

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

February 14, 2019

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 February 14, 2019 Board of Commissioners meeting to order at 6:31 p.m.

Invocation and Pledge of Allegiance by Chairman Randy Ognio

Chairman Randy Ognio offered the Invocation.

Acceptance of Agenda

Vice-Chairman Oddo moved to accept the agenda. Commissioner Rousseau seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

CONSENT AGENDA:

Vice-Chairman Oddo moved to accept the Consent Agenda, except for item #3 for discussion. Commissioner Rousseau seconded. The motion passed 5-0.

1. **Approval to award Bid #1612-B: 2017 SPLOST; Stormwater Category I; Graves Road Culvert Replacement to the low bidder, Crawford Grading & Pipeline, Inc., in the amount of \$298,661.86 and to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$67,048.79 from Category II (19SBO-118 Davis Road) to Graves Road (17SAA).**
2. **Approval to add Atkins Place subdivision to Fayette County's Street Light Program.**
3. **Approval of the January 24, 2019 Board of Commissioners Meeting Minutes.**
Chairman Ognio stated that the minutes that were originally posted, had been updated. He stated that at the end of item #13 "the motion passed 5-0" was added. Chairman Ognio also stated that the time going into and exiting Executive Session was corrected to reflect the appropriate times.

Vice-Chairman Oddo motioned to approve the January 24, 2019 Board of Commissioners Minutes with the noted corrections. Commissioner Gibbons seconded. The motion passed 5-0.

OLD BUSINESS:

NEW BUSINESS:

- 4. Staff's recommendation to approve the request from Peachtree City Airport Authority for the conveyance of property at the Crosstown Water Treatment Plant for the purpose of relocating the fence extending toward the taxiway.**

County Attorney Dennis Davenport stated that this was a request by the Peachtree City Airport Authority, who needed additional land adjacent to a taxi-way due to the wingspan of certain aircrafts coming into Falcon Field to meet FAA regulations. Mr. Davenport stated that there had been discussions with Peachtree City Airport Authority advising them of the costs associated with doing the survey work, legal work, formatting the documents, and having to put in a new portion of fencing and a gate which totaled about \$12,444.00; Peachtree City Airport Authority did agree to pay those costs with the Boards favorable vote to convey the property to them.

Vice-Chairman Oddo motioned to approve the request from Peachtree City Airport Authority for the conveyance of property at the Crosstown Water Treatment Plant for the purpose of relocating the fence extending toward the taxiway. Commissioner Gibbons seconded. The motion passed 5-0.

- 5. Chairman Randy Ognio's recommendation to amend Policy 100.19; Board Appointments to appoint the department head of departments directly related to relevant authorities, boards, commissions, committees or similarly established bodies as the Selection Committee for said bodies.**

Chairman Ognio stated that the current process was different. Two Board members are nominated to sit on a selection committee and conduct the interviews for the various authorities, boards, commissions, committees or similarly established bodies, then make a recommendation to the Board for approval. Chairman Ognio stated that with the policy amendment, Department Heads are responsible for nominations, interviewing and etcetera. He stated that the Board would still receive applications and would be able to make alternative candidate recommendations if desired.

Commissioner Rousseau stated that he had some concerns specifically that within the amended policy, the Department head, an "individual", is deemed and/or considered the "Selection Committee". He also stated that he wanted to ensure that the Board was not getting dangerously close to abdicating their process and keeping it free from any undue influence and maintaining transparency. Commissioner Rousseau stated that the opportunity to sit on various Selection Committees afforded him the chance to meet additional residents who have willingly applied to be considered for a position. He stated that "he's never experienced us entering those discussion with preset notions of an individual". Commissioner Rousseau stated that the Board could get dangerously close to that when, as he understood the amended policy, the selection committee could be a body of one (the department head). Commissioner Rousseau asked is this a selection committee of "one" individual?

Chairman Ognio answered, "No". Chairman Ognio stated that in the wording of amended policy there is no selection committee.

Commissioner Rousseau stated that he would like that modified as well to ensure the policy is clear. He stated that he wanted to make sure the Board was not abdicating something he enjoyed. Commissioner Rousseau stated that he was aware of the frustration in arranging interviews in a prompt and timely manner. He stated that although there are some challenges, he feels they are workable.

Commissioner Gibbons stated that page 31 of the amended policy reads, "shall have vacancies filled by the head of said respective department receiving, reviewing and recommending an applicant for consideration for appointment to the vacant position(s) to the Board of Commissioners." Commissioner Gibbons stated that the way he understood it the Department Head is making a recommendation to the Board, and the Board had the opportunity to due diligence or to

direct staff to due diligence on that recommendation. Commissioner Gibbons stated that although the Department Heads would be making the recommendation the Board would be the body with appointment authority.

Commissioner Rousseau stated that his concerns was that the individual would singularly interview and make a recommendation and the Board would ratify, hold, or turn down. Commissioner Rousseau stated that “that’s a singular act”, versus the Board in the current format sitting and meeting with individuals. Commissioner Rousseau stated that this process had been invaluable to him.

County Attorney Dennis Davenport stated that the reason the “selection committee” verbiage was in the agenda item was because the initial amendment to the policy referred to the department head as a selection committee. Mr. Davenport stated that what he pointed out at the time of the initial amendment was that the Board do not want to call this one individual a selection committee; because this was a department head and all the department head was doing was making a recommendation which was part of what the department head does in his/her area of expertise. Mr. Davenport stated that calling it a committee would open up the issues of notice requirements, minutes requirements and publication of agendas. Mr. Davenport stated that this proposed amendment would move away from those requirements. Mr. Davenport stated the Board would move from being one that interviewed people, to relying on someone to make a recommendation not from a “Committee”. Mr. Davenport stated that was a different version of the current process and the proposed amended policy was not going to work because it was trying to get out of the committee process and move toward a recommendation process. Mr. Davenport stated that neither process was right nor wrong they are merely differing methodologies; and as such the wording within said policies would reflect those differences.

County Administrator Steve Rapson stated he shared some of the same concerns as Commissioner Rousseau in regard to the individual Department Head recommendation. He stated that his guidance to Department Heads was, that while they were responsible for the recommendation; the intent was to include other members of the respective Board/Authority and/or department staff to participate in the interview process. Mr. Rapson stated it was never meant to be a single individual recommendation.

Commissioner Oddo stated that although he understood Commissioner Rousseau’s frustrations, his concern was that as a selection committee member interviewing for a technical position he may not have the expertise needed to interview them. He stated that he can meet, speak with, and get to know an applicant; but the Department Heads would have the technical expertise needed to determine whose best qualified. Commissioner Oddo stated he feels this was worth trying, and doing so would not be delegating authority because the recommendation would be brought before the Board for approval. He stated that if a Board member desired to have a department head present, they would be welcome to sit in on an interview.

Commissioner Gibbons motioned to amend Policy 100.19; Board Appointments to appoint the department head of departments directly related to relevant authorities, boards, commissions, committees or similarly established bodies as the Selection Committee for said bodies. Vice-Chairman Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

6. Staff’s recommendation to approve a five (5) minute time limit for Public Comments on the agenda.

County Administrator Steve Rapson stated that the Board directed staff to review best practices in Georgia regarding what local governments are conducting. Mr. Rapson stated that as a part of the supporting documents for this item we received a two-page letter from the County Attorney that outlined Public Comment and Public Comment during Public Hearings. Mr. Rapson stated that included as supporting documents was an email from the Association County Commissioners of Georgia (ACCG) Executive Director Dave Willis regarding best practices; along with an Atlanta Journal Constitution (AJC) article with a best practices analysis of public comment in Georgia’s major cities including: Atlanta, Cobb County, and Clayton County and Fulton and Gwinnett. Mr. Rapson stated that a consensus was that best practices was to have comments somewhere between two and three minutes. As a result staff felt five minutes was a good compromise coming from an unlimited timeframe.

Vice-Chairman Oddo motioned to approve a five (5) minute time limit for Public Comments on the agenda. Commissioner Gibbons seconded.

Commissioner Maxwell stated for clarification that the limit was per speaker and not a limit on the number of speakers. Commissioner Maxwell stated that his concern was that from time to time there will be a speaker that the Board would like to hear more than five minutes from. He asked should the Board give either the Chairman or each Commissioner the ability to give a speaker more time. He continued that with the proposed time limits, someone would have to run a clock, typically the Clerk, to maintain accurate time keeping.

Vice-Chairman Oddo stated that the duties of the Chairman was to run the meeting. Vice-Chairman Oddo stated “would we need to express specifically that the Chairman had the ability to offer an extra few minutes to a speaker during Public Comments” when that was the role he already served.

Vice-Chairman Oddo amended the motion to approve a five (5) minute time limit for Public Comments on the agenda, with discretion given to the Chairman/Board to extend time. Commissioner Gibbons amended the second.

Commissioner Maxwell stated that the problem was that when you have a rule you have to follow it, but when you don't have a rule it would leave room for chaos. Commissioner Maxwell stated that his concern was that a speaker would raise an issue if another speaker was allowed to speak longer than another speaker without a rule in place.

Commissioner Rousseau stated that the Board would have to be very careful. If the Board did it for one speaker and not for another speaker, it could be perceived the wrong way.

Vice-Chairman Oddo motioned to approve a five (5) minute time limit for Public Comments on the agenda, with discretion given to the Chairman/Board to extend time. Commissioner Gibbons seconded. The motion passed 5-0.

7. Staff's recommendation to approve a twenty (20) minute time limit for each side during Public Hearings.

Mr. Rapson stated that the Board directed staff to review best practices in Georgia regarding what local governments are following. He stated that staff reviewed what was done in the past as a County, the Board recently revised the Public Hearings policy in September 2018 removing any time restriction regarding Public Hearings. Mr. Rapson stated that with that revision the Board amended the Ordinance that said “the policy would drive what the time limits were”. Mr. Rapson stated historically the Board allowed twenty (20) minutes per side, where state law requires a minimum of ten (10) minutes. Mr. Rapson stated staff recommendation was a twenty (20) minute time limit per side.

Commissioner Gibbons stated that he would be okay with a ten (10) minute time limit; with the provision that the Chairman have the authority to extend time allocations accordingly. Commissioner Gibbons suggested a three (3) minute time limit for Public Hearing public comments.

Commissioner Maxwell asked how the time limit for Public Hearing was divided between the presenter (requestor, builder, attorney, etc.) and citizen speakers.

Mr. Davenport stated that the Board would be entering dangerous territory by limiting someone's ability to comment on a Public Hearing when the state law stated they are allowed a minimum of ten (10) minutes for Public Hearings per side. Mr. Davenport stated that state law did not provide direction on how to do that, however. Mr. Davenport stated that if only one person was speaking and was limited to three (3) minutes how were they receiving the ten (10) minute requirement per state law per side. Mr. Davenport stated that it would be wise for the Board to develop generalized directions up front to let both sides know they have a maximum of twenty (20) minutes, which is twenty (20) minutes total including presenter (requestor, builder, attorney, etc.) and citizen speakers.

Commissioner Rousseau motioned to approve a twenty (20) minute time limit for each side during Public Hearings. Vice-Chairman Oddo seconded. The motion passed 5-0.

PUBLIC COMMENT:

Donna Thompson, Fayetteville, asked for clarification if the time limits were being given to public comments after each agenda item or only during the Public Comment section of the meeting or both.

Chairman Ognio stated, "Both".

Douglas Brantley, Fayetteville, stated he had two problems. One was flood water in front of his house and on his property. Mr. Brantley stated he had met with "some very nice people in the Environmental Management Department, but he stated that "this has been an ongoing problem for 20-years". He shared his concerns with the Board. Mr. Brantley stated that he had provided pictures to the County and had been told there was nothing the County could do. Mr. Brantley stated that he would like for someone to get back with him in reference to his problems.

ADMINISTRATOR'S REPORTS:

Mr. Rapson in response to Mr. Brantley stated they will follow up with him in reference to his complaints.

Mr. Rapson advised the Board of Contract #1431-P; Transportation Engineer of Record: Task Order 19-Veterans Parkway Intersection at SR 92, Intersection Control Evaluation (ICE) Analysis and Traffic Signal Design.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of personnel, one item of threatening litigation, one item of pending litigation and the review of the Executive Session minutes for January 24, 2019.

COMMISSIONERS' REPORTS:

Vice-Chairman Oddo wished his wife a Happy Valentine Day.

Commissioner Rousseau stated that he was presented with a petition from citizens regarding Highway 92 and Veterans Parkway which included about 85 signatures, the petition highlighted citizen's concern and asked the Board to expedite that project. He stated that if anyone desired copies of the petition, it would be made available. Commissioner Rousseau stated that he had received numerous phone calls in regards to a border dispute between the City of Fairburn and Fayette County residents with a proposed development. The development had not been approved; however it was causing Fayette County residents great concern of the potential negative impact it could have if approved. He stated that there was not much the Board could do. Commissioner Rousseau extended Happy Valentine day to everyone.

Chairman Ognio stated regarding the Fairburn issue, he attended the Planning Hearing for the City of Fairburn. He stated that the development was unanimously denied. Chairman Ognio stated that it was going before council at an upcoming meeting. He stated that it was concerning because it was definitely in the backyard of some of the citizens. Chairman Ognio thanked Mrs. Thompson for her question. Chairman Ognio asked Mr. Brantley to leave his contact information and someone would reach out to him concerning his complaints. Chairman Ognio wished his wife a Happy Valentine Day.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of personnel, one item of threatening litigation, one item of pending litigation and the review of the Executive Session minutes for January 24, 2019.

One item of personnel, one item of threatening litigation, one item of pending litigation and the review of the Executive Session minutes for January 24, 2019: Vice-Chairman Oddo motioned to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:20 p.m. and returned to Official Session at 8:15 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Chairman Ognio motioned 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.

Commissioner Maxwell motioned to create a new contract for the County Administrator Steve Rapson, which would mimic his current amended contract to include the following: new employment agreement for three (3) years and ten (10) months, beginning March 1, 2019 and expiring on December 31, 2022, with a new pay rate increase to total \$191,100.67, beginning March 1, 2019 and in relation to annual increases, the County Administrator would receive an increase of 2.75% only if county staff received an increase that year. Commissioner Gibbons seconded that motion. The motion passed 5-0.

Approval of the January 24, 2019 Executive Session Minutes: Chairman Ognio moved to approve the January 24, 2019 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the February 14, 2019 Board of Commissioners meeting. Commissioner Gibbons seconded. The motion passed 5-0.

The February 14, 2019 Board of Commissioners meeting adjourned at 8:20 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 28th day of February 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk