

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

May 28, 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 May 28, 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 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:

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings. Mr. Frisina stated the meeting was unique in that it was being held during a time declared as a State of Public Emergency due to COVID-19 (coronavirus). In the abundance of caution concerning the COVID-19 (coronavirus), the meeting would be livestreamed and the call-in number 770-305-5277 would be available for those who wanted to make public comment on any of the items during the public hearings portion of the meeting.

1. Consideration of Ordinance 2020-01 amending Article XV. Subdivision Regulations.

Planning and Zoning Director Pete Frisina stated that the focus for amending the Article XV. Subdivision Regulations was to update the procedures and checklists as the department moved to the Sages system which was software for digital review and submission of subdivision plats. Mr. Frisina stated amendments were also made to strengthen the Ordinance with changes within platted subdivisions. There were also some changes made to the contiguous area requirements and other housekeeping updates made to align with the language of the Ordinance. Mr. Frisina stated years ago developers would develop a subdivision and increase the setbacks on a final plat over the County requirement, as a result there are some final plats with very large setbacks and applicants have made requests to have that amended. He stated these applications would only go thru the Public Hearing process with the Planning Commission as the approving body of the subdivision; the applicant would not have to seek Board approval. Mr. Frisina wanted to ensure that the Board was aware of that update.

Commissioner Maxell stated that the Board encountered and has had to legally defend not allowing larger acre lots within platted subdivisions from being purchased and subsequently split into smaller acre lots, which is not what the Board wanted. He stated that sometimes in defending these lawsuits the Board can be successful and sometimes they are not. Commissioner Maxwell commended Mr. Frisina and his team for their hard work and due diligence in preparing this update.

Commissioner Rousseau extended his appreciation for a job well done to Mr. Frisina and his team as well as the Planning Commission and the County Attorney for their tremendous effort in preparing these amendments. He asked regarding amendments to final plats with large setback, would allowing them final approval as opposed to the Board of Commissioners fundamentally change the Planning Commission's operating guidelines.

County Attorney Dennis Davenport stated no, this is a limited circumstance in that it is outlined as a part of the subdivision regulation as opposed to the zoning ordinance. Mr. Davenport stated that these applicants' request already met the minimum required setback outlined by the County seeking Board approval was not deemed necessary as a result.

Commissioner Rousseau stated for clarification that the Board would not be conferring any additional power to the Planning Commission that they did not already possess and abdicating the Board's responsibility. He asked for clarification of private versus public roads.

Mr. Frisina stated that there were at least two private roads, Whitewater and Legacy Hills. Mr. Frisina stated that it is allowable to have a private road within a subdivision, but it has to be built to County standards and the homeowners association would then be responsible for the maintenance of the roadway. He stated that this would typically come into play in a gated community.

Commissioner Rousseau stated that if the COVID-19 pandemic did not prevent him from hosting his annual HOA Bootcamp in the fall of 2020, he asked for Mr. Frisina to add this update to his agenda item for discussion with bootcamp participants.

No one spoke in favor or opposition.

Commissioner Rousseau moved to approve Ordinance 2020-01 amending Article XV. Subdivision Regulations. Vice Chairman Oddo seconded. The motion passed 5-0.

2. Consideration of Ordinance 2020-02 amending Chapter 110. Zoning Ordinance, regarding Sections 110-60., 110-79., Sec. 110-81., 110-105., 110-107., 110-126., 110-127., 110-128., 110-142., 110-144., 110-146., 110-169., 110-170, 110-173., and 110-242.

Planning and Zoning Director Pete Frisina stated that these proposed amendments correlate with changes as a part of the subdivision regulations as well as final plat precedence updates, site plans precedence updates, accessory structure updates, setback updates, Cluster Box Units (CBU) regulations, conservation subdivision updates, overlay updates, and some housekeeping updates made to align the language.

No one spoke in favor or opposition

Vice Chairman Oddo moved to approve Ordinance 2020-02 amending Chapter 110. Zoning Ordinance, regarding Sections 110-60., 110-79., Sec. 110-81., 110-105., 110-107., 110-126., 110-127., 110-128., 110-142., 110-144., 110-146., 110-169., 110-170, 110-173., and 110-242. Commissioner Gibbons seconded. The motion passed 5-0.

PUBLIC COMMENT: There were no public comments.

CONSENT AGENDA:

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

- 3. Approval of staff's recommendation to transfer ownership of a 2013 Dodge Charger to the Prosecuting Attorney's Council of Georgia to be used in the Griffin Judicial Circuit.**
- 4. Approval of the May 14, 2020 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 5. Consideration to allocate an additional \$1,000,000 towards the Department Public Health building project and to finance the remaining shortfall over a ten-year period via the Public Facilities Authority utilizing \$200,000 from the \$275,000 existing health department allocation.**

County Administrator Steve Rapson stated that the need for a new health facility had been mounting since late 2014 and the need has only increased over the years. Mr. Rapson stated that the Health Department allocated \$1,000,000 of their fund balance towards this effort. He stated that the proposal was for a two-story 35,100 square foot building next to the Senior Center and the estimated cost would total \$5,200,000 based upon \$150 per square ft. Mr. Rapson stated this facility would house the Health Department, Women, Infant and Children program (WIC), and Environmental Health. He stated that the Board also allocated \$1,000,000 from the \$2M savings received via the Public Facilities bonds refinance, along with WIC contributing \$436,000. He was proposing to allocate an additional \$1,000,000 that would be pulled from the County's unassigned fund balance. Mr. Rapson stated that cumulatively this would total \$3,436,000 and would leave a \$1,829,000 shortfall which could be financed over a ten-year period utilizing \$200,000 from the \$275,000 existing health department annual allocation. WIC would allocate the remaining \$446k paying \$43,600 over 10 years. Mr. Rapson stated that this proposal was presented to and approved by to the Public Health Board at their May 12th Special Called Meeting. Mr. Rapson stated that the potential impact for WIC would be \$327,530 via the state and \$94,860 that would funnel back to the Health Department. He stated that the potential impact for the Health Department would be \$160,996 via the State and \$145,046 of potential revenue. Mr. Rapson stated that the potential impact for the Environmental Health would be \$25,000 of generated revenue. He continued stated the total benefit to Fayette County would be more than \$738k of additional staff and benefits.

District IV Public Health Director Dr. Olugbenga O. Obasanjo stated that in the past, the issue with pursuing a new health facility was halted trying to determine how to fund it. Dr. Obasanjo stated that the \$1M Health Department allocation was facilitated through effective and efficient management of county dollars. Dr. Obasanjo stated that currently they are operating at full capacity and if provided the additional space, revenue would be generated. He stated that the reason why clients come from neighboring counties to receive services in Fayette County was because they receive quality services. He stated that the amount of money provided by the USDA/WIC Infrastructure Grant was based in client load and a large facility would allow for a larger clientele. He continued stating that he was confident that the WIC numbers could double if not triple. Dr. Obasanjo stated that the WIC program was the gateway into the Health Department from there they can begin to receive additional services and care. He stated that he was also confident in the funding based on his team's ability to accurately bill customers. He noted that the Health Department billing was more than 90%. Dr. Obasanjo discussed the Cardio-Metabolic Clinic, nutritional services, and mental health services was to always provide quality service to the community and generate revenue. Dr. Obasanjo stated that the Health Department would not only pay for itself but add value to the County.

Mr. Ted Toles, Chairman of the Fayette County Board of Health stated that Fayette County was not prepared for COVID-19 (coronavirus). Mr. Toles stated that this new facility would help equip us in the future to do all the testing and all the tracing.

Commission Maxwell expressed his concern of not fully occupying the building once it is constructed. He stated that he would feel more comfortable if a contract could be drafted with partnered service providers to ensure the building would be completely occupied. Commissioner Maxwell stated that the jump from 10,000 square feet to 35,000 square feet seemed like a large increase in space.

Dr. Obasanjo stated that the increase in space would be utilized and that as part of his strategic planning, the goal was to not need to request additional County funding after the new facility was completed. Dr. Obasanjo stated that he could work with Mr. Rapson in creating a draft contract to have in place for various service providers.

Commissioner Maxwell stated that he does have some concerns in reference to the budget and the affect the recent COVID-19 pandemic had on residents economically and how this could affect the County in the future.

Environmental Health County Manager Robert F. Kurbes stated that the plan for the new facility was strategic and intentional and that based on numbers the facility is needed.

Commissioner Gibbons moved to allocate an additional \$1,000,000 towards the Department Public Health building project and to finance the remaining shortfall over a ten-year period via the Public Facilities Authority utilizing \$200,000 from the \$275,000 existing health department allocation. Commissioner Rousseau seconded. The motion passed 5-0.

6. Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Darrell Sims to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

Vice Chairman Oddo moved to appoint Darrell Sims to the Recreation Commission for a term beginning immediately and expiring March 31, 2024. Commissioner Gibbons seconded. The motion passed 5-0.

7. Consideration of the Parks and Recreation Selection Committee's recommendation to re-appoint Michael Gumbinger to the Recreation Commission for a term beginning immediately and expiring March 31, 2024.

Commissioner Gibbons moved to re-appoint Michael Gumbinger to the Recreation Commission for a term beginning immediately and expiring March 31, 2024. Vice Chairman Oddo seconded. The motion passed 5-0.

8. Consideration of staff's recommendation to approve Contract #1431-P, Task Order #27 in the amount of \$234,595 for Construction, Engineering, and Inspection (CEI) services for 19TAF Fayette County Resurfacing Project FY 2019.

Vice Chairman Oddo moved to approve Contract #1431-P, Task Order #27 in the amount of \$234,595 for Construction, Engineering, and Inspection (CEI) services for 19TAF Fayette County Resurfacing Project FY 2019.

9. Consideration of staff's recommendation to award Bid #1781-B, Fayette County Resurfacing Program FY 2019 to the lowest responsive and responsible bidder, C.W. Matthews Contracting, Co., Inc., for the amount of \$2,766,965.47 (2017 SPLOST 19TAF), contingent upon concurrence from the Georgia Department of Transportation (GDOT).

Vice-Chairman Oddo moved to approve to award Bid #1781-B, Fayette County Resurfacing Program FY 2019 to the lowest responsive and responsible bidder, C.W. Matthews Contracting, Co., Inc., for the amount of \$2,766,965.47 (2017 SPLOST 19TAF), contingent upon concurrence from the Georgia Department of Transportation (GDOT). Commissioner Gibbon seconded. The motion passed 5-0.

10. Consideration and approval of proposed Change Order #2 of \$700,000 from Contract #1428-P, Public Safety Radio System, to fund microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees from the existing Contingency/Enhancements in the contract.

911 Communications Director Katye Vogt stated that staff was proposing Change Order #2 to Contract #1428-P in the amount of \$700,000. She continued that the funds already exist in the SPLOST Contingency Fund. This request was to allocate the \$700,000 specifically for tower upgrades and microwave path studies that are coming due. She stated that the old system had to remain up while the new system was being installed and tested. This would be adding weight to the towers and there was structural analysis required and the \$700,000 would be used for the analysis.

Commissioner Gibbons moved to approve Change Order #2 of \$700,000 from Contract #1428-P, Public Safety Radio System, to fund microwave path studies, cell tower remediation, mobile radio gateways, cell tower site improvements and application fees from the existing Contingency/Enhancements in the contract. Vice Chairman Oddo seconded. The motion passed 5-0.

11. Consideration of proposed Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 Carbyne workstations under Contract #1477-S, Carbyne Public Safety Ecosystem.

911 Communications Director Katye Vogt stated that staff was requesting to take \$164,987 from radio contingency, which was also allocated for 911 improvement, and move it to the Carbyne project: Contract #1477-S.

Mr. Rapson stated that this was a deductive change order for a contract and another change order for the same amount because it involves two different contracts.

Vice Chairman Oddo moved to approve Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 Carbyne workstations under Contract #1477-S, Carbyne Public Safety Ecosystem. Commissioner Gibbons seconded.

Mr. Rapson stated that there were positions that are talked for the Carbyne contract. He stated that the nine (9) existing positions, creating three (3) positions in the administration office, standing up four (4) other positions in the Emergency Operations Center (EOC) and also five (5) additional positions for mobile.

Vice Chairman Oddo moved to approve Change Order #3 of (\$164,987.00) from Contract #1428-P, Public Safety Radio System, to fund an additional 12 Carbyne workstations under Contract #1477-S, Carbyne Public Safety Ecosystem. Commissioner Gibbons seconded. The motion passed 5-0.

12. Consideration of proposed Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications.

Commissioner Gibbons moved to approve Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications. Chairman Ognio seconded.

Commissioner Rousseau expressed that he did not like change orders. He acknowledged that Ms. Vogt was new in her position and that she reevaluated the process to make operations more efficient and effected. He reiterated that he would encourage staff to look at the scope of work on the offset to not have to issue change orders.

Commissioner Gibbons moved to approve Change Order #2 of \$164,987.00 to Contract #1477-S, Carbyne Public Safety Ecosystem, to fund an additional 12 Carbyne workstations for 911 Communications. Chairman Ognio seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

HOT PROJECTS UPDATE

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/Veterans Parkway/Westbridge Road project, the East Fayetteville bypass project, the Dogwood Trail culvert replacement project, and the Kenwood Road culvert replacement project, as well as updated regarding Fire Statios#2 and #4.

STATE OF PUBLIC HEALTH EMERGENCY

Mr. Rapson stated that the Governor had extended the State of Public Health Emergency through July 12th, but the Shelter-in-Place would lapse on June 12. Mr. Rapson stated that 43 employees had previously been identified as high-risk, along with a few additional employees based on the extended Governors Executive Orders, these employees would continue to telework until after June 12, 2020.

TRANSPORTATION COMMITTEE

Mr. Rapson stated that there was one position opening on the Transportation Committee that Phil Mallon would be providing the Board a recommendation for.

HOSPITAL AUTHORITY

Mr. Rapson stated that the Hospital Authority had three open positions, for this Authority state law requires three applicants per vacant position be provided. Mr. Rapson stated that for the last posting only four application was received. Mr. Rapson stated that the positions must be advertised again for the third time.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there was six items. Three items involving Threatened Litigation, two items involving Pending Litigation, and the Review of the May 14, 2020 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Thank you to Fellowship of Love Church

Commissioner Rousseau thanked the Fellowship of Love Church, under the leadership of Pastor Besean Jackson for their donation of 400 N95 masks for Fayette County First Responders and emergency personnel.

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.

Condolences:

Commissioner Rousseau sent his condolences to the family of former Fayette County Building and Grounds & Engineer Director Carlos Christian. Commissioner Rousseau expressed his appreciation for the opportunity to work with Carlos and valued his spirit and the way he approached his professional obligation and engaged in his community.

Public Art:

Commissioner Rousseau stated he wanted to discuss with Fayette County Recreation Director Anita Godbee potential idea to create engagement for the Art Community.

Concerns:

Commissioner Rousseau expressed his concern and frustration regarding the increase in cases involving police brutality, racial discrimination and injustice one case involving Ahmaud Arbery right here in Georgia. Commissioner Rousseau also acknowledged the cases involving Breonna Taylor and George Floyd.

Vice Chairman Oddo

Vice Chairman Oddo thanks staff for their hard work in developing the fiscal year 2021 budget. He encouraged everyone to go out in vote.

Chairman Ognio

2020 Census:

Chairman Ognio encouraged everyone to please participate in the 2020 Census.

Condolences:

Chairman Ognio also sent his condolences to the Christian Family.

Thank you to the Fellowship of Love Church:

Chairman Ognio expressed his appreciation to the Fellowship of Love Church for the N95 masks donation.

I85/74 Update:

Chairman Ognio stated that he received an update regarding the I85/74 project and there was 7 months left in the process of acquiring right-of-way.

Happy Birthday

Chairman Ognio wished his mother a Happy 80th Birthday.

EXECUTIVE SESSION:

Three items involving Threatened Litigation, two items involving Pending Litigation, and the Review of the May 14, 2020 Executive Session Minutes for consideration in Executive Session: Vice Chairman Oddo moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:41 p.m. and returned to Official Session at 9:16 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.

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.

Approval of the May 14, 2020 Executive Session Minutes: Chairman Ognio moved to approve the May 14, 2020 Executive Session Minutes. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

AJOURNMENT:

Commissioner Rousseau moved to adjourn the May 28, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

The May 28, 2020 Board of Commissioners meeting adjourned at 9:16 p.m.

Marlena M. 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 11th day of June 2019. Documents are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk