

## **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

## **AGENDA**

March 14, 2019

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  
Invocation and Pledge of Allegiance by Commissioner Edward Gibbons  
Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

### **PUBLIC HEARING:**

### **CONSENT AGENDA:**

1. Approval of staff's recommendation to award Contract #1647-S to Dewberry Engineers to perform updates to the 2013 Fayette County Floodplain Map in the not-to-exceed amount of \$72,000 and to reallocate \$44,000 from General Fund Project Contingency to Project 184AL Future Floodplain Study. (pages 3-7)
2. Approval of staff's recommendation to declare eleven (11) vehicles as unserviceable and sell the assets using contracted auction services. (pages 8-9)
3. Approval of Water Committee recommendation to approve the amendment to the Metropolitan North Georgia Water Planning District (MNGWPD) Memorandum of Agreement for the single-family toilet rebate program rebate structure change and approval for the Chairman to sign the related document. (pages 10-16)
4. Approval of the February 28, 2019 Board of Commissioners Meeting Minutes. (pages 17-28)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

5. Consideration of a recommendation from the Selection Committee, comprised of Chairman Randy Ognio and Commissioner Edward Gibbons to appoint Jack Bernard to the Fayette County Board of Health to fill an unexpired term beginning immediately and expiring December 31, 2021. (pages 29-43)

6. Consideration of staff's request to award bid (#1583-B) to BM & K Construction for the construction of Two Bay Fire Station 2, not-to-exceed \$2,358,545.25, to approve a budget amendment of \$25,000, and to authorize signing of all related contractual documents. (pages 44-47)
7. Consideration of staff's request to award bid (#1583-B) to ASTRA Group Inc for the construction of Three Bay Fire Station 4, not-to-exceed \$2,572,056.93, to approve a budget amendment of \$1,158,170, and to authorize signing of all related contractual documents. (pages 48-51)
8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29. (pages 52-54)
9. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Dore' Ellen Pope Ferrill, for tax years 2016, 2017 and 2018 in the amount of \$189.74. (pages 55-57)

**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.*

**ADMINISTRATOR'S REPORTS:**

- A. Contract #1620-B: Asphalt Rejuvenation on Various Roads (pages 58-60)
- B. Contract #1628-S: Field Mobile Implementation (pages 61-63)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to award Contract #1647-S to Dewberry Engineers to perform updates to the 2013 Fayette County Floodplain Map in the not-to-exceed amount of \$72,000 and to reallocate \$44,000 from General Fund Project Contingency to Project 184AL Future Floodplain Study.

**Background/History/Details:**

In 2013 Dewberry Engineers completed floodplain mapping of as required by the Metropolitan North Georgia Watershed Planning District. The required update includes incorporating modeling and map generation of 1) 85 stream reaches totaling 25 stream miles; 2) incorporating two FEMA Letter of Map Revisions; and 3) updating 55 structures within the model.

Project 184AL for Future Floodplain Study was submitted and approved by the Board in the FY 2018 CIP budget for \$28,000, one-third of the \$84,000 total project cost. The other two-thirds, \$56,000, was planned for funding in two future years, \$28,000 each. Currently the project has an available balance of \$28,000.

It is best to contract this project now rather than waiting until FY2020 because of the projects' technical nature. The proposed modeling is more cost-effective. A cost savings of \$12,000 (\$84,000-\$72,000) will be realized with the BOC's approval of the Dewberry Engineers' contract.

The additional funding of \$44,000 is available in the General Fund Project Contingency account, which has a current balance of \$258,320 as of the end of February, 2019.

**What action are you seeking from the Board of Commissioners?**

Approval of staff's recommendation to award Contract #1647-S to Dewberry Engineers to perform updates to the 2013 Fayette County Floodplain Map in the not-to-exceed amount of \$72,000 and to reallocate \$44,000 from General Fund Project Contingency to Project 184AL Future Floodplain Study.

**If this item requires funding, please describe:**

Reallocation of \$44,000 from General Fund Project Contingency.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**Purchasing Department**

140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: March 14, 2019

**Subject: Contract #1647-S: Floodplain Study Update**

On May 10, 2012 the Board of Commissioners awarded a contract to Dewberry and Davis, LLC (now Dewberry Engineers, Inc.) to conduct floodplain studies and mapping. The studies included 100-year floodplains for tributaries in unincorporated Fayette County with drainage from 100 acres to 640 acres, and for tributaries with drainage areas over 640 acres.

At this time, it is necessary to update the floodplain studies. Dewberry Engineers can perform the update at a significant financial advantage to the county, since they can use the same terrain data that they used for the previous study. For that reason it is recommended that the county issue a Professional Services contract to Dewberry Engineers in the amount of \$72,000.00 for the update.

A Contractor Performance Evaluation is attached for the previous floodplain mapping.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1647-S: Floodplain Study Update	
<b>Type of Contract</b>	Professional Services	
<b>Contractor</b>	Dewberry Engineers, Inc.	
<b>Lump-Sum Fee</b>	\$72,000.00	
<b>Budget:</b>		
Fund	372	Capital Projects
Organization Code	37240250	Environmental Mgt. Capital Project
Object Code	521316	Technical Services
Project Code	184AL	Future Floodplain Study
Available Budget:		
Current Balance	\$28,000.00	As of 2/27/2019
Requested Transfer	<u>44,000.00</u>	Transfer from General Fund Proj. Contingency
Net Available	\$72,000.00	Upon Approval of Transfer

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

**VENDOR INFORMATION****COMPLETE ALL APPLICABLE INFORMATION**

Company Name: <b>Dewberry and Davis, LLC</b>	Contract Number: <b>P825</b>
Mailing Address: <b>2835 Brandywine Road, Suite 100</b>	Contract Description or Title: <b>Floodplain Mapping</b>
City, St, Zip Code: <b>Atlanta, GA 30341</b>	Contract Term (Dates) From: <b>5/24/2012</b> To: <b>Completion</b>
Phone Number: <b>S. Allen Groover, Vice President</b>	Task Order Number: <b>NA</b>
Cell Number: <b>770-713-0518</b>	Other Reference: <b>NA</b>
E-Mail Address: <b>agroover@dewberry.com</b>	

**DEFINITIONS**

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

**EVALUATIONS (Place "X" in appropriate box for each criterion.)**

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule	X				
2. Condition of delivered products	X				
3. Quality of work	X				
4. Adherence to specifications or scope of work	X				
5. Timely, appropriate, & satisfactory problem or complaint resolution	X				
6. Timeliness and accuracy of invoicing	X				
7. Working relationship / interfacing with county staff and citizens	X				
8. Service Call (On-Call) response time	NA				
9. Adherence to contract budget and schedule	X				
10. Other (specify):					
11. Overall evaluation of contractor performance	X				

**EVALUATED BY**

Signature: <i>Vanessa Birrell</i>	Date of Evaluation: <i>2-26-18</i>
Print Name: <i>Vanessa Birrell</i>	Department/Division: <i>Environmental Manage</i>
Title: <i>Director</i>	Telephone No:



Dewberry Engineers Inc. | 678.530.0022  
 2835 Brandywine Road, Suite 100 | 678.530.0044 fax  
 Atlanta, GA 30341 | www.dewberry.com

February 5, 2019

Vanessa T. Birrell, CFM  
 Director of Environmental Management  
 140 Stonewall Avenue, West Suite 230  
 Fayetteville, Georgia 30214

**RE: Floodplain study Updates for Fayette County**

Dear Ms. Birrell,

Dewberry is pleased to present this proposal in response to your January 30 email requesting various modeling services to update floodplain studies previously performed and delivered by Dewberry in 2013. We will utilize the same lead staff for this effort that successfully delivered floodplain modeling services to Fayette County in 2013. This includes project engineer Michael Kidane and myself as project manager. To maximize efficiency, Dewberry will utilize the same terrain data that was used for the 2013 studies. Please see our proposed scope and fees for services detailed below:

**Service 1 – Additional streams with less than 100-acres identified by FEMA as Zone A flooding sources**

We have identified additional flooding sources with drainage areas less than 100-acres that are not covered by the delivered scope of work for floodplain studies but are currently shown as Zone A floodplains on the effective FEMA flood maps for Fayette County. This included 85 stream reaches totaling 25 stream miles that meet these criteria. Stream reaches within the City of Peachtree City have not been included in this stream reach and mileage count.

To perform the additional study of these reaches, Dewberry proposes identifying the 1% annual chance existing and future landuse conditions floodplains and flood elevations by performing hydrology using USGS Regional Regression Equations. For future landuse hydrology, Dewberry will compare these reaches with nearby study reaches greater than 100-acres to determine a representative ratio of future versus existing landuse flows and apply this ratio to calculate future landuse conditions flows. Because of the small structures associated with very small drainage areas, Dewberry would propose to model all structures as blocked and overtopped by modeling the top of the structure as an inline weir, thus requiring no survey. All additional reaches will be tied into the 100-acre studies to ensure that flood elevations are consistent between both sets of models and integrated with the deliverables associated with the 100-acre floodplain studies.

**Service 2 – Incorporation of two (2) FEMA Letter of Map Revisions (LOMRs) using as-built information to be provided by Fayette County.**

Dewberry will incorporate the geometry from 2 LOMRs using as-built survey provided by Fayette County into the 2013 Fayette County limited detail floodplain studies developed by Dewberry. Dewberry will redelineate the existing and future landuse conditions floodplains for all updated study reaches consistent with the 2013 methodology. Hydrologic flows will remain unchanged from the 2013 studies.

February 5, 2019

**Service 3 – Revision to Current model to update coding for 55 structures**

Dewberry will update the geometry for up to 55 structures in the current 2013 limited detail floodplain studies using geometry provided by Fayette County. Dewberry will redelineate the existing and future landuse conditions floodplains for all updated study reaches consistent with the 2013 methodology. Hydrologic flows will remain unchanged from the 2013 studies.

**Service 4 – Countywide (excluding Peachtree City) consolidated deliverable of all models and geodatabases, consistent with 2013 delivery**

Dewberry will create a new consolidated delivery including all above referenced revisions consistent with the format delivered in 2013 which will include:

- Certified model outputs
- Digital model files
- GeoDatabase containing revised floodplains, cross sections etc.

Dewberry proposes to perform these services for a lump sum fee of \$72,000. Please do not hesitate to contact me with any questions by telephone at (404) 308-1286 or by email at [scrampton@dewberry.com](mailto:scrampton@dewberry.com).

Sincerely



Sam Crampton, P.E., CFM  
Associate Vice President

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of staff's recommendation to declare eleven (11) vehicles as unserviceable and sell the assets using contracted auction services.

**Background/History/Details:**

Eleven vehicles on the attached list have been or are in the process of being replaced and are no longer serviceable to the County. The 2003 Infiniti I35 is a confiscated vehicle. It is staff's recommendation these vehicles be declared as unserviceable and disposed of in the upcoming auction.

**What action are you seeking from the Board of Commissioners?**

Approval of staff's recommendation to declare eleven (11) vehicles as unserviceable and sell the assets using contracted auction services.

**If this item requires funding, please describe:**

No funding required for this request

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

		Year, Make, Model	VIN	Mileage
ROAD DEPARTMENT	90259	1999 FORD F-150 XLT	1FTRF17W4XNA90448	174,556
WATER SYSTEM	22225	2005 FORD F-150	1FTRF12W15NB86123	298,351
WATER SYSTEM	22178	2008 FORD F-450 UTILITY TRUCK	1FDXW46R58ED23125	135,521
WATER SYSTEM	22291	2001 FORD F-250	1FTNF20L71EC28060	194,897
WATER SYSTEM	22615	2005 FORD RANGER	1FTYR10U55PB01969	105,138
WATER SYSTEM	22689	2009 FORD RANGER	1FTYR10D59PA18712	168,946
SHERIFF	311791	2006 DODGE CHARGER	2B3KA43G56H311791	109,769
SHERIFF	115795	2003 INFINITI I35	JNKDA31A13T115795	unknown
SHERIFF	39885	2008 FORD EXPLORER	1FMEU63E08UA39885	120,914
FIRE SERVICES	23347	2007 FORD F-250	1FTSX21587EA47171	182,471
FIRE SERVICES	23217	2007 CHEVROLET SUBURBAN	3GNGK26K97G277787	135,067

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Water Committee recommendation to approve the amendment to the Metropolitan North Georgia Water Planning District (MNGWPD) Memorandum of Agreement for the single-family toilet rebate program rebate structure change and approval for the Chairman to sign the related document.

**Background/History/Details:**

The Metropolitan North Georgia Water Planning District (MNGWPD) is moving to a new rebate structure for the single-family toilet rebate program to encourage customers to go beyond current plumbing code requirements. Amending the existing agreement will include the change in rebate amounts.

The existing rebate structure is \$100.00 rebate for 1.28gpf WaterSense labeled toilet (plumbing code requirement). The new rebate structure is \$100.00 rebate for 1.1gpf or less WaterSense labeled ultra high efficiency toilet and \$50.00 rebate for 1.28gpf WaterSense labeled toilet (plumbing code requirement).

In February 2008, the Fayette County Water System began participating in the District's Toilet Rebate Program for single family residential customers. The customer applies for the rebate and supplies the receipts to the District. The approved customer list is sent to the Water System and then the Water System applies a credit to the water customers account for the amount approved for the toilet rebate. Customer bills have to be current to receive the credit.

**What action are you seeking from the Board of Commissioners?**

Approval of Water Committee recommendation to approve the amendment to the Metropolitan North Georgia Water Planning District (MNGWPD) Memorandum of Agreement for the single-family toilet rebate program rebate structure change and approval for the Chairman to sign the related document.

**If this item requires funding, please describe:**

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

AMENDMENT OF MEMORANDUM OF AGREEMENT

THIS AGREEMENT is entered into as of this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_, by and between Fayette County Water System (hereinafter referred to as the "Utility") and the Metropolitan North Georgia Water Planning District, (hereinafter referred to as the "District").

WITNESSETH THAT

WHEREAS, the parties hereto did enter into a Memorandum of Agreement dated May 24, 2018, in which the Utility agreed to participate in the District-wide Toilet Retrofit Program ("the Program") and the District agreed to coordinate and manage the Program; and

WHEREAS, the parties wish to further amend said Memorandum of Agreement in certain respects as set forth herein below;

NOW, therefore and in consideration of the mutual benefits to the parties, the parties agree that said Memorandum of Agreement is hereby amended as follows:

1. Sentences four through seven of Section 3, Costs Paid by the Utility, is hereby deleted and replaced with the following sentences, "The Utility further agrees that the District will only process rebates for toilets that have received the EPA WaterSense label. Each ultra-high-efficiency toilet (UHET) using 1.1 gpf or less will have a maximum rebate face value of \$100.00 per toilet. Each high-efficiency toilet (HET) using 1.28 gpf will have a maximum rebate face value of \$50.00 per toilet. Additionally, the Utility agrees that an administrative charge of \$10.00 for each toilet approved for rebate will be charged. A customer can only receive two toilet rebates per property."

Except as specifically modified hereinabove, the remainder of said Memorandum of Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Utility and the District have hereunto agreed effective as of the date first above written.

ATTEST:

\_\_\_\_\_

UTILITY

By: \_\_\_\_\_

Title: \_\_\_\_\_

METROPOLITAN NORTH GEORGIA  
WATER PLANNING DISTRICT

By: \_\_\_\_\_  
Chairperson & CEO

**Lisa M. Speegle**

**From:** Andrew D. Morris <amorris@northgeorgiawater.com>  
**Sent:** Monday, February 11, 2019 11:27 AM  
**To:** Lisa M. Speegle  
**Cc:** Alexandra Orrego  
**Subject:** Amendment to toilet rebate contract for consideration and approval  
**Attachments:** Amendment # 1 - FAYETTE - 2019.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**\*External Email\*** Be cautious of sender, content, and links

Lisa,

I am filling in for Lora on toilet rebates while we hire her replacement. Please feel free to reach out to me with any questions.

I've attached a form of amendment that I understand y'all had be discussing for consideration by the county. Once approved, you can sign and send a pdf back to me, and then Chairman Nash will sign for the District. You can leave the date blank, and we will complete it.

As you and Lora have been discussing, the District is moving to a new rebate structure for the single-family toilet rebate program to encourage customers to go beyond current plumbing code requirements. We would like to amend the existing agreement with Fayette County to reflect the change in rebate amounts. The rebate structures are detailed below.

Existing rebate structure:

\$100 rebate for 1.28gpf WaterSense labeled toilet (plumbing code requirement)

New rebate structure:

-\$100 rebate for 1.1 gpf or less WaterSense labeled ultra-high-efficiency toilet

-\$50 rebate for 1.28gpf WaterSense labeled toilet (plumbing code requirement)

In addition to encouraging customers to choose even more efficient toilets, we expect to be able to provide rebates to more customers with the same amount of funding because some will still choose the lower rebate level.

Thank you,

Andrew D. Morris  
 Water Policy Officer



470.378.1549 office

**MEMORANDUM OF AGREEMENT  
FOR PARTICIPATION IN THE DISTRICT'S SINGLE-FAMILY TOILET REBATE  
PROGRAM**

THIS AGREEMENT is made and entered into as of this 24th day of May 2018, by and between Fayette County Water System hereinafter referred to as the "Utility") and the Metropolitan North Georgia Water Planning District (hereinafter referred to as the "District").

WITNESSETH:

WHEREAS, the Utility is responsible for developing and implementing a water conservation program within its service area; and

WHEREAS, the District will coordinate and manage a District-wide Toilet Retrofit Program ("the Program") for single family residential customers by providing administrative services as stated in Duties of the District and

WHEREAS, the Utility desires to participate in the District-wide Program.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. Duties of the Utilities

- a. Follows the administrative procedures developed by the District for the management of the program.
- b. Receives weekly notifications from the District of rebates to be processed and issue rebate credits to customers in a timely manner.
- c. Upon receipt of notification by the District of a customer's eligibility for the toilet rebate, the Utility will respond to the District within 5 business days with notification of acceptance or rejection of each eligible customer and the reason for rejection.
- d. Answers customer questions about the status of their rebate credits (once their confirmation letters have been received).
- e. Agrees to pay District the processing fee for each toilet approved for rebate.
- f. Promotes the program through link on Utility websites, bill inserts, mailers, and/or other forms of communication.
- g. Verification of toilet installation is optional, but would be the responsibility of the Utility.

2. Duties of the District

- a. Provides administrative services to process the rebate applications.
- b. Maintains a website, application form, and reporting database for utilities.

- c. Maintains a telephone number and email address for customer questions about the program and processing applications.
- d. Mails or makes available applications to single family residential customers only.
- e. Receives rebate application from customer and verifies eligibility. Eligibility is determined based on date of home construction, receipt of original toilet purchase receipt, copy of recent water bill in name of applicant and confirmation of eligible toilet model.
- f. Notifies the Utility of rebate amount to credit customer.
- g. Sends a confirmation/rejection letter to each customer.
- h. Provides management reports for Utilities to access on a regular basis.
- i. Invoices the Utility for the \$10.00 administrative fee for each toilet approved for rebate.
- j. Maintains billing accounts and financial records for three years after the completion of this Agreement and provide periodic status updates to the Utilities.
- k. Provides periodic invoices to each participating Utility for administrative fees.

### 3. Costs Paid by the Utility

The Utility hereby agrees to provide funding of \$ \$50,000.00 for this program for the term of the agreement unless the agreement is terminated at which time the Utility would fund any applications that have been approved by the District and Utility prior to termination. Funding is the total annual amount allocated by the Utility for rebate and administration fees for the term of this Agreement. In the event the Utility meets the previously stated funding amount prior to the expiration of this Agreement, the Utility is no longer obligated to provide rebates or administration fees. The Utility further agrees that the District will only process rebates for single family residential toilets using 1.28 gallons per flush (gpf) or less and that have received the EPA WaterSense certification. Each rebate will have a maximum face value of \$100.00 per toilet. Additionally, the Utility agrees that an administrative charge of \$10.00 for each toilet approved for rebate will be charged. A customer cannot receive a rebate higher than \$200.00.

### 4. Payment Method

Utility will pay the \$10.00 administrative fee for each toilet approved for rebate to the District through periodic billings. Rebates will be issued by the Utility to participating Utility customers until the allotted rebate amount for the Utility is exhausted. The Utility may add additional funding at anytime during their program participation by amending this Agreement.

### 5. Term

This Agreement shall become effective as of the date first written above and shall continue in full force and effect until funds are expended. Either party may terminate this Agreement without cause by providing the other party written notice sixty (60) days prior to termination. This Agreement may be amended upon agreement of the parties. In the event of such

termination, the Utility shall be obligated to pay all issued rebates and administrative costs associated with rebates approved prior to such termination.

IN WITNESS WHEREOF, the parties have hereto executed this Agreement as of the date first above written.

UTILITY

By: 

Title: Commission Chairman

METROPOLITAN NORTH GEORGIA  
WATER PLANNING DISTRICT

By: 

Title: Chairperson

Metropolitan North Georgia Water Planning District  
**Water Utility Summary Report**

Prepared for Fayette County on 2/26/2019 1:13:51 PM

**Program Totals**

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<b>Total Applications Received</b>	<b>2,447</b>
<i>Pending Water Utility Approval</i>	8
<i>Approved</i>	2,262
<i>Rejected</i>	177
<b>Total Rebated Toilets</b>	<b>3,254</b>
<i>UHET 1.1 gpf</i>	0
<i>HET 1.28 gpf</i>	2,654
<i>Low-Flow 1.6 gpf</i>	600
<b>Total Estimated Daily Water Savings (gallons)</b>	<b>59,837.83</b>

**Current Contract Funding**

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<b>Contract Dates</b>	<b>6/30/2018 - 12/31/2020</b>
<b>Contract Funding</b>	<b>\$50,000.00</b>
<b>Contract Expenditures</b>	<b>\$11,330.00</b>
<i>Rebate Credits</i>	\$10,300.00
<i>Administration Fee</i>	\$1,030.00
<b>Funding Remaining</b>	<b>\$38,670.00</b>

**Funding History**

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<b>Total Expenditures</b>	<b>\$327,940.00</b>
<i>Rebate Credits</i>	\$295,400.00
<i>Administration Fee</i>	\$32,540.00

**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 28, 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 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 February 28, 2019 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 Charles Rousseau**

Commissioner Charles Rousseau offered the Invocation and led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Charles Rousseau moved to accept the agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:**

- 1. Consideration of Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.**

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property into the record. Mr. Frisina stated that the first hearing was Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road; and was in conjunction with Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Mr. Frisina stated that this was the third time these petitions had been presented to the Board. Mr. Frisina stated that there were two proposed conditions which are:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be

shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) Mr. Frisina stated that both Planning Commission and staff have recommended approval.

Commissioner Maxwell stated that he recused himself from discussion of items #1 and #2 due to his friendship with Mr. Wright, he stated that he had previously recused himself from Rod Wright issues and will continue to do so, due to a conflict of interest. Commissioner Maxwell left the Public Meeting Room until discussions were over.

Stephen Jones spoke on behalf of the applicant Mr. Rod Wright. Mr. Jones reiterated that this was the third time these petitions had been presented to Board. Mr. Jones asked the Board to make a fair, consistent, and right decision to approve the petitions. Mr. Jones stated that the decision to approve should be based on staff's recommendation with two conditions, which the applicant consented to. The Planning Commission unanimous recommendation, the Future Land Use Map in affect at the time the petitions were filed, and the fact that there are seven (7) comparable R-70 developments in the area. Mr. Jones reserved the remainder of his time for rebuttal.

No one spoke in favor.

The following spoke in opposition:

Norm Nolde stated that the reason he opposed the petition was because of access to Davis Road. Mr. Nolde stated that Davis Road was a gravel road and his objection was to the potential for increased traffic and construction traffic. Mr. Nolde asked the Board to consider restricting construction traffic only to Ebenezer Church Road and not allow traffic on Davis Road.

Mr. Jones responded to the citizens concern and stated that no construction activities will take place on Davis Road. Mr. Jones asked for the Boards favorable approval of the Petition.

Chairman Ognio asked had the Petitioner agreed to the two (2) conditions.

Mr. Jones stated that the Petitioner had consented to the two (2) conditions.

Chairman Ognio added a third condition of no construction traffic on Davis Road.

Mr. Jones stated that the Petitioner agreed to that condition also.

Vice-Chairman Oddo motioned to approve Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road with three (3) conditions: 1) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 2) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 3) No

construction traffic shall be allowed on Davis Road. Commissioner Rousseau seconded. The motion passed 4-0-1, Commissioner Maxwell recused himself.

2. **Consideration of Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road.**

No one spoke in favor or in opposition.

Vice-Chairman Oddo motioned to approve Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road with three (3) conditions: 1) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 2) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 3) No construction traffic shall be allowed on Davis Road. Commissioner Rousseau seconded. The motion passed 4-0-1, Commissioner Maxwell recused himself.

Commissioner Maxwell returned to the Meeting.

3. **Consideration of staff's request to adopt Resolution 2019-03 pertaining to the "Fayette County 2018 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2019- FY2023)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.**

Mr. Frisina stated that majority of the other jurisdictions, (Woolsey, Brooks, and Tyrone) that we are involved with have adopted or are working to adopt this Resolution. Mr. Frisina stated that the county collected \$127,539 (combined total with Woolsey, Brooks, and Tyrone) in impact fees last year.

No one spoke in favor or in opposition.

Vice-Chairman Oddo motioned to adopt Resolution 2019-03 pertaining to the "Fayette County 2018 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2019- FY2023)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Gibbons seconded. The motion passed 5-0.

### **CONSENT AGENDA:**

Chairman Ognio requested to have item #15 pulled for discussion.

Vice-Chairman Oddo moved to accept the Consent Agenda as written, except for item number #15 for discussion. Commissioner Gibbons seconded. The motion passed 5-0.

4. **Approval of Resolution 2019-02 to change a street name in Waterlace/Canoe Club Subdivision from "Windsail Pointe" to "Lakeridge Point."**
5. **Approval of the Acceptance and Confirmation of Work from Fairburn Ready Mix for the clean-up of property owned by Fayette County adjacent to Fairburn Ready Mix.**
6. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
7. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
8. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
9. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
10. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
11. **Approval to adopt Resolution 2019-04 to request sales tax information from the Georgia Department of Revenue pursuant to O.C.G.A. 48-2-15(d.1) and name Chief Finance Officer as Fayette County's designated official for all related purposes through the period ending December 31, 2019.**
12. **Approval of staff's recommended Mid-Year Budget Amendments to the FY 2019 budget and approval to close completed Capital Improvement Program (CIP) projects.**
13. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2020 which begins July 1, 2019 and ends June 30, 2020.**
14. **Approval of the reappointment of Division Chief Steven Folden and Deputy Fire Chief Thomas Bartlett to the West Georgia EMS Council for a two-year term.**
15. **Approval of the February 14, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio stated that two edits had be made to the February 14, 2019 Board of Commissioners Meeting Minutes. On page five of the February 14, 2019 Board of Commissioners Meeting Minutes under Executive Session the minutes stated there was one item of Real Estate Acquisition discussed, it should have been one item of Pending Litigation. Chairman stated that was corrected. On page 6 under Executive Session the same language was added. Chairman

Ognio motioned to approve the February 14, 2019 Board of Commissioners Meeting Minutes with noted edits. Vice-Chairman seconded. The motion passed. 5-0.

### **OLD BUSINESS:**

### **NEW BUSINESS:**

#### **16. Fayette County State Court's request to approve to complete a Veterans Treatment Court implementation grant from the Council of Accountability Court Judges.**

Judge Thompson outlined for the Board what the Veterans Treatment Court entailed. Judge Thompson stated that the Fayette County Veterans Treatment Court (VTC) would seek to divert eligible veteran-defendants with substance dependency and/or mental illness who are charged with misdemeanor criminal offenses to a specialized criminal court docket. The court would substitute a treatment and problem solving model for traditional court processing. Veterans are identified through evidence based screening and assessments. The veterans would voluntarily participate in a judicially supervised treatment plan developed with the veteran; drawing from a team of court staff, veteran health care professionals, veteran peer mentors, and mental health professionals. Judge Thompson stated that the VTC anticipated 5-10 participants for FY 2020, with subsequent growth in future years. Grant funding would be requested to start July 1, 2019. He stated that the implementation grant would cover a part-time hourly wage for Case Manager, treatment, testing, surveillance, equipment and supplies. The VTC would be supported by the Accountability Court Board of Advisors. The VTC would be located in the Fayette Justice Center and would be a part of the State Court of Fayette County under his direction. All court proceedings will occur in Courtroom 2D. Judge Thompson stated that the VTC would follow the ??(CACJ) standards and the Core Competencies created by the Veterans Administration. Judge Thompson added that the VTC would be the 2nd accountability court for State Court. Judge Thompson acknowledged that he created the Fayette County DUI Court in January 2016. He stated that since its inception, the DUI Court program had saved Fayette County taxpayers almost half-a-million dollars. Judge Thompson stated that we have a high concentration of veterans in our community, who at time find themselves in the judicial system and in the jail and these are the individuals who need our help and support.

Judge Thompson stated that the Fayette County State Court requested the Board of Commissioners approval to complete a Veterans Treatment Court implementation grant in the amount of \$118,169 from the Council of Accountability Court Judges. The grant included a 10% match of \$13,129 that would be funded by DATE funds and participant fees.

County Administrator Steve Rapson stated that the request is in the amount of \$118,169 which corresponded with the Veterans Treatment Court grant outlined by Judge Thompson. He stated that there were two (2) part-time positions that would be part of next year's budget which are anticipated to be used for this grant set to begin July 1, 2019. Mr. Rapson stated that the DATE funds would be used to subsidize this program as well as the existing DUI program. Mr. Rapson stated that the number were conservatively analyzed and extrapolated out to future years to determine at what point funds would be depleted. He stated that would be 2027.

Chairman Ognio stated for clarification that the grant was for \$118,169, he stated that within the document he noted the grant amount being \$105,039.11 with a match of \$13,129.

Mr. Rapson stated that was correct. \$13,129 would be funded by DATE funds and was the 10% match. He clarified that the grant request was for the \$118,169, with the county "having to sure up" the 10%.

Vice-Chairman Oddo acknowledged that this was an important and beneficial program supporting our Veterans; however what concerned him was sustainability of funding for the program in the future. Vice-Chairman Oddo stated that although a worthy program the Board was accountable for being fiscally responsible with taxpayer money and delegating funds appropriately. Vice-Chairman Oddo urged Judge Thompson to work diligently to maintain funding.

Judge Thompson stated that his goal was to follow the same pattern he set with Fayette County DUI Court. He stated that he would continue to be proactive and save for a rainy day.

Commissioner Gibbons stated for clarification that similar to DUI Court, the 5-10 initial participants would have an alternative treatment plan rather than going to jail at \$75 per day.

Judge Thompson stated yes that was the plan to establish an alternative treatment plan instead of a jail sentence.

Commissioner Rousseau stated that he wanted to ensure we are doing our due diligence and working together with other non-profit service providers and providing support to the most vulnerable in our community. Commissioner Rousseau stated for clarification in reference to the alternate treatment plan would those also include a scaled back jail sentence (i.e. weekend stays).

Judge Thompson stated that was correct instead of a 6-month jail sentence an individual would receive a 20-day sentence and would be able to serve that time on the weekends, the individual could maintain employment and the sentence would be modified. This was in exchange for going into the program. Judge Thompson stated that he was committed to working with community partners and providers for the betterment of the program.

Commissioner Rousseau stated that in reviewing the request and supporting document he noticed that the VTC would be supported by the Accountability Court Board of Advisors, he stated that he would like to see that the mental health professionals are a part of the team. He stated that mental health was a key element, providing reduced jail sentences and other partial assistance was good, but we wanted to ensure we are providing complete care.

Judge Thompson stated that the Board of Advisors would comprise of business leaders, religious leaders and others, but the team that would meet with the veterans would include mental health professionals.

Commissioner Maxwell asked Judge Thompson what the possibility was of receiving the grant.

Judge Thompson stated that he was not sure, he stated that he could not say it had been promised to us. He added that his understanding was that they try and give what was asked for if reasonable, the first year and then tailor back the next year.

Commissioner Maxwell stated that each member, like himself, was willing to provide special support if needed. Commissioner Maxwell stated that \$118,000 was a relatively small number when compared to the overall budget for the County, but singularly \$100,000 was a lot of money. Commissioner Maxwell stated that was a significant program; however, a problem could develop when the funds run out in the DATE funds. The request turned to General Funds. He stated that if that happened this request would be competing with other County services, functions, and operations. Commissioner Maxwell asked if they were unsuccessful in receiving the grant would the request change to General Funds and be resubmitted.

Judge Thompson stated no, he would go back to the drawing board and collaborate with community partners on a better way.

Chairman Ognio asked about Sheriff's involvement and security in the program.

Judge Thompson stated that there was a piece for surveillance, and that there would be law enforcement officer participation. He stated that Sheriff Babb had been a great partner in other courts and would assist with this program also.

Commissioner Maxwell moved to approve Fayette County State Court's request to approve to complete a Veterans Treatment Court implementation grant in the amount of \$118,169 from the Council of Accountability Court Judges. Commissioner Gibbons seconded. The motion passed 5-0.

**17. Staff's recommendation to amend an Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of the county owned property and to approve the proposed 2019 Calendar of Events.**

County Administrator Steve Rapson stated that this agreement was reviewed after the last approval of the fifth addendum on January 11, 2018. He stated that the Board directed staff to streamline the approval process of the use of county owned property on the 2019 Calendar of Events. Mr. Rapson stated that as a part of that streaming effort now staff will be able to make some of those approvals rather than having to present each one before the Board for updates to the Calendar of Events, unless controversial in nature.

Commissioner Gibbons motioned to approved to amend an Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of the county owned property and to approve the proposed 2019 Calendar of Events. Vice-Chairman Oddo seconded. The motion passed 5-0.

**18. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Bryan Thompson to the Fayette County Recreation Commission for a term beginning January 1, 2019 and expiring December 31, 2022.**

Vice-Chairman Oddo motioned to approve to appoint Bryan Thompson to the Fayette County Recreation Commission for a term beginning January 1, 2019 and expiring December 31, 2022. Commissioner Rousseau seconded. The motion passed 5-0.

**19. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Michael Gumbinger to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.**

Vice-Chairman Oddo motioned to approve to appoint Michael Gumbinger to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. Commissioner Rousseau seconded. The motion passed 5-0.

**20. Staff's recommended changes to the "Addendum to Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services".**

Public Works Director Phil Mallon stated that in order for Fayette County or any other local government to utilize federal dollars for transportation projects, we have to maintain a certification through the Georgia Department of Transportation which was updated every three years. He stated that we were currently in the process of getting re-certified. Mr. Mallon stated that the county completed every hurdle, however language needed to be added to demonstrate an understanding of the applicable federal and state rules to our Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services. Mr. Mallon stated that the additional language/text did not in any way change the policy and procedure; it only added clarification.

Commissioner Rousseau moved to approve changes to the "Addendum to Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services". Vice-Chairman Oddo seconded. The motion passed 5-0.

**21. Consideration of Ordinance 2019-01, amendments to Chapter 4 – Alcoholic Beverages, Sec. 4-36 - Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites regarding A-R wedding/event facilities.**

Mr. Frisina stated that he and his colleague Chief Myers had been working on a particle aspect of the the zoning A-R wedding/event facilities. Mr. Frisina stated when the alcohol ordinance was originally created there was a distance for residences. As the County was seeing the development of A-R wedding/event facilities where permitted events and special events can take place at a permitted location under the alcohol regulations, these amendments would exclude an on-site private residence from the private residential distance requirements of the alcohol regulations. Mr. Frisina stated that this was a house keeping measure to update the Policy.

Commissioner Rousseau motioned to approve Ordinance 2019-01, amendments to Chapter 4 – Alcoholic Beverages, Sec. 4-36 - Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites regarding A-R wedding/event facilities. Vice-Chairman Oddo seconded. The motion passed 5-0.

**22. Consideration of staff's recommendation to adopt Ordinance 2019-02 that amends Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection.**

Environmental Management Director Vanessa Birrell stated that the Fayette County Watershed Protection Ordinance was adopted in 1987. Ms. Birrell stated that the ordinance protects both streams and floodplains. This ordinance also meets the Georgia Environmental Planning Criteria for protection of large and small water supply watershed that are publicly owned.

Ms. Birrell stated that the amendment clarified requirements for all lakes and ponds to have the minimum state buffer and setback requirements of 50 ft. and 25 ft., respectively, which coincide with current department policy. Ms. Birrell stated that changes to the appeal process would allow the Board of Commissioners to hear a variance request if not granted by the Environmental Management Director. Currently, the Fayette County Planning Commission hears Watershed Protection variance requests. Activities allowed in the watershed protection setback and buffer/setback requirements around lakes and ponds are further clarified. Mr. Birrell stated that definitions had been added and amended to conform with other development regulations definitions. Housekeeping items include changing of the department name to Environmental Management.

Vice-Chairman Oddo moved to approve staff's recommendation to adopt Ordinance 2019-02 that amends Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection. Commissioner Gibbons seconded. The motion passed 5-0.

**23. Staff's recommendation to approve Resolution 2019-05; Opposing House Bill 302, Preemption of Local Building Design Standards.**

Chairman Ognio stated that there was a new Resolution on the dais for review, which was Senate Bill 172. He stated that the wording was the same as House Bill 302, but now we have one from each sides of legislature.

Mr. Rapson stated that ACCG had asked that the counties to take a position on this. He stated that with this Resolution we are establishing support in opposition to both of these bills.

Chairman Ognio stated that he attended the ARC Meeting on February 27, 2019 and that this Resolution was passed unanimously.

Vice-Chairman Oddo moved to approve Resolution 2019-05; Opposing House Bill 302 and Senate Bill 172, Preemption of Local Building Design Standards. Commissioner Gibbons seconded. The motion passed 5-0.

### **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.*

**Roy Bishop** stated that he had received several calls regarding trash on West Bridge Road. Mr. Bishop also stated that there were two parcels of land that needed to be looked at by Code Enforcement. The first one was the Old Bensons Store at Ford Rd and West Bridge Road. He stated that it was falling in. The second property was the old Kiddie Land Nursery, Mr. Bishop stated that the building was torn down but the playground equipment was still there and weeds had grown up and had become dumping ground. Mr. Bishop also stated that he'd like an update on the red light at West Bridge and 92.

**Yvonne Smith** stated that she was here again about her community and concerned about neighbors still parking on the lawn. Ms. Smith stated that she cared about her community and needed assistance from the Board regarding the parking on the lawn and storm water and drainage in her community. Her granddaughter offered additional comments of concern.

**Douglas Brantley** stated that he had returned because of the continued concerns he had with storm water runoff, drainage and flooding at his home and his neighbors' home. Mr. Brantley stated that a sinkhole had recently formed due to the rain. Mr. Brantley stated that this had been an ongoing problem for 20-years and he wanted some real solutions, not just temporary fixes.

**Bradley Sanders** stated that he had a drain sewer on his property and wanted to know whose responsibility was it to maintain it. He asked where property owners turn to when they are having water runoff from the sewer and concerning pipe erosion.

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

In response to public comment:

#### **Roy Bishop**

Mr. Rapson stated that he would contact Steve Hoffman Roads Department Director to check on trash pick-up on West Bridge Road. He stated that he would contact Code Enforcement to check on the two properties. Mr. Rapson stated in reference to the red light on West Bridge and 92 that there was an analysis that was recently completed, but the overall project was 4-5 months from being completed.

#### **Yvonne Smith**

Mr. Rapson stated that the parking on the lawn ordinance was something that the Board had already addressed and decided not to move forward. Mr. Rapson stated that in reference to Code Enforcement concerns and actions, the county did not care who the resident was or what race or color they are, all residents are treated the same. He stated that he was aware of the resident Ms. Smith referred to and Chief Myers had been to the property on numerous occasions, but all his vehicles were operable and licensed and based on the existing ordinance, he could park on the grass if he chose to. Mr. Rapson stated that in reference to storm water runoff that that utility was done away with two years ago, and those funds went into the \$24,000,000 SPLOST projects being completed Mr. Rapson stated that if Ms. Smith had a question on any of the SPLOT projects a listing was available online or she was welcomed to contact the County with specific project concerns.

#### **Douglas Brantley**

Mr. Rapson stated that Mr. Brantley's subdivision was platted back in 1974. Mr. Rapson stated that there were drainage, easements, and streams located on his property. Mr. Rapson stated that both Mr. Brantley and his neighbor both receive 74 acres worth of that drainage. Mr. Rapson stated that as a result when it rains those properties will have water. Mr. Rapson stated that the storm water flows from the IHOP of the adjacent development. Mr. Rapson stated that the historical aerials show that the streams present after Honey Suckle Road were installed but they weren't present when these homes were built in the 80's. Mr. Rapson stated that they likely piped the streams which was against current regulation but was allowed then. Mr. Rapson stated that Mr. Brantley's property was adjacent to the City of Fayetteville and backed up to commercial development. Mr. Rapson stated that Vanessa Birrell had discussed this issue with the City of Fayetteville Public Services Director Chris Hindman and they are aware of the concerns. He added that they do periodically clean out the ponds, as well as some of the commercial businesses clean out some of the inlets. Mr. Rapson stated that while the failing storm water structures are in the County they are on private property and there are things the County cannot do on private property. Mr. Rapson stated that the County was responsible for anything that endangers our infrastructure, roads, or right-of-way, but the vast majority of the issues that Mr. Brantley's had were on private property and that was an issue between the homeowner, the commercial development, and/or the City of Fayetteville. Mr. Rapson stated that the County had done everything we can do.

### **Bradley Sanders**

Mr. Rapson introduced and directed Mr. Sanders to contact Environmental Management Director Vanessa Birrell to assist him with his concerns.

- A. Mr. Rapson stated that Contract #1431-P: Transportation Engineer of Record: Task Order 21 – Resurfacing Program – FY 2019, FC Project Number: 19TAF, GDOT PI 0016058, ARC TIP FA-100A, Surface Transportation Block Grant (STBG) was approved.
- B. Mr. Rapson stated that Contract #1431-P: Transportation Engineer of Record: Task Order 22 – Resurfacing Program – FY 2019, FC Project Number: 19TAG, GDOT PI 0016083, ARC TIP FA-100B, Surface Transportation Block Grant (STBG) was approved.

### **Board of Health**

Mr. Rapson stated that a selection committee for a citizen position on the Board of Health was needed and for the Chairman to delegate an appointee to serve on the Board of Health was needed.

Chairman Ognio designated Steve Folden to serve on the Board of Health.

Chairman Ognio moved to nominate Commissioner Gibbons and Chairman Ognio to serve as selection committee for the Board of Health. Commissioner Gibbons seconded. The motion passed 5-0.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated there was one item involving Pending Litigation, two items involving Threatening Litigation, and the Review of the February 14, 2019 Executive Session Minutes for consideration in Executive Session.

### **COMMISSIONERS' REPORTS:**

**Commissioner Gibbons** apologized for his remarks at the February 14, 2019 Board of Commissioners Meeting as they pertained to Public Comments. Commissioner Gibbons stated that he was wrong in many ways. He stated that he definitely wanted to hear from the public at the BOC meetings or via any other form of communication, be it by telephone, email, or a face-to-face meetings and would consider all input respectfully and thoughtfully. Commissioner Gibbons stated that if he gave the impression that he had already made up his mind on an issue when he walked into the Board Room that was absolutely untrue. Commissioner Gibbons stated that while he researched every topic thoroughly prior to the Commission Meeting, he relied on input from the Board, staff, and the public before he casts his vote.

**Commissioner Maxwell** stated that it was his privilege to sit next to Commissioner Gibbons, he added that although it had only been for the last four meetings what was not seen was the number of times they have had the opportunity to talk on various topics and issues and more recently in reference to his comments from the February 14, 2019 Board of Commissioners. Commissioner Maxwell stated that he gave Commissioner Gibbons honest feedback regarding his statements. Commissioner Maxwell stated that he and other member of the Board have served 4-6 years, but Commissioner Gibbons was new and continues to grow.

**Commissioner Rousseau** stated that part of the challenge from the February 14, 2019 meeting was the decision to add Public Comments time limits and how it would be rolled out. Commissioner Rousseau stated that we must be careful and aware of how implementation of a new/updated rule would be structured, he suggested taking a step back and asking pertinent questions. Commissioner Rousseau stated that what troubled him was when the Board told a citizen no they cannot do something, but there is no rule in place prohibiting it. Commissioner Rousseau stated that this had the potential of eroding the trust between us and the citizen's in our community. Commissioner Rousseau stated to Commissioner Gibbons that he accepted his comments as a member of the community, he extended a welcome to Commissioner Gibbons and added that he too had suffered from "foot in mouth" disease on multiple occasion but these are experiences we all grow from. Commissioner Rousseau stated that in regard to the border dispute between the City of Fairburn and Fayette County residents with a proposed development, he tried to attend the City of Fairburn Council Meeting but due to occupancy limits he was not allowed inside. Commissioner Rousseau stated that he discussed the issue with residents and reached out to his counterparts with the City of Fairburn to find out the essence of the proposal. Commissioner Rousseau expressed his appreciation for staff who vetted calls from citizens in regard to the issue and stated that although not in the County's jurisdiction, it would have had an impact on our citizens.

**Vice-Chairman Oddo** stated that the comments that have been expressed are very valid, he stated that since he had come to know Commissioner Gibbons he had put a lot into this job. He appreciated that he asked a lot of question with the purpose of gaining knowledge similar to what many of us had to do in the past. Vice-Chairman stated that citizens would be very pleased once he went through his first four-year term. Vice-Chairman stated that what was not perceived while sitting at the dais, but was very difficult, was that when we make a decision the effects are County-wide and we have to take numerous factors into consideration before coming to a decision. Vice-Chairman stated that he welcomed citizen engagement and made himself available to be contacted.

**Chairman Ognio** stated that as an elected official we are presented with challenges and sometimes we make mistakes, but what's sad was when those mistakes are blown out of proportion. Chairman Ognio stated that he was always available through email and phone call and tried to coordinate meetings. Chairman Ognio stated that sometime various issues do not work out the way a resident would like it, but when making decisions, the Board had to consider the ramification it would have on the whole County. Chairman Ognio stated that he hoped citizens understood why the Board did not post on Facebook. He stated that it was based on open records law and proper record retention. He added that while the Board did not respond to citizens via Facebook, if emailed or called he would respond. Chairman Ognio stated that he felt for Commission Gibbons and knows this was a rough way to begin his term but knows the citizens will be forgiving. Chairman Ognio stated that his youngest will turn 25 years old on Monday.

### **EXECUTIVE SESSION:**

**One item involving Pending Litigation, two items involving Threatening Litigation, and the Review of the February 14 , 2019 Executive Session Minutes:** Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:36 p.m. and returned to Official Session at 9:12 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. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

**Approval of the February 14, 2019 Executive Session Minutes:** Chairman Ognio moved to approve the February 14, 2019 Executive Session Minutes. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Gibbons moved to adjourn the February 28, 2019 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

The February 28, 2019 Board of Commissioners meeting adjourned at 9:12 p.m.

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Marlena Edwards, 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 14<sup>th</sup> day of March 2019. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of a recommendation from the Selection Committee, comprised of Chairman Randy Ognio and Commissioner Edward Gibbons to appoint Jack Bernard to the Fayette County Board of Health to fill an unexpired term beginning immediately and expiring December 31, 2021.

**Background/History/Details:**

The Fayette County Board of Health is one of 159 County Boards of Health throughout the State of Georgia that partners with the Georgia Department of Public Health and eighteen District Health Directors with shared responsibilities of bringing public health functions to the state. Each partner is charged with responsibilities while cooperating with each other, providing mutual support, maintaining open communications, and showing respect for the unique role that each partner has in serving Georgia's citizens.

Fayette County's Board of Health mirrors the responsibilities that all 159 County Boards of Health in Georgia have in common, namely, to assess local needs, advocate for county public health programs, approve and present the health budget to the county commission, and provide policy guidance to the District Health Director. The Board of Health has seven members who must be at least 21 years old, and each position on the Board of Health has specific requirements that must be met. Each Board member has one vote and no single member of the Board has any more authority than the others.

The available position was advertised with the Fayette News, The Citizen, and the Atlanta Journal-Constitution. It was also placed on the county's website. Two citizens made application. The Selection Committee interviewed and is recommending Jack Bernard. Becky Smith (incumbent) resigned from this position.

**What action are you seeking from the Board of Commissioners?**

Approval to appoint Jack Bernard to the Fayette County Board of Health to fill an unexpired term beginning immediately and expiring December 31, 2021.

**If this item requires funding, please describe:**

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

Clerk, at [twhite@fayettecountyga.gov](mailto:twhite@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, January 14, 2019.**

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

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Jack Bernard  
101 Woodsdale Drive  
Peachtree City, GA 30269



\_\_\_\_\_ Signature.

Date: \_\_\_\_\_

**APPLICATION FOR APPOINTMENT**  
Fayette County Board of Health

- 1. How long have you been a resident of Fayette County? -I have been a resident for 4 years.*
- 2. Why are you interested in serving on the Fayette County Board of Health? - I would like to give back to my community, as I have done all my life.*
- 3. What qualifications and experience do you possess for appointment to the Board of Health? - I am a healthcare*

*professional and columnist with decades of experience in government, non-profits and for profits. I have been a strong advocate for healthcare coverage for all Georgians, meeting with Rep. Abrams on this topic.*

- 4. List your recent employment experiences to include name of company and position. - I worked with the State of Georgia as the first Director of Health Planning. I was an executive with several national healthcare corporations, retiring as a Senior Vice President. See my resume, below. (note: since 2003, I have been managing my investments, doing community work and writing for dozens of magazines and newspapers, often on health policy)*
- 5. Do you have any past experience relating to the Board of Health? If so, please describe. - I was on the Board of Health (twice) in another Georgia County (Jasper).*
- 6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? - I was on the PTC Planning Commission until recently. Previously, I was a County Commissioner (twice) in Jasper County, serving as Chair for part of that time. I also staffed (and started) the Governor's Council on Health Policy. I have been on other Boards including the SD Heart Association and the SD Cancer Society.*
- 7. Have you attended any Board of Health meetings in the past two years and, if so, how many? -No.*
- 8. Are you willing to attend seminars or continuing education classes at county expense? - Yes. Note: I have advanced certification as a County Commissioner.*

9. *What is your vision of the county's future related to the duties of the Board of Health? – The BOH should aim to ensure that all Fayette County citizens have access to high quality care at a reasonable cost.*
10. *Would there be any possible conflict of interest between your employment or your family and you serving on the Board of Health? - No.*
11. *Are you in any way related to a County Elected Official or County employee? If so, please describe. - No.*
12. *Describe your current community involvement. - I am currently a guest (unpaid) columnist for the Fayette News, appearing most weeks. I have been involved in a political campaign here (and elsewhere). I was on the PTC Planning Commission. Note: I am also a frequent guest (volunteer) columnist for the AJC (often on healthcare issues) as well as having been published in every large Georgia paper and the Georgia Health News multiple times. I have had letters and columns printed in the NYT, WP, USA Today, Boston Herald, WSJ and other major papers nationwide.*
13. *Have you been provided a copy of the county's Ethics Ordinance? – Yes.*
14. *Is there any reason you would not be able to comply with the Ethics Ordinance? -No.*

*Resume: JACK ARMAND BERNARD*

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**HEALTHCARE Employment**

January 2002 -  
Dec 2003

Medassets – Atlanta, GA  
**SENIOR VICE PRESIDENT, CORPORATE ACCOUNTS**

Responsible for bringing large multi-hospital systems into the company's group purchasing organization (GPO). Using top-level contacts in hundreds of healthcare providers throughout the nation, made cold calls, opened doors, and successfully introduced Medassets (a new company) to these C-suite executives. Formulated sales strategy, made presentations to various individuals within these organizations and had primary responsibility for completing multi-million dollar sales. Reports directly to President of GPO.

January 1996 - Premier – San Diego, CA

May 2000 **VICE PRESIDENT, STRATEGIC DEVELOPMENT**

Total responsibility for growth of company's customer (hospital) base. Prepared national sales and marketing plan, including identification of ideal integrated delivery system provider targets. Using extensive collegial network, created interest in Premier among top-level health system executives, developed individualized marketing strategies for each, and secured appointments. Made presentations to CEOs, COOs, CFOs and their Boards regarding Premier's services as well as purchasing stock and a partnership interest in corporate/partnership (a seven figure investment). Included managing overall analysis and sales process, identifying all areas of savings and benefit for each targeted system. Exceeded goals, resulting in tens of millions of dollars in increased revenue and profit annually for Premier, the largest for-profit health system alliance in the country. Also, had primary corporate responsibility for market research and competitive intelligence regarding for-profit chains, businesses, and alliances. Reported directly to President.

August 1986 - American Healthcare Systems (AmHS) – San Diego, CA

January 1996 **VICE PRESIDENT, MARKETING, PLANNING and COMMUNICATIONS**

Full responsibility over all sales, marketing, PR, communications and planning functions, reporting directly to CEO and COO. Key participant in AmHS national health care reform effort, structuring ways to publicize this package, interacting with the media, and delivering speeches concerning it. As chief spokesman for organization, began public and press relations program, positioning AmHS as the leading hospital alliance. Strengthened annual report (several awards), news releases, newsletters, brochures and presentation materials. Developed organization's first strategic and operating plans, successfully reversing organization's decline and increasing profitability. As corporate head of sales and chief marketing officer, sold/marketed AmHS to CEOs and boards of major hospital systems throughout nation, increasing shareholder hospital base by 50%. These new shareholders resulted in millions of dollars in profit through increased annual revenues. Constructed product marketing plans, performed market research and marketed new products. Responsible for linking shareholder managed care programs with AmHS corporate partners. Successfully contracted for group purchases of marketing, market research, telecommunications and related services. Wrote AmHS Purchasing Partners Compliance Policy and Procedures. Ran credit card consolidation subsidiary. Conducted international purchasing negotiations. Designed and implemented shareholder data system. Supervised selection of annual AmHS Cares Award (\$135,000 prize) and Tibbitts Award (minority businesses). Directed shareholder Managed Care, Planning, PR/Marketing and Human Resources committees (senior V.P.s of major hospital systems). Chaired Donations Committee. Staffed Board Membership and Minority Vendor Committees. On AmHS Management Committee; Assistant Secretary of AmHS; Secretary of AmHSCC (financial services subsidiary); on Board of AmHS IMS (insurance subsidiary). One of several key AmHS staff members engaged in the merger of AmHS, Premier and SunHealth.

February 1985 - National Medical Enterprises (NME) – Dallas, TX

August 1986 **FIELD VICE PRESIDENT, ACQUISITIONS and DEVELOPMENT**

Responsible for acquisitions, new hospital development and joint ventures in the central part of nation. Position required marketing, business development and political skills. Primary project was acquisition of a public hospital, requiring extensive lobbying of local and state officials/politicians. Managed any related government relations, including Certificate of Need applications. Included market identification and analysis; planning studies; hospital evaluations; development of political support; board and CEO relationships; proposal development; marketing of proposal; and negotiation of associated contracts. Coordinated health care campus development (acute care, psychiatric, rehabilitation and long-term care facilities) in Texas and other states. Responsible for development of acute care hospital joint ventures with physicians.

May 1981 - Humana, Inc., Central Region – Louisville, KY

February 1985 **REGIONAL PLANNING MANAGER**

Directed government relations, development and planning for 23 hospitals (4,500 beds) in Humana's most profitable region, working directly for Regional CEO over these facilities. Identified and analyzed developmental opportunities, demographic trends, and existing health care resources (physicians and facilities). Reviewed legislation and acted as liaison with governmental agencies at state and federal level. Supervised all governmental state and local lobbying for Certificate of Need efforts in 8 states. Wrote proposal and handled regulatory aspects for first successful lease of a teaching hospital (University Hospital, 404 beds) by a for-profit system. Was President of Chicago Medical School Hospital subsidiary, a Humana joint venture with a medical school. Did all planning, development, and coordination for project, including negotiation of medical school contracts and preparation of successful CON for new hospital. Wrote and supervised preparation of comprehensive marketing studies. Identified potential acquisitions and new hospital projects within an eight state area. Supervised and had full direct responsibility for preparation of comprehensive Long Range Plans in all hospitals. Advised institutions as to service-specific market shares, strategies to expand, marketing techniques, and financial resources required. Monitored implementation of these institutional plans and provided technical assistance in achieving stated goals. Chaired planning/marketing task force set up to establish Humana Heart Institute International. Developed comprehensive, integrated Louisville Master Plan for Humana's four local hospitals. Promoted to Central Region from Humana's Delta Region.

November 1974 - Georgia Department of Human Resources (DHR) – Atlanta, GA

May 1981 **DIRECTOR of HEALTH PLANNING DIVISION, (SHPDA), DHR**

Directed activities of both State Health Coordinating Council (SHCC) Unit and Planning Unit, with a staff of ten. Constructed first Georgia State Health Plan, involving various high level task forces (Governor's appointees), professional health/medical groups, and state agencies. Primary responsibility for lobbying elected State officials and the Executive branch as to implementation. Had responsibility for development of the State 1122 Capital Expenditure Plan. Primary responsibility for representing agency to public and professional groups, making numerous oral and written presentations. Wrote SHPDA responses to Federal Government regarding draft regulations. Total responsibility for SHCC orientation, training and direction regarding state health policy development. Headed "Appropriateness Review" for State, reviewing existing hospital and nursing home services. Also served on a wide variety of national DHHS task forces related to health and manpower planning.

**SR. PLANNING and BUDGET ANALYST, COMMISSIONER'S OFFICE, DHR**

Total responsibility for successful development and coordination of planning and budgeting process for largest department of State government (budget of over one billion dollars). Primary departmental reviewer of proposed state and federal legislation in health areas. Worked directly with top level policy makers in executive and legislative branches, including legislators and Lieutenant Governor. Staffed confidential policy planning meetings between Commissioner and his subordinates: State Directors of Physical Health, Mental Health, Rehabilitation, and Welfare. Constructed the Departmental budget request to the Governor based on these meetings. Acted as Commissioner's primary liaison with Division of Mental Health and Retardation. Performed high level confidential health care policy studies. Served as Acting DHR Planning Director.

**DIRECTOR OF CONTRACT SERVICES (TITLE XX), DHR**

Negotiated, contracted for and managed 200 service provision contracts with local government and outside not-for-profit provider agencies. Forty-five million dollars administered in purchasing services. Had overall responsibility for identifying service provider agencies, negotiating contracts (including rate setting), monitoring fiscal and program compliance, and planning. Required in-depth knowledge of Federal fiscal and program regulations. Program areas: mental disability, rehabilitation, substance abuse, and day care. Supervised ninety individuals in fiscal, program and planning units.

**EDUCATION**

**Harvard University, School of Public Health, Cambridge, Mass.**

- Certificate in Health Policy, Planning and Regulation

**Georgia State University, Atlanta, Georgia**

- Master of Public Administration; Grade Point Average: 4.0
- Bachelor of Arts, Major: Political Science, Minor: Business Administration; Grade Point Average: 3.5

**OTHER****HONORS AND ACTIVITIES:**

Dean's List with Distinction (twice); Blue Key Honor Fraternity; National Merit Letter Commendation; Regents' Scholarship; Board of Directors of Public Personnel Association; Social Planning Committee of Georgia Planning Association; Vice President, MPA Association; Atlarge, San Diego County Health Care Reform Commission; Board of Directors, American Heart Association, Carlsbad, CA branch. Guest lecturer in Georgia State University Graduate School of Health Care Administration, Emory University Graduate School of Public Health, Georgia Institute of Technology Graduate School of Health Systems Engineering, San Diego State University School of Public Health, National University of San Diego, and University of Louisville Graduate Health Systems Program. Member of Society of Competitive Intelligence Professionals; Georgia Mental Health Association; American Hospital Association; AHA Society For Hospital Planning and Marketing; Federation of American Health Systems; and Associate, American College of Healthcare Executives. Listed in *Who's Who Registry of Global Business Leaders*, *Who's Who Worldwide*, *Who's Who in Advertising*, *Who's Who Among Emerging Leaders*, *Who's Who in the Media and Communications* and *Who's Who for the Business of Health Care*. Awards received from American College of Physician Executives and Forum regarding AmHS strategic plan. National awards from Printing Industries of America and

regional awards from Healthcare Communicators of San Diego for AmHS Annual Report.

**MAJOR  
PUBLICATIONS:**

"Strategic Plan Focuses on Cost Savings: in *Innovations '92* (American College of Physician Executives)  
 "Multi-Year Contracts for Pharmaceuticals" in *Pharmaceutical Executive* (with James D. Herrick)  
 "Quality of Care: The Real Bottom Line" in *Trustee* (with Monroe E. Trout, M.D.)  
 "Case Study: American Healthcare Systems" in *Health Care Systems: Case Studies*, AHA  
 "Symposium on Cost Containment Issues in Spine Surgery" in *SPINE* (with Vert Mooney, M.D., Melvin Friedman, M.D. and Gideon Letz, M.D.)  
 "The Ever Changing Face of Health Care" in *Price Club Journal*  
 "Cost Benefit and Funding" in *Day Care and Early Childhood Education*  
 "Cost Benefit Analysis and Mental Retardation Centers" in *Mental Retardation Journal*  
 "Appropriateness Review" in *Journal of the Medical Association of Georgia*  
 "Evaluating Mental Health Service Systems: A Case in Retrospect" in *New Directions for Program Evaluation* (with R. J. Wooldridge)  
**Plus, editor of quarterly newsletter (*Network News*) and AmHS Annual Report**

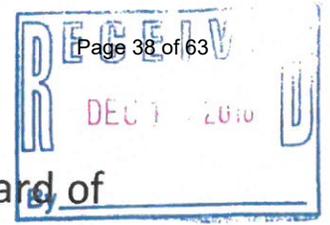
**PAPERS  
PRESENTED:**

"Health Planning and Allied Health" at Medical College of Georgia  
 "The Inter-relationship of Family Planning Programs with Health Planning" at State Family Planning Conference  
 "Future Trends in Dental Health Planning" at American Dental Association Conference (South Region)  
 "Mental Health System Evaluation" at Institute for Health Planning Mental Health Conference  
 "Product Line Planning" at Mercer Hospital Services Annual Educational Conference  
 "Economic Development Impact of the Georgia Department of Human Resources" (prepared for and presented to Lt. Governor Miller and Senate Committee)  
 "Cost Containment and Health Care Reform" at American Spine Society National Symposium  
 "National Account Management" at several SMG conferences  
 "Creating the Integrated Delivery System" on Panel for Congressional Staff (Washington)  
 "Patients First: Health Care Reform" for National Renal Administrators Association  
 "Purchasing Alliances: How They Impact Your Bottom Line" for Contract Management Industry Association National Conference  
 "The Evolution of National Healthcare Alliances" for Healthcare Information Executives Forum

**MAJOR  
REPORTS:**

"The Regressive Tax Structure of Georgia" (for OEO)  
 "Mental Health Outpatient Care in Georgia: An Analysis" (for Commissioner of Human Resources)  
 "Analysis of Contract Services Organizational Structure and Function" (for Governor's Office of Planning and Budget)  
 "Statistical Analysis of Variables in State Employee Attitudes" (for DHR)  
 "Operation Advocate: Year End Report" (for LEAA)  
 "Georgia State Health Plan" (for Governor's office)  
 "Louisville Master Plan" (for Humana, Executive Vice President)  
 "AmHS Strategic Plan"  
 "Exemplary Efforts to Serve the Medically Indigent" (AmHS)  
 "Corporate Partners Study" (AmHS)

*Plus dozens of other major health policy and planning reports and studies*



APPLICATION FOR APPOINTMENT **Fayette County Board of Health**

**The Fayette County Board of Health** partners with the Georgia Department of Public Health and eighteen District Health Directors with shared responsibilities of bringing public health functions to the state. Each partner is charged with responsibilities while cooperating with each other, providing mutual support, maintaining open communications, and showing respect for the unique role that each partner has in serving Georgia's citizens.

Fayette County's Board of Health mirrors the responsibilities that all 159 County Boards of Health in Georgia have in common, namely, to assess local needs, advocate for county public health programs, approve and present the health budget to the county commission, and provide policy guidance to the District Health Director. The Board of Health has seven members who must be at least 21 years old, and each position on the Board of Health has specific requirements that must be met. Each Board member has one vote and no single member of the Board has any more authority than the others. Each Board member is compensated \$10.00 per meeting.

Fayette County would like to inform all interested and qualified Fayette County citizens that one unexpired position on its Board of Health is available to be filled. The unexpired term will begin immediately and will expire on December 31, 2021. **Qualified Fayette citizens must be: A consumer or an advocate for consumers of health services.**

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca White, County

## Southern states would be healthier with Medicaid expansion

*“The poor health status of Southerners is a great disappointment to me as I have spent most of my career trying to improve the health of our citizens. Especially disappointing is our Southern legislative leaders and Governors rejecting a major federal program which would have assisted many of our working poor and saved many of our rural hospitals.”*

*~ Douglas Skelton, M.D.*

When one looks at a map, one discovers that almost the entire southern part of the USA, including the entire deep South, has not expanded Medicaid. Therefore, the rates of uninsured are much greater there versus the nation as a whole.

When compared to the rest of the USA, the South is also not very healthy. We state this fact based on specific national health data collected and analyzed by the University of Wisconsin for the Robert Wood Johnson Foundation project entitled “County Health Rankings and Roadmaps”.

For example, premature deaths before the age of 75 for the USA as a whole are 6,700/100,000 residents. Using our home state of Georgia as an example for this column (only Texas and Florida have a higher percentage of uninsured), the figure is 7,500. In fact, the worst rated Georgia county is 16,200/100,000, nearly triple the national average.

It is not just the rural areas. Bibb County (Macon), the home county of one of the authors, is even worse than the rest of the state, ranking 143 out of 159 counties on statistical health outcomes and 98 on general health factors. Premature deaths are 11,000/100,000 versus 7,500/100,000 for the state. Low birth weight rate is 13 percent versus 10 percent for Georgia (and 6 percent for top performing USA counties).

Other stats show a similar trend, including those using perceptions of health by our citizens. Georgians self-reported poor/fair health at a much higher rate than Americans in general, 19 percent to 16. Obviously, a major reason for this situation is that Georgia has a rate of medically uninsured (under 65) that is much higher than the national average, 16 percent vs. 11. This dismal situation was caused by the failure of our state to enact Medicaid expansion via the ACA (Obamacare), although 90 percent of the cost of expansion is paid by the federal government.

The bottom line is that Georgia remains a less healthy state versus the nation. In Southern “red” states, this politically motivated scenario plays out in state after state. Clearly, providing health insurance to more citizens would have a great positive impact on these states.

Many on the right say that Medicaid expansion is insurance for those who choose not to work, and that is why they do not support expansion. That is incorrect. The vast majority of those who would be covered are the working poor, often our friends, neighbors, and relatives.

Further, the respected group Georgians for a Healthy Future states that Medicaid Expansion would create 50,000 new jobs in Georgia alone, mostly in the private sector. The same job creation scenario is true in every other state in the South.

Hospitals in non-expansion states which serve a disproportionate number of medically uninsured would also cut their bad debt via Medicaid expansion, removing one of the key factors causing medical price increases. Also, many public hospitals in these states are asking for increased public subsidies paid for from local taxes. These outlays can be dramatically reduced with lower hospital bad debt.

Healthcare was a major factor in the Democrats winning the House in the Mid-Terms. The GOP leaders of Georgia and other Southern states should endorse Medicaid expansion in 2019, if for no reason other than politics.

Before the 2020 elections, candidates for Southern state-level elected offices should be compelled by voters to state their position on Medicaid expansion. If opposed, each must be asked to explain why he/her continue to reject a program which will benefit so many of our citizens and the health care professionals and hospitals that serve them.

***Jack Bernard is the former Director of Health Planning for Georgia. He retired as a SVP with a national healthcare corporation and is a nationally published expert on health reform.***

***Dr. Doug Skelton is currently the Chancellor of Trinity Medical School of Sciences and was a Georgia district health officer and Dean of Mercer Medical School.***

**OTHER APPLICANT**



APPLICATION FOR APPOINTMENT  
Fayette County Board of Health

The Fayette County Board of Health partners with the Georgia Department of Public Health and eighteen District Health Directors with shared responsibilities of bringing public health functions to the state. Each partner is charged with responsibilities while cooperating with each other, providing mutual support, maintaining open communications, and showing respect for the unique role that each partner has in serving Georgia's citizens.

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Fayette County would like to inform all interested and qualified Fayette County citizens that one unexpired position on its Board of Health is available to be filled. The unexpired term will begin immediately and will expire on December 31, 2021. **Qualified Fayette citizens must be: A consumer or an advocate for consumers of health services.**

Please take a few minutes to complete the application and return it with a resume, if available, to Tameca White, County Clerk, at [twhite@fayettecountyga.gov](mailto:twhite@fayettecountyga.gov) or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, January 14, 2019.**

If you have any questions, please call (770) 305-5103.

*NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.*

NAME Peggy Hamm

ADDRESS 804 Bedford Park (city) PTC

TELEPHONE (cell) [REDACTED] (home) 770 487-5479

EMAIL [REDACTED]

Peggy A. Hamm Signature Dec 8, 2019 Date



APPLICATION FOR APPOINTMENT  
Fayette County Board of Health

1. How long have you been a resident of Fayette County?

*32 years*

2. Why are you interested in serving on the Fayette County Board of Health?

*The season*

3. What qualifications and experience do you possess for appointment to the Board of Health?

*Science teacher for 36 years*

4. List your recent employment experiences to include name of company and position.

*Fayette Co. Board of Education Science teacher*

5. Do you have any past experience relating to the Board of Health? If so, please describe.

*No*

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

*District 3 rep. With the Democratic Party*

7. Have you attended any Board of Health meetings in the past two years and, if so, how many?

*No*

8. Are you willing to attend seminars or continuing education classes at county expense?

*Yes*

9. What is your vision of the county's future related to the duties of the Board of Health?

*Lunch meals for Public Schools*

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Board of Health?

*No I'm retired*

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

*No*



APPLICATION FOR APPOINTMENT  
Fayette County Board of Health

12. Describe your current community involvement.

*Democratic Party Worker*

*Roll Watcher  
2018  
Elections*

13. Have you been provided a copy of the county's Ethics Ordinance?

*No*

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

*No*

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to award Contract #1583-B(2) to BM & K Construction for the construction of Two Bay Fire Station 2, not-to-exceed \$2,358,545.25, to approve a budget amendment of \$25,000, and to authorize signing of all related contractual documents.

**Background/History/Details:**

At the August 9, 2018 Board of Commissioners meeting, the Board approved the contract award for Fire Station 2 architectural services to K A Oldham. The direction taken was to combine the two construction projects for Fire Stations 2 & 4 into a single bid process, in anticipation of potential savings generated from hiring one construction firm to build both facilities.

In January of 2019, bids were sought for the construction of two fire stations and resulted in 11 bids opened on February 13, 2019. The bid offering contained language which solicited discounts if the bid award included both buildings. The evaluation of the submitted bids revealed a lower cost for construction by two firms compared to a single firm.

The total project cost for Fire Station 2 is \$2,525,000: \$2,358,545 for construction, \$119,000 for architectural/engineering services, and \$47,455 for other misc services required to place facilities in service. Available funds of \$2,500,000 are approved for this project. Staff is recommending a \$25,000 transfer from CIP project 193AH, Links Training Center Design, to cover the additional funding needed.

**What action are you seeking from the Board of Commissioners?**

Approval of staff's request to award Contract #1583-B(2) to BM & K Construction for the construction of Two Bay Fire Station 2 not-to-exceed \$2,358,545.25, to approve a budget transfer amendment of \$25,000, and to authorize signing of all related contractual documents.

**If this item requires funding, please describe:**

Funding of \$2,500,000 is available in project 37530550-541320-183AO. Additional funding of \$25,000 is available in project 37530550-541210-193AH (Links Training Center Design) for transfer to project 183AO, Construction of Fire Station 2.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: March 14, 2019

**Subject: Contract #1583-B (2): Fire Station 2 Construction**

Two fire stations are scheduled for replacement. Funds budgeted for this purpose, which are to cover architectural fees, site development, construction and other fees, are as follows:

<u>Facility</u>	<u>Current Location</u>	<u>Source of Funding</u>	<u>Original Budget</u>	<u>Project</u>
Fire Station 2	Highway 92 North	Capital Improvement Project	\$2,500,000	183AO
Fire Station 4	Johnson Avenue	2017 SPLOST Project	\$2,405,160	17FAA

The Purchasing Department issued Invitation to Bid (ITB) #1583-B for a General Contractor for both construction projects. The ITB was emailed directly to 41 companies. Another 1,245 were contacted through the web-based Georgia Procurement Registry, using Commodity Codes 90294 (*Building Construction – Commercial & Industrial*) and 90930 (*Building Construction – Not Otherwise Classified*). The solicitation was advertised through the Georgia Local Government Access Marketplace, the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), the Greater Georgia Black Chamber of Commerce, and Channel 23.

Eleven companies submitted bids (attached). The Department recommends that Contract #1583-B (2) be awarded to the low bidder for Fire Station 2, BM&K Construction, in the amount of \$2,358,545.25.

K.A. Oldham Design, Inc. was awarded Contract #1564-S for Fire Station 2 architectural services. After these and related expenditures, the project balance needs to be increased by \$25,000.00 to fully fund Fire Station 2 construction.

Records indicate that the county has had no previous contract with BM&K Construction, so a Contractor Performance Evaluation is not available. References from those who responded were favorable.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1583-B (2): Fire Station 2 Construction
<b>Contractor</b>	BM&K Construction
<b>Contract Amount</b>	\$2,358,545.25

**Budget:**

Fund	375	Capital Improvement Projects
Org. Code	37530550	Fire Services
Object	541320	Buildings & Structures
Project	183AO	Fire Station 2

Available Balance:

Unobligated balance	\$2,333,545.25
Transfer from Fire Fund Balance	<u>25,000.00</u>
Net Available	\$2,358,545.25

1583-B: Fire Stations 2 & 4 Construction

	Base Bid			Reduction Combined Award		Combined
	Station 2	Station 4	Total	OH & Profit	Gen Cond	
SoCo Contracting	3,348,553.00	3,929,037.00	7,277,590.00	0.00	(60,000.00)	7,217,590.00
Diversified Construction	3,303,904.66	2,840,631.61	6,144,536.27	0.00	(36,000.00)	6,108,536.27
Ward General Contracting	2,690,078.00	3,012,297.00	5,702,375.00	0.00	(24,000.00)	5,678,375.00
MEJA Construction	2,397,000.00	2,847,000.00	5,244,000.00	(20,000.00)	(20,000.00)	5,204,000.00
Astra Group, Inc.	2,702,039.07	2,572,056.93	5,274,096.00	0.00	(91,800.00)	5,182,296.00
Headley Construction	2,415,443.00	2,682,684.00	5,098,127.00	0.00	(12,000.00)	5,086,127.00
Titleist Bldg. Systems	2,404,000.00	2,680,000.00	5,084,000.00	(10,000.00)	(10,000.00)	5,064,000.00
Sunbelt Builders	2,422,537.00	2,692,540.00	5,115,077.00	(37,000.00)	(16,000.00)	5,062,077.00
Trident Bldg. Solutions	2,444,412.00	2,585,089.00	5,029,501.00	0.00	(50,000.00)	4,979,501.00
BM&K Construction	2,358,545.25	2,716,454.75	5,075,000.00	(90,546.00)	(10,061.00)	4,974,393.00 **
Renfroe Construction	----- DISQUALIFIED* -----					

BM&K Construction; \$2,358,545.25 (Station 2) + Astra Group, Inc. \$2,572,063.93 (Station 4) = \$4,930,602.18.

This amount is less than the combined \*\* amount for BM&K Construction.

\*Did not submit financial details with bid, as required and reiterated in Addendum 1.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to award Contract #1583-B(1) to ASTRA Group Inc for the construction of Three Bay Fire Station 4, not-to-exceed \$2,572,056.93, to approve a budget amendment of \$1,158,170, and to authorize signing of all related contractual documents.

**Background/History/Details:**

At the October 26, 2017 Board of Commissioners meeting, the Board approved the contract proposal for Fire Station 4 architectural services to K A Oldham and on July 12, 2018 the Commissioners approved the contract to Tomco Construction to provide the site development work to make the site "pad ready" for the actual building construction. The direction taken was to combine the two construction projects for Fire Stations 2 & 4 into a single bid process, in anticipation of potential savings generated from hiring one construction firm to build both facilities.

In January of 2019, bids were sought for the construction of two fire stations and resulted in 11 bids opened on February 13, 2019. The bid offering contained language which solicited discounts if the bid award included both buildings. The evaluation of the submitted bids revealed a lower cost for construction by two firms compared to a single firm.

The total project cost for Fire Station 4 is \$3,563,330: \$2,572,056.93 for construction, \$177,500 for architectural/engineering services, \$788,324 for site development and \$25,449 for miscellaneous services. Funds of \$2,405,160 were approved in the 2017 SPLOST. Staff is recommending additional funding of \$1,158,170 from the Fire Fund Balance be approved for Fire Station 4, project # 17FAA.

**What action are you seeking from the Board of Commissioners?**

Approval of staff's request to award Contract #1583-B(1) to ASTRA Group Inc for the construction of Three Bay Fire Station 4, not-to-exceed \$2,572,056.93, to approve a budget amendment of \$1,158,170, and to authorize signing of all related contractual documents.

**If this item requires funding, please describe:**

Funding for this project was a part of the 2017 SPLOST with \$2,405,160 allocated from SPLOST. Additional funding needs to be approved in the amount of \$1,158,170 from the Fire Fund balance.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

Finance: Fire Fund Balance for FY2019 totals \$5,280,145 with \$2,256,265 assigned for Capital/5Year CIP, \$3,023,880 net.



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess

Date: March 14, 2019

**Subject: Contract #1583-B (1): Fire Station 4 Construction**

Two fire stations are scheduled for replacement. Funds budgeted for this purpose, which are to cover architectural fees, site development, construction and other fees, are as follows:

<u>Facility</u>	<u>Current Location</u>	<u>Source of Funding</u>	<u>Original Budget</u>	<u>Project</u>
Fire Station 2	Highway 92 North	Capital Improvement Project	\$2,500,000	183AO
Fire Station 4	Johnson Avenue	2017 SPLOST Project	\$2,405,160	17FAA

The Purchasing Department issued Invitation to Bid (ITB) #1583-B for a General Contractor for both construction projects. The ITB was emailed directly to 41 companies. Another 1,245 were contacted through the web-based Georgia Procurement Registry, using Commodity Codes 90294 (*Building Construction – Commercial & Industrial*) and 90930 (*Building Construction – Not Otherwise Classified*). The solicitation was advertised through the Georgia Local Government Access Marketplace, the Fayette News, the county website, Georgia Local Government Access Marketplace ([www.glga.org](http://www.glga.org)), the Greater Georgia Black Chamber of Commerce, and Channel 23.

Eleven companies submitted bids (attached). The Department recommends that Contract #1583-B (1) be awarded to the low bidder for Fire Station 4, Astra Group, Inc., in the amount of \$2,572,056.93.

K.A. Oldham Design, Inc. was awarded Contract #1301-P for Fire Station 4 architectural services. Tomco Construction, Inc. was awarded Contract #1502-B for site development. After these and related expenditures, the project balance needs to be increased by \$1,160,062.72 to fully fund Fire Station 4 construction.

Records indicate that the county has had no previous contract with Astra Group, so a Contractor Performance Evaluation is not available. References from those who responded were favorable.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	1583-B (1): Fire Station 4 Construction
<b>Contractor</b>	Astra Group, Inc.
<b>Contract Amount</b>	\$2,572,056.93

**Budget:**

Fund	322	2017 SPLOST
Org. Code	32230550	Fire SPLOST
Object	541210	Other Improvements
Project	17FAA	Fire Station #4
Available Balance:		
Unobligated balance		\$1,413,886.93
Transfer from Fire Fund Balance		<u>1,158,170.00</u>
Net Available		\$2,572,056.93

1583-B: Fire Stations 2 & 4 Construction

	Base Bid			Reduction Combined Award		Combined
	Station 2	Station 4	Total	OH & Profit	Gen Cond	
SoCo Contracting	3,348,553.00	3,929,037.00	7,277,590.00	0.00	(60,000.00)	7,217,590.00
Diversified Construction	3,303,904.66	2,840,631.61	6,144,536.27	0.00	(36,000.00)	6,108,536.27
Ward General Contracting	2,690,078.00	3,012,297.00	5,702,375.00	0.00	(24,000.00)	5,678,375.00
MEJA Construction	2,397,000.00	2,847,000.00	5,244,000.00	(20,000.00)	(20,000.00)	5,204,000.00
Astra Group, Inc.	2,702,039.07	2,572,056.93	5,274,096.00	0.00	(91,800.00)	5,182,296.00
Headley Construction	2,415,443.00	2,682,684.00	5,098,127.00	0.00	(12,000.00)	5,086,127.00
Titleist Bldg. Systems	2,404,000.00	2,680,000.00	5,084,000.00	(10,000.00)	(10,000.00)	5,064,000.00
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Trident Bldg. Solutions	2,444,412.00	2,585,089.00	5,029,501.00	0.00	(50,000.00)	4,979,501.00
BM&K Construction	2,358,545.25	2,716,454.75	5,075,000.00	(90,546.00)	(10,061.00)	4,974,393.00 **
Renfroe Construction	----- DISQUALIFIED* -----					

BM&K Construction; \$2,358,545.25 (Station 2) + Astra Group, Inc. \$2,572,063.93 (Station 4) = \$4,930,602.18.

This amount is less than the combined \*\* amount for BM&K Construction.

\*Did not submit financial details with bid, as required and reiterated in Addendum 1.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29.

**Background/History/Details:**

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to deny tax years 2016, 2017 and 2018 in the amount of \$885.29.

**What action are you seeking from the Board of Commissioners?**

To deny the disposition of tax refunds, as requested by Claudine and James Oakley, for tax years 2016, 2017 and 2018 in the amount of \$885.29.

**If this item requires funding, please describe:**

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

LAW OFFICES  
**McNALLY, FOX, GRANT & DAVENPORT**

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

TELEPHONE: (770) 461-2223

FACSIMILE: (770) 719-4832  
 (770) 461-5863

WILLIAM R. McNALLY  
 PATRICK J. FOX  
 PHILIP P. GRANT  
 DENNIS A. DAVENPORT  
 PATRICK A. STOUGH  
 MEREDITH F. McCLURE  
 E. ALLISON IVEY COX

MEMORANDUM

To: Fayette County Board of Commissioners  
 From: McNally, Fox, Grant & Davenport, P.C.  
 Date: March 5, 2019  
 Re: Tax Refund Request – Claudine and James Oakley – Parcel 0548-048

Claudine and James Oakley acquired property at 983 New Hope Road in November 2003. The property is a 20.5-acre tract of land that, until recently, was believed to include a small residential structure, about 900 square feet, built in 1900. The tax assessors received a request for refund of taxes based upon the removal of this structure. The request included a notification that the structure was removed twenty (20) years ago. No evidence of the removal was offered. The current GIS map of the parcel does not show an existing residential structure. The Oakleys have not ever filed a return of this property or otherwise notified the County of the removal of this structure. They have not filed an appeal of the assessment on this property for any of the tax years since the claimed removal. The Oakleys have requested the record of this property be amended to reflect the removal of the residential structure for 2019 and all tax years thereafter. This has been done. They also request a return of any monies they may be due.

Under Georgia law, every property owner is required to file a return of their property, real or personal, for ad valorem assessment purposes by April 1 of each tax year. A taxpayer whom returned or paid taxes for the preceding tax year but failed to return the property for taxation for the current tax year, is deemed to have returned the property for taxation at the same value as the property was returned in the preceding tax year. Following assessment, each taxpayer receives notice and a 45-day time frame to appeal their assessment.

A refund of local property taxes is mandated where taxes have been assessed and collected either in error or illegally. In order to qualify for a refund, the error or illegality must exist in the record of the assessment itself. Here, the record of assessment reveals a failure on the part of the taxpayer, to timely file a return, otherwise provide notification of changes made to their property or timely appeal the assessment. The failure of the taxpayer is not an error or illegality that exists in the record of assessment. Under the law the assessors are directed to rely on the previous year's return in these where the taxpayer does not file. No error or illegality in the assessment exists. As such, no refund is due. I have listed each tax year below along with the recommended denial. All tax years before those listed are beyond the scope of a refund request. They are time barred by a three-year statute of limitations.

Year	Amount	Recommendation
2016	\$254.70	Deny
2017	\$290.95	Deny
2018	\$339.64	Deny

TOTAL RECOMMENDED DENIAL: \$885.29



**County Clerk**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5100  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

March 8, 2019

Claudine and James Oakley  
983 New Hope Road  
Fayetteville, GA 30214

**RE: Tax Refund Request**

Dear Sir and Madam:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, March 14, 2019 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jameca P. White".

Jameca P. White, MBA, CMC  
County Clerk

Cc: Ali Cox, Assistant County Attorney  
Joel Benton, Tax Assessor  
Kristi King, Tax Commissioner

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Dore' Ellen Pope Ferrill, for tax years 2016, 2017 and 2018 in the amount of \$189.74.

**Background/History/Details:**

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve tax years 2016, 2017 and 2018 in the amount of \$189.74.

**What action are you seeking from the Board of Commissioners?**

To approve the disposition of tax refunds, as requested by Dore' Ellen Pope Ferrill, for tax years 2016, 2017 and 2018 in the amount of \$189.74.

**If this item requires funding, please describe:**

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

LAW OFFICES

## McNALLY, FOX, GRANT &amp; DAVENPORT

A PROFESSIONAL CORPORATION

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 (770) 461-5863

## MEMORANDUM

To: Fayette County Board of Commissioners  
 From: McNally, Fox, Grant & Davenport, P.C. *E. Allison Ivey Cox*  
 Date: February 20, 2019  
 Re: Tax Refund Request – Mr. Dore Ellen Pope Ferrill – parcel 073207-024

Ms. Pope is requesting a partial refund of local property taxes paid on her property at 64 Twiggs Corner in Peachtree City for the 2016, 2017 and 2018 tax years. The request was submitted with an application for an increase in homestead exemption based upon attainment of the qualifying age. At that time, Ms. Pope became aware of the removal of her basic homestead exemption beginning in tax year 2016.

Ms. Pope acquired her residence at 64 Twiggs Corner in September 2013. At that time, she was known as Ms. Dore Ferrill. She made an application for basic homestead exemption as Dore Pope Ferrill on January 17, 2014. That exemption was granted for the 2014 tax year. In 2015, Ms. Ferrill had reason to drop the Ferrill name and assume Pope as her last name. She filed a quit claim deed on October 1, 2015, passing the property from Dore Ferrill to Dore Ellen Pope. That deed triggered a “change in ownership” notification to the Fayette County tax assessors. Any change in ownership triggers the software used by the assessors to process the removal of homestead exemption. The homestead exemption is lost until the new owner makes application for the exemption. Because there was no actual change in ownership, no new application was filed. No exemption was reflected for the 2016, 2017 or 2018 tax bills.

At the time of her 2014 application for homestead exemption, Ms. Dore Pope Ferrill met all the criteria for the exemption. The change in her name and deed to herself in 2015 did not destroy her qualifications. She maintained her residency in Fayette County, she remained a resident of the homestead and she remained the owner the property for which the homestead exemption was granted in 2014. This exemption was removed based solely upon an automatic software trigger, not an actual change in Ms. Pope’s circumstances.

The refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. The removal of this homestead exemption was an error caused by the automatic removal of the exemption when a deed was filed. It is a part of the assessment record that caused an increase in the tax liability and payments made in 2016, 2017 and 2018. A partial refund is recommended.

The error has been corrected for future tax years. The recommended refund is set forth below.

TAX YEAR	AMOUNT	RECOMMENDED ACTION
2016	\$65.13	Approval
2017	\$62.60	Approval
2018	\$62.01	Approval

Total recommended refund = \$189.74



**County Clerk**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5100  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

March 8, 2019

Dore' Ellen Pope  
64 Twiggs Corner  
Peachtree City, GA 30269

**RE: Tax Refund Request**

Dear Ms. Pope:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, March 14, 2019 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White".

Tameca P. White, MBA, CMC  
County Clerk

Cc: Ali Cox, Assistant County Attorney  
Joel Benton, Tax Assessor  
Kristi King, Tax Commissioner



**Purchasing Department**  
140 Stonewall Avenue West, Ste 204  
Fayetteville, GA 30214  
Phone: 770-305-5420  
www.fayettecountyga.gov

To: Steve Rapson  
Through: Ted L. Burgess *TB*  
From: Trina C. Barwicks *TCB*  
Date: February 18, 2019  
Subject: #1620-B: Asphalt Rejuvenation on Various Roads

The Road Department has an approved Technical Services object code in the FY 2019 budget which includes ten miles of rejuvenator pavement preservation services.

Toward this end, the Purchasing Department issued Invitation to Bid #1620-B: Asphalt Rejuvenation on Various Roads. Notices of the opportunity to bid were emailed to twenty six Contractors on the county's bid list, responded to other solicitations of similar services, and/or through internet search. The ITB was also advertised in the Fayette Newspaper, Fayette County local Channel 23, the Georgia Procurement Registry, Greater Georgia Black Chamber of Commerce, and the Local Government Access Marketplace websites.

The Purchasing Department received one bid from Pavement Technology, Inc.

In the summer of 2017, the Road Department conducted a demonstration project with the Asphalt Rejuvenation product Reclamite to determine its effectiveness and cost savings. They contracted with Pavement Technology, Inc., to apply the rejuvenator to one lane on a portion of County Line Road. They have been pleased with the results. In the summer of 2018, Road Department had a competitor place a product that claims it can do the same function but is made from agricultural oils compared to Reclamite which is from petroleum oils. The Department is still reviewing the competitor's sample project. The Department should have a cost saving result with the upcoming pavement evaluation project that will be solicited for bids soon.

The Road Department recommends award to Pavement Technology, Inc.

A Contractor Performance Evaluation for Pavement Technology, Inc. is attached.

Specifics of the proposed contract are as follows:

Contract Name:	#1620-B: Asphalt Rejuvenation on Various Roads
Vendor:	Pavement Technology, Inc.
Total Project Amount:	\$83,589.40

Budget:	
Organization Code:	10040220 (Road Dept.)
Object Code:	521316 (Technical Service)
Available Budget	\$611,716.45 as of 2/18/2019

Awarding Authority: County Administrator

Approval Signature

  
Date: 2/19/19

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

**VENDOR INFORMATION****COMPLETE ALL APPLICABLE INFORMATION**

Company Name: PAVEMENT TECHNOLOGY, INC.	Contract Number: 1461-A
Mailing Address: 24144 DETROIT ROAD	Contract Description or Title: ASPHALT REJUVENATOR
City, St, Zip Code: WESTLAKE, OH 044145	Contract Term (Dates) From: 4/4/2018                      To: 6/30/2018
Phone Number: 404-892-1895	Task Order Number: N/A
Cell Number: 216-390-8018	Other Reference: N/A
E-Mail Address: JSCHLEGEL@PAVETECHINC.COM	

**DEFINITIONS**

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

**EVALUATIONS (Place "X" in appropriate box for each criterion.)**

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products			X		
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance		X			

**EVALUATED BY**

Signature: <i>Bradley Klinger</i>	Date of Evaluation: 2/18/19
Print Name: BRADLEY KLINGER	Department/Division: ROAD
Title: ASST. DIRECTOR	Telephone No: 770-320-6039



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson  
 Through: Ted L. Burgess *TJB*  
 From: Ted Crumbley *TC*  
 Date: February 11, 2019  
 Subject: #1628-S: Field Mobile Implementation

The contract is for Field Mobile Implementation with a 12 month initial period with annual maintenance. This request is for approval to add the Activity Center/ Field Mobile Implementation for a cost \$ 78,440.00. Training on site would be an additional \$ 3,040.00 plus travel expenses for 2 days if needed.

Specifics of the proposed contract amendment are as follows:

Contract Name:	#1628-S: Field Mobile Implementation
Vendor:	Tyler Technologies
Amount:	\$ 78,440.00
Training:	\$ 3,040.00
Travel:	<u>\$ 1,000.00</u>
Total:	\$ 82,480.00

The contract would include a recurring fee of \$ 4,940.00 a year.

FY 2019 Budget:

Organization Code:	37510550 (Tax Assessors - CIP)
Object Code:	542410 (Computer Software)
Project Code:	191AI (Field Mobile)
Available Budget:	\$ 87,590.00 as of 2/1/2019

Awarding Authority: County Administrator

Approval Signature

*[Handwritten Signature]*

Date:

*2/12/19*

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Tyler Technologies, Inc.	Contract Number: #1628-S
Mailing Address: One Tyler Way	Contract Description or Title: Field Mobile Implementation
City, St, Zip Code: Moraine, Ohio 45439	Contract Term (Dates) From: 7/1/2086 To: 6/30/2019
Phone Number: 800-800-2581	Task Order Number: NA
Cell Number:	Other Reference: Tyler Letter of Agreement CRM #: 6715574
E-Mail Address:	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

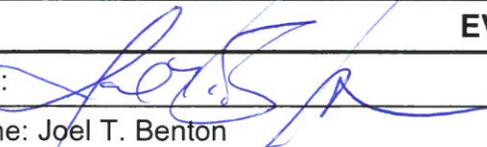
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products			X		
3. Quality of work			X		
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens			X		
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

### EVALUATED BY

Signature: 	Date of Evaluation: February 26, 2019
Print Name: Joel T. Benton	Department/Division: Tax Assessors
Title: Chief Appraiser / Director	Telephone No: 770-305-5272

