

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

May 24, 2018

6:30 p.m.

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

Call to Order

Chairman Eric Maxwell called the May 24, 2018 Board of Commissioners meeting to order at 6:34 p.m. A quorum of the Board was present. Commissioner Charles Rousseau had not returned to the room.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Chairman Maxwell offered the Invocation and led the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to approve the agenda as written. Vice Chairman Randy Ognio seconded. The motion passed 4-0. Commissioner Rousseau was out of the room.

PROCLAMATION/RECOGNITION:

1. **Recognition of the Fayette County Water System for receiving the Gold Award for the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant District 3 in Georgia from Georgia Association of Water Professionals.**

Water System Director Lee Pope introduced the President of the Georgia Association of Water Professionals Ernie Earn to present the Gold Award to the staff of the Fayette County Water System for the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant. Mr. Pope gave accolades to the Water System staff for all their hard work.

Commissioner Rousseau returned at 6:37 p.m.

PUBLIC HEARING: None.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda with the exception of items #2 and #8. Commissioner Charles Oddo seconded. The motion passed 5-0.

2. Approval of staff's recommendation to include "Addendum 3" to add an event to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.

Commissioner Rousseau referenced item "3.1" on page two of the intergovernmental agreement (IGA); he stated that the language stated that "the city shall notify and get written approval from the County Administrator or his/her designee" and further down in the document it stated, "all applications for non-city events shall be subject to a final review of written approval by the Board." He asked was it inconsistent.

County Attorney Dennis Davenport stated that this was one of the reasons this IGA would be reviewed in more detail and brought back to the Board. He stated that the only issue before the Board was adding the Addendum 3. He stated that the IGA would come back to the Board at a later date.

Commissioner Rousseau moved to approve to include "Addendum 3" to add an event to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property. Vice Chairman Ognio seconded. The motion passed 5-0.

- 3. Approval of Water Committee recommendation to continue the Metropolitan North Georgia Planning District Toilet Rebate Program with an additional \$50,000.00 for funding.**
- 4. Approval of staff's request to donate two (2) Philips MRX Cardiac Monitor/Defibrillators and one (1) Ferno Proflex ambulance cot to the Southern Crescent Technical College.**
- 5. Approval of the April 24, 2018 Board of Commissioners Minutes.**
- 6. Approval of the May 3, 2018 Community Budget Workshop Minutes.**
- 7. Approval of the May 7, 2018 Special Called Board of Commissioners Minutes.**
- 8. Approval of the May 10, 2018 Board of Commissioners Minutes.**

Vice Chairman Ognio stated that the minutes stated that there were "two items involving pending litigation" and it should have been one item of pending litigation. The Clerk confirmed that Vice Chairman Ognio was correct.

Commissioner Rousseau stated that there was a grammatical error; "government" should read "govern".

Vice Chairman Ognio moved to approve the May 10, 2018 Board of Commissioners Minutes with the noted changes. Commissioner Brown seconded. The motion passed 5-0.

OLD BUSINESS:

- 9. Consideration of the approval of Contract #1477-S, Carbyne Public Safety Ecosystem, for Fayette County 911, in the amount of \$192,000.00 per year for an initial five-year term and two one-year renewal terms and authorization for the County Administrator to sign related documents.**

Fayette County 911 Director Bernard Brown stated that on March 22 staff did a presentation of the Carbyne Public Safety Ecosystem to the Board. He stated that after the presentation the Board requested that staff return with a contract. He continued

that the contract was drafted by the Purchasing Director Ted Burgess and then reviewed by County Administrator Steve Rapson and County Attorney Dennis Davenport. He requested Board approval of the contract.

Mr. Rapson stated that there was a change in the contract that Carbyne had agreed to. He stated that under the category "Major", Carbyne agreed to move those items under "Critical" as opposed to "Major". Eyal Elyashiv, CEO of Carbyne for North America agreed to the change on the record.

In response to clarification of the term dates of the contract, Mr. Burgess stated that there would be an initial term to end June 30, 2019 and then six additional one-year renewal terms. Mr. Rapson stated that the end of year funding requirement and the 60-day notice requirement were also included. The pricing would be fixed throughout the terms.

Vice Chairman Ognio stated that he would like to see the first payment split, with 50% down and 50% upon completed installment. He stated that he would also like to see the annual payments to start at the completion date. Mr. Rapson stated that part of the Carbyne's concern was that they would be installing approximately \$25 million of equipment upfront. He stated that they may be agreeable to 75% upfront and pay 25% when the county verifies completion. Vice Chairman Ognio stated that he did not believe annual payments should begin on a system before it was complete.

Mr. Elyashiv stated that it was a setup fee involved with the project. He stated that the only way to work around it was to agree to 75% upfront and 25% when the project was live. He stated that 50% would be difficult to agree to.

Commissioner Rousseau asked if he was authorized to make that decision. Mr. Elyashiv stated yes.

Mr. Rapson stated that the agreement would be, upon execution, \$144,000 payment and the residual \$48,000 payment when the system went live.

Vice Chairman Ognio moved to approve Contract #1477-S, Carbyne Public Safety Ecosystem, for Fayette County 911, in the amount of \$192,000.00 per year with renewal terms and authorization for the County Administrator to sign related documents with the modification to the contract to pay \$144,000 upfront and \$48,000 when the system is live and to have the year term to start when the system is live. Commissioner Brown seconded.

Commissioner Brown stated that he would like a report, once the system was live on the results of the system. Mr. Brown stated that there would be multiple education sessions.

Mr. Davenport reminded the Board that the motion needed to include changing the language from "Major" to "Critical".

Vice Chairman Ognio amended the motion to approve Contract #1477-S, Carbyne Public Safety Ecosystem, for Fayette County 911, in the amount of \$192,000.00 per year with renewal terms and authorization for the County Administrator to sign related documents with the modification to the contract to pay \$144,000 upfront and \$48,000 when the system is live and to have the year term to start when the system is live and to change the items under "Major" to "Critical". Commissioner Brown amended the second.

Commissioner Rousseau inquired if his concern regarding sharing of data with third-party users protected the county. Mr. Davenport stated that staff had done the best it could in respect to that issue.

Vice Chairman Ognio amended the motion to approve Contract #1477-S, Carbyne Public Safety Ecosystem, for Fayette County 911, in the amount of \$192,000.00 per year with renewal terms and authorization for the County Administrator to sign related documents with the modification to the contract to pay \$144,000 upfront and \$48,000 when the system is live and to have the

year term to start when the system is live and to change the items under "Major" to "Critical". Commissioner Brown amended the second. The motion passed 5-0.

NEW BUSINESS:

10. Consideration of staff's recommendation to award Bid #1489-B: Antebellum Way Culvert Replacement SPLOST Category I for Fiscal Year 2018 to the low bidder, Pine Valley Concrete Company Inc., in the amount of \$446,903.

Environmental Management Director Vanessa Birrell reminded the Board that these culverts were identified as a potential grant project because of the emergency services/hazard mitigation plan which the county received \$532,000 from federal and state grants for reimbursement of this project.

The Board commended staff on pursuing the grants for this project.

Commissioner Brown moved to approve to award Bid #1489-B: Antebellum Way Culvert Replacement SPLOST Category I for Fiscal Year 2018 to the low bidder, Pine Valley Concrete Company Inc., in the amount of \$446,903. Commissioner Oddo seconded. The motion passed 5-0.

11. Consideration an Intergovernmental Agreement with the Fayette County Development Authority for the purpose of offering certain ad valorem property tax incentives to companies, businesses and industries in the County.

Mr. Rapson stated that the cities approved this agreement as part of their Service Delivery Strategies with the exception of Fayetteville, who had not had it on an agenda yet. He stated that it was the 10/10 program where the Fayette County Development Authority (FCDA) would do a ten-year abatement. He stated that the agreement would narrow the scope of which projects were eligible for this type of abatement.

Development Authority Chair Darryl Hicks stated that the current FCDA members understood that it was important to communicate to the customers...the Board. He stated that one of the ways to do that was with this new policy by letting the Board know, that at a minimum, this was the guidelines that would be used. He stated that it was their effort to make sure that they are communicating. He stated that if the entities that come into the county did not meet the requirements, FCDA had the ability to invoke a claw back. He stated that his staff was responsible for monitoring that and that they work closely with county staff to make sure the entity complied.

Commissioner Oddo stated that he appreciated what the FCDA was doing and the authority that the FCDA had, but the fiduciary responsibility was on the Board and he wanted to be sure that the Board was notified. He stated that he appreciated that the FCDA added it to the agreement.

FCDA President Joan Young stated that the most important thing was to have clarity between the two organizations. She stated that she was required to send in a RFI (request for information) within 24 hours and the document was designed to allow them to take the first steps in order to meet timelines and stay in the running for potential projects. She stated that in cases where the county remained in the running, then FCDA would notify the Board.

Mr. Rapson stated that his opinion was that when FCDA submitted the recommendation, he would like to get an email that they have met the minimum qualifications and it had been submitted. Mr. Hicks stated that was not a problem.

Commissioner Brown stated that the current FCDA was meeting all his expectations. He stated that Mr. Rapson might want to look at the document that stated what the Board's expectation was for the Development Authority. He stressed how he appreciated the openness of the FCDA.

Mr. Hicks stated that the county had a great Board and staff and he appreciated the comments. He stated that both the FCDA and the Board were on the same page. He stated that he did not believe they could over communicate and that they were committed to being transparent.

Commissioner Brown moved to approve Intergovernmental Agreement with the Fayette County Development Authority for the purpose of offering certain ad valorem property tax incentives to companies, businesses and industries in the County. Vice Chairman Ognio seconded.

Chairman Maxwell stated that it was a great communication process and that he appreciated that.

Vice Chairman Ognio stated that he agreed with the other comments and that it was a "thousand percent improvement" from the past and he would like it to continue.

Commissioner Brown moved to approve Intergovernmental Agreement with the Fayette County Development Authority for the purpose of offering certain ad valorem property tax incentives to companies, businesses and industries in the County. Vice Chairman Ognio seconded. The motion passed 5-0.

PUBLIC COMMENT:

Bill Lackey stated that he missed the opportunity to speak at the last meeting and there were statements made that gave the implication that he was involved in some wrong doings. He stated that he did say that Mr. Rapson did not fill out the safety form because the county attorney advised that the policy was not applicable to Mr. Rapson's position and that was why there was no form. He continued that Mr. Rapson did not refuse to go before the Safety Review Committee. He stated that learning that Mr. Rapson was not subject to the policy, Mr. Rapson instructed him to leave his item on the Safety Committee's agenda and let it take its course. It remained until March 2 where a motion was made to remove the item. He stated that he interpreted Mr. Rapson's actions as holding himself accountable. Mr. Rapson forfeited four days which was consistent with what the Safety Committee would have recommended in terms of disciplinary actions. He stated that his communications with employee supervisors and/or department heads are initiated "after" a case was reviewed and disciplinary actions recommended by the committee and at the direction of the county attorney, the case was not presented to the committee and therefore, no contact or communication was made. He stated that there was no lack of response by Mr. Rapson. He continued that parts were taken from a surplus vehicle and by doing so the cost of the work was less than the estimate for the cost to repair the vehicle and the savings was over \$900.00. He stated that the statements that Fleet made the repairs was false. The only involvement the Fleet department had was to get the three estimates to ensure that the procurement policy was followed. He stated that he provided Commissioner Brown the case file that had the report by the Georgia State Patrol, the lowest estimate for the repair, the damage of the other party's vehicles and photos on August 28, 2017 and on the next day he provided an email with the files of all the estimates. He concluded that there was no evidence that anyone attempted to obstruct open government. He stated that there was a paper trail and it was handled according to policy until it was recommended that it be removed from the agenda because it was not applicable to Mr. Rapson's position. He stated that he did not know why anyone would not be proud of this government...he was and it was one of the main reasons he had been with the county for 30 years.

Roy Bishop stated that he was at the last meeting and Commissioner Brown brought up McDonough Road. He asked if the state could just take the right-of-way or did the county have any other recourse. He stated that on the subject of blue lights, the state voted that only law enforcement could have emergency blue lights and he was surprised the Board did not know that. He inquired

about the intersection of Veterans Parkway and Highway 92. He stated that it was a pretty day and there had not been any work done. He stated that there was nothing wrong with finishing the project early.

Yvonne Smith stated that when it rained the water drained into her neighbor's yard. She asked how would the neighbor know that she would be responsible for the water draining in her yard. She asked who was responsible for repairing it.

ADMINISTRATOR'S REPORTS:

Response to public comments:

Mr. Rapson stated Vanessa Birrell would get with Ms. Smith and answer her questions and that Mr. Mallon would speak with Mr. Bishop about Veteran's Parkway.

Kickoff of the Comprehensive/Annexation/Transportation

He stated that all the representatives from the cities and counties met to kickoff a comprehensive discussion of the annexation and transportation plans for the county as a whole. He stated that it would take two or three months to get it all together and that it would be brought to all the elected officials.

Offices Closed for Memorial Day

Chairman Maxwell inquired about the "blue light" report. Mr. Davenport stated that it would be forthcoming. Mr. Rapson stated that he was assuming the issue with Veteran's Parkway was due to the anticipated rain lately.

Commissioner Brown stated that the Board had the latitude to ask GDOT to modify certain projects. He stated that there had not been any decision yet.

Chairman Maxwell stated that GDOT postponed the McDonough Road project to 2038. He stated that GDOT had emanate domain and will use it.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items involving Real Estate Acquisition, three items involving Threaten Litigation and the review of the Executive Session Minutes for May 10, 2018.

COMMISSIONERS' REPORTS:

Vice Chairman Ognio:

McDonough Road: Vice Chairman Ognio stated that the McDonough Road being pushed out might seem like a good thing, but when looking at the impact it would have on Fayette County, the County would have to continue maintenance on the road. He stated that not just the road, but the bridge also. He stated that the Transportation Committee would discuss it.

Elections: He congratulated Commissioner-Elect Edward "Edge" Gibbons. He stated there would be a run-off for the other elections and people needed to start looking at the information and decide on who they would vote for. He stated that there were millions of dollars spent and only 15% to 20% of voters to turnout. Fayette County had 23% of voters to vote. "Every vote counts."

Birthday wish: Vice Chairman Ognio wished his mother a happy birthday.

Commissioner Rousseau:

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

SR74 corridor: Commissioner Rousseau stated that the County could write a letter for the \$73 million from McDonough Road be put toward the SR74 corridor.

Trash pickup: He thanked the Public Works and Road Department for the work done to clean up trash along the roads. He stated that it was an issue and it meant a lot to have it picked up.

Public Information Officer: Commissioner Rousseau thanked staff for securing the grants. He stated that perhaps the County could be mindful of getting the information out with a Public Information Officer or something of that nature. He stated when talking about the grants, the AAA Bond ratings and fiscal responsibilities, the citizens needed to know about these things. He stated that the County could provide a higher level of service to this community and there were some key areas, with the great staff at the county, that have ideas that he would like to have brought forward if they haven't already.

Community Budget Workshops: He commended staff on the budget workshops and it was an indication of when people did not participation in the process. He stated that it was hard to complain when there was no participation. He stated that he encouraged the community to stay vigilant and hold the Board accountable and for citizens to be engaged with citizen's dollars and services provided.

Solid Waste Mitigation Plan: Commissioner Rousseau stated that he loved the idea of talking to ACCG regarding the Solid Waste Mitigation Plan.

Finance Staff: He commended Chief Financial Officer Mary Parrott and her staff for their hard work and getting the AAA ratings.

Commissioner Oddo:

McDonough Road: Commissioner Oddo stated that if the county thought GDOT was doing a favor by canceling the project, he did not see it. This project had been in the works since 1994 and now they are saying, maybe 2038. He stated that he would not be surprised if it did not happen then. He stated that the project was approximately \$77 million and that half was Fayette County. He stated that the entire six-year SPLOST was estimated to collect \$64 million for unincorporated Fayette County. He stated that road projects like that one was not one that the County would be doing on its own. He stated that this did not happen because GDOT wanted to move money around. He stated that a very negative tone had been set from the dais. He continued that the Board had not taken the time to speak to GDOT privately to get real communication. The Board should consider that going forward. He continued that the Board had marginalized the Transportation Committee which was created to help with the communication. He stated that he had been persistent in including the Transportation Committee, but it had been after the fact. He stated that the ultimate responsibility of what happened with GDOT was from the dais. He stated that it took time to build the relationship and a night to kill it.

Commissioner Elect: He congratulated Commissioner-Elect Edward "Edge" Gibbons. He thanked the other candidates for offering themselves to the election race.

Commissioner Brown:

Response to public comments: Commissioner Brown addressed Ms. Smith and told her that he admired her tenacity. He stated that the Board could not solve all the problems that she brought up, but that she had his admiration for not letting go. He stated that she loved her neighborhood and that she stood up for her neighborhood. He encouraged her to never stop.

Water Guardians: He provided an update on the Water Guardian event at Lake Kedron. He stated that they were fortunate that the water was down. He stated that the unfortunate part was that the trash was “incredible”. He stated that there was so much trash that they could not pick it all up. He stated that the volunteers were in the mud up to their hips to pick up trash. He stated, “God bless them that they care enough to keep our drinking waters clean.” The next event will take place at Lake Peachtree on June 16.

Comprehensive/Annexation/Transportation: He thanked staff for representing the Board with the joint planning with the municipalities. He requested an update as it progressed. He stated that sometimes what the Board decided had no merit at all because if all the area was annexed then it did not matter what happened. He stated that if the problems are not addressed it would be “54 and 74 in Peachtree City all over again” in Fayetteville.

Georgia Department of Transportation: Commissioner Brown stated that Sam Wellborn, representative for Georgia Department of Transportation (GDOT) was angry with him regarding his opposition to the T-SPLOST. He stated that ultimately every county in Metropolitan Atlanta voted it down. He stated that he was praying that the County would see a more responsive GDOT and that whoever the new board member was, that the Board of Commissioner would get with that person to see more responsiveness on the funding issues. He liked the Commissioner Rousseau’s idea of using the funds from McDonough Road for the SR74 corridor.

Commissioner-Elect: He congratulated Commissioner-Elect Edge Gibbons. He also commended those who took the chance and ran for office.

Bill Lackey’s comments: He thanked Bill Lackey for making his comments. He stated that he disagreed with one thing; there needed to be a direct channel of communication so that when something happened that the Board was ultimately accountable for, that the entire Board would hear about it.

Statement correction: Commissioner Brown stated that at the last meeting Vice Chairman Ognio stated that he had made a statement to the newspaper about the blue lights. He stated that Vice Chairman Ognio was correct about him making the statements and that he was wrong. He stated that he went back and looked at the emails.

Chairman Maxwell:

Election: Chairman Maxwell stated that he did go vote. He stated that he was looking forward to working with Commissioner-Elect Edward “Edge” Gibbons. He congratulated Commissioner Rousseau on his re-election with no opposition.

FY2019 Budget: He thanked Mr. Rapson for putting the budget together. He stated that he appreciated all the hard work of everyone. He offered a special thanks to Ms. Parrott as well.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items involving Real Estate Acquisition, three items involving Threaten Litigation and the review of the Executive Session Minutes for May 10, 2018.

Two items involving Real Estate Acquisition, three items involving Threaten Litigation and the review of the Executive Session Minutes for May 10, 2018: Commissioner Brown moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:01 p.m. and returned to Official Session at 8:40 p.m.

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

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 passed 5-0.

Approval of the May 10, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the May 10, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the May 24, 2018 Board of Commissioners meeting. Commissioner Brown seconded. The motion passed 5-0.

The May 24, 2018 Board of Commissioners meeting adjourned at 8:40 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of June 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk