

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
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

March 14, 2019

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 Randy Ognio called the March 14, 2019 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Commissioner Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice-Chairman Oddo moved to accept the agenda as written. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

CONSENT AGENDA:

Vice-Chairman Oddo moved to accept the Consent Agenda as written. Commissioner Rousseau seconded. The motion passed 5-0.

1. **Approval of staff's recommendation to award Contract #1647-S to Dewberry Engineers to perform updates to the 2013 Fayette County Floodplain Map in the not-to-exceed amount of \$72,000 and to reallocate \$44,000 from General Fund Project Contingency to Project 184AL Future Floodplain Study.**
2. **Approval of staff's recommendation to declare eleven (11) vehicles as unserviceable and sell the assets using contracted auction services.**
3. **Approval of Water Committee recommendation to approve the amendment to the Metropolitan North Georgia Water Planning District (MNGWPD) Memorandum of Agreement for the single-family toilet rebate program rebate structure change and approval for the Chairman to sign the related document.**
4. **Approval of the February 28, 2019 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 5. Consideration of a recommendation from the Selection Committee, comprised of Chairman Randy Ognio and Commissioner Edward Gibbons to appoint Jack Bernard to the Fayette County Board of Health to fill an unexpired term beginning immediately and expiring December 31, 2021.**

Commissioner Edwards Gibbons stated that on March 7, 2019, he and Chairman Ognio had the privilege to interview two outstanding candidates who applied to serve on the Fayette County Board of Health. Commissioner Gibbons stated that the selection committee decided after reviewing the credentials of both candidates to nominate Jack Bernard.

Commissioner Maxwell stated that although he had not met or spoken with Mr. Bernard directly; he had concerns not about his qualifications but about his intent or agenda. Commissioner Maxwell stated that as a part of the backup documents for this item, Mr. Bernard provided an article he wrote which discussed Medicaid expansion. Commissioner Maxwell stated that Mr. Bernard was simply from the wrong side of the street in his opinion, and he would prefer the position be re-advertised and that a candidate that was more in tuned with Fayette County and not Atlanta politics be selected.

Commissioner Rousseau asked for clarification as to what "more in line/in tune with Fayette County meant".

Commissioner Maxwell stated that he was not stating that everyone in Fayette felt the same way he did, however in his opinion he felt majority of the County felt differently than Mr. Bernard does on various issues and topic.

Commissioner Rousseau stated that he just wanted to make sure that Commissioner Maxwell's opinion wasn't being perceived as the entire Board's view, or everyone in Fayette County for that matter.

Chairman Ognio stated that he interviewed Mr. Bernard and he was very knowledgeable with respect to mental health and its treatment and care and he did not know how we could find someone with a more in-depth mental health background.

Commissioner Gibbons moved to approve to appoint Jack Bernard to the Fayette County Board of Health to fill an unexpired term beginning immediately and expiring December 31, 2021. Vice-Chairman Oddo seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

- 6. Consideration of staff's request to award bid (#1583-B) to BM & K Construction for the construction of Two Bay Fire Station 2, not-to-exceed \$2,358,545.25, to approve a budget amendment of \$25,000, and to authorize signing of all related contractual documents.**

Chief David Scarbrough stated that his request was to award bid (#1583-B) to BM & K Construction for the construction of Two Bay Fire Station 2, not-to-exceed \$2,358,545.25, to approve a budget amendment of \$25,000, and to authorize signing of all related contractual documents.

County Administrator Steve Rapson stated that on page 47 of the agenda package, one of the things that was done was to formulate having the architect perform the design for both stations. He stated that when these projects were put out to bid one thing done was to attempt to get the economies and scales associated with doing both stations with the same vendor, which was unusual. Mr. Rapson stated that as a result, when you combine the costs and savings associated with overhead it was actually more expensive working with one vendor verses two vendors. Mr. Rapson stated that was what happened with these projects which was why there are two different vendors being proposed. Mr. Rapson stated that there are some advantages to that because both projects can be performed simultaneously with two separate vendors, as opposed to using the same vendor for both projects.

Commissioner Gibbons asked what the basis of the competition and what criteria was used to select the vendors.

Mr. Rapson stated it was the same criteria used for all construction, best qualified vendor based on price and a multitude of different evaluations.

Commissioner Gibbons asked if the standard scale was used similar to other procurements and were different factors assigned to management and technical costs.

Mr. Rapson stated that it was used to form the basis of the bid, but the actual award was based on the lowest best responsive price. He stated that in this particular case it was the lowest price.

Commissioner Gibbons asked if there was consideration given to the program management and having to manage two contractors instead of one.

Mr. Rapson stated that was built into the original contract when the first station was built and the County went with the same engineer of record.

Commissioner Rousseau stated as a part of his review of this item he noticed that the County had not done business with this contractor in the past but that we were provided with references, he asked if the contractor built fire stations before.

Chief David Scarbrough stated yes they had.

Chairman Ognio stated as a "bided project" why was it a "not-to- exceed project" as opposed to a regular contract price.

Ted Burgess Purchasing Director stated that this was an actual fixed price.

Vice-Chairman Oddo moved to approve staff's request to award bid (#1583-B) to BM & K Construction for the construction of Two Bay Fire Station 2, not-to-exceed \$2,358,545.25, to approve a budget amendment of \$25,000, and to authorize signing of all related contractual documents. Commissioner Gibbons seconded. The motion passed 5-0.

7. Consideration of staff's request to award bid (#1583-B) to ASTRA Group Inc for the construction of Three Bay Fire Station 4, not-to-exceed \$2,572,056.93, to approve a budget amendment of \$1,158,170, and to authorize signing of all related contractual documents.

Chief David Scarbrough stated that Station 4 was pad ready and ready for the contractor to begin construction.

Commissioner Rousseau stated that this project was a designated SPLOST project, he asked if the original anticipated cost for this project was about 3,000,000.

Chief David Scarbrough state that this was a \$2,400,000 SPLOST project.

Commissioner Rousseau asked if SPLOST funds were intended to cover the total cost.

Mr. Rapson stated that the SPLOST cost estimation was \$2,400,000. He stated that the current site for Station 4 was not the original site location. The original location was further down the road. It was land that the County acquired for this station but there were topography issues and a lot of dirt that needed to be removed. He continued that after detailed evaluation of the site it was determined it was more economical to use the current location which was the old DDS (Department of Driver's Services) building. Mr. Rapson stated that there were extra costs associated with demolishing that building. He stated that once we began clearing the site it was discovered that there was unsuitable soil conditions, as well as some change orders in addition to the contract put in place to get the pad ready. He stated that because there

were waterline conflicts and civil engineering concerns. Mr. Rapson stated that it cost almost \$800,000 just to get the site prepped, he explained that's where the short fall of \$1,100,000 stemmed from.

Commissioner Rousseau stated that this was part of his concern. He stated that it was understandable with any construction site, that we would run into or have to deal with problems; however, when these situations arise and change orders occur how and when is the Board made aware.

Mr. Rapson stated that there are various thresholds in place and if they are exceeded the projects are placed on the agenda as an item for Board review, discussion and approval.

Commissioner Gibbons motioned to approve staff's request to award bid (#1583-B) to ASTRA Group Inc. for the construction of Three Bay Fire Station 4, not-to-exceed \$2,572,056.93, to approve a budget amendment of \$1,158,170, and to authorize signing of all related contractual documents. Vice-Chairman Oddo seconded. The motion passed 5-0.

8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29.

County Attorney Dennis Davenport stated that this item was a tax refund request submitted by Claudine and James Oakley. The request involved property purchased in 2003 that at one time had a residential structure on it. The property no longer have the residual structure on it but there was no evidence as to when that structure was removed. Mr. Davenport stated that the residential structure had been carried on that parcel since 2003 and no return or appeal was made on the property. This refund request was the first issue the County has had with the property. Mr. Davenport stated that the recommendation from the Attorneys Office was to deny the refund request as presented because no appeal had been filed and no evidence had been offered to show when the structure was removed.

Commissioner Oddo motioned to deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29.

Commissioner Maxwell motioned to approve the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29. Commissioner Gibbons seconded. The motion failed 2-3, with Commissioner Rousseau, Vice-Chairman Oddo, and Chairman Ognio voting in opposition.

James Oakley stated that he acquired the property in 1972 and the old house was uninhabitable. Mr. Oakley stated that when he paid the tax bill each year, he didn't realize the property and land were billed separately, he just paid. Mr. Oakley stated that the house had been demolished for at least 20 years or more.

Commissioner Maxwell stated to Mr. Oakley that although he had the property since 1972 there is a three-year statute of limitation for tax refund request.

Mr. Davenport stated that generally a tax refund request approval was granted only when there was an erroneously or illegal process in place that was the fault of the Tax Assessors Office. In this case the Tax Assessors Office did not do anything wrong. The property owner had a duty to return property every year. If the property was not returned for value, it was accepted at the prior year's value. The property owner received a notice of assessment every year if the property owner had an issue with the value of the property they have a right to appeal it. Mr. Davenport stated no return was made, no appeal was made, no error was made, nor anything illegal performed and that was the basis of the denial.

Commissioner Maxwell stated that he typically agreed with the County Attorney's guidance, but that he would vote to approve this tax refund request. Commissioner Maxwell stated that the \$885.29 was a nominal amount compared to the overage Mr. Oakley had paid in taxes over the years.

Chairman Ognio moved to approve County Attorney's recommendation to deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29. Commissioner Rousseau seconded. The motion passed 3-2, with Commissioner Gibbons and Commissioner Maxwell voting in opposition.

9. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Dore' Ellen Pope Ferrill, for tax years 2016, 2017 and 2018 in the amount of \$189.74.

Mr. Davenport stated that this item was a tax refund request submitted by Dore' Ellen Pope Ferrill. Mr. Davenport stated that Ms. Ferrill applied for a homestead exemption 2014 and her name changed in 2015. The change in the name caused the County software to kick out the homestead exemption. She didn't realize that and lost the homestead exemption at no fault of her own.

Commissioner Rousseau moved to approve County Attorney's recommendation to approve the disposition of tax refunds, as requested by Dore' Ellen Pope Ferrill, for tax years 2016, 2017 and 2018 in the amount of \$189.74. Commissioner Gibbons seconded. The motion passed 5-0.

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

Donald E. Martin stated that he was concerned with the time it was taking to finish the drainage pipe project on Kite Lake Road. Mr. Martin also stated that there needed to be a light at SR 92 and Westbridge Road. He was concerned that someone was going to be seriously injured or killed.

ADMINISTRATOR'S REPORTS:

In response to public comment:

Donald E. Martin

Mr. Rapson stated that regarding the project on Kite Lake Road, staff was waiting for the weather to improve. The project had a paving component in order to be completed. Mr. Rapson stated that the project at SR 92 and Westbridge Road was being worked on and comments were recently set to Georgia Department of Transportation. The County was awaiting a response; however this project was five-six months away from being completed.

- A. Mr. Rapson stated that Contract #1620-B: Asphalt Rejuvenation on Various Roads was approved.**
- B. Mr. Rapson stated that Contract #1628-S: Field Mobile Implementation was approved.**

Mr. Raspon stated that an Open House for the Transportation Corridor Studies would be held on March 18, 2019 from 4:00-7:00 p.m. at the Fayette County Library.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there was one item involving Threatening Litigation, one item involving Pending Litigation, one item involving Real Estate Acquisition and the Review of the February 28 , 2019 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Gibbons

Commissioner Gibbons stated that this week marked the 100th anniversary of the founding of the American Legion. He stated that it was the largest veteran's organization in the United States. Commissioner Gibbons stated that he had the opportunity to

present a proclamation recognizing Post 50 (Peachtree City) and Post 105 (Fayetteville) at a combined event on March 11, 2019. Commissioner Gibbons stated that the organization was very appreciative of the Proclamation having a representative from the County present the proclamation.

Commissioner Rousseau

Commissioner Rousseau stated that his earlier concerns could be resolved if there could be a financial expense report/expense statues report attached to various project outlining various project changes. He stated that would help him out. Commissioner Rousseau stated that he had shared with the Board a petition signed by Fayette County citizens expressing concern for SR 92 and Westbridge and if agreeable, he would like to forward that petition to Georgia Department of Transportation as supporting document for the SR 92 and Westbridge project.

Vice-Chairman Oddo

Vice-Chairman Oddo stated that the County recently attended a very productive meeting with Georgia Department of Transportation discussing how the County and State effectively work together. A representative from all the Fayette County municipalities attended as well.

Chairman Ognio

Chairman Ognio stated that the meeting with Georgia Department of Transportation (GDOT) was a training session to help everyone understand what needed to be done to expedite projects through GDOT. He stated that the SR 92 and Westbridge project was discussed but it would still have to follow the GDOT process which takes time. Chairman Ognio also stated that citizens with a birthday toward the end of May, might want to get their car tag early. He continued that from May 21-29 the State will be upgrading the tag computer system.

EXECUTIVE SESSION:

One item involving Threatening Litigation, one item involving Pending Litigation, one item involving Real Estate Acquisition and the Review of the February 28 , 2019 Executive Session Minutes: Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:26 p.m. and returned to Official Session at 8:00 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 Gibbons seconded the motion. The motion passed 5-0.

Approval of the February 28, 2019 Executive Session Minutes: Chairman Ognio moved to approve the February 28, 2019 Executive Session Minutes. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

Chairman Ognio moved to designate Commissioner Gibbons to sit on the Fayette County Board of Health.

ADJOURNMENT:

Commissioner Maxwell moved to adjourn the March 14, 2019 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

The March 14, 2019 Board of Commissioners meeting adjourned at 8:01 p.m.

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of March 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk