

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

September 12, 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 September 12, 2019 Board of Commissioners Meeting to order at 6:30 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Charles Oddo

Vice Chairman Charles Oddo offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

1. **Proclamation recognizing September 17-23, 2019 as Constitution Week in Fayette County.**

Vice-chairman Oddo, on behalf of the Board of Commissioners, read a Proclamation that commemorated September 17-23, 2019 as Constitution Week in Fayette County.

PUBLIC HEARING:

County Attorney Dennis Davenport read the Introduction to Public Hearings.

2. **Consideration of staff's recommendation to approve new 2019 Retail Alcohol Beer and Wine License (C19-00336) for Amin Merani, doing business as Corinth Road Food Mart, Inc.; located at 166 Corinth Rd., Fayetteville, Georgia.**

County Attorney Dennis Davenport stated that the applicant had met all requirements as required in the County Code and the applicant was approved by the Code Enforcement Department, he added that there were no outstanding violations.

No one spoke in favor no one spoke in opposition.

Vice Chairman Oddo moved to approve a new 2019 Retail Alcohol Beer and Wine License (C19-00336) for Amin Merani, doing business as Corinth Road Food Mart, Inc.; located at 166 Corinth Rd., Fayetteville, Georgia. Commissioner Rousseau seconded. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda with the exception of items #4 and #5. Vice-Chairman Oddo seconded. The motion passed 5-0.

3. **Approval for staff to acquire all fee simple right-of-way and easements (and associated appraisals, title reports, etc.) for the proposed traffic signal at the intersection of SR 92, Veterans Parkway and Westbridge Road (2004 SPLOST R-5F), per the revised Right-of-Way plans dated September 5, 2019.**
4. **Approval of the August 15, 2019 Special Called Public Hearing #1 Minutes.**
Commissioner Gibbons moved to approve the August 15, 2019 Special Called Public Hearing #1 Minutes. Vice Chairman Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau abstained.
5. **Approval of the August 15, 2019 Special Called Public Hearing #2 Minutes.**
Commissioner Gibbons moved to approve the August 15, 2019 Special Called Public Hearing #1 Minutes. Vice Chairman Oddo seconded. The motion passed 3-0-2. Commissioner Maxwell and Commissioner Rousseau abstained.
6. **Approval of the August 22, 2019 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

7. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Rousseau and Commissioner Edward Gibbons, to re-appoint Karen Spangler to the Fayette County Department of Family and Children Services Board for a term beginning July 1, 2019 and expiring June 30, 2023.**

Commissioner Gibbons moved to approve recommendation from the Selection Committee, comprised of Commissioner Charles Rousseau and Commissioner Edward Gibbons, to re-appoint Karen Spangler to the Fayette County Department of Family and Children Services Board for a term beginning July 1, 2019 and expiring June 30, 2023. Commissioner Rousseau second. The motion passed. 5-0

8. **Consideration of Resolution 2019-11 pertaining to the bond issue of the Fayette County Hospital Authority.**

County Attorney Dennis Davenport stated that The Fayette County Hospital Authority planned to issue a tax-exempt bond to finance or refinance, in whole or in part, the cost of the acquisition, construction, installation and equipping of certain healthcare facilities, equipment, and improvements owned or operated by Piedmont Healthcare, Inc., or one of its affiliates located in Fayette County, Georgia and paying certain costs of issuance of Certificates, he added that a public hearing was held on August 28, 2019 as required by Section 147(f) of the Internal Revenue Code of 1986, as amended. Mr. Davenport stated that The Fayette County Hospital Authority submitted documentation of the public hearing and was requesting the Board of Commissioners of Fayette County to approve the adoption of Resolution 2019-11 approving the issuance of the tax-exempt bonds.

Commissioner Maxwell asked Mr. Davenport what was the Board's responsibility besides the approval to adopt Resolution 2019-11 approving the issuance of the tax-exempt bond.

Mr. Davenport stated that in following Section 147(f) of the Internal Revenue Code, the governing authority has to certify that the Hospital Authority followed code in conducting the hearing and properly published notice of said hearing. Mr. Davenport added that the Board approved certificate certifies that these things took place.

Commissioner Maxwell asked Mr. Davenport what the Hospital Authority did in preparation of the Public Hearing.

Mr. Davenport stated that Ali Cox with McNally, Fox, Grant & Davenport, P.C. was the Hearing Officer and was selected by the Hospital Authority to conduct the Public Hearing, he added that they had material information about the project the refinancing would cover as well as the amount of dollars that would be involved and that information was ready to be presented to anyone present at the Public hearing seeking additional information.

Commissioner Maxwell asked Mr. Davenport if the Hospital Authority met prior to the Public Hearing to approve the not-to-exceed amount of \$70 million.

Mr. Davenport stated that the Hospital Authority met on August 28, 2019 to approve a Parameters Resolution, which stated that the Hospital Authority was looking to validate bond in the amount of \$70 million, with an interest rate between x and y, which could not be determined until the bond was sold. Mr. Davenport stated that following the Parameters Resolution being adopted by the Hospital Authority, the next day was a separate hearing which was properly published notifying the public. Mr. Davenport stated that in the next phase of the process the Hospital Authority, Bond Counsel, and other transaction parties would comprise all the bond documents and from there would go through a validation process in Superior Court once that validation occurred the bond would be sold, the bond amount and interest rate would be sent to the Hospital Authority and a finalized Resolution would be approved; a closing would take place one to two weeks later finalizing of the transaction.

Commissioner Maxwell ask if Mrs. Cox represented the Hospital Authority and if Mr. Davenport represented the Board in the process.

Mr. Davenport stated that his firm McNally, Fox, Grant & Davenport, P.C. represented both the Board of Commissioned and the Fayette County Hospital Authority.

Vice Chairman Oddo moved to approve Resolution 2019-11 pertaining to the bond issue of the Fayette County Hospital Authority. Commissioner Gibbons seconded. The motion passed 5-0.

9. **Consideration of staff's request for authorization to allocate additional 2017 SPLOST (Special Purpose Local Option Sales Tax) proceeds to existing functions within the current 2017 SPLOST plan and close completed SPLOST projects.**

Fayette County Chief Financial Officer Mary Parrott stated that an analysis of the 2017 SPLOST funding received in FY2018 and FY2019 showed an estimated \$3.75M of additional 2017 SPLOST funding available for allocation to existing Stormwater, Transportation, and Fire 2017 SPLOST projects. Staff is recommending the following allocations: Stormwater projects \$2.0M, Transportation projects \$1.5M, and Fire \$250k.

Commissioner Maxwell asked if there was a reason for placing the money in these three funds and are there specific projects to be done in those area or are the funds "just being held".

Mrs. Parrott stated that "yes", the monies were placed in the various funds to hold, because some of the estimates came back different than the actual costs and these monies are being used to true up those amounts, as well as would be available for future projects.

Vice Chairman Oddo moved to staff's request for authorization to allocate additional 2017 SPLOST (Special Purpose Local Option Sales Tax) proceeds to existing functions within the current 2017 SPLOST plan and close completed SPLOST projects. Commissioner Gibbons seconded. The motion passed 5-0.

PUBLIC COMMENT:

Jeff Granier stated in an effort to keep emphasis on the Tourist Accommodations Ordinance that he recently experienced an incident in his neighborhood where a “party house” occurred where there was loud music, a traffic nightmare, and left behind trash. Mr. Granier stated this incident was fuel by social media and hoped the data mining software would help alleviate this issue soon.

ADMINISTRATOR’S REPORTS:

County Administrator Steve Rapson asked for Board approval the appointment of Water System Director Vanessa Tigert to the Metro Water District.

Commissioner Gibbons moved to appoint Vanessa Tigert to the Metro Water District. Vice-Chairman Oddo seconded. The motion passed 5-0.

Mr. Rapson provided a project update to the Board stating that:

Graves Road

Graves Road is currently scheduled to be paved on Wednesday 9/18/2019. If the guardrail cannot be installed next week, construction barrels may be placed along the culvert area in order to open the road prior to next weekend if the paving is deemed acceptable by EMD and the Road Dept. According to the contractor’s most recent schedule, the project should be complete by the end of this month.

Dogwood Trail

Dogwood Trail is currently closed to thru-traffic. Utility relocations are in progress and expected to be complete by the end of October 2019. Clearing and erosion control activities began this week and are expected to be complete by next week. Some of the drainage structures and smaller pipe have been delivered and are being stored onsite, the arch culvert structure will be delivered and installed in December 2019. The contractor’s current schedule shows the road opening in mid-February and a final completion in late February 2020.

Swanson Road

The Road Department’s crews will be finished with all of the punch list items on Friday except for the installation of the final roadway signs. This will be finished early next week once the utility locates are good.

Kenwood School Project

Concrete contractor is scheduled to be finished this week. The Road Department is scheduled to set the graded aggregate base (GAB), pave parking area and conduct a final grade of all of the dirt areas and plant the grass next week

Starr’s Mill Tunnel (Robinson Road) Project

The tunnel was moved to Robinson Rd based on input from the FCBOE and progress was delayed as staff finalized details with Peachtree City; staff anticipates construction in summer break of 2020.

The SPLOST referendum allocated \$900,000 to the tunnel project. Fayette County’s consultant is preparing timeline for project implementation.

ATTORNEY’S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation, one item of threatening litigation, and the review of the Executive Session minutes for August 22, 2019.

COMMISSIONERS’ REPORTS:

Commissioner Maxwell stated in reference to Mr. Rapson’s project update that it be added to the minutes.

Commissioner Rousseau announced that he will be hosting his 3rd annual HOA Bootcamp on Oct. 5th from 10 a.m. - 2 p.m. at the Fayette County Administrative Office in the Public Meeting Room. Commissioner Rousseau stated in reference to Mr. Grainer comments regarding the Tourist Accommodations Ordinance, that the Board is still working on the process and that they were still aware of the issue and concerns of the citizens, he added that currently there are some measures in place e.g. the noise ordinance for citizens to utilize.

Chairman Ognio stated that Inman Farm Heritage Day would be September 20th- 22nd at Minter's Farm in Fayetteville, Georgia. Chairman Ognio stated that with the change to the format of Public Comment he would like to move it to the beginning of the Board meetings. Chairman Ognio stated that the County's Transportation Plan was in its final stages, and the County was soliciting comments from the citizens, he added that there was a link available on the County website for citizens to provide feedback.

Commissioner Gibbons moved to add consideration to move Public Comment to the beginning of the Board meetings to the September 26th agenda waiving the agenda deadline. Commissioner Maxwell seconded. The motion passed 5-0.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation, one item of threatening litigation, and the review of the Executive Session minutes for August 22, 2019. Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:11 p.m. and returned to Official Session at 7:20 p.m.

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

Vice-Chairman Oddo moved to approve workers' compensation settlement agreement for Francis Calendar in the amount of \$32,500, this agreement is a voluntary retirement with release from employment and included confidentiality provision. Commissioner Gibbons seconded. The motion passed 5-0.

Approval of the August 22, 2019 Executive Session Minutes: Chairman Ognio moved to approve the August 22, 2019 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Gibbons moved to adjourn the September 12, 2019 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 5-0.

The September 12, 2019 Board of Commissioners meeting adjourned at 7:23 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26nd day of September 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk