

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

April 21, 2020

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 April 21, 2020 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 Charles Oddo moved to accept the agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

CONSENT AGENDA:

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

1. Approval of the March 31, 2020 Special Called Meeting Minutes.
2. Approval of the April 9, 2020 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

3. Consideration of staff's recommendation to accept the 2017 Transportation Improvement Program (TIP) grant award for SPLOST projects 19TAF; \$2,896,312 and 19TAG; \$3,113,444: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020, and authorization for staff to seek additional federal funds.

Fayette County Public Works Director Phil Mallon stated that this was a housekeeping item. Mr. Mallon stated that the purpose of this item was to have the Board to formally accept grant money awarded through the Atlanta Regional Commission (ARC) for resurfacing projects in Fayette County. He stated that bids had been received for SPLOST project 19TAF and were under budget and based on Georgia Department of Transportation (GDOT) cost estimates regarding SPLOST project 19TAG, he was requesting an increase in funding through Atlanta Regional Commission.

Vice Chairman Oddo moved to approve to accept the 2017 Transportation Improvement Program (TIP) grant award for SPLOST projects 19TAF; \$2,896,312 and 19TAG; \$3,113,444: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020, and authorization for staff to seek additional federal funds. Commissioner Gibbons seconded. The motion passed 5-0.

4. Consideration of draft Road Resurfacing Agreement with Fayetteville, Peachtree City and Tyrone for federal-aid SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020.

Fayette County Public Works Director Phil Mallon stated that this item was an Intergovernmental Agreement that specified the relationship between Fayette County, Peachtree City, Tyrone, and Fayetteville related to the SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program. Mr. Mallon stated that in summary the agreement stated that Fayette County was the sponsor of the project and all contracts for it would go through Fayette County which included design, construction and construction management; and that each city/town would reimburse Fayette County for all work done inside their jurisdiction. Mr. Mallon stated that the agreement had been reviewed by the County Attorney and reviewed and adopted by each city/town.

County Administrator Steve Rapson stated that the agreement was a joint effort between the County and the municipalities. He stated that the ARC grant funneled about \$3.9 million to the City of Peachtree City, about \$340,000 to the Town Tyrone, and about \$659,000 to the City of Fayetteville toward road resurfacing.

Commissioner Gibbons moved to approve draft Road Resurfacing Agreement with Fayetteville, Peachtree City and Tyrone for federal-aid SPLOST projects 19TAF and 19TAG: Fayette County Resurfacing Program - FY2019 and Fayette County Resurfacing Program - FY2020. Vice Chairman Oddo seconded. The motion passed 5-0.

5. Consideration of staff's recommendation to award Bid #1795-B: 2017 SPLOST; Stormwater Category II; Kenwood Road and Mercedes Trail Culvert Replacements, and Category III; Creekwood Court Culvert Replacement to the lowest bidder, Pine Valley Concrete, Inc., in the amount of \$953,787.63 and authorization for the County Administrator to execute the contract and related documents.

Commissioner Gibbons moved to approve staff's recommendation to award Bid #1795-B: 2017 SPLOST; Stormwater Category II; Kenwood Road and Mercedes Trail Culvert Replacements, and Category III; Creekwood Court Culvert Replacement to the lowest bidder, Pine Valley Concrete, Inc., in the amount of \$953,787.63 and authorization for the County Administrator to execute the contract and related documents. Vice Chairman Oddo seconded. The motion passed 5-0.

Commissioner Gibbons asked what type of competition was weighed for this bid; was the lowest price acceptable or was it based on best value.

Mr. Rapson stated that Kenwood Road Culvert Replacements was the lowest responsive.

Commissioner Gibbons stated that in reviewing the past performance for the lowest bidder, Pine Valley Concrete, Inc., he had cause for concern. He stated that based on their previous project performance evaluation they got behind schedule and he felt that would be an issue for future projects.

Mr. Rapson state that staff would concur with Commissioner Gibbon's concerns, he continued stating that there had been similar conversations and debate regarding the efficiency and timeliness of the lowest bidder. He stated that staff would be closely watching this project and would have construction management guidance in place to help prevent issues with project completion timelines. He stated that this was a close call however, in light of the high cost variation this was the recommended option.

Commissioner Gibbons stated that he did not understand why they were allowed to bid based on previous project performance evaluation.

Mr. Rapson stated that the issue referenced in the past performance evaluation was not related to quality of the work performed, but on the lack of the project remaining on schedule. He added that if there were issues with the vendor early in the project, the County has the option to terminate the contract and move on the next vendor.

Commissioner Eric Maxwell referenced the Dogwood Trail culvert replacement project and the issues the County experienced with it. He stated that although not related to these projects, he does not want citizens to have to endure similar extended delays. He stated that he would suggest making sure all parties involved in the project are on the same page and ready when construction begins.

Mr. Keller stated that the project management process with Atlanta Gas and Light had been refined and that they would receive plans in advance to ensure a more seamless and efficient project flow and lessen project delays.

Commissioner Maxwell echoed concerns related to Pine Valley Concrete, Inc., and the need to supervise the projects closely. He stated that project being completed in a timely manner was a priority.

Commissioner Rousseau reiterated concerns regarding Pine Valley Concrete, Inc. He asked if it would be beneficial to add into the motion an assigned project manager to supervise the project.

Mr. Keller stated that there was a three-tier project management process in place. He stated that there would be a construction inspector, project manager and project coordinator all overseeing project progression.

6. Consideration of Resolution 2020-04 of the Fayette County Board of Commissioners authorizing and approving changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act.

Fayette County Human Resources Director Lewis Paterson introduced David Griffin with Atlanta Retirement Partners, who is the County's broker for the Defined Contribution Plan with MassMutual. Mr. Patterson stated that this item was to consider provisions of the Coronavirus Aid, Relief and Economic Security (CARES) Act which pertain to the County's defined contribution retirement plan. He stated that the CARES Act would allow qualified individuals who are participants in the 401(a) and 457(b), County sponsored defined contribution retirement plans, to make withdrawals before December 31, 2020 for up to \$100,000 with the 10% early withdrawal penalty waived. He stated that participants do have the opportunity to pay it back within three years. The CARES Act provided for loan repayments due from March 27, 2020 to December 31, 2020 to be suspended. The maximum loan amount was increased under the CARES Act to 100% of the employee's vested balance or \$100,000, reduced by the employee's highest outstanding balance in the last 12 months. The required minimum distributions (RMD's), which the IRS requires of plan participants age 70 1/2 or older are not required in 2020 as a part of the Act. The Retirement Committee approved the withdrawal and loan provisions along with allowing employees to have a second loan while the CARES Act was in effect. These items, as an employer, are not mandated, but are an optional. Mr. Patterson expressed his reservations and concern in seeing employees elect to take advantage of the Act without complete understanding of the withdrawal. He stated that all employees who request to make a withdrawal would be referred to Atlanta Retirement Partners, the County's defined contribution broker, for a candid conversation about the consequences of making the withdrawal.

Commissioner Gibbons moved to approve Resolution 2020-04 of the Fayette County Board of Commissioners authorizing and approving changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act. Vice Chairman Oddo seconded. The motion passed 5-0.

7. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Charles McQueen, for tax years 2017, 2018 and 2019 in the aggregated amount of \$812.84.

County Attorney Dennis Davenport stated that Mr. Charles McQueen requested a partial refund of the taxes paid on his home since 2008, based on an overestimate of the square footage of the home. Mr. Davenport stated that a site visit to re-measure the home was conducted. It was determined that the finished square footage was found to be 3,650 square feet. The actual square footage was 471 square feet smaller than estimated from the building plans. Mr. Davenport stated that the overestimate led to an assessment of the home based upon a value that included too much square footage. He stated that the error caused an overpayment of taxes by Mr. McQueen. A partial refund was recommended for tax year 2017, 2018 and 2019, based on this error, all tax years prior to 2017 are time barred by the statute of limitations. Mr. Davenport stated that the error had been corrected for future tax years.

Vice Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Charles McQueen, for tax years 2017, 2018 and 2019 in the aggregated amount of \$812.84. Chairman Ognio seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A. Contract #1744-B: Fuel Management System Upgrade

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He stated that the update included details regarding the Stars Mill project, the intersection at SR 92 project, the East Fayetteville bypass project, the Dogwood Trail project, and the Morning Dove Drive culvert replacement project.

Mr. Rapson provided an overview of the Governor's Executive Order stating that effective immediately (April 21) medical, dental, and orthopedic practices can reopen for elective surgeries/procedures. As of April 24, all gyms, fitness centers, bowling alleys, body art studios, hair designers, and massage therapist may begin person-to-person minimum basic operations. On April 27, theaters, private social clubs, restaurant dine-in services can reopen but are subject to social-distancing and sanitation mandates. As of April 30, the current order would terminate at midnight, but did elude that the medically fragile should continue to shelter-in-place until May 13. Mr. Rapson continued stating that bars, nightclubs, amusement parks, and live performance venues are still closed. He continued that currently Fayette County Stonewall Complex was closed to the public and was set to re-open on May 13. Mr. Rapson proposed that the County extend the closure to the public until May 17 reopening on May 18 which was a Monday and would help eliminate confusion of opening in the middle of the week. He stated that the first two weeks of May would be an evaluation phase reviewing employee schedules and comprise a reopening plan that would gradually bring employees back into the office. That review would also evaluate contractor's schedules and begin issuing project notices to proceed. May 18 would begin a phased reopening of recreational, senior, and the library services. He stated that large events would be delayed which include official games, tournaments, food truck frenzy, and community yard sales where large gatherings would be placed on hold; along with summer camp pushing those dates to mid-June.

Commissioner Maxwell stated that in his review of the Governor's Executive Order it prohibited counties from changing or developing alternate ordinances as it related to the unincorporated county. He stated the Governor's Order out ranked anything that the County could develop and the County must follow the guidance provided. He stated that he had been extremely pleased at the way the County had functioned and been ran in the past few weeks despite extenuating

circumstances. Commissioner Maxwell encouraged the medically fragile should continue to shelter-in-place until May 18. Commissioner Maxwell expressed his concern regarding the reopening of the State, especially as it related to various professions that require direct contact to provide services. He stated that he would continue to monitor the Coronavirus status for Georgia and specifically Fayette County. He stated that he was concerned about a potential "bounce" or an increase in Coronavirus cases once the state re-opened and people begin to co-mingle and interact. He commended Fayette County residents for adhering to the guidance of sheltering-in-place and social-distancing which helped to keep the Coronavirus case rate low.

Mr. Rapson added that the County had identified 40 high-risk employees who would continue to telework until it had been deemed safe for them to return to the office.

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

Vice Chairman Oddo:

Vice Chairman Oddo expressed his appreciation for County staff for how they've handled and continue to function through the Coronavirus pandemic.

He stated that he had the opportunity to participate in an appreciation event at Piedmont Fayette Hospital where the County provided ice-cream for those who tirelessly work the frontline. He stated that it was an uplifting experience and he expressed his gratitude for all those working to protect and care for us.

Vice Chairman Oddo acknowledged National Public Safety Telecommunicators Week, expressing his appreciation for all they do to keep us safe and care for us.

Commissioner Rousseau:

Commissioner Rousseau reiterated comments of appreciation and gratitude for County staff as they weather the proverbial storm called the Coronavirus.

Commissioner Rousseau asked Mr. Rapson for an update on the Fire Station on State Road 92.

He stated that recently as a result of the Coronavirus, the Fayette County School System had to shut down a facility that provided breakfast and lunch for the student body. Commissioner Rousseau stated that he was afforded the opportunity to help prepare over 500 breakfast and lunch bags for the student of Fayette County. He expressed his appreciation for all those who help to include Fayette Factor and Midwest Food Bank and a host of others, your efforts were greatly appreciated.

Commissioner Rousseau extended his appreciation to the Deltas of East Point- College Park for their donation as well as sponsoring lunch for the Fayette County Health Department and the Fayette County Sheriff's Office.

Commissioner Rousseau stated that National Association of Counties (NaCo) was championing for local county/city assistance as a part of the upcoming stimulus package. Commissioner Rousseau stated that if approved such funds could assist in covering those unforeseen expenditures as a result of the Coronavirus.

He stated that he was appreciative of the progress at the intersection of Veterans Road and State Route 92. Commissioner Rousseau expressed his concern and encouraged all to be careful and mindful in reference to the changes to the 401(a) Employee Retirement Plan and the Georgia Section 457(b) Deferred Compensation Plan for the Coronavirus Aid, Relief and Economic Security Act.

Chairman Ognio:

Chairman Ognio stated that he was also aware of the National Association of Counties (NaCo) and the upcoming stimulus package that may have included aid to local county/city.

Chairman Ognio state that there would be bad weather coming in and he advised all to be careful.

EXECUTIVE SESSION:

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the April 21, 2020 Board of Commissioners Meeting. Commissioner Rousseau seconded. The motion passed 5-0.

The April 21, 2020 Board of Commissioners Meeting adjourned at 7:22 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 14th day of May 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk