

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

October 13, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the October 13, 2016 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Commissioner David Barlow

Commissioner Barlow offered the Invocation.

Pledge of Allegiance

Commissioner Barlow led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda. Commissioner Ognio seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Drive Phase Track Club athletes who competed and won at the 2016 USA Track and Field Junior Olympics National Championship in Sacramento, California.**

Chairman Oddo, the Board, and Coach Lamar Grant recognized the Drive Phase Track Club athletes and presented each athlete with a certificate in recognition of their performance.

PUBLIC HEARING:

There was no Public Hearing item on the Agenda.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Barlow seconded the motion. The motion passed 5-0.

2. Approval of staff's recommendation to accept a donation of approximately 1,000 public safety radios from Fulton County 911.

Commissioner Ognio thanked Fulton County for its contribution. Commissioner Rousseau asked for the Board to send a letter to the Fulton County Administrator or Fire Department thanking them for the contribution.

3. Approval of staff's recommendation to award Bid #1132-B Annual Contract for Waterline Extensions for Fiscal Year 2017 to the low bidder, Shockley Plumbing, and authorization for the County Administrator to execute the contract and related documents.

4. Approval of the September 22, 2016 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

5. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks.

Commissioner Brown noted that an email had been received from RowAmerica and that it was placed on the dais. He stated that the coach from RowAmerica and from the Peachtree City Rowing Club that neither one of the solutions works for them.

Commissioner Brown moved to table this matter to the first meeting in December. Discussion followed. Commissioner Ognio seconded the motion to table.

The motion to table the item until the first meeting in December passed 5-0.

NEW BUSINESS:

6. Consideration of a recommendation from the Selection Committee, comprised of Chairman Oddo and Commissioner Brown, to appoint Letitia Naghise, Randy Ognio, and Joseph Tolbert to the Public Facilities Authority for a one-year term beginning July 24, 2016 and expiring July 23, 2017.

Chairman Oddo stated that the Board recently had a similar issue with a grouping of candidates that did not go as smoothly as it could have. He asked for each nominee be addressed one at a time beginning with Letitia Naghise.

Commissioner Rousseau moved to appoint Letitia Naghise. Commissioner Barlow seconded the motion.

Commissioner Brown spoke about Ms. Naghise's desire to serve and he was thankful for her service. Chairman Oddo added that she would continue in a position that she currently occupies.

The motion to appoint Letitia Naghise passed 5-0

Chairman Oddo asked for a motion to appoint Commissioner Ognio.

Commissioner Brown moved to reappoint Commissioner Randy Ognio to the Public Facilities. The motion died for lack of a second. Extensive discussion followed.

Commissioner Brown moved to readvertise the position and to proceed with the other position, and to urge the other Commissioners to reapply. More discussion followed.

Commissioner Brown amended his motion to nominate Mr. Tolbert to replace Vice Chairman Ognio and to readvertise for the position for the person remaining on the Public Facilities Authority. Commissioner Ognio seconded the amended motion.

Commissioner Brown thanked Mr. Tolbert for willing to serve on the Public Facilities Authority. Mr. Davenport added that the Board would have to put together a Selection Committee and it would be for the Board to establish the Selection Committee to receive resumes coming in as a result of the advertising.

The motion to appoint Mr. Joseph Tolbert to succeed Vice Chairman Ognio on the Public Facilities Authority and to readvertise for the remaining position passed 5-0.

Commissioner Rousseau moved that the individuals on the previous Selection Committee who have already labored on the issue continue to work to bring the matter to conclusion.

Chairman Oddo clarified that the motion was to appoint Chairman Oddo and Commissioner Brown to the Selection Committee and Mr. Rousseau agreed to that clarified motion. Commissioner Ognio seconded the motion. The motion passed 5-0.

7. Consideration of staff's recommendations for the Emerald Lake Dam Rehabilitation Project (Stormwater Utility Project #5509B): Award of Bid #1143-B to North Georgia Concrete, Inc. for \$2,743,859.00; award of Proposal #P869 – Contract Amendment 2 to Walden, Ashworth & Associates, Inc. for \$201,924.80; and associated budget adjustments to four Stormwater Utility line items.

Public Works Director Phil Mallon briefed the Board on staff's recommendations for the Emerald Lake Dam Rehabilitation Project utilizing a PowerPoint presentation, and he answered questions from the Board. County Attorney Dennis Davenport recommended this matter be addressed with three separate motions.

Mr. Mike Jorgensen spoke gave a history of the dam and spoke in favor of staff's recommendations.

Commissioner Barlow moved to approve the Emerald Lake Dam Rehabilitation Project (Stormwater Utility Project #5509B) award of bid #1146-B to North Georgia Concrete, Inc. for \$2,743,859.00. Commissioner Brown seconded the motion. Discussion followed. The motion passed 5-0.

Commissioner Barlow moved to award Proposal #P896—Contract Amendment 2 to Walden, Ashworth & Associates, Inc. for \$201,924.80. Commissioner Brown seconded the motion. The motion passed 5-0.

Commissioner Barlow moved to approve associated budget adjustments to four Stormwater Utility line items. Commissioner Ognio seconded the motion.

Commissioner Brown mentioned that the cost for the four items was \$960,350.82.

Commissioner Barlow amended his motion to reflect the cost of the four Stormwater Utility line items to be \$960,350.82. Commissioner Ognio amended his second to the motion.

The motion to approve associated budget adjustments to four Stormwater Utility line items in the amount of \$960,350.82 passed 5-0.

8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ivonne Morrison, in the aggregate amount of \$6,186.05.

County Attorney Dennis Davenport briefed the Board on this matter and he answered questions from the Board.

Commissioner Brown moved to follow staff's recommendation to deny the refund request by Ms. Morrison in the amount of \$6,185.05. Commissioner Ognio seconded the motion. The motion passed 5-0.

PUBLIC COMMENT:

Robert Goldberg, Suzie Tjarks, Lee Miller; Elizabeth Couterie, Stephanie Cohran, Donald Miller; Peter Sanson, Debra Bardeen, Ely Anna Ellis; and Marilyn Rogers spoke about the “deer eradication” issue at Whitewater Creek Homeowners Association based on that Homeowners Association recent vote to cull the number of deer in the subdivision.

Winnie Anderson asked about the large trucks driving on Farr Road, Tyrone Road, Dogwood Road, and Flat Creek Trail, and she asked the Board to address the dangers those trucks present.

Roger Ognio presented his concern about Fayette County’s Building Permits and Inspections Department, stating a permit was received from the department to revamp his building and now the department is stating the building cannot be built as approved.

Felecia Johnson and Jackie Craig, two former Fayette County employees, spoke about problems they experienced during their employment with the Road Department and they asked the Commissioners to investigate their claims.

Frank Gardner spoke about the deer problem in Fayette County and the problem with pipes along Davis Road. Public Works Director Phil Mallon stated that the Road Department replaced one pipe along Davis Road on Monday and the remaining pipes are scheduled for replacement during the Thanksgiving holiday since staff is trying to work around the Board of Education’s schedule.

Tom Waller questioned the progress of completing the West Fayetteville Bypass (Veterans Parkway.) He also questioned about getting signs replaced that would prevent large concrete trucks from traveling on Sandy Creek Road.

ADMINISTRATOR’S REPORTS:

Chairman Oddo stated that if the Board had any questions on the items listed on the Administrator’s Report then they could be deferred to Mr. Rapson at the next meeting. The Board indicted there were no questions on these items.

A. Contract #1094-A, Amendment 1: Utility Locate Services

B. Request for Quotes #1188-A- Road Striping; Peek Pavement Marking, LLC. at a total price of \$59,635.40

ATTORNEY’S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had two items of Pending Litigation and review of the September 22, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS’ REPORTS:

Commissioner Ognio:

Response to Deer Concerns at Whitewater Creek Subdivision: Commissioner Ognio stated that the Board received an email from a representative from the United States Department of Agriculture (USDA) stating that if an agreement is reached with Whitewater Creek subdivision they would then approach the county to have reprieve from any conflicting county ordinances. He stated that if the USDA did come to the county for reprieve, then it would be done in an open and advertised meeting of the Board of Commissioners. He stated that he did not want the deer in his yard killed either.

Response to Mr. Waller’s Public Comments: Commissioner Ognio replied to Mr. Waller’s comments stating that when a road is started too quickly and it is not planned properly, then it takes a long time to finish. He stressed that the road is nearing completion but it is not there yet.

Citizens Encouraged to Vote: Commissioner Ognio reminded everyone that early voting will begin next week and he urged everyone to exercise their right to vote.

Comment on Deer Changing Color in the Fall: Commissioner Ognio stated that at this time of year the deer change color by getting darker during the fall and winter. He stated they are hard to see during this time of year and that makes them very dangerous. He said the deer are used to people and cars and he urged people to pay attention to them.

Commissioner Rousseau:

Response to the Deer Concerns and Notice of an Upcoming Homeowners' Association Boot Camp: Commissioner Rousseau stated he would use the deer issue as an example of when homeowners' associations' meet and the residents do not attend the meeting or where the information is not provided. He said the danger is that a small minority of people can make these kinds of decisions. He encouraged everyone to attend their homeowners' association meetings, to be vigilant, and to be aware of what is going on. He stated that homeowner's associations have challenges and he announced that he and a number of his colleagues are hosting a homeowners' association boot camp to talk about the legalities and critical issues with older subdivisions that are crumbling with people parking on their lawns. He stated the boot camp would take place on November 5 at 9:00 a.m. at the Convention Center in College Park next to the airport. He encouraged everyone to attend in order to learn how to strengthen their homeowners' association.

Kudos to the Drive Phase Track Club: Commissioner Rousseau gave kudos to the Drive Phase Track Club and to their accomplishments.

Thanks to the Public Works Staff: Commissioner Rousseau thanked the Public Work staff for their effort in working with Northridge Subdivision.

Response to Employee Allegations during Public Comment: Commissioner Rousseau stated that the Board does not get into employee related matters, per se, but the allegations that were raised during Public Comment were being taken seriously. He said the allegations were particularly troubling and he hoped they were not true, but he said the Board had a responsibility to look into it thoroughly.

Review of County's Relationship with Wells Fargo: Commissioner Rousseau stated he wanted to meet with the Finance staff to discuss the Wells Fargo issue. He thought it was unconscionable what Wells Fargo has done to the general public while the CEO's still get a golden parachute in the millions of dollars. He said if Wells Fargo was that unethical then the county needed to reconsider doing business with the bank. Chief Financial Officer Mary Parrott stated that her staff was already looking to the matter as a whole and that recommendations would be forthcoming. Commissioner Rousseau recommended that the recent issues should be considered in the decision making process.

Commissioner Barlow:

50th Wedding Anniversary: Commissioner Barlow stated that he and his wife had celebrated their 50th Wedding Anniversary on October 8, 1966. He stated that he participated in the Founders Day Parade in Tyrone during the anniversary and he thanked all the participants for coming out and celebrating his anniversary.

Commissioner Brown:

Update on Water Guardians' Work at Lake Peachtree: Commissioner Brown stated he was celebrating his 22nd Wedding Anniversary where he and his wife were going to Hilton Head, South Carolina to celebrate, but that Hurricane Matthew just about destroyed everything. He said he would have to make it up to her later.

Call for Open Discussion about Deer in Fayette County: Commissioner Brown updated the Board on the Water Guardians recent clean-up of Lake Peachtree. He thanked everyone for coming to clean the water and the Water System for the support they give to the effort.

Commissioner Brown stated that his wife ran into a deer on the highway and it damaged the car. He mentioned that he saw about twenty or thirty deer along State Route 74 on the way home from the airport that were standing very near the road. He stated that there needed to be attention paid to the ecological effects of the large amount of deer in the area. He spoke about how the drought in the late 1990s and early 2000s would have deer dropping out and it was found they were virtually starving. He thought it would be a great discussion to have and to have experts come to the county to provide an open, honest and balanced discussion on the matter.

Chairman Oddo:

Comment on Numbers of Deer Accidents in Fayette County: Chairman Oddo stated that Georgia has one of the greatest rates of deer accidents in the United States. He said there were issues on both sides for consideration and the right choices had to be made.

Citizens Encouraged to Practice Water Conservation: Chairman Oddo stated that it behooves the citizens to practice water conservation. He stated Fayette County is in decent shape but it was a good idea to be careful with the water.

Discussion on County Administrator Steve Rapson's Absence: Chairman Oddo pointed out that County Administrator Steve Rapson was absent since his son was getting married. He congratulated Mr. Rapson's son and his family. He added that Mr. Rapson was also celebrating his 31st Wedding Anniversary so there is a big family get together with a lot of celebrating.

EXECUTIVE SESSION:

Two Items of Pending Litigation and Review of the September 22, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:29 p.m. and returned to Official Session at 9:38 p.m.

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

Settlement of Second Condemnation of the Galimore Property: County Attorney Dennis Davenport stated one item concerned condemnation pertaining to the West Fayetteville Bypass, namely the Galimore property. He stated there were two condemnations with the Galimore property of which one had already been resolved. He stated that the second condemnation had an issue over some trees that were taken during the condemnation that were not anticipated. He stated that the condemnation was resolved for an additional \$3,700.00 if it met with the Board's favorable consideration.

Commissioner Ognio moved to approve the settlement the County Attorney described. Commissioner Rousseau seconded the motion. The motion passed 5-0.

Settlement of Emerald Lake Dam Property: County Attorney Dennis Davenport stated another project that was working on that was described earlier tonight concerned the Woodlands Dam on Emerald Lake Drive. He explained that part of the project had to do with Real Estate Acquisition that was all substantially completed with the exception of one area. He stated that the county entered into negotiations and bought more of an area than needed, but it was the best deal for the county based on what it would have to go through otherwise. He reported that the county was able to close the property, subject to Board approval. He said it was a 1 ½ acre lot that backs up to the dam project, and the lot is not developable since it will not support a septic system.

He said the land was needed for the dam project. He said the property was closed for \$7,500.00 and will be purchased from Mr. Love.

Commissioner Ognio moved to approve the settlement as described by the County Attorney. Commissioner Rousseau seconded the motion. The motion passed 5-0.

Approval of the September 22, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the September 22, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the October 13, 2016 Board of Commissioners meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The October 13, 2016 Board of Commissioners meeting adjourned at 9:40 p.m.

Floyd L. Jones, County Clerk