

## 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

May 9, 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

Chairman Randy Ognio called the May 9, 2019 Board of Commissioners meeting to order at 6:31 p.m.

### Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

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

### Acceptance of Agenda

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

### PROCLAMATION/RECOGNITION:

#### 1. Recognition of County Intern McKenzie McManaman for her work in the Fayette County Clerk's office.

Tameca White, Fayette County Clerk, on behalf of the Board, expressed her appreciation for County Intern McKenzie McManaman for her work in the Fayette County Clerk's office. Ms. White stated that Ms. McManaman was a 2019 honor student and senior at Whitewater High School and that Ms. McManaman started her internship through the Fayette County Board of Education Work-Based Learning Program in August 2018. Ms. White stated that since her time in the Clerk's office, Ms. McManaman has successfully created the Records Retention Manual and County brochure. She also, with guidance and support from the Board, developed a proposal to begin a Youth Council in Fayette County. Ms. White proudly acknowledged that although Ms. McManaman will be missed she was accepted to George Washington University and would be attending fall 2019 and majoring in Political Communications.

### PUBLIC HEARING:

### CONSENT AGENDA:

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

#### 2. Approval of staff's recommendation to add Wildwood Estates Phase II subdivision to Fayette County's Street Light Program.

3. **Approval to adopt Policy 448.17; Employee Referral Incentive Program as discussed at the April 5, 2019 Board of Commissioners' Retreat.**
4. **Approval of an agreement between Judicial Correction Services, LLC and Fayette County to establish service for a private probation system for the supervision of probationers as ordered by Fayette County State Court and to collect restitution, fines, and fees as ordered by State Court Chief Judge Jason B. Thompson.**
5. **Approval of the April 23, 2019 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

6. **Consideration of a request from the City of Fayetteville to develop an intergovernmental agreement to build a connector street between the county library and city park.**

Brian Wismer, City of Fayetteville Downtown Development Director stated that as part of the new downtown street network, the City of Fayetteville was requesting permission to build a new connection between the library property and the adjacent city park which was currently under design. Mr. Wismer stated that the proposed connection would provide for pedestrian safety and connectivity for citizens utilizing both City and County amenities, as well as traffic calming measures to keep vehicular speeds low. He added that the rendering depicted in the agenda package was conceptual design of the road and how it would interact with the park property and connect to other streets. Mr. Wismer also included a larger downtown street network plan aimed to distribute vehicular flow across multiple points and reduce current congestion points.

Commissioner Maxwell stated that his concerns and frustration surrounded the pending development and related traffic flow, controls and conditions it would cause. Commissioner Maxwell asked if the new connector street would cause the County to lose library parking.

Mr. Wismer stated that conceptually he couldn't say for certain. He added that as depicted this concept does not show any loss in library parking.

Commissioner Maxwell stated additionally his concern was not creating a situation where the library, the new City of Fayetteville City Hall Complex, and the Administrative Complex are overloaded with traffic. Commissioner Maxwell asked if a traffic study had been performed.

Mr. Wismer stated, "Yes, a Downtown traffic study was just completed". He added that that traffic analysis did factor in the new developments and showed the recommended connections very similar to the conceptual design provided.

Chairman Ognio stated that he liked the conceptual drawing and was in favor of moving forward.

Commissioner Gibbons stated that he saw the direction the City of Fayetteville was headed and the desire to improve the quality of life for citizens. He added, as a suggestion, to get the road network built before waiting for a developer which would allow the City to get ahead of some of the traffic issues. Commissioner Gibbons wished them success with the project.

Vice-Chairman Oddo stated that he saw the effort the City of Fayetteville had exerted in developing its Downtown grid pattern over the years. He added that the City of Fayetteville was thinking ahead and considering long term effects of controlled growth, which he appreciated.

Commissioner Gibbons moved to approve the request from the City of Fayetteville to develop an intergovernmental agreement to build a connector street between the county library and city park. Commissioner Rousseau seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

**7. Consideration of staff's recommendation to use Bituminous Surface Treatment (Chip Seal) in-place of traditional hot-mix asphalt on Hardy Road and Morgan Road.**

Commissioner Maxwell asked if this was the same process performed in South Fayetteville that the Board had received complaints regarding.

Steve Hoffman Roads Director stated, "Yes this was the same process." Mr. Hoffman explained that this process was a Georgia Department of Transportation (GDOT) approved treatment. He added that there were guidelines that the selected roadway or street must be met in order to use this treatment. The criteria include: the roadway or street cannot be over an 800-car count per day and the roadway or street must meet a certain PCI which was the pavement rating of the asphalt. Mr. Hoffman stated that if the roadway or street qualified, the Bituminous Surface Treatment (Chip Seal) was elected to extend the lifespan of the roadway surface. Mr. Hoffman stated that the treatment was rock and tar for a traditional tar and gravel road. Mr. Hoffman did acknowledge that the surface was a little bit rougher and caused a little bit of noise compared to the traditional hot-mix asphalt. He continued stating that the process saved money and extended the Road Department's service throughout the County.

Chairman Ognio stated that he had recently traveled down the road that previously received this treatment and it had settled down, but that there was still some noticeable texture. Chairman Ognio added that the repeated complaint was regarding the humps in the road. He stated that this was likely caused by road patches being done but not properly flattened on the roadway prior to the Bituminous Surface Treatment (Chip Seal) being performed. Chairman also stated an additional complaint was of gravel being left in the grass of the homeowners once the roadwork was completed. He added that this issue should be addressed in the RFP when receiving bids. The yards must be properly cleaned up at the completion of each job moving forward. Chairman stated that this was a very worthwhile process that could extend the life of the road about 10 years for half the cost.

Mr. Hoffman reiterated Chairman Ognio comments. He stated that this was a cost-effective process extending County dollars.

County Administrator Steve Rapson stated that this process was an alternative process for extending the life of roads. He added that the roads that qualify for this treatment were very unique, specifically rural roads. This process would not be performed on primary or secondary collector road. Mr. Rapson stated that this process would not be isolated to just the south side of the County but Countywide for roads that qualified. Mr. Rapson added this treatment was an additional tool in the Road Department's tool shed to use when appropriate. Mr. Rapson stated, in harmony with Chairman Ognio, that the County would relay the contractor's performance expectations and then following up to make sure they were met.

Commissioner Rousseau asked if the past Bituminous Surface Treatment (Chip Seal) was performed by a contractor or in-house.

Mr. Hoffman stated that it was done by a contractor.

Commissioner Rousseau stated that he expects staff to hold contractors accountable to the work perform and if it was not up to the standard outlined by the scope-of-work, the work would be challenged via non-payment, lawsuit, and etcetera. He added that if this was approved the County would have to conduct due diligence in assuring the work was performed properly. Commissioner Rousseau stated that this was part of the reason why he recommended vendor performance reviews; to hold vendors/contractors accountable.

Vice-Chairman Oddo stated that he also drove down the previously treated road and noted that visually it was a nice looking road. He stated that it did drive a little rougher but it was on a rural road in a rural area. Vice-Chairman stated that in the midst of the budget season, the County had to be cognizant of the decision on an individual basis but also how they affect the County as a whole, this process was cost effective and helped stretch County dollars.

Commissioner Rousseau moved to approve staff's recommendation to use Bituminous Surface Treatment (Chip Seal) in-place of traditional hot-mix asphalt on Hardy Road and Morgan Road. Commissioner Gibbons seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

**8. Consideration of staff's recommendation to reallocate \$414,490.00 from 6509D - Antebellum Way and \$86,531.00 from 17SAB - Heritage Park Way to Dogwood Trail (17SAH) and to award Bid #1657-B: 2017 SPLOST; Stormwater Category II; Dogwood Trail Culvert Replacement to the lowest responsive, responsible bidder, AM Construction, LLC in the amount of \$963,000.00.**

Vanessa Birrell, Environmental Management Director stated that this project replaced double 120-inch diameter corrugated metal pipes beneath Dogwood Trail with 80 linear ft. of a 48-ft x 14-ft bottomless concrete arch culvert along with the relocation of an 8-inch water main.

Ms. Birrell stated that the request was to reallocate \$414,490.00 from 6509D from Antebellum Way which the County received a substantial FEMA grant for and that was essentially complete. As a result, this request would take the excess SPLOST funds from that project and move it to Dogwood Trail (17SAH) project. The remaining funds would be reallocated from 17SAB - Heritage Park Way which had been determined to be a City of Fayetteville project.

Commissioner Gibbons asked if we had previous experience with the contractor.

Ms. Birrell stated "Yes."

Mr. Rapson stated that there was also a reference check performed on the vendor.

Commissioner Gibbons asked if the City of Fayetteville was in agreement with the determination that 17SAB - Heritage Park Way was a city project.

Mr. Rapson stated that the City of Fayetteville had acknowledged that the road was the city's responsibility as a result, if that project was performed it would be their responsibility.

Separate motions were made.

Commissioner Maxwell moved to approve staff's recommendation to reallocate \$414,490.00 from 6509D - Antebellum Way and \$86,531.00 from 17SAB - Heritage Park Way to Dogwood Trail (17SAH). Commissioner Gibbons seconded. The motion passed 5-0.

Commissioner Maxwell moved to approve to award Bid #1657-B: 2017 SPLOST; Stormwater Category II; Dogwood Trail Culvert Replacement to the lowest responsive, responsible bidder, AM Construction, LLC in the amount of \$963,000.00. Vice-Chairman Oddo seconded. The motion passed 5-0.

**9. Consideration of the County Attorney's recommendation to approve a partial disposition of tax refund, as requested by Christopher and Chantel Appling, for tax year 2018 in the amount of \$1,964.52.**

County Attorney Dennis Davenport stated that this item was for a tax refund, as requested by Christopher and Chantel Appling for tax year 2018. Mr. Davenport stated that the Appling home was in a substantial house fire on December 29,

2017, he continued that the process in this type situation was that the Fire Department would notify the Tax Assessors Office when homes burn so that the value could immediately be reflected on the property record card. Mr. Davenport stated that as a result of the date of the fire around the holidays the notification went out past January 1<sup>st</sup>. This caused the homeowner to be billed erroneously for the full value of the home.

Commissioner Rousseau asked for clarification if the Appling's were in agreement to the 20% valuation.

Mr. Davenport stated yes they were.

Vice-Chairman Oddo moved to approve County Attorney's recommendation to approve a partial disposition of tax refund, as requested by Christopher and Chantel Appling, for tax year 2018 in the amount of \$1,964.52. Commissioner Rousseau seconded. The motion passed 5-0.

**10. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Nancy Dodgen, for tax years 2016, 2017 and 2018 in the amount of \$1,287.56.**

Mr. Davenport stated that this item was for a tax refund requested by Nancy Dodgen, for tax years 2016, 2017 and 2018. Mr. Davenport stated that the basis of the request was an error in the measurement of the home. He added that 868 sq. ft. of property was being assessed to Ms. Dodgen erroneously, instead of 2088 sq. ft. her home was approximately 1200 sq. ft.

Commissioner Gibbons moved to approve County Attorney's recommendation to approve the disposition of tax refunds, as requested by Nancy Dodgen, for tax years 2016, 2017 and 2018 in the amount of \$1,287.56. Vice-Chairman 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.*

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:** County Attorney Dennis Davenport stated that there was one item of pending litigation, one item of threatening litigation, one item of real estate acquisition.

**COMMISSIONERS' REPORTS:**

Commissioner Gibbons stated that he would like to thank Dr. Barrow and the Fayette County School Board for their superb intergovernmental (IGA) cooperation on the Kenwood Road school zone project. He added that this IGA was a great example of how local governments in Fayette County should work together.

Commissioner Maxwell stated that he would like the County Administrator to develop a slide presentation outlining the Superior Court Judge's supplement increase to aid in future discussions. Commissioner Maxwell recommended that the County increase the Superior Court Judge's supplement to reach the \$50,000 level, but that the increase would not take effect until January 1, 2020. Commissioner Maxwell added that he would want to review this if approved in November or December of 2019; and if the Judge that was currently under indictment was still being paid by the County, he would withdraw the request. Commissioner Maxwell stated that if the Board did move forward with this request, there was a small trickledown effect by statue and the State Court Judge and State Court Solicitor would also get an increase.

Mr. Rapson stated for clarification the he would develop a slide presentation for the respective courts for the Board to review for discussion as a part of the upcoming budget.

Commissioner Maxwell expressed his appreciation for Animal Control Director Jerry Collins for his hard work and dedication to his job.

Vice-Chairman Oddo asked to have staff review the threshold requirements for citizen's requests that include street lights, speed pumps, or road paving. Vice-Chairman suggested an equalizing of the threshold requirements of the various requests. Vice Chairman Oddo acknowledged that the hard work of several members of the Fayette County Leadership staff on receiving certifications at the ACCG Annual Conference. He noted that it was a great accomplishment. Vice-Chairman Oddo extended a Happy Mother's Day to all mothers.

Chairman Ognio stated that as we know May is Motorcycle Awareness Month and encouraged citizens to be aware of motorcycles on the road as the weather starts to warm up. Chairman Ognio advised citizens that Georgia Department of Transportation (GDOT) planned to perform roadwork on Highway 85 near the South Kroger next week. Chairman Ognio reminded citizens that if they had a birthday at the end of May, to get their vehicle tags early because the State would be upgrading the tag computer system on May 21-29. He also reiterated Commissioner Gibbon's sentiments regarding the cooperation and partnership with Fayette County Schools Board. Chairman Ognio stated that the County had been receiving an increased number of Proclamation request, he suggested that the Board discuss a streamlined process for Proclamation request. Chairman Ognio stated that May 15 would be 10-year anniversary of his sister's passing, he wanted to remember her and stated her children were in his thoughts this upcoming Mother's Day. Chairman Ognio extended a Happy Mother's Day to the mothers.

#### **EXECUTIVE SESSION:**

**One item of pending litigation, one item of threatening litigation, one item of real estate acquisition:** Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:49 p.m. and returned to Official Session at 8:20 p.m.

Chairman Ognio amended the call for executive session from one item of real estate acquisition to two items of real estate acquisition.

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

#### **ADJOURNMENT:**

Vice Chairman Oddo moved to adjourn the May 9, 2019 Board of Commissioners meeting. Commissioner Gibbons seconded. The motion passed 5-0.

The May 9, 2019 Board of Commissioners meeting adjourned at 8:20 p.m.

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Marlena M. Edwards, Deputy County Clerk

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Randy O. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9<sup>th</sup> day of May 2019. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena M. Edwards, Deputy County Clerk