stated that upon receiving the primary report, the job descriptions were reviewed by the staff and if there were any problems they were given back to Mr. Patterson and then sent back to UGA. He stated that he and Mr. Patterson then held "listening sessions" with the staff if there were concerns. There was enormous amount of conversation with the department heads and staff about how this study was going to be conducted. He stated that adding the changes to 911 and the Advanced EMT position did not slow the study down. He stated that it takes time to evaluate 241 classifications to make sure they are consistent.

Commissioner Brown asked who determined the values for the compensatory factor. Mr. Daman stated that as a third party vendor, with no bias within the organization, University of Georgia Carl Vinson was responsible for rating all the jobs and determining the compensation of each grade. The development plan was unique to Fayette County and only to the positions in Fayette County. Commissioner Brown stated that his frustration was with the strategy used in this process. He stated that the Board never had a strategy session to discuss how to approach the study.

The Board recessed at 8:19 p.m. The Board reconvened at 8:27 p.m.

Mrs. Parrott stated that the first item for consideration was regarding the supplements for the Solicitor and State Court Judge. A PowerPoint of comparison data from Clayton, Coweta, Henry and Spalding Counties. She stated that the Board requested information on supplements paid to other State Court Judges and that information was also provided. She stated that in 2006 the State put a cap on the supplements at \$50,000, however any of the circuits that exceeded that amount were grandfathered in. There was \$40,000 for the supplement included in the current budget proposal. She stated that the other proposed options were \$43,000 or \$50,000 for the supplement.

Commissioner Brown stated that there was no barring with the other Constitutional Officers and that they were added as a courtesy, for lack of a better word. Mrs. Parrott stated that was correct. The State Court Judge and Solicitor's supplements are based on the Superior Court Judge's supplement and would be automatically changed. The other four Constitutional Officers were included as a recommendation and are all currently receiving a supplement.

Superior Court Judge Christopher Edwards offered comments regarding the request for an increase of the judge's supplements. He stated that the last change to the supplement was ten years ago and that during his time as judge he had not used an official court reporter or an official transcriptionist which, according to the County, saved around \$90,000 per year. He stated that the other judges that signed the memorandum agree to sunset the transcriptionist positions.

Chairman Maxwell asked Judge Edwards to give a history of how the \$36,000 in supplement came about. Judge Edwards explained. He continued that when he was made Chief Judge in 2010 there was a Chief Judge's supplement, but he rejected acceptance of that supplement and never requested it since that time. He stated that this was his first

time coming before the Board with this request. He further explained how the circuit was set up and the case assignment system.

Commissioner Brown commended Judge Edwards on a job well done in the courtroom. He stated that he would like to see some reform on judges' supplements from the State and the local government.

Commissioner Rousseau also commended Judge Edwards on the highest level of integrity that each judge operates and on the efforts to collaborate with the county regarding the budget. He stated that the judges play a part in helping the Board in making decisions for the budget. He thanked Judge Edwards and Judge Thompson for being a team player. He stated that he had no issues with the request in terms of equity, fairness or bringing balance to the equation. He stated that his issues would be procedural when deliberating this issue.

Mrs. Parrott briefed the Board that the second item for consideration was with Fayette FACTOR. She stated that the request was for \$7,000 to be funded to help with utilities. The PowerPoint presentation showed the breakdown of utilities and was currently being paid. The utilities ranged from \$450-\$580 and the rent was \$5,544 and the new cost to FACTOR for rent was due to increase in association fees and that cost was the \$792. The request was for a total of \$7,000.

Fayette FACTOR pays rent to another organization. Mrs. Parrott explained that AVPride was the lease holder and that FACTOR sublets from them. Mr. Rapson stated that AVPride was allocating \$792 to FACTOR. He was uncertain as to how the fee was determined.

Commissioner Brown stated that in the past the County had given FACTOR building space. Mr. Rapson stated that was correct and that they occupied the space at the Department of Drivers Services location until 2006. He stated that now that the building was empty, FACTOR determined that the renovation would be too costly to occupy.

Vice Chairman Ognio stated that the owner of the building was already an organization that the County gives money to which was Bloom.

Commissioner Rousseau stated he asked staff to get him all non-profit, non-governmental agencies that are funded by the County. He stated that FACTOR does not fit the category of a state mandated requirement. Mr. Rapson stated that FACTOR was not a mandated agency under the state, but they are an acknowledged agency.

Mrs. Parrott stated that the third item for consideration was regarding other organizations that have requested funding. The first one was for \$14,000 for Fayette CARE Clinic and a request from the Health Department for a more suitable facility. She stated that staff had followed up on grant opportunities and the County may be eligible. She stated that there will be a workshop held in December regarding the grant. She stated that the County could apply for the grant in March of 2018 and it was for \$750,000. The match for the County would be \$22,500. She stated that there would likely need to be a commitment from the County to fund the entire facility to increase the chances for receiving the grant. She stated that 70% of those who would benefit from this grant had to be in the low to moderate income level.

Fayette CARE Clinic Executive Director/Medical Director Dr. Loida Bonney offered comments regarding the services provided through Fayette CARE Clinic and the request for assistance to supplement the shortfall to cover the cost of rent. Dr. Bonney gave a brief history of the clinic. She stated that Fayette CARE Clinic limits the services provided solely to the citizens of Fayette County. She stated that Fayette CARE Clinic was struggling to keep the doors open. She stated that with a budget of less than \$400,000 to \$500,000 a year, the clinic had managed to provide between \$2.2 million to \$2.5 million worth of services to Fayette citizens. She stated that the clinic was depending on a grant to help with the rent, but the funder of the grant received an enormous amount of requests and was not able to award the full

amount expected for the grant. The shortfall was \$14,000 and in addition to that shortfall the clinic was on a year-to-year lease for the office space and the clinic needs a new space. She urged the Board to accept this request.

Fayette CARE Clinic Board of Director Member Alice Jones spoke in favor of assisting Fayette CARE Clinic.

Commissioner Brown stated that this request was a little difficult because the Board needed to come up with reasoning for assisting. He stated that FACTOR was easier because they were created by state government. Dr. Bonney stated that regarding state funding, because Fayette County was an affluent county there was no other safety net clinic. She stated that the care provided was free of charge. She stated that Fayette CARE Clinic was the safety net for Fayette County. Commissioner Brown asked if there was a targeted effort to get Fayette CARE a facility to own, would that be a viable target. Dr. Bonney stated that it was a viable target, but not in the short term.

Commissioner Rousseau stated that he could not attribute the quote to the proper author, but "You can tell how well a community is by the way it treats its seniors, its children and its most vulnerable; there you will find a great community." He stated that his colleague indicated that the Board was opening doors that the Board would have trouble dealing with in the future. He stated that he would humbly submit to the Board to take into account that the door had already been opened. He stated that the issue for him was with the uncertainty at the national level of the Affordable Care Act and the threat of the additional population being vulnerable or without coverage. He stated that one of his colleagues stated earlier in the meeting that the Board's responsibility was to the taxpayer or citizens and that he would use the term "stakeholder" and they are also some who are vulnerable. He stated that he did not share the sentiment that the other agencies were easier to deal with because they are a state sanction agency. He stated that those agencies were still not the Board's obligation to fund and that would be his argument going forward.

No one spoke in favor or in opposition regarding the fiscal year 2018 budget.

Consideration #1:

Chairman Maxwell moved to approve the budget with a supplement for the Superior Court Judges to be increased to \$50,000 to flow down to the State Court Judge, State Solicitor and the other four Constitutional Officers. Commissioner Brown seconded. Discussion followed.

Commissioner Brown stated that the state had a cap, so if the Board approved a cap then the judges would not come back before the Board unless there was a change in state legislative. He stated that he understands that the State Court Judge and the State Solicitor are associated with the Superior Court Judge's supplement, however with the remaining four Constitutional Officers he would rather go to the 4.2% because there was no cap on their supplements. He acknowledged that Judge Edwards had saved the County more money than what was being requested. He asked if Chairman Maxwell would amend the motion to that effect and to include that the Board would not fund the transcriptionist through attrition once those positions are abandoned.

Vice Chairman Ognio stated that the chart presented shows 8.6%, but actually the supplement increase would be 38.9% and that was a large increase. He stated that the fact that it was capped did not mean that it could not be increased by the state the following year.

Chairman Maxwell amended the motion to approve the budget with a supplement for the Superior Court Judges to be increased to \$50,000 to flow down to the State Court Judge, State Solicitor and the other four Constitutional Officers to include that the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown amended the second. Discussion followed.

Commissioner Rousseau asked if this Board could obligate other Boards in that manner.

County Attorney Dennis Davenport stated that it was a unique position because the County pays the transcriptionist's salary, as well as, the fees for those positions, so if the motion was amended to say "through attrition" the Board would not fund that position, then that would line Fayette County up with the other circuits.

Vice Chairman Ognio stated that there was one judge recently elected and as part of his campaign he stated that he would have transcriptionist and he had hired one. He was uncertain the length of time the transcriptionist was hired for.

Mr. Rapson stated that if the Board did the supplement analysis, the Griffin Circuit number, \$30,478.57, would remain the same. He stated that if the Board approved the 4.2% increase for the other four Constitutional Officers the total would be \$69,557. He stated that the judges have a Memorandum of Understanding, however the saving would stay in the Griffin Circuit's budget which was a separate budget and the four counties that make up the circuit would have to agree on how to spend the money.

Commissioner Charles Oddo stated that he was looking at the \$40,000 supplement which was already included in the proposed budget, basically because it was about the same amount being considered for staff. He stated that he would like to do what he could for Judge Edwards and that the Board would need to consider the other four Constitutional Officers. He stated that his inclination was to give 2.4% for all of them across the board.

Chairman Maxwell stated that the judges have not received increases in ten years and comparing the judges to employees was not comparing "apples to apples". Mr. Rapson stated that the employees had received two cost-of-living adjustment (COLA) increases and two one-time pay outs. Chairman Maxwell stated that does not address the last ten years that the judges had not received any increase.

Commissioner Oddo stated that the judges are receiving increases in January 2018. Chairman Maxwell stated that was from the state not the county and that the Board had no control over what the state does.

Vice Chairman Ognio stated that the state supplement was still a raise and the judges had received a few raises from the state in the last ten years. Commissioner Oddo stated that he recognized that the Board had no control over what the state does, however the Board could not ignore that the judges will receive a raise from the state.

Chairman Maxwell amended the motion to approve the budget with a supplement for the Superior Court Judges to be increased to \$50,000 to flow down to the State Court Judge, State Solicitor and the other four Constitutional Officers to include that the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown amended the second. The motion failed 1-4 with Vice Chairman Ognio, Commissioner Rousseau, Commissioner Brown and Commissioner Oddo voting in opposition.

Chairman Maxwell moved to approve the budget with a supplement for the Superior Court Judges to be increased to \$50,000 for the Superior Court Judge, State Court Judge and State Solicitor and for the other four Constitutional Officers to a 4.2% increase and to include that the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown seconded.

Vice Chairman Ognio stated that he agreed that Judge Edwards deserved the increase, but there were three other judges that do not seem to be at that caliber in terms of saving the County money. Chairman Maxwell stated that he had a state court practice and deals with the State Court judge and every once in a while some of his cases end up in Superior Court. He stated that he had known Judge Edwards for years and that he had worked with Judge Fletcher

Sams, but he did not know him on the financial side of things. He stated that Scott Ballard was a good judge and was elected to replace another judge that had some problems. He stated that he had the least experience with Judge Mack Crawford. He stated that he did not want to argue about whether the state had made any adjustments. He reiterated that the supplement increase would have no impact on the Board of Commissioners' salary. If there was an increase in January 2018 by the state, that increase would impact the Board.

Commissioner Brown stated that Judge Edwards had turned the courtroom around for the good. He stated that he would hate to see Judge Edwards turning the court around and saving the County money and then the Board deny the request because of what the another judge was doing. He stated that with the attrition clause, the Board can hold them to it.

Vice Chairman Ognio stated that he agreed that it was about relationships and that it was about increasing salaries and if the Board increased one at one rate and another at a different rate it may affect the relationship with the other Constitutional Officers.

Commissioner Oddo stated that his comments had no reflection on the other judges. He respects them all.

Commissioner Rousseau stated that the Board had gone down a road that was not proper. He stated that it was not about the job that the judges had done. He stated that he supports 100% the judges receiving compensation for the job that they do. He stated that he believed the Board had opened a door that should not be opened by talking about personalities and other issues that have nothing to do with whether or not they are good judges, it was however about whether or not the judges deserved the increase. He stated that the Board had gone down a road that he was very uncomfortable with and that he reserved the right not to go into detail about it. He stated that in his opinion it was highly inappropriate how the Board was holding the statements.

Chairman Maxwell asked did that mean no to the \$40,000 as well. Commissioner Rousseau stated because the Board had already entered into comments and discussions about this issue, anything that was proffered up, he would vote no on everything. He stated that his no vote was in no way, shape, form or fashion against the judges, but against the Board's procedure.

Vice Chairman Ognio stated that he wanted to be clear. He stated that all the judges do a great job, but that he wasn't sure if they were as conscience about spending as Judge Edwards.

Chairman Maxwell moved to approve the budget with a supplement for the Superior Court Judges to be increased to \$50,000 for the Superior Court Judge, State Court Judge and State Solicitor and for the other four Constitutional Officers to a 4.2% increase and to include that the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown seconded. The motion failed 2-3 with Vice Chairman Ognio, Commissioner Oddo and Commissioner Rousseau voting in opposition.

Vice Chairman Ognio moved to approve the budget with a supplement for the Superior Court Judges to be increased to \$43,000 to flow down to the State Court Judge, State Solicitor and the other four Constitutional Officers to include that the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown seconded. Discussion followed.

Commissioner Oddo stated that the \$40,000 was already in the proposed budget and he would vote yes for that.

Chairman Maxell moved to approve the budget with a supplement for the Superior Court Judges to be increased to \$43,000 to flow down to the State Court Judge, State Solicitor and the other four Constitutional Officers to include that

the Board would not fund the transcriptionist once the position was abandoned through attrition. Commissioner Brown seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau voting in opposition.

Commissioner Brown requested that the Chairman write a letter to the judges informing them of the attrition of the transcriptionist. Chairman Maxwell stated that he would be sending an email. Mr. Rapson stated that staff would communicate the vote to the other counties in the circuit.

Consideration #2 and #3:

Mr. Rapson stated that the request before the Board was for a \$17,000 contribution to help offset the FACTOR's expenses.

Commissioner Rousseau moved to consider the request from Fayette FACTOR, as well as, Fayette CARE Clinic as one item

Commissioner Oddo reminded the Board that he was recusing himself from the discussion and vote, specifically related to Fayette FACTOR.

Commissioner Rousseau withdrew the motion.

Commissioner Brown asked for the lease arrangement, break down information and what percentage of the rent was being paid regarding this item. He stated that the Board could make a budget adjustment in future months. Commissioner Rousseau asked that it be addressed for both Fayette FACTOR and Fayette CARE Clinic.

County Administrator Steve Rapson stated that he could have the information available at the first meeting in August.

No vote was taken.

Mrs. Parrott requested that the Board consider adopting Resolution 2017-09 with the changes to the "Total Appropriation" amount for the General Fund to \$50,019,064 and the "Total Budget" amount to \$101,455,687 to address the vote for the judges' supplements.

Commissioner Oddo moved to adopt Resolution 2017-09 with the changes to the "Total Appropriation" amount for the General Fund to \$50,019,064 and the "Total Budget" amount to \$101,455,687. Vice Chairman Ognio seconded. Discussion followed.

Mr. Rapson stated that all the pay and class are included in the budget with an impact of \$78,000. He stated that there were three grade changes in the Water System for three employees at \$7,041. The Advanced EMT and the two step increase for the Communications Officers was also included, as well as, the merit increases at 2.75%.

Commissioner Brown asked how many employees would not receive anything from the merit increase. Mr. Rapson stated that it would be roughly 85 to 90 employees. Employees hired after December 31, 2016 are not included and the vacancies are part of that count. The cost to implement the changes in the compensation plan was \$206,831. Commissioner Brown asked if the merit increases would be done on an annual basis. Mr. Rapson stated that the department heads would have to provide the information to him and Human Resource Director Lewis Patterson. He stated that the merit increase would have to be approved each year and it would depend on the budget as to whether it would be proposed. He stated that this would be sustainable because he does not look at balancing the budget one year

at a time, he looks at it for years down the road. He continued that he was comfortable with the capital outlay for future years.

Vice Chairman Ognio asked if the merit increase was like a 10-month increase. Mr. Rapson stated that it would have an impact of that. The resolution would also include the rollback of the millage rate in the budget. Mr. Rapson stated yes.

Commissioner Brown stated that he had a real problem with the Clayton County analysis, but it was done. He stated that he had gotten to conversations with individuals on social media regarding merit increases. He stated that the Board had done two COLAs and two one-time pay outs.

Commissioner Oddo moved to adopt annual budget for Fiscal year 2018 which begins on July 1, 2017 and ends June 30, 2018, and adoption of Resolution 2017-09 establishing the annual operating, capital and CIP budgets for Fiscal Year 2018 with the changes to the "Total Appropriation" amount for the General Fund to \$50,019,064 and the "Total Budget" amount to \$101,455,687. The motion passed 4-1 with Commissioner Rousseau voting in opposition.

3. Consideration to withdraw Petition No. 1266-17, George Tchaykov & Diliana Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail.

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property.*

Mr. Frisina stated that the applicant withdrew Petition No. 1266-17. Staff and the Planning Commission recommended approval for the request to withdraw. The petitioners were not present.

No one spoke in favor or opposition of the withdrawal of Petition No. 1266-17.

Vice Chairman Ognio moved to approve the withdrawal of Petition No. 1266-17, George Tchaykov & Diliana Panova, Owners, request to rezone 1.96 acres from R-70 to O-I to develop a Fitness Center located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail. Commissioner Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out of the room.

4. Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Mr. Frisina briefed the Board that this was a new mixed-use development allowing a principal residential structure with an accessory business structure behind the home. The County does not currently allow this type of business in Fayette County. This is a planned unit development with the development size to start at 75-contiguous acres and internally it would allow a minimum of 15 acre tracts. The principal use on the structure would be the residence with the supplemental business use. He stated that this item was sent back to the Planning Commission and two meetings were held for citizens to voice concerns. The citizens wanted to maintain the rural character of the county and staff believed this zoning would fit the rural character. There was a request to reduce the hours of operation of the business use and it was reduced to 9:00 a.m. to 5:00 p.m. instead of 9:00 a.m. to 7:00 p.m. The signage was tied back to the residential signage instead of the business signage which allowed larger signs.

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

Vice Chairman Ognio acknowledged that the Board did receive emails on the dais from citizens who were in favor of the zoning.

Commissioner Brown stated that he had concerns. He stated that there needed to be sole driveways because it would improve the access to the road. He stated that the requirement should include buffers for the business side of the lot. He stated that there was significant traffic going to the movie studio and when Pinewood Forrest was developed it would increase traffic on Sandy Creek. He stated that there needed to be something to measure the traffic on the main street and that the County would require excel and deceleration lanes and possible turn lanes to be constructed by the developer.

Mr. Frisina stated that each PUD was its own unique zoning district. He stated that it gives the County the ability to work within the context on an individual basis. He stated that it was catered to exactly how the Board wanted it for each individual PUD. Commissioner Brown stated that he was not asking for excel and deceleration lanes where not needed. He stated that he was asking for something to be included that required it to be deemed necessary. Mr. Frisina stated that was the point of the PUD to make it fit what the County wanted. Commissioner Brown wanted the condition included.

Commissioner Brown moved to send Ordinance 2017-03 amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district back to the Planning Commission to consider the impact of sole driveways and heavily buffering side lots to hide the business and vehicles should the side lot front a major or another thoroughfare and that the County remove the clause that adequately addresses traffic capacity issues that they would be required to mitigate, if it met any criteria that the County desired, to keep from congesting traffic. Motion died for a lack of a second.

Commissioner Oddo moved to approve Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district. Commissioner Rousseau seconded. Discussion followed.

Vice Chairman Ognio would like to change the language to address the issue of the single drive and the layout of the lots. He stated that it must include the language to add the buffering and he did not have a problem with adding language for a traffic study. Mr. Frisina stated that was a requirement that was included. Commissioner Brown asked if it required that the traffic was mitigated. Mr. Frisina stated that the request would have to come before the Board for a vote.

Commissioner Oddo stated that the point of the PUD was to allow flexibility.

Mr. Davenport stated that the difference in a rezoning to a PUD versus rezoning to some other zoning district was the level of control and review was unmatched. He stated that on a regular zoning district there are objective standards that are set for the zoning district so that someone could build to those objective standards. He stated that the PUD was entirely different. He stated that the developer brings the Board the plans with what they would like to see. He stated that the PUD was a flexible document that the Board would decide how to meet out the flexibility based on the factors for that specific property. He stated that if the Board voted to make every PUD have a certain obstacle, it may not be appropriate for the PUD across town, but it would be in the document so it would have to be applied to all PUD.

Commissioner Oddo withdrew the motion.

Commissioner Rousseau moved to send Ordinance 2017-03 back to the Planning Commission and to coordinate the responses into one document so that the objectives are clear and not piece-milled. Vice Chairman Ognio seconded. The motion passed 5-0.

5. Consideration of Ordinance 2017-11, amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX.- Policies, Procedures and Standards Governing Amendments and Article X.- Planning Commission.

Mr. Frisina stated that Ordinance 2017-11 was related to the change in time for the Board of Commissioners meetings. He stated that the zoning ordinance was specific in terms of the zoning hearings being held at 7:00 p.m. at the Board of Commissioners meetings. He stated that he had to make the change to the time in the zoning ordinance so he decided to make other housekeeping changes as well. The changes included the following:

- a. the time changed to the date and time designated for the regular meeting of the Planning Commission, Zoning Board of Appeals and Board of Commissioners,
- b. the length of time for someone to be in compliance was changed to 30 days,
- c. the Board of Commissioners and Planning Commission can establish their own time limits for someone to speak in favor or opposition of an item in the rules and procedure, but by state law cannot be less than 10 minutes,
- d. the term "60 months" will be changed to "180 calendar days" and to change the term of office for the Planning Commission in regards to vacancies, to be removed because the Board has its own procedure for appointing and reappointing members.

No one spoke in favor or opposition of this item.

Commissioner Brown moved to approve Ordinance 2017-11, amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX.- Policies, Procedures and Standards Governing Amendments and Article X.- Planning Commission. Commissioner Oddo seconded. The motion passed 5-0.

CONSENT AGENDA:

Vice Chairman Ognio moved to approve the Consent Agenda with the exception of items #6, #7 and #12 for discussion. Commissioner Rousseau seconded. The motion passed 5-0.

Approval of Resolution 2017-10 to adopt the Fayette County Comprehensive Plan 2017-2040.

Commissioner Rousseau stated that he would like to adopt Resolution 2017-10 with the recommended changes from the Department of Community Affairs (DCA).

Commissioner Rousseau moved to approve Resolution 2017-10 to adopt the Fayette County Comprehensive Plan 2017-2040 to incorporate the recommended changes from the Department of Community Affairs. Vice Chairman Ognio seconded. The motion passed 5-0.

7. Approval of the revisions to the Parks and Recreation Policy and Procedures Manual as presented by the Fayette County Recreation Commission.

Commissioner Rousseau stated that he had a question related to page 123 of the agenda package (page 1 of the Parks and Recreation Policy and Procedures Manual) regarding whether an annual check of the Youth Association was conducted to confirm that they are in compliance with the Secretary of State's office. Parks and Recreation Chairman Charles McCollum stated that the checks are conducted annually and all associations are in compliance with the Secretary of State requirements. Commissioner Rousseau asked who performed the background checks. Mr. McCollum stated that the county does. Commissioner Rousseau continued on page 148 of the agenda package that the out-of-county registration fee was too low and needed to be increased.

Vice Chairman suggested that it be taken back to the Recreation Commission and a recommendation be brought back to the Board.

Commissioner Rousseau stated that he was suggesting \$15, but that he was open to \$25. Mr. McCollum stated that he would bring that back to the Recreation Commission and then back to the Board.

Commissioner Brown suggested that signs be placed at the parks and lakes regarding no smoking. He stated that it was hard to enforce no smoking with no signs in sight.

Commissioner Rousseau asked for confirmation that registration was opened for county residents first and out-of-county residents second. Ms. Godbee stated that registration was opened at one time. She stated that no resident had been turned away to-date. Commissioner Rousseau instructed to be informed if that became a problem.

Commissioner Rousseau moved to adopt the recommendations from the Recreation Commission with the caveat that the Recreation Commission would bring back to the Board, at a later date, a recommendations as it relates to an increase to the out-of-county resident's fee. Commissioner Oddo seconded. The motion passed 5-0.

- 8. Approval of staff's recommendation to award annual bid #1300-B to Faultless Business Center as primary vendor with Rock-It Sand & Gravel and Concrete Supply Co. as secondary vendors for dump truck hauling services for fiscal year 2018 with a combined not-to-exceed amount of \$257,595.
- 9. Approval of Contract #923-B, Renewal #2: Atlanta Paving & Concrete Construction Inc. for an annual contract for asphalt milling services to be used on various project throughout fiscal year 2018.
- 10. Approval of staff's recommendation to continue the maintenance agreement (Contract 1122-S) with Motorola for the 800 MHz ASTRO Simulcast System in the amount of \$541,662.36 for the term of July 1, 2017 through June 30, 2018 and to authorize the Chairman to sign the renewal contract.
- 11. Approval of staff's recommendation to award annual bid #1299-B to ER Snell of Tyrone as primary vendor and C.W. Matthews as secondary vendor for asphalt services for fiscal year 2018 with a not-to-exceed amount of \$1,332,716.
- 12. Approval of the June 6, 2017 Board of Commissioners Meeting Minutes.

Commissioner Oddo moved to approve the June 6, 2017 Board of Commissioners Meeting Minutes to include a change to page 6 of the minutes of the word "keen" to "peculiarity" and to include the corrections provided on the dais. Commissioner Brown seconded. The motion passed 5-0.

OLD BUSINESS:

NEW BUSINESS:

13. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to re-appoint Heather Cap to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

Commissioner Brown moved to approve the recommendation to re-appoint Heather Cap to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019. Vice Chairman Ognio seconded. The motion passed 5-0.

14. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Brown to nominate Jean (Heidi) Danis to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019.

Commissioner Brown moved to approve the recommendation to appoint Jean (Heidi) Danis to the Fayette County Public Arts Committee to serve a two (2) year term beginning June 1, 2017 and expiring May 31, 2019. Vice Chairman Ognio seconded. The motion passed 5-0.

15. Consideration of staff's recommendation to award Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents.

Purchasing Director Ted Burgess stated that with the passing of the Special Purpose Local Option Sales Tax (SPLOST) the county will replace the outdated public sector radio system. The Purchasing Department issued a Request for Proposal (RFP) with twelve responses and the evaluation committee reviewed the proposals. The scores from the technical review and the price evaluations resulted in a short list of three companies that made presentations. The evaluation committee was recommending Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.

911 Director Bernard Brown stated that he served as the chairperson for the evaluation committee which also consisted of Fire Chief David Scarbrough, Lieutenant Terry Black, Peachtree City Police Chief Janet Moon, Fulton County 911 Emergency Manager Joseph Barasoain.

Vice Chairman Ognio moved to approve Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents. Commissioner Oddo seconded.

Chairman Maxwell explained that it causes him concern when the low bid was not selected. Mr. Rapson stated that the proposal was for the most responsive and lowest bidder simultaneously. He explained the future process for selecting

bids. He stated that staff should have opened up the three highest technical scores and not open up the prices for the others. He stated that if staff had followed that process then Mission Critical would have still been the number one pick.

The discussions regarding the process continued.

Vice Chairman Ognio moved to approve Contract #1229-P, Radio Communications Consultant, to Mission Critical Partners Inc. for a not-to-exceed amount of \$290,000.00 and authorization for the Chairman to sign any related documents. Commissioner Oddo seconded. The motion passed 5-0.

16. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Bobby Grant for tax years 2014, 2015 and 2016 in the amount of \$374.08.

Commissioner Rousseau moved to approve the disposition of tax refunds, as requested by Bobby Grant for tax years 2014, 2015 and 2016 in the amount of \$374.08. Vice Chairman Ognio seconded. The motion passed 5-0.

17. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by David Scharber for tax years 2014, 2015 and 2016 in the amount of \$201.40.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by David Scharber for tax years 2014, 2015 and 2016 in the amount of \$201.40. Vice Chairman Ognio seconded. The motion passed 5-0.

PUBLIC COMMENT:

Mrs. Alice Jones spoke regarding the need for street lights along Sandy Creek Road traveling toward Peachtree City and the need for a multi-use facility for children in the community. She stated that she was trying to form a meeting with the Board, Mr. Rapson and others who have an interest in the development of such a facility. The multi-use facility would operate outside the realm of Parks and Recreation.

Mrs. Denise Ognio thanked the Board for the hard work on the budget. She stated that during the last budget meeting there was a lot of conversation regarding employee's salaries and how well they do their job. She stated that how well someone does their job was not a reason to give a raise. She stated that the Board should look at the budget without emotion. She stated that as a tax payer she hoped that the Board would look at the budget based on what Fayette County had and not what other counties have.

ADMINISTRATOR'S REPORTS:

Public Arts Selection Committee:

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

State Road & Tollway Authority award:

The County received a \$300,000 reward from the State Road & Tollway Authority due to the efforts of Vice Chairman Ognio and Chairman Maxwell. The award was for State Route 92 and Veterans Parkway. This was an offset to the funds approved at the previous meeting.

Update on Fulton County's assessments:

Fulton County found an original incorporation that was unique to Fulton County from 1880 that gave the Board the ability to revert back to the old reassessments. This law was strictly in Fulton County and not Fayette County. Mr. Rapson stated that Fulton County sent out 318,000 parcels and over 25% of those residential parcels were over 50% and some over 200%. He continued that Fulton County does this every three years and Fayette County does it every year and that was one of the reasons the County does not have those issues.

July 13 Board of Commissioner meeting:

The July 13 Board of Commissioners meeting will begin at 6:30 p.m.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation, one threatening litigation, one item involving personnel and the review of the Executive Session minutes for June 6, 2017.

COMMISSIONERS' REPORTS:

Vice Chairman Ognio:

Budget:

Thanked staff for the work on the budget.

Balloons Over Fayette:

Thanked everyone involved with Balloons Over Fayette. It was a great event and the weather worked out nicely.

Fourth of July:

Wished everyone a "Happy 4th of July".

Transportation Committee meeting update:

Vice Chairman Ognio stated that the Transportation Committee had a meeting with Georgia Department of Transportation (GDOT) and it was a productive meeting. He stated that GDOT was committed to meet with the committee and discuss issues. He stated that GDOT confirmed that they were on track with Highway 74 and the I-85 interchange. He stated that the repaving for Highway 54 toward Coweta will not start until next year, but that GDOT assured the committee that repairs would be made as needed.

Commissioner Brown:

Thank you:

Thank you to State Representative Josh Bonner for bringing the Department of Natural Resources (DNR) to meet regarding the Resolution that the Board passed regarding making the rowing ages appropriate for the youth rowing program. He reported that DNR stated that they would do it and pass it back to the Board. He stated that an association was needed to increase communication. The next step was to make an official high school varsity team after getting the approval from DNR.

Water Guardians event:

Thank you to everyone who participated in the Water Guardians event. He reiterated that the County needs to look at the signage on the lakes.

Floating dock:

He commended staff on a great job with the floating dock at Lake Kedron.

Marilyn Watts:

Commissioner Brown stated that he was getting complaints that Mr. Sparks, the attorney for Marilyn Watts, was not releasing transcripts and that he was fighting the GOP representative's ability to get court transcripts. He asked that the Board would agree to let anyone have the transcript that wanted them and who was willing to pay for them.

Student in audience:

He recognized a student in the audience who was in attendance for a school project and apologized that the meeting ran so long.

Commissioner Oddo:

Fourth of July:

Commissioner Oddo wished everyone a "Happy 4th of July". Interesting facts: the first July 4th was celebrated on July 8th and not July 4th, Thomas Jefferson and John Adams both died on the same day, July 4, 1826.

Thank you:

He thanked staff for a great job on the budget.

Balloons Over Fayette:

The event was a wonderful event.

Transportation Committee:

The meeting with very well and GDOT was receptive of working with Fayette County and forming a long term relationship.

Commissioner Rousseau:

Thank you:

Commissioner Rousseau thanked those in attendance and complimented staff for the budget. He stated that it would be inconsistent to vote against a particular segment of the budget and then turn around and adopt the entire budget. He stated that it would be incongruent with his position. He stated that his position was philosophically stated and he apologized to staff if they thought he did not adopt the budget for any other reason other than his own personal issue.

Do not give address:

He asked the Board to consider not requiring the public to give their home addresses when they come before the Board for security reasons.

Recognition:

He echoed the recognition of Anita Godbee and Vanessa Birrell for an outstanding job in both respects. He also thanked Library Director Chris Snell for bringing the NASA Astronaut to Fayette County. It was a phenomenal opportunity for the community.

Chairman Maxwell:

Student Ambassador:

The Secretary of State announced the Student Ambassador program for high school students. He asked that this be placed on the county website for more information.

Budget:

He stated that the budget process was very laborious and a little "not fun". He stated that it was passed midnight, but that he was proud of the budget despite anything that was said. He was glad that the Board could work together. He stated that it was important to him that it was a balanced budget, not an increased budget and that there were no tax increases. By definition the Board did not increase taxes and the millage rate was rolled back.

Thank you:

He thanked staff for the work on the budget. He thanked those who have assisted through this process.

EXECUTIVE SESSION:

One Item of Pending Litigation, One Item of Threatening Litigation, One Item of Personnel and Review of the June 6, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 12:08 a.m. and returned to Official Session at 1:00 a.m.

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

Approval of the June 6, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the June 6, 2017 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Brown moved to adjourn the June 22, 2017 Board of Commissioners meeting. Commissioner Rousseau seconded. Discussion followed.

Commissioner Oddo stated that he had an additional motion to add before adjourning.

Commissioner Brown withdrew the motion. Commissioner Rousseau withdrew the second.

Commissioner Oddo stated that he would like to consider compensation for Mr. Rapson based on what he had accomplished.

Commissioner Oddo moved to add to the County Administrator's base income over the next 12 months, 2.4% spread out evenly over 12 months, to end after one year and that it would be up to the Board to renew or not to renew. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown stated that he would ordinarily support this. He stated that not having department heads present at the retreat after a 5-0 vote to do so, and with no opportunity to be in the strategic planning of the compensation and pay study, he believed the organization chart was being turned upside down. He stated that the County Administrator had the best compensation package in the history of Fayette County and that he had received all the COLAs and all the one-time payments. He stated that he wished there was a better transition into the budget. He stated that he was not happy seeing the Carl Vinson report as late as June 19. He stated that he would not support the motion at this time.

Commissioner Rousseau stated that there were some items and issues that were recently raised that have come to his attention that he was not privy to prior to the meeting and that he would abstained from the vote to review the information further.

Commissioner Oddo moved to add to the County Administrator's base income over the next 12 months, 2.4% spread out evenly over 12 months, to end after one year and that it would be up to the Board to renew or not to renew. Vice Chairman Ognio seconded. The motion passed 3-1-1 with Commissioner Brown voting in opposition and Commissioner Rousseau abstaining from the vote to further review the information he received.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the June 22, 2017 Board of Commissioners meeting. Commissioner Brown seconded. The motion passed 5-0.	
The June 22, 2017 Board of Commissioners meeting adjourn	ned at 1:05 a.m.
Tameca P. White, County Clerk	Eric K. Maxwell, Chairman
The foregoing minutes were duly approved at an official mee on the 13th day of July 2017. Referenced attachments are a	eting of the Board of Commissioners of Fayette County, Georgia, helivailable upon request at the County Clerk's Office.
Tameca P. White, County Clerk	