

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

October 8, 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 October 8, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

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 Oddo moved to accept the agenda as written with the addition of the presentation of the Crosstown Water Plant video done by Water Systems intern by Sarah Mallon. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

Mr. Marcelle Somas stated that he was the chef and owner of Franks at the Old Mill in Fayetteville. Mr. Somas asked for the Board to consider elimination of penalty and interest on real estate taxes for tax year 2019 for the citizens of Fayette County. He stated that his business had experienced major losses as a result of closures due to the COVID-19 pandemic. He stated that he had the opportunity to speak with Fayette County Tax Commissioner Kristie King who was extremely helpful and that even with Mrs. King's assistance, he needed help with the penalty fees on his tax bill. He stated that he was advised by Mrs. King that she would have to receive guidance from the Board of Commissioners to waive penalty fees charged to tax bills.

CONSENT AGENDA:

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

- 1. Ratification of Contract #1874-A, Senior Center Roof Repair, awarded to Pro Roofing & Siding, LLC on an emergency basis in the amount of \$28,820, and authorization to transfer \$18,670 of this amount from the General Fund Contingency to fully fund the contract.**

2. **Ratification of Contract #1881-S, Emergency Roof Repairs at the 911 Communications Center, awarded to Dusty Greer Roofing, Inc. on an emergency basis in the amount of \$38,900.00, and authorization to transfer said amount from the General Fund Contingency to fund the contract.**
3. **Approval of the September 24, 2020 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

4. **Consideration of the City of Fayetteville's request for temporary access across Library property along Heritage Park Way to assist with renovation of former Fayette County Board of Education (FCBOE) bus barn and gymnasium.**

City of Fayetteville City Manager Ray Gibson provided the Board a brief overview of the New City Hall and Park Space Project. Mr. Gibson stated that the City of Fayetteville purchased 9.77 acres from the Fayette County Board of Education and that two (2) acres were for City Hall and the remaining 7.77 acres would be designated as park space. Mr. Gibson stated that the Architect/Engineer was Goodwyn Mills Cawood (GMC), the contractor was New South Construction and the project management team was Comprehensive Program Services (CPS). Mr. Gibson stated that some of the features of the New City Hall would include an open concept designed building, walking trails, a concrete water flume, picnic pavilions, splash pad/playground area, dog park, a future stage, gymnasium and Bus Barn. Mr. Gibson stated that Jefferson Browne Gresham were the architects that provided the project renderings. He stated that the redesigned gymnasium would become a 12,000 sq. ft. event center and the redesigned Bus Barn would become a 14,000 sq. ft. microbrewery with space for additional uses. Mr. Gibson stated that Southtree Development and Roundtown, LLC would develop, manage, and operate the properties via a lease agreement.

Steve Mauro, project manager with Comprehensive Program Services (CPS) stated that the goal of the request was to allow access to the Gymnasium and Bus Barn once construction of the New City Hall was complete. Mr. Mauro stated that they needed to create a safe space for work to be conducted while providing a separation between the Park and the construction area. Mr. Mauro stated that this would allow the Park to be used while construction was ongoing. He stated that the construction area would be fenced and the request was for temporary access. He continued that the access would be from Heritage Parkway. Mr. Mauro stated that the access road would go south of the University of Georgia Extension Office's garden and north of the detention or green space near the construction site. He acknowledged that there was a tree near the requested road area that would be protected and that Fayette County Public Works supported the request with the following conditions: 1. All work and costs associated with drive installation and removal would be provided by the City. 2. The access was temporary and is not intended for citizen/customer use. Upon completion of the agreement, improvements to County property shall be removed and the area returned to its pre-project mowed-grass condition. 3. The City would ensure use of the temporary drive would not restrict or impede citizens traveling on Heritage Park Way to visit the library for either library services or voting. 4. Existing trees, and their critical root zones, shall be protected during construction of the temporary drive.

Commissioner Maxwell stated that, in light of an anticipated increase in voter participation, it would be prudent to hold on the installation of the temporary road until after November 3, 2020.

Chairman Ognio stated that he had received a letter from a concerned citizen regarding the trees near the master gardener's area and concern that the temporary road would become permanent.

Mr. Mauro stated that once construction of the Gymnasium and Bus Barn was completed, the temporary road would be returned to its pre-project mowed-grass condition.

Commissioner Gibbons moved to accept the City of Fayetteville's request for temporary access across Library property along Heritage Park Way to assist with renovation of former Fayette County Board of Education (FCBOE) bus barn and gymnasium. Vice Chairman Oddo seconded.

Commissioner Rousseau noted that the installation timeframe of “after” November 3 should be included in the vote.

County Attorney Dennis Davenport suggested that the project duration of 6-months as outlined be included in the vote.

Commissioner Gibbons amended his motion and moved to accept the City of Fayetteville's request for temporary access across Library property along Heritage Park Way to assist with renovation of former Fayette County Board of Education (FCBOE) bus barn and gymnasium, not to begin until after November 3rd for a 6-month duration. Vice Chairman Oddo amended his seconded. The motion passed 5-0.

5. Consideration of Resolution 2020-10 to express the intent of the Board of Commissioners of Fayette County to acquire a 4.2 acre parcel from the Peachtree City Water and Sewer Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400.

County Administrator Steve Rapson stated that Resolution 2020-10 was to express the intent to acquire a 4.2 acre parcel from the Peachtree City Water and Sewer Authority for the new location for Animal Control. Mr. Rapson stated that the County had also been in discussions with Peachtree City regarding their desire to purchase the current Fayette County Animal Control property. He stated that both agreements would be presented at the October 22nd Board Meeting for review and approval.

Commissioner Rousseau stated that he had some reservation regarding this item. Commissioner Rousseau expressed his desire to review the details of the proposal, and stated that he would abstain from voting until he could make an informed decision.

Vice Chairman Oddo moved to approve Resolution 2020-10 to express the intent of the Board of Commissioners of Fayette County to acquire a 4.2 acre parcel from the Peachtree City Water and Sewer Authority that is located on State Route 74 South in Peachtree City along with two (2) access easements for \$71,400. Commissioner Gibbon seconded. The motion passed 4-0-1, Commissioner Rousseau abstained.

6. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Rousseau and Commissioner Edward Gibbons, to appoint Joshua Shelton to the Fayette County Department of Family and Children Services Board for an unexpired term beginning immediately and expiring June 30, 2023.

Commissioner Rousseau moved to approve recommendation from the Selection Committee, comprised of Commissioner Charles Rousseau and Commissioner Edward Gibbons, to appoint Joshua Shelton to the Fayette County Department of Family and Children Services Board for an unexpired term beginning immediately and expiring June 30, 2023. Commissioner Gibbons seconded. The motion passed 5-0.

7. Consideration of staff's recommendation to approve Contract #1767-S to be awarded to Jefferson Browne Gresham Architects, Inc. for the Public Health Facility Architectural Services for the not to exceed amount of \$215,865.

Mr. Rapson stated that the team had been working on this project diligently and that the Department of Health Board, Environmental Health and the Women, Infant and Children (WIC) programs all worked collectively to get this project prepared for the bidding stage. Mr. Rapson stated that the Department of Health previously contracted with the firm of Jefferson Browne Gresham Architects, Inc. to prepare conceptual draft drawings. He added that discussions between the firm, Health Department and County officials resulted in a proposed further contractual arrangement to finalize the project. Mr. Rapson stated that the County had received \$750K of the \$1M from the Department of Public Health and commitment letters from the Health Department and the WIC program.

Vice Chairman moved to approve Contract #1767-S to be awarded to Jefferson Browne Gresham Architects, Inc. for the Public Health Facility Architectural Services for the not to exceed amount of \$215,865. Commissioner Rousseau seconded. The motion passed 5-0.

8. Consideration of staff's recommendation to award Contract #1825-B, Annual Contract for Waterline Extensions for Fiscal Year 2021, to the low bidder Shockley Plumbing, with not-to-exceed or fixed prices established for each project as assigned, not-to-exceed a total contracted amount of \$1,302,100.

Water System Director Vanessa Tigert stated that this item was to award the annual installations contract for this fiscal year to the low bidder Shockley Plumbing, with A not-to-exceed or fixed price established for each project as assigned, not-to-exceed a total contracted amount of \$1,302,100. Ms. Tigert stated that having this contract would enable the Water System to immediately attend to emergencies and expedite waterline installations for citizens that have an immediate need.

Commission Gibbons moved to approve award Contract #1825-B, Annual Contract for Waterline Extensions for Fiscal Year 2021, to the low bidder Shockley Plumbing, with not-to-exceed or fixed prices established for each project as assigned, not-to-exceed a total contracted amount of \$1,302,100. Vice Chairman seconded. The motion passed 5-0.

9. Consideration of the County Attorney's recommendation to hear the disposition of tax refund, as requested by Gracie McClinton for tax year 2019. No decision is necessary.

County Attorney Dennis Davenport stated that Mrs. McClinton submitted a tax refund for tax year 2019. However, subsequent to her request to the Board Commissioner; based on supporting documentation she provided to the Tax Commissioners Office, her property tax file was updated resulting in her receiving an 100% disabled veterans homestead exemption. Mr. Davenport stated that the submission triggered an automatic refund of any taxes paid above the 100% disabled veterans' exemption for tax years 2018 and 2019. He stated that under these circumstances, the refund request made to the Board of Commissioners had been made moot. No decision was necessary. Mr. Davenport stated that the application of the 100% disabled veterans' homestead exemption provided a full remedy for Mrs. McClinton.

No vote made by the Board

10. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Donna Jackson for tax year 2019 in the amount of \$985.01.

County Attorney Dennis Davenport stated that on July 29, 2020, Ms. Donna Jackson e-mailed a request for a partial refund of her 2019 property tax for application of homestead exemption. Mr. Davenport stated that in April 2019, Ms. Jackson returned an application for the L3 homestead exemption. This exemption was granted to the resident taxpayers of Fayette County who are totally disabled or have reached 65 years of age and have a net taxable income of more than \$15,000. He stated that, if qualified, a taxpayer would receive an exemption of fifty percent (50%) of their homestead's assessed value from Fayette County school taxation. Ms. Jackson qualified for the L3 exemption and it was applied to the 2019 tax year. In June of 2019, Ms. Jackson called the tax assessors' office to inquire about her eligibility for an L4 exemption. She was advised that proof of income was necessary. Mr. Davenport stated that on November 15, 2019, Ms. Jackson submitted proof of her income and made application for the L4 Homestead Exemption. He stated that this, more expansive, exemption qualifies recipients for exemption of one hundred percent (100%) of the assessed value of their homestead from Fayette County school taxation. Mr. Davenport stated that recipients must have a net taxable income of \$15,000 or less, in addition to the requirements for L3 exemption. Ms. Jackson was granted the L4 exemption for tax year 2020. Mr. Davenport state that to qualify for an L4 exemption, an applicant must meet the above listed requirements and file by April 1 of the tax year in which the exemption is to be applied. He stated that there was no dispute as to Ms. Jackson's age, residency or her income as of November 15, 2019. She was 67 years old and owned/occupied her home at 154 Summer Road beginning November 30, 2018. He stated that additionally, she provided an affidavit as to her income on November 15, 2019 to satisfy that requirement. However, Ms. Jackson did not apply for the L4 exemption or submit appropriate proof of income until November 15, 2019. To qualify for an L4 exemption for 2019, the application must be submitted by April 1 of 2019. Her application for the L3 exemption was timely for 2019, her L4 application was not. Mr. Davenport stated that there was no error or illegal action in the assessment or collection of Ms. Jackson's tax liability to qualify her for refund under these circumstances. Mr. Davenport stated that her application was not timely and that as a result the requested refund of \$985.01 was recommended for full denial.

Ms. Donna Jackson was not physically present at the October 8, 2020 Board Meeting, but was available via conference call. Ms. Jackson thanked the Board for their willingness to make adjustments to the BOC Meeting that allowed her to participate. She stated that she had suffered a migraine prior to the meeting and was unable to be physically present. She stated that her request was for a partial refund for tax year 2019 and that she had applied for the L4 homestead exemption in person. Ms. Jackson acknowledged that she did not have all the requested income documentation to complete the application process at her initial visit. She stated that she made several phone calls and numerous visits to the Tax Commissioners Office before she was able to provide the correct income verification documents and finalize her application. Ms. Jackson stated that she was told once her paperwork was received that she would be ok for tax year 2019.

Commissioner Maxwell stated that because Ms. Jackson was not feeling well and was unable to make it to the Board of Commissioners Meeting in-person, he would like to table this item until the October 22, 2020 Board of Commissioners Meeting. Commissioner Maxwell stated that this would afford Ms. Jackson the opportunity to speak to the Board in-person.

Commissioner Maxwell moved to table this item to the October 22, 2020 Board of Commissioners Meeting. The motion passed 5-0.

11. Consideration of Commissioner Charles D. Rousseau's request to create a 200th Anniversary Committee to provide a balance in the interpretations and feelings of contribution from various members of the community that represent Fayette County.

Commissioner Rousseau stated that in anticipation of the approaching Fayette County Bicentennial celebration he suggested that a committee, representing diversity, be comprised of a representative from the senior community, a representative from the youth community, a representative of the Historical Society, a representative of the municipalities in Fayette and a representative of the Native American community in Fayette to make recommendations and suggestions on how to celebrate 200 years. Commissioner Rousseau state that the forming of such a committee provides a system of checks and balances, community engagement and organized planning. He stated that members of this committee would be selected through the county's Board Appointment; Policy 100.19, to serve a term to expire December 31, 2021 and would only serve during this time.

Commissioner Rousseau moved to approve the creation of a 200th Anniversary Committee to provide a balance in the interpretations and feelings of contribution from various members of the community that represent Fayette County. The motion failed for lack of a second.

ADMINISTRATOR'S REPORTS:

Region Six Mental Health Board

Mr. Rapson stated that he needed a selection committee for Region Six Mental Health Board to host interviews for an open position.

Commissioner Rousseau moved to select Chairman Ognio and Commissioner Gibbons for the Region Six Mental Health Board selection committee.

Hot Projects

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. Mr. Rapson highlighted the Kenwood Road culvert replacement, Mercedes Trail culvert replacement, and Fire Station #2.

Ballot Boxes

Mr. Rapson advise the Board that all Ballot Box locations were fully operational and in service.

Justice Center

Mr. Rapson stated that the audio visual system installation at the Courthouse was underway and scheduled to be completed by October 23, however a change order would be presented to the Board due to guidance received by the Superior Court Judges from the Governor.

Tax Commissioner

Mr. Rapson stated in response to public comments made regarding the elimination of property tax interest and penalty fees for tax year 2019, that in 2012 Resolution 2012-19 was passed that allowed the Tax Commissioner to waive penalty and interest fees at her discretion. He stated that Tax Commissioner King would appreciate feedback and thoughts from the Board regarding these types of situations. He advised the Board that in Fiscal Year 2020 cumulatively \$362,000 was collected from penalty and interest fees. He advised that he would comprise an email outlining these details to the Board for their review regard this topic.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were three items for executive session. There was two items of Real Estate acquisition and the review of the Executive Minutes from September 24, 2020 for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Vice-Chairman Oddo

Vice-Chairman Oddo reminded Fayette County citizens that early voting would begin on October 12, 2020.

Chairman Ognio

Census

Chairman Ognio advised citizens that the Census deadline had been extended which allowed time for anyone who had not participated in the 2020 Census to do so.

2020 Legislative Package

Chairman Ognio stated although the deadline for the Legislative Package had passed, he would appreciate input from the Board regarding the 2020 Legislative.

Piedmont Hospital

Chairman Ognio advised citizens that Piedmont Hospital was hosting a Ladies Night promoting women's imaging. Chairman advised citizens to call the hospital or visit their website for more information.

Board of Commissioner Photos

Chairman Ognio state that he would like to have the past Board of Commissioner photos located on the back wall of the Commissioners Chamber to be labeled.

Atlanta Regional Commission (ARC)

Chairman Ognio stated that Atlanta Regional Commission (ARC) State of the Region Breakfast would be held on November 13, 2020 virtually.

EXECUTIVE SESSION:

Two items of Real Estate acquisition and the review of the Executive Minutes from September 24, 2020 for consideration in Executive Session. Vice Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:30 p.m. and returned to Official Session at 7:45 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.

Approval of the September 24, 2020, 2020 Executive Session Minutes: Chairman Ognio moved to approve the September 24, 2020 Executive Session Minutes. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Chairman Ognio moved to adjourn the October 8, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0. Commissioner Rousseau was absent.

The October 8, 2020 Board of Commissioners meeting adjourned at 7:46 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 October 22nd day of June 2020. Documents are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk