

## 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

February 27, 2020

6:30 p.m.

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

### Call to Order

Chairman Randy Ognio called the February 27, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Edward Gibbons was absent.

### Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Commissioner Eric Maxwell 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 Charles Rousseau seconded. The motion passed 4-0. Commissioner Gibbons was absent.

### PROCLAMATION/RECOGNITION:

**1. Proclamation to recognize April 1, 2020 as "Fayette Census Day" in Fayette County, Georgia.**

Fayette County Planning and Zoning Director Pete Frisina read the "Fayette Census Day" Proclamation recognizing April 1, 2020 as "Fayette Census Day" in Fayette County, Georgia, which explained why participating in the upcoming census was so important.

### PUBLIC HEARING:

**2. Consideration of staff's request to adopt Resolution 2020-02; pertaining to the Fayette County 2019 Annual Report on Fire Services Impact Fees and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.**

Fayette County Planning and Zoning Director, Pete Frisina stated that this year, \$129,614.19 was collected in fees which was slightly higher than last year. He expressed his appreciation for both the Finance Department, who assisted with generating the numbers, and Fire Chief David Scarbrough, who analyzed the project list. Mr. Frisina stated that Fayette County along with the Towns of Brooks, Tyrone, and Woolsey, were working in coordination to prepare the Fayette County 2019 Annual Report on Fire Services Impact Fees (FY2019). He stated that this report included the Comprehensive Plan amendments for updates to the Capital Improvements Element and Community Work Program (FY2020 - FY2024).

Vice-Chairman Oddo moved to adopt Resolution 2020-02; pertaining to the Fayette County 2019 Annual Report on Fire Services Impact Fees and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Gibbons was absent.

#### **PUBLIC COMMENT:**

**Susan Sampson** expressed her concern regarding the upcoming election season. Ms. Sampson asked the Board to reconsider allowing the Elections Office to utilize the Fayette County Public Meeting Room as its voting venue this year. She stated that as a result of new voting equipment and machine concerns, such as, lack of space and privacy, has presented themselves, as well as accessibility complaints in getting upstairs to the Elections Office. Ms. Sampson acknowledged that using the Fayette County Public meeting Room comes with its own set of obstacles, however in the best interest of Fayette County citizens, these obstacles could be combated. Ms. Sampson asked if the Fayette County Public meeting Room was not an option, could the Fayette County Library be used.

**Sheryl Cork** expressed her concern regarding the lack of fresh food on the north side of the county. Ms. Cork also asked if the Board had future plans to add a recreation/aquatic center to Kenwood Park. She stated that as an advocate for the young people in her area, she felt they would benefit from a recreational center/ aquatic center on the north side of the county, rather than having to drive to Peachtree City to participate in various activities.

**Rebecca Reynolds** expressed her opposition, displeasure and concern regarding the use of Fluoride in Fayette County's drinking water. Mrs. Reynolds quoted various studies and articles that highlighted the danger in fluoridated drinking water and listed numerous risks for those who consume it.

**Ben Nelms** expressed his concern and issue with the use of fluoride in Fayette County drinking water. He stated that in 2014, with a previous Board, there was citizen feedback, concern, and opposition in fluoridating drinking water in Fayette County. He stated that about a month ago he sent each member of the Board a copy of a position paper from May 1999 written by the Union of Scientist at the Environmental Protection Agency (EPA) headquarters in Washington DC. Mr. Nelms quoted from portions of the position paper which stated that "the Union of Scientist initially became interested in fluoridating drinking water accidentally, also acknowledging that like most people, many of the Union of Scientist thought the effects of fluoride were only beneficial." He continued reading the position paper stating that "as EPA was engaged in revising its drinking water standards for fluoride in 1985, an employee came to the Union of Scientist with a complaint, stating that he was being forced to write into the regulations a statement to the effect, "that EPA thought it was ok for children to have fluorosis", "it was ok" EPA said because it considered that condition a cosmetic affect and not an adverse health affect. We tried to settle this ethics issue quiet and in the family but EPA was unwilling or unable to resist external political pressure." Mr. Nelms continued stating that as a result of these findings a lawsuit did follow. He expressed his concern regarding the manufacturing standard and grading of the fluoride chemicals used in Fayette County.

#### **CONSENT AGENDA:**

Vice-Chairman Oddo moved to accept the Consent Agenda as written. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

3. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2021, which begins July 1, 2020 and ends June 30, 2021.**
4. **Approval of staff's recommended Mid-Year Budget Amendments to the FY2020 budget and approval to close completed Capital Improvement Plan (CIP) Projects.**

5. **Approval to award Contract #1739-P for Animal Shelter Architectural and Engineering Service, to the firm of Carter Watkins Associates for the not to exceed price of \$70,000.00.**
6. **Approval to award bid # 1753-A to D & D Electric in the amount of \$110,300.00 for purchase and installation of three (3) replacement backup generators at Fire Stations #1, #5 and #10.**
7. **Approval of Water Committee's recommendation to close Lake McIntosh Park on March 14, 2020 from 6:30 a.m. until 5:00 p.m. for the Peachtree City Rowing Club Rowing Scrimmage Event.**
8. **Approval of the February 13, 2020 Board of Commissioners Meeting Minutes.**

#### **OLD BUSINESS:**

9. **Consideration of Commissioner Eric Maxwell's request to recognize "Good Friday" by giving County employees a day off on April 10, 2020. This item was tabled at the February 13, 2020 Board of Commissioners meeting.**

Commissioner Maxwell moved to table this item until the March 12, 2020 BOC meeting. The motion passed 4-0. Commissioner Gibbons was absent.

#### **NEW BUSINESS:**

10. **Consideration of recommendation from the Selection Committee comprised of Fayette County Staff, to reappoint Frank Destadio to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2024.**

Vice-Chairman moved to reappoint Frank Destadio to the Fayette County Water Committee for a term beginning immediately and expiring December 31, 2024. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

11. **Consideration of the Planning Commission Selection Committee's recommendation to the reappoint Brian Haren to the Planning Commission for a term beginning January 1, 2020 and expiring December 31, 2022.**

Commissioner Rousseau moved to reappoint Brian Haren to the Planning Commission for a term beginning January 1, 2020 and expiring December 31, 2022. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

12. **Consideration of the Planning Commission Selection Committee's recommendation to the reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2020 and expiring December 31, 2022.**

Vice-Chairman Oddo moved to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2020 and expiring December 31, 2022. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Gibbons was absent.

13. **Consideration of the Zoning Board of Appeals Selection Committee's recommendation to the reappoint John Tate to the Zoning Board of Appeals for term beginning January 1, 2020 and expiring December 31, 2023.**

Vice-Chairman Oddo moved to reappoint John Tate to the Zoning Board of Appeals for term beginning January 1, 2020 and expiring December 31, 2023. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

**14. Consideration of the Zoning Board of Appeals Selection Committee's recommendation to the reappoint Therol Brown to the Zoning Board of Appeals for a term beginning January 1, 2020 and expiring December 31, 2023.**

Vice- Chairman Oddo moved to reappoint Therol Brown to the Zoning Board of Appeals for a term beginning January 1, 2020 and expiring December 31, 2023. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

**15. Consideration of the Zoning Board of Appeals Selection Committee's recommendation to the reappoint Thomas Waller to the Zoning Board of Appeals for a term beginning January 1, 2020 and expiring December 31, 2023.**

Commissioner Maxwell moved to reappoint Thomas Waller to the Zoning Board of Appeals for a term beginning January 1, 2020 and expiring December 31, 2023. Chairman Ognio seconded. The motion passed 4-0. Commissioner Gibbons was absent.

**16. Consideration of request from the Georgia Department of Transportation (GDOT) for execution of "Contract for Acquisition of Right of Way" for replacement of bridge on Ebenezer Church Road over Whitewater Creek (GDOT Project: CSBRG-0008-00(598) and PI No.:0008598).**

Public Works Director Phil Mallon stated that this was a request from Georgia Department of Transportation (GDOT) for the Board to execute an agreement for right-of-way (ROW) acquisition as part of a bridge replacement project on Ebenezer Church Road. Mr. Mallon stated that for this project Fayette County was responsible for right-of-way acquisition and utilities and GDOT was responsible for funding and managing all work associated with design and construction.

Commissioner Maxwell asked what the bridge rating was and if it was one of the lowest rated bridges in the County.

Mr. Mallon stated that it was one a lower rated bridge however not the lowest rated by far. He stated that the need for this replacement came from a combination of the rating, weight restriction, along with the need to meet upgraded design criteria and standards.

Commissioner Maxwell stated that one of his biggest concerns regarding the bridge was tractor trailer truck usage. Commissioner Maxwell stated that this project had been anticipated for about 10 years and needed to be completed. Commissioner Maxwell asked how this project was being funded.

Mr. Mallon stated that it would be funded via the 2017 SPLOST.

Chairman Ognio acknowledged that this project would cause an extensive road closure and wanted to make sure citizens would be advised once construction began.

Vice-Chairman Oddo moved to approve request from the Georgia Department of Transportation (GDOT) for execution of "Contract for Acquisition of Right of Way" for replacement of bridge on Ebenezer Church Road over Whitewater Creek (GDOT Project: CSBRG-0008-00(598) and PI No.:0008598). Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Gibbons was absent.

**17. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by George W. Boggs, for tax years 2017, 2018 and 2019 in the amount of \$239.00.**

County Attorney Dennis Davenport stated that Mr. George Boggs applied for a tax refund in November 2019 for an erroneous removal of a homestead exemption. Mr. George Boggs applied for homestead exemption on the property on June 21, 2012. At that time, Mr. Boggs executed the application document as "George W. Boggs, Jr.". Mr. Davenport stated that the exemption was granted for tax years 2013 and later. In 2013, Mr. Boggs refinanced the home. The refinancing caused the filing of a corrective deed, wherein the grantee was changed from "George Boggs" to "George W. Boggs, Jr." Mr. Davenport stated that upon filing, this deed triggered an automatic removal of the homestead exemption by the tax assessor's system, based on a perceived change of ownership. Mr. Davenport stated that the error caused an increase in assessment and collection of taxes. He stated that a refund was recommended.

Commissioner Rousseau moved to approve a disposition of tax refund, as requested by George W. Boggs, for tax years 2017, 2018 and 2019 in the amount of \$239.00. Vice-Chairman Oddo seconded. The motion passed 4-0. Commissioner Gibbons was absent.

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

County Administrator Mr. Rapson brief the Board on the "Headset Heeler Program" and introduced them to the newest recruit "Ellie" the puppy 911 was fostering. Mr. Rapson stated that the "Headset Heeler Program" was a joint initiative with Fayette County 911 and Fayette County Animal Control to help relieve stress, which would promote mental wellbeing for the 911 communications officers and reduce the stress of animals at the animal shelter due to physiological and behavioral adjustments, helping them cope with their new environment and add in a smoother transition upon adoption.

Mr. Rapson stated that he had sent the Board an email advising them that the County had received the \$185,000 in LMIG funds, which was for eight 2015 flood related storm water projects. He expressed his appreciation to both the Public Works department, as well as the Environmental Management department for their continuous work in acquiring these funds.

Mr. Rapson stated that the County posted on the website information regarding the Coronavirus (COVID-19).

Mr. Rapson advised that there was a need for Selection Committee for the Development Authority, Hospital Authority, and the McIntosh Trail Service Board.

Chairman Ognio moved to nominate Commissioner Rousseau and Commissioner Maxwell to sit on the Selection Committee for the Development Authority. Vice-Chairman Oddo seconded. The motion passed 4-0. Commissioner Gibbons was absent.

Commissioner Rousseau moved to nominate Chairman Ognio and Vice-Chairman Oddo to sit on the Selection Committee for the McIntosh Trail Service Board. Commissioner Brown seconded. The motion passed 4-0. Commissioner Gibbons was absent.

Commissioner Rousseau moved to nominate Commissioner Maxwell and Commissioner Gibbons to sit on the Selection Committee for the Hospital Authority. The motion passed 4-0. Commissioner Gibbons was absent.

Mr. Rapson stated in response to Ms. Sampson regarding use of the Public meeting Room as a voting venue, that based on legal requirement the Public meeting Room is not an option.

Mr. Davenport stated that based on election law if your name appears on a ballot and you step foot in a Room used as a voting venue for anything other than to vote you could be committing a misdemeanor.

Mr. Rapson stated in response to Ms. Cork, that discussions of a possible multiuse facility would be had at the upcoming April Retreat and would include details on funding and location. Mr. Rapson stated in response to Mrs. Reynolds and Mr. Nelms that the Board had sent in the previous two years proclamation requests to the state asking that they remove the requirement of adding fluoride to the drinking water, but the Board had not received any feedback regarding those requests. Mr. Rapson concluded announcing that Sheryl Weinmann was selected as the new Fayette County Chief Financial Officer.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport informed the Board that there were two items involving threatening litigation and the review of the Executive Session minutes for February 13, 2020.

**COMMISSIONERS' REPORTS:**

**Commissioner Maxwell:**

Commissioner Maxwell asked about the library as an alternate voting venue, in response to Ms. Sampson.

Mr. Rapson stated that when this issue started over a year ago the Elections Office reviewed the library, Kiwanis Park, and Suite 210 at the Administration Complex, and at that time all were deemed insufficient and ruled out. He continued that if anything had changed, he would be open to reviewing those locations again.

Commissioner Maxwell acknowledged that the Board was aware of the issues related to the Election Office which included difficulty in accessing the office and confined space which contributed to long lines. He stated that he had personally seen citizens leave because of lack seating. He stated that the Board wanted to assist in finding an alternative venue and felt the library may be the best option.

Commissioner Maxwell stated, in response to Ms. Cork that the County doesn't have any swim facilities, the swim facility in Peachtree City was established without County involvement.

Commissioner Maxwell stated that he would also enjoy more fresh fruit but acknowledge that fresh produce is generally available in the city. He stated that the Board does not make decisions on where to build a restaurant, that's left up to a developer.

Commissioner Maxwell stated that he heard all the comments and concern regarding the issue of fluoride. He stated that fluoridating drinking water was a State requirement and the Board was following the law.

**Vice Chairman Oddo:**

Vice Chairman Oddo stated that his wife had been gone but had finally returned and he was happy to have her back home.

**Chairman Ognio:**

Chairman Ognio stated that he was open and willing to assist the Elections Office in finding a more suitable location to use as a voting venue. He continued however that the Public Meeting Room would not work based on the wording of state law, even after voting machines were removed and the Public Meeting Room was used to hold a Board meeting, the Commissioners would be in violation. He stated that was not a risk the Board was willing to take.

Chairman Ognio stated that the Board needed to review House Bill 937 and the effect it could have on the County. Chairman Ognio stated that although fluoridated drinking water was a State requirement and he felt the Board could do more to garner State analysis of the requirement. He added that not only do the citizens not want it, there was also a cost associated with having it added to the water supply. He suggested that the topic of fluoridating drinking water, could be left to a vote by the people of the County and not a State requirement.

Chairman Ognio stated that he attended an Atlanta Regional Commission (ARC) Meeting on February 26, 2020 and acknowledged that Public Works Director Phil Mallon made a well-received presentation and apologized for missing it. He stated that based on some of the feedback he received, he hoped the ARC was looking favorably at the County's TIP applications but will not know for a few more months.

Chairman Ognio stated that after much prayer he had decided to run for re-election.

**Commissioner Rousseau:**

Commissioner Rousseau stated that the Board was open to assisting in finding a more suitable voting venue for the Elections Office. He suggested that the new Fayetteville City Hall, upon its completion, might be a long-term option.

Commissioner Rousseau encouraged all citizens to participate in the upcoming 2020 Census expressing its importance and the affect it has on the community.

**EXECUTIVE SESSION:**

**Two items involving threatening litigation and, and the review of the Executive Session minutes for February 13, 2020.**

Commissioner Rousseau moved to go into Executive Session. Vice Chairman Oddo seconded. The motion passed 4-0.

Commissioner Gibbons was absent.

The Board recessed into Executive Session at 7:32 p.m. and returned to Official Session at 7:42 a.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 4-0. Commissioner Gibbons was absent.

County Attorney Dennis Davenport stated that there was a settlement agreement with Tetra Tech, previous engineer of record, for a stormwater project for the County. The County was not satisfied with the work performed. Tetra Tech has agreed to reduce the invoice to the County by \$6,400.

Vice-Chairman Oddo moved to approve a settlement agreement and release with Tetra Tech in the amount of \$6,400, and to have the work performance be reflected in the vendor evaluation. Chairman Ognio seconded. The motion passed. 4-0  
Commissioner Gibbons was absent.

**Approval of the July 26, 2018 Executive Session Minutes:** Chairman Ognio moved to approve the February 13, 2020 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 4-0. Commissioner Gibbons was absent.

**ADJOURNMENT:**

Chairman Ognio moved to adjourn the February 27, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded. The motion passed 4-0. Commissioner Gibbons was absent

The February 27, 2020 Board of Commissioners meeting adjourned at 7:44 p.m.

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Marlena Edwards, Deputy County Clerk

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Randy Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12<sup>th</sup> day of March 2020. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk