

## 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. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

August 13, 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 August 13, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Charles Rousseau attended the meeting virtually via Microsoft Teams as allowed during the pandemic.

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

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

### 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.*

### CONSENT AGENDA:

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

1. Approval to authorize staff to acquire all fee simple right-of-way and easements for the 2017 SPLOST Stormwater Category II, Tier II Project: 19SBJ; 130 Darren Drive Culvert Replacement.
2. Approval of the July 23, 2020 Board of Commissioners Meeting Minutes.

### OLD BUSINESS:

### NEW BUSINESS:

3. **Consideration of the Public Facilities Authority Selection Committee's recommendation to re-appoint Alice Reeves to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments.**

Commissioner Gibbons moved to approve the Public Facilities Authority Selection Committee's recommendation to re-appoint Alice Reeves to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments. Vice Chairman Oddo seconded. The motion passed 5-0.

4. **Consideration of the Public Facilities Authority Selection Committee's recommendation to re-appoint Edward Outlaw to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments.**

Vice Chairman Oddo moved to approve the Public Facilities Authority Selection Committee's recommendation to re-appoint Edward Outlaw to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments. Commissioner Rousseau seconded. The motion passed 5-0.

5. **Consideration of the Public Facilities Authority Selection Committee's recommendation to re-appoint Thomas Gray to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments.**

Vice Chairman Oddo moved to approve the Public Facilities Authority Selection Committee's recommendation to re-appoint Thomas Gray to the Public Facilities Authority to serve two consecutive one-year terms beginning July 24, 2020 and expiring July 23, 2022, as permitted in Policy 100.19; Board Appointments. Commissioner Gibbons seconded. The motion passed 5-0.

6. **Consideration of staff's request to accept the Coronavirus Relief Fund (CRF) Terms and Conditions and apply for the Corona Virus Relief Fund (CRF) Grant Funding payments through the Governor's Office of Planning and Budget (OPB), GeorgiaCARES.**

Commissioner Maxwell asked the Fayette County Chief Financial Officer Sheryl Weinmann to explain what the Corona Virus Relief Fund (CRF) Grant was, to help the public understand what the Board was authorizing.

Fayette County Chief Financial Officer Sheryl Weinmann stated that initially Coronavirus Relief Fund Grant- Phase 1 monies were provided to counties with over 500,000 residents which only applied to about four counties in the state of Georgia. Ms. Weinmann continued that the Association of County Commissioners of Georgia (ACCG) along with Georgia Municipal Association (GMA) prepared a proposal to submit to Governor Kemp that would allocate the remaining funds to counties and cities based upon population. Ms. Weinmann stated that each county and city was provided information regarding the Coronavirus Relief Fund (CRF) Terms and Conditions along with other information. She stated that the initial 30% of available funds for Fayette County had been received and was about \$816,000 and the remaining 70% of funds would be requested for payment. Ms. Weinmann stated that the total the County should receive was \$2.72M.

County Administrator Steve Rapson stated that these funds are used primarily for direct and indirect COVID- 19 related expenses. He stated that it was a pass through from the State, which was defined as a Public Safety related expense. The expense did not necessarily have to be tied to a COVID-19 case but had to be tied to Public Safety. Mr. Rapson stated that the County could capture expenses from March 1<sup>st</sup> through September 1<sup>st</sup> under Phase 1, which was included in the \$2.72M. The County had received the 30% allocation and the back-up documentation was being submitted to support the \$816,000 (30%) allocation of expenses. He stated that there was a two-step authorization process initially in

order for the Georgia Department of Community Affairs (DCA) to approve it, from there it would be forwarded to the Office of Procurement Services (OPS) for approval. He stated once the \$813,000 (30%) allotment was approved, the Corona Virus Relief Fund (CRF) Grant Funding portal would open to submit request for the remaining 70%.

Commissioner Maxwell stated that he appreciated the hard work of the Finance Department and the due diligence and foresight of the County Administrator. He stated that he had had a conversation with Mr. Rapson back in April discussing the potential for state and local government assistance and the need for the County to keep a detailed record of COVID-19 related expense. Commissioner Maxwell stated that Mr. Rapson had already begun monitoring COVID-19 related expense, which was commendable.

Commissioner Gibbons stated as a point of clarification that the \$2.72M was the allotment solely for unincorporated Fayette County and that all of the cities/municipalities within the County would receive a separate allocation based on their population. He asked if the \$816,000 (30%) allocation had been received or was it only committed funds.

Ms. Weinmann stated that the \$816,000 (30%) allocation had been received as an advance and that the County had until September 1<sup>st</sup> to submit all the supporting documentation regarding all qualifying expenses. Once approved, the portal would open for the County to request the remaining 70%.

Vice Chairman Oddo moved to approve staff's request to accept the Coronavirus Relief Fund (CRF) Terms and Conditions and apply for the Corona Virus Relief Fund (CRF) Grant Funding payments through the Governor's Office of Planning and Budget (OPB), GeorgiaCARES. Commissioner Gibbons seconded. The motion passed 5-0.

## **7. Consideration to approve Ordinance 2020-07 for the purpose of dissolving the Public Arts Committee.**

Fayette County Public Arts Committee Chairman Cameron LaFoy, stated that although the Public Arts Committee had been moved under the charge of Park and Recreation and the Recreation Committee the time had come to dissolve the Fayette County Public Arts Committee due to continual participation issues and trouble making a quorum for the meetings. He thanked Fayette County Parks and Recreation Director Anita Godbee for her assistance and guidance. He stated that the committee would more than likely be reformed as a volunteer panel serving as an arm to the Fayette County Parks and Recreation Committee.

Commissioner Maxwell asked, if approved, what happens to the funds allocated to the Public Arts Committee. He asked if the funds would remain in the Park and Recreation's budget or are the funds returned to the General Fund.

Mr. Rapson stated that those funds are allocated for "Arts" under the Parks and Recreation and thus would stay in that capital project fund. He stated that these funds would be a source of funding for projects that the Recreation Committee and Parks and Recreation develop or establish. He stated that it was about \$56,000.

Commissioner Maxwell stated that he was sorry to see the Public Arts Committee be dissolved but acknowledged that it was not working in its current form. Commissioner Maxwell encouraged Mr. LaFoy to stay in contact with the Board and the Parks and Recreation Department.

Commissioner Gibbons thanked Mr. LaFoy for the effort he put forth to serve the community.

Commissioner Rousseau stated that he would have appreciated the opportunity to review the Public Arts Committee mandate to possibly revamp the committee's structural composition. Commissioner Rousseau stated that this could be a missed opportunity to serve the community. He thanked the Public Arts Committee for their service and Parks and Recreation Director Anita Godbee for her guidance. He stated that in the future he would like to be provided with the opportunity to discuss alternate options before moving to dissolution of a standing committee that the Board established.

Commissioner Rousseau asked as a point of clarification prior to the Public Arts Committee being moved under the charge of Park and Recreation, where the allocated funds for Public Arts had originally been assigned.

Mr. Rapson stated that in its creation the allocated funds was assigned to Park and Recreation.

Vice Chairman Oddo stated that the goal of the Public Arts Committee was not missed by the Board but acknowledged that a committee could not function if its member did not show up for meetings. Vice Chairman Oddo thanked the Public Arts Committee for all their hard work and effort over the years.

Chairman Ognio expressed his appreciation for the Public Arts Committee, but acknowledged the difficulty the committee was having.

Commissioner Gibbons moved to approve Ordinance 2020-07 for the purpose of dissolving the Public Arts Committee. Vice Chairman Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

**8. Consideration to authorize the development of a conceptual design for intersection improvements at Tyrone Road and SR 54 using 2017 SPLOST funds and allocation of \$700,000 of "possible federal aid corridor improvement" money to be allocated to the project.**

Public Works Director Phil Mallon stated as an overview for the citizens that this item was being funded via the 2017 SPLOST. Mr. Mallon stated that transportation was a major component of the 2017 SPLOST. He stated that the voters approved the County to utilize a \$19.2M SPLOST budget to complete a list of designated projects throughout the County. The designated projects list contained about five different types of projects which included infrastructure and maintenance projects, possible federal aid corridor improvement projects, intersection projects, path projects, and project studies. Approximately \$8.4M was allocated for possible federal aid corridor improvement projects. Mr. Mallon stated that in 2019 the Board approved for staff to submit three grant applications to Atlanta Regional Commission (ARC).

Mr. Mallon stated that over several meetings in 2020, the Transportation Committee evaluated other recommendations from the 2019 Corridor Studies and ultimately recommended, at their July meeting, that two projects be funded and delivered: the intersection improvements at Tyrone Road and Flat Creek Trail; and the intersection improvements at Tyrone Road and SR 54. Mr. Mallon stated that staff would seek state and/or federal funds to offset the completion of both projects, but the intent was to fund 100% with 2017 SPLOST money if other funding was not provided.

Commissioner Gibbons asked if the County used the \$5.5M to move forward with the designated projects, would that preclude the County from receiving additional state and/or federal aid to offset the County's funds should monies become available at a later date.

Mr. Mallon state that was correct. He stated that funding of this project would not preclude Fayette County from seeking state and/or federal aid on other projects in response to future project solicitations by the Atlanta Regional Commission (ARC). He stated that he would also recommend specific processes for design and right-of way acquisition that would keep the doors open to receive aid. He stated that with this combination of projects at the \$5.5M price point, there would be enough funds remaining in reserves. He stated that if the Banks Road widening project were approved, the County would have enough funds to satisfy the local match requirement.

Commissioner Rousseau asked if approved, would it be to only proceed with the design phase of the project.

Mr. Mallon stated that if approved, this would authorize staff to move forward to develop a concept design and a more detailed cost estimate but would also be allocating the full dollar amount for each project, having the money set aside or encumbered.

Mr. Rousseau expressed his concern and desire to try and leverage the funds the County had available.

Commissioner Gibbons moved to authorize the development of a conceptual design for intersection improvements at Tyrone Road and SR 54 using 2017 SPLOST funds and allocation of \$700,000 of "possible federal aid corridor improvement" money to be allocated to the project. Vice Chairman Oddo seconded. The motion passed 5-0.

**9. Consideration to authorize the development of a conceptual design for intersection improvements at Tyrone Road and Flat Creek Trail using 2017 SPLOST funds and allocation of \$2,200,000 of "possible federal aid corridor improvement" money to be allocated to the project.**

Commissioner Maxwell stated that he had concerns related to the amount of money that would be spent on the design itself. He stated that he did not want to end up paying for a design but never using it, similar to what happened with the project at Antioch and Goza Roads.

Mr. Mallon stated that the design would be a very small amount in comparison to the \$100,000 spent on the project at Antioch and Goza Roads. He stated that he would estimate the design cost to be about \$7k-\$8k.

Commissioner Maxwell also asked as a point of clarification if the study to be conduct would only be related to an intersection on a two-lane road.

Mr. Mallon stated that was correct, the design study would only consider the option of an intersection as a two-lane road.

Commissioner Gibbons moved to authorize the development of a conceptual design for intersection improvements at Tyrone Road and Flat Creek Trail using 2017 SPLOST funds and allocation of \$2,200,000 of "possible federal aid corridor improvement" money to be allocated to the project. Vice Chairman Oddo seconded. The motion passed 5-0.

**10. Consideration of the Water Committee's recommendation to adopt the Waterline Extension Policy.**

Water System Director Vanessa Tigert stated that the Water System's existing waterline extension policy was adopted June 22, 2006. Ms. Tigert acknowledged that it was fairly inexpensive for a resident to process a line extension having had to go through this process personally a few years prior. She stated that the existing policy requires individuals to pay for a distribution line extension based on the calculation of a resident's property road frontage at a cost \$3.50 per linear foot plus a meter fee. She stated that currently, the costs, paid by an individual, cover less than 15 percent of the actual line extension cost to the Water System rate payers. Developers are responsible for the complete cost to provide water infrastructure in new development and under the existing policy, rate payers absorb the bulk of the costs for establishing connection to current infrastructure. Ms. Tigert stated that the proposed Waterline Extension Policy would provide consistent treatment of both individuals and developers when a line extension is requested, alleviating the extra cost paid by the Water System rate payers. She stated that the Waterline Extension Policy had been unanimously approved by the Water committee.

Vice Chairman Oddo stated as a point of reference that it was important to note that the cost was not borne by Fayette County tax payer but by the smaller pool of Fayette County Water System rate payers.

Commissioner Gibbons asked how much each year does the Water Department spend of rate payer funds performing waterline extensions.

Ms. Tigert stated that Kirkley Road was the only extension performed last year.

Mr. Rapson added that in regards to the budget, roughly \$200,000 is typically allocated for water line extension, with an additional amount set for north waterline extensions. He continued that it really depended on who asked. There are several nuances and other determining factors when performing a waterline extension. He stated that the goal of the policy was to alleviate the extra cost paid by the Water System rate payers versus the individuals who request the waterline extension.

Commissioner Gibbon expressed his concerns of the astronomical increase in costs being asked of individuals requesting the waterline extension proposed by this new Waterline Extension Policy. He asked what percentage of the Water Systems overall budget had been dedicated to waterline extensions.

Mr. Rapson stated that it was a relatively small percentage of the Water Systems overall budget.

Vice Chairman Oddo stated that these potential requests would be from individuals who currently are on a well and for one reason or another would choose to request to tie on to the County's water distribution system. He acknowledged that these requests would be outside of the County's established water system extension plan.

Ms. Tigert stated that potential requestors currently have a few options, but when tying on to the County's water distribution system is the most inexpensive option for the homeowners, it is the choice most often selected.

Commissioner Rousseau asked if there had been consideration given to phasing this new policy in and was there consideration given on how the public would be advised and/or notified of the drastic change in the policy. He expressed his concern of the proposed astronomical increase in cost for a waterline extension and the lack of consideration given to requestors during the current climate of the nation. He shared several variables that should have been considered and discussed when drafting the proposed policy. Commissioner Rousseau stated that issues such as fighting a global pandemic, seniors and those working on a fixed income, and /or the loss of a job due to the pandemic were factors that would create challenges for individual who may have requested a waterline extension.

Chairman Ognio stated that he understood the need for an updated policy to ensure the Water System rate payers are not carrying the burden of the costs for the waterline extensions. He also noted that at its current cost it takes about 37 years for the Water System to recoup the cost of a waterline extension. He stated that if the Waterline Extension policy goes unchanged and the fees are not updated, the County may have to consider the need to increase the cost of water.

Commissioner Rousseau moved to deny the Water Committee's recommendation to adopt the Waterline Extension Policy, and to review alternative options and/or measures regarding the waterline extension process and procedure and ensuring the public was aware of pending changes once a decision was made. Commissioner Gibbons seconded. The motion passed 5-0.

**11. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Beatrice Acosta for tax year 2018 in the amount of \$305.87.**

County Attorney Dennis Davenport stated that Ms. Beatrice Acosta requested a partial refund of the taxes paid on her home on Groveland Drive in Peachtree City for 2017 and 2018. He stated that in 2016, Ms. Acosta received a permit to enclose the 460 square foot attached garage and a permit to build a detached garage on the property. In the beginning of tax year 2017, the property was redrawn for assessment with the permitted improvements; an additional 460 square feet of finished living area and a detached garage. Mr. Davenport stated that Ms. Acosta appealed her 2017 assessment and ended up paying a negotiated amount based on that valuation. He stated that in 2018 the home was re-valued for assessment, including the detached garage and the additional 460 square feet of finished living area. Ms. Acosta paid 2018 taxes on that value. In 2019 the home was assessed with the detached garage and the additional 460 square feet of living space. The value was appealed and adjusted. Mr. Davenport stated that the records of the assessors show that

although the 460 square foot attached garage was enclosed, heat/air were not installed on this improvement at the time of enclosure. He stated that the valuation of this space as finished living area was erroneous. Mr. Davenport stated that a refund of local property taxes was recommended when taxes have been assessed and collected in error. A qualifying error was found in the record of assessment and in this case, the taxpayer was assessed and paid taxes on finished square footage that did not exist in her home. Mr. Davenport stated that ultimately, this error caused an overpayment of taxes by Ms. Acosta in 2018 and a partial refund for 2018 was recommended. Mr. Davenport stated that, however, due to the settlement of value in 2017, no refund was recommended. The error has been corrected for future tax years.

Commissioner Gibbons moved to approve of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Beatrice Acosta for tax year 2018 in the amount of \$305.87. Vice Chairman Oddo seconded. The motion passed 5-0.

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

#### **Hot Projects**

Mr. Rapson stated that the Board had conducted the official ribbon cutting for Dogwood Trail prior to the Board Meeting and that the road was official open. He stated that Kenwood Road had also open on August 12, 2020 and its official ribbon cutting would be scheduled for mid-September once the guardrails were installed.

Mr. Rapson advised the Board that the Animal Shelter /Peachtree City merge track evaluation was moving forward and staff would be providing recommendation in the coming weeks.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items of threatened litigation and the review of the Executive Session minutes for July 23, 2020.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Rousseau**

Commissioner Rousseau thanked all who had reach out to him with concerns and advised that he was doing fine.

#### **Local Youth**

Commissioner Rousseau expressed his appreciation for the youth in the local community who spearheaded a law enforcement discussion/town hall meeting at the Southern Ground Amphitheater. He applauded their continued efforts in and engagement of the community.

#### **Fayette Factor**

He thanked Fayette Factor for hosting the event. Commissioner Rousseau encouraged citizens to participate in the upcoming book and school supply drive being conducted at the Lafayette Center. The goal of the drive was to ensure children return to school with adequate school supplies.

#### **COVID-19**

Commissioner Rousseau encouraged all to stay safe and vigilant, as we continued the fight against COVID-19 and as cases have increased locally.

#### **CDC Protocol**

Commissioner Rousseau encouraged citizens to be mindful of the Center of Disease Control recommended safety protocol.

#### **Kenwood Road**

Commissioner Rousseau expressed his appreciation for the contractor performing the Kenwood Road project and the Fayette County Public Works Office for their diligent efforts in adhering to the project deadlines and completing that project expeditiously.

## **Vice Chairman Oddo**

### **County Board, Committee and Authorities**

Vice Chairman Oddo expressed his appreciation to the many volunteers of the various Board, Committee and Authorities within the County. Their service was invaluable and their efforts do not go unnoticed. He stated as a reminder there was three vacancy open for the Hospital Authority for citizens who would like to apply.

## **Chairman Ognio**

### **2020 Census**

Chairman Ognio encouraged Fayette County citizens who had not already done so to participate in the 2020 Census.

### **2020 Legislative Package**

Chairman Ognio stated that he would like to begin crafting the legislative package that the County sends to the State each year. He stated that if there were any topics or issues that the Board wanted to include in the package this year, his goal was to have it ready by the end of September. He stated that he would like to include fluoride in this year's legislative package.

### **Blood Donation**

Chairman Ognio also advised that there was a new blood donation site in the area at 100 Promenade Parkway in Fayetteville and they are open Monday- Saturday. He encouraged all who could to please donate.

### **Transportation Committee**

Chairman Ognio stated that the Transportation Committee along with the cities' input and guidance from the County Attorney would bring a request before the Board regarding establishing "No Truck Route" throughout the County.

Chairman Ognio stated the Transportation Committee received a few updates from the Georgia Department of Transportation (GDOT). He stated that within the quick response program Georgia Department of Transportation (GDOT) had added a roundabout at State Route 92/Inman Road/ Goza Road with a goal to start the project in late 2021. He expressed his appreciation for the responsiveness of GDOT regarding projects throughout the County. Chairman Ognio also noted that GDOT mentioned that the I-85/State Route 74 project was making progress.

## **EXECUTIVE SESSION:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items of threatened litigation and the review of the Executive Session minutes for July 23, 2020. Vice Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:56 p.m. and returned to Official Session at 8:07 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. Commissioner Gibbons seconded the motion. The motion passed 5-0.

**Approval of the July 23, 2020 Executive Session Minutes:** Chairman Ognio moved to approve the July 23, 2020 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 4-1, Commissioner Rousseau opposed.

## **ADJOURNMENT:**

Chairman Ognio moved to adjourn the August 13, 2020 Board of Commissioners Meeting. Vice-Chairman Oddo seconded. The motion passed 5-0.

The August 13, 2020 Board of Commissioners Meeting adjourned at 8:07 p.m.



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Marlena Edwards, Chief Deputy County Clerk

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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 27<sup>th</sup> day of August 2020. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk