

BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
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

Action AGENDA

September 14, 2017

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 Eric Maxwell called the September 14, 2017 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Acceptance of Agenda

Commissioner Steve Brown moved to accept the Agenda with two modification adding an item to discuss State of Emergency Resolution; along with Consideration of staff's recommendation to amend the 2017 SLOST fund (32240220) by reallocating 38,750 from Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO). Commissioner Charles Oddo seconded. The motion passed 5-0

PROCLAMATION/RECOGNITION:

1. **Proclamation to recognize the 20th anniversary of Piedmont Fayette Hospital.**

PUBLIC HEARING:

CONSENT AGENDA:

Commissioner Rousseau requested to remove item #2 and item #3 from the Consent Agenda for discussion.
Commissioner Brown moved to accept the Consent Agenda, except for item #2 and item #3 for discussion.
Commissioner Oddo seconded. The motion passed 5-0.

2. **Approval of staff's request to accept the proposal from the Howell Group Inc. for architectural and engineering services for the design and specifications for Fire Station 4 in the amount of \$186,130.00.**

Commissioner Charles D. Rousseau raised two operational questions in reference to using Howell Group Inc. for architectural design services. His first questions was if we, we being Fayette County, owned the architectural designs for Fire Station 3? Which he was under the impression that we did. His second question was if we had not requested this for Station 3 had it been included in the scope of work for this project (Station 4) with Howell Group Inc.?

Fire Chief David Scarborough advised the Board in response to both we do not own the architectural design for Fire Station 3, nor was that requested in the scope of work for Fire Station 4.

Commissioner Charles D. Rousseau expressed his concerns and displeasure with us not including ownership of architectural design in the scope of work for this project. As a good steward of taxpayer funds ownership of the architectural design would save us money on future Fire Station design using it as a template.

County Administrator Steve Rapson added to the discussion that architectural and engineering services for the design for Fire Station 3 had been bided on and awarded prior to this Board; however in reference to Fire Station 4 we are no longer under that contract and have expressly stated ownership of architectural design to be used as a template for future Fire Stations.

Commissioner Charles D. Rousseau asked for us to reach out to Howell Group Inc. in regards to the ownership of architectural design portion of this project; he asked County Attorney Dennis Davenport how to word a motion to do so; however County Attorney Davenport would need a series of questions answered before he could properly provide guidance.

Commissioner Brown asked can we, if necessary, scrub/void this RFP process and start over from scratch.

County Attorney Dennis Davenport we could if needed.

Commissioner Rousseau moved to table this item to the September 28th Commission Meeting with the caveat of all involved to providing questions/concerns to County Administrator Steve Rapson by Friday September 15, 2017. The motion passed 5-0.

This item was moved from the Consent Agenda at the acceptance of the agenda.

3. Approval of staff's request to increase the 2018, \$100,000 project budget, by \$6,000 for Audio-Visual Upgrades to four Courtrooms in Fayette County's Justice Center based on the proposed contract submitted by The Show Business, Sound & Lightning, Inc., approval of the contract for \$105,912.52 and authorization for the County Administrator to execute required documents.

Commissioner Charles D. Rousseau asked County Administrator Steve Rapson what contributed to the \$6,000 overage. Along with that he also has concerns about selecting a vendor well above bid pricing; and more importantly what assurances or agreements do we have with this vendor long term.

County Administrator Steve Rapson clarified agreement and scope of work for projects at the courthouse The Show Business, Sound & Lightning, Inc.,

Commissioner Charles D. Rousseau moved to approve staff's request to increase the 2018, \$100,000 project budget, by \$6,000 for Audio-Visual Upgrades to four Courtrooms in Fayette County's Justice Center with the provision that County Administrator Steve Rapson and Matt with The Show Business, Sound & Lightning, Inc. will discuss and negotiate service agreement with Fayette County. Onio seconded. The motion passed 5-0.

This item was moved from the Consent Agenda at the acceptance of the agenda.

4. Approval of the July 13, 2017 Board of Commissioner Meeting Minutes. This item was tabled at the August 24, 2017 meeting.

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.fayettecountygva.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

5. Approval of the August 24, 2017 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

Added item: Consideration of staff's recommendation to amend the 2017 SLOST fund (32240220) by reallocating 38,750 from Ebenezer Church , Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO) and award of Contract 1389-S to Heath & Lineback Engineers, Inc. for \$119,000.

Phil Mallon presented follow-up to the August 24th Commission Meeting in reference to the intersection at Antioch and Goza Road; of which one of the Board directive was for staff to fast-track the evaluation and design for the intersection. Which included authorization for staff to procure professional services outside the normal procurement process (i.e. sole-source negotiation and award). The Board stressed the importance of a quick turn-around on both interim measures and the proposed "final" design.

To ensure and aggressive Consultant schedule and a fair price fir Fayette County, staff prepared a scope of work and identified four (4) Consultants to seek responses from, who were selected based on County experience with these firms as well as input from GDOT.

Based on feedback from two of the vendors, they sensed the aggressive nature of this project and based on their workload felt they could not fulfill request. When reviewing the remaining two vendors both responded and scope of work were similar, staff experience was comparable, and they both responded that the work could be delivered within six (6) months. The differentiating factor between the two vendors was the price. Heath & Lineback Engineers, Inc. was considerably cheaper by about 40%.

Phil Mallon reassured citizens that by transferring funds from Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO), it does not mean we are reducing the importance of that project, we are borrowing money that's approved for fiscal year 2018 and we will readjust and move that project forward as originally scheduled.

Commissioner Brown noted his attendance at a conference on Safety Procedures on Rural Roads; while there they discussed the high success being had with Friction Course Application for the roads and suggested this be looked into also.

Vice-Chairman Ognio moved to reallocate \$38,750 from Ebenezer Church, Ebenezer & Spear Road project (17TAN) to Antioch & Goza (17TAO). Commissioner Oddo seconded. The motion passed 5-0.

Vice-Chairman Ognio moved to award Contract 1389-S to Heath & Lineback Engineers, Inc. for \$119,000. Commissioner Oddo seconded. The motion passed 5-0.

Added item: Resolution 2017-15 which is declaring the existence of a state of emergency for Fayette County. As a result of the Governor ratifying all of the counties in the state of Georgia to be a disaster. To qualify for any FEMA or GEMA funds caused by Tropical Storm Irma we'd have to approve a State of Emergency specific to Fayette County.

Commissioner Rousseau moved to declaring the existence of a state of emergency for Fayette County. Vice-Chairman Ognio seconded. Motion passed 5-0.

- 6. Consideration of a recommendation from the Selection Committee, comprised of Vice-Chairman Randy Ognio and Commissioner Oddo to appoint Mark Lethbridge to the Joint Development Authority of Coweta, Fayette and Meriwether County to serve a term beginning immediately and ending December 8, 2018.**

Commissioner Oddo moved appoint Mark Lethbridge to the Joint Development Authority of Coweta, Fayette and Meriwether County to serve a term beginning immediately and ending December 8, 2018. Commissioner Brow seconded. Motion passed 5-0.

- 7. Consideration of staff's recommendation to award Contract No.1285-P to Jacobs Engineering Group Inc. to serve as Engineer of Record for Solid Waste for the period ending June 30, 2018 with provisions for two one-year renewals, in amounts to be determined by each task order as assigned.**

Vanessa Birrell outlines that this agenda item involves the approval of an engineer of record to perform methane and ground water monitoring and the firm chosen will respond to any EPD appropriately in case of potential violations.

County Administrator Steve Rapson discussed the evaluation process; of which two main components are analyzed a technical component and a price evaluation.

Commissioner Oddo commented that the difference in the vendor evaluation is unclear, and why the technical scoring between the vendors is so vast; and based on the evaluation what those differences would mean for us as a consumer.

Commissioner Rousseau needed clarification on whether this evaluation process (scoring) is an internal policy change for procurement that we've adopted or an adoption of a new institutional practice. Commissioner Rousseau posed various questions in reference to the evaluation process and what system was used when staff made the recommendation, because it's seemingly differs from the standard procedures.

County Administrator Steve Rapson answered Commissioner Rousseau question and clarified that this was an internal practice change. County Administrator Steve Rapson has tasked Ted Burgess, Purchasing Director to include (variance weighting) as a part of the RFP process.

Vice-Chairman Ognio moved to award Contract No.1285-P to Harbin Engineering, PC. to serve as Engineer of Record for Solid Waste for the period ending June 30, 2018 with provisions for two one-year renewals, in amounts to be determined by each task order as assigned. Commissioner Brown seconded. Motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau voting in opposition.

Commissioner Rousseau moved to have staff establish policy related guidelines associated with the variance weighting system on procurement related matters, to be presented at the Oct 28 Commission Meeting. Commissioner Brown seconded. Motion passed 5-0.

- 8. Consideration of staff's recommendation to fund the design and installation of a new gravity sewer line in the amount of \$130,000, to connect the Fayette County Animal Shelter's building to the Peachtree City Water & Sewer Authority's sewer system network.**

Jerry Collins highlighted issues and concerns of current septic system at the animal shelter, causing Animal Control personnel to contact buildings and Ground to switch drains.

Commissioner Rousseau asked if we have reach out to our cohorts at WASA in reference to waving fees for connection and partnering with us in the spirt of teamwork and collaboration.

Commissioner Brown asked about excavation of the septic tanks, and noted that this needs to be considered and discussed.

Chairman Maxwell opened the floor for public comments.

Maxine Rickers commented that she's like to see this approved knowing it will positively help in get the animal at the animal shelter adopted.

Commissioner Brown asked if at a reasonable cost he'd like to have the septic tanks excavated and removed.

Commissioner Brown moved to fund the design and installation of a new gravity sewer line in the amount of \$130,000, to connect the Fayette County Animal Shelter's building to the Peachtree City Water & Sewer Authority's sewer system network. Vice-Chairman Ognio seconded. Motion passed 5-0.

9. Consideration of staff's recommendation to revise Euthanasia & Shelter Management Policy 280.01 to increase the operational capacity threshold from 75% to 85%.

Jerry Collins presented updated recommendation to increase the operational capacity threshold from 75% to 85%, after analysis of the facility he is confident he can operate successfully at 85%.

Vice Chairman Ognio expressed his concern regarding the strain of increasing the operational capacity threshold from 75% to 85%, especially as a result of the logistics of the facility and location of the cages.

County Administrator Steve Rapson noted the success of the animal shelter can be contributed to not only staff, but also to the adoption policy, expanded social media presence and partnership with citizens and animal advocacy groups which has directly helped in getting animals adopted.

The following citizens made comments:

Laura Line, Sherry Marcello, Maxine Rickers, and Marcia Hendershot

Chairman Eric Maxwell moved to revise Euthanasia & Shelter Management Policy 280.01 to increase the operational capacity threshold from 75% to 85%. Commissioner Oddo seconded. Motion passed 4-1 with Vice-Chairman Ognio voting in opposition.

10. Consideration to authorize the County Attorney and staff to amend the county code related to spay and neutering of animals.

Jerry Collins recommends that before an animal leaves the animal shelter it is spayed or neutered, with this program he recommends raising the adoption fee and create a self-propitiating fund.

County Administrator Steve Rapson details the mechanics of this recommendation to include: legal having to revise existing ordinances, and a policy revision due to the additional days for the spay and neuter process, increasing the

revenue fee to \$120 (dogs) and \$60 (cats), and pulling \$10,000 out of the general fund to create a special revenue account and from the animal associated revenue developing a self-propitiating fund.

The following citizens made comments:

Laura Line, Samantha Bettel, Maxine Rickers, Sharon Marcocello, Marielle W., Mary Beth

Vice-Ognio moved to authorize the County Attorney and staff to amend the county code related to spay and neutering of animals. Commissioner Rousseau seconded. Motion passed 5-0

11. Consideration of staff's request to allocate up to \$500,000 of 2004 SPLOST funds (Project R-5G) for the design and construction of a multi-use path along Veterans Parkway over Sandy Creek, and approval of a \$7,500 professional services contract with Rochester & Associates, Inc. to develop a concept for the project.

Phil Mallon presented request dating back to 2013 annexation with the City of Fayetteville.

Chairman for clarification noted that this is not awarding Rochester & Associates, Inc. a \$500,000 contract, but only 7,500 professional services contract to develop a concept for the project.

Vice-Chairman expressed issues of performing study on Westside of Veterans Pkwy., and suggest that the eastside would be more beneficial for the citizens. Also, he expressed his concerns in reference to the City of Fayetteville and fulfilling partnership agreements.

Mayor Johnson spoke on the need for better communication, partnership, and teamwork, with Fayette County; he stressed that open dialogue is vital. The City of Fayetteville have been working on agreements yet have been delayed due to outside factors to include: other agencies, property acquisition, contractors, budgeting costs, etc....

Vice- Chairman Ognio moved to conduct study on the eastside of Veterans Pkwy only. Commissioner Brown seconded. Motion died 1-4 with Vice-Chairman in favor.

Commissioner Brown moved to allocate up to \$500,000 of 2004 SPLOST funds (Project R-5G) for the design and construction of a multi-use path along Veterans Parkway over Sandy Creek, and approval of a \$7,500 professional services contract with Rochester & Associates, Inc. to develop a concept for the project. Commissioner Rousseau seconded. Motion passed 4-1 with Vice-Chairman in opposition.

PUBLIC COMMENT:

Denise Ognio discussed ethics concern.

ADMINISTRATOR'S REPORTS:

- A. Contract #940-P: Engineer of Record for Public Works: Task Order 29- Dogwood Trail Culvert Replacement
- B. Contract #P782, Amendment 1: CAD Server Migration
- C. Contract #1339-S: AT&T Internet & DDoS Services

Region Mental Health Board Selection Committee:

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Mr. Rapson requested a Selection Committee be appointed to interview for the Region 6 Mental Health Board. This will be for two positions one member vacated due to a conflict of interest and the second expires Sept 30, 2017.

Vice Chairman Ognio moved to appoint Commissioner Rousseau and Commissioner Brown to serve on the Region 6 Mental Health Board Selection Committee. Commissioner Oddo seconded. The motion passed 5-0.

Voting Delegate for the 2017 Legislative Leadership Conference

Commissioner Rousseau moved to nominate Commissioner Oddo. Vice-Chairman Ognio seconded. Motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was three items of pending litigation, 1 real estate acquisition, and the review of the Executive Session minutes for August 24, 2017

COMMISSIONERS' REPORTS:

Vice Chairman Ognio:

Inman Heritage Days- Vice-Chairman Ognio reminded everyone of Inman Heritage Days this upcoming weekend, good family fun.

Commissioner Steve Brown:

Water Guardian- Commissioner Brown highlighted the success of the Water Guardian Program and commended all of its volunteers for their hard work and dedication as they participated in the last clean-up of the season.

Mowing Protocol- Commission Brown suggests developing or adjusting our mowing schedule to give attention to our major highways first along with trash pick-up.

Safety on Rural Roads- Commissioner Brown suggest creating a priority list for SLOST projects for our roads.

Commissioner Charles Oddo:

Ethics Reminder: Commissioner Oddo asked that the Board as a whole and abide by the rules and ethics ordinances.

Commissioner Charles D. Rousseau:

Accommodation- Commissioner Rousseau gives accommodation to both the Sheriff Office and the Water Authority.

HOA Bootcamp: Commission Rousseau extends an open invitation to all to attend the HOA Bootcamp on September 23.

Chairman Maxwell:

Accommodation: Chairman Maxwell gives accommodation to all of the Public Safety and First Responder staff in reference to their quick ad effective work during and after the storming caused by Hurricane Irma.

Constitution 230th Birthday- Chairman Maxwell reminds us of the Birthday of the Constitution

EXECUTIVE SESSION:

Commissioner Rousseau moved to go into Executive Session. Commissioner Brown seconded. Motion passed 5-0.

The Board recessed into Executive Session at 10:33 p.m. and returned to Official Session at 11:00 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Vice- Chairman moved to sign settlement agreement. Commissioner Brown seconded. Motion passed 5-0.

Approval of the August 24, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the August 24, 2017 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 4-0-1. Commissioner Rousseau was not present at August 24, 2017 Commission Meeting.

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 14, 2017 Board of Commissioners meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The June 6, 2017 Board of Commissioners meeting adjourned at 11:02 p.m.