

Monroe County Board of Commissioners

Minutes of the April 19, 2022

Regular Commissioners Meeting

9:00 A.M. Meeting

Present:

Greg Tapley, Chairman

Lamarcus Davis, Vice Chairman -present by phone

Eddie Rowland, District 2

John Ambrose, District 3

George Emami, District 4

Staff:

Jim Hedges, County Manager

Ben Vaughn, County Attorney

Janet Abbott, County Clerk

Richard Dumas, Public Information Officer

Kelsey Fortner, Zoning Officer

Lorri Robinson, Finance Director

Welcome

Chairman Tapley welcomed everyone in attendance.

Prayer

Commissioner Emami led the invocation.

Pledge

Chairman Tapley led the Pledge.

Roll Call

County Clerk Janet Abbott called roll.

Call to Order

Chairman Tapley called the meeting to order at 9:00 A.M.

New Business

Approve Agenda

Chairman Tapley presented the agenda for approval with changes. Chairman Tapley added executive session for real estate and personnel for executive session. Chairman Tapley stated Ms. Rafferzeder was not present to speak so she would be addressed when she came in.

Commissioner Emami motioned to approve the agenda with said changes.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Approve Minutes-BOC Meeting-April 05, 2022

Commissioner Emami motioned to approve the minutes of the April 05, 2022, Regular meeting with the usual 30 days for changes.

Commissioner Ambrose seconded the motion and the motion carried 5-0.

Use of Recreation Facilities-Aubrey Duncan

Pastor Aubrey Duncan, Forsyth New Life Mission Church, addressed the Board asking permission to have Evangelistic Meetings at the Recreation Center from July 7, 2022, through July 30, 2022. The meeting times will be Sunday, Monday, Tuesday, Wednesday, and Thursday from 6:30 p.m. to 8:30 p.m. and Saturday from 9:30 a.m. to 1:00 p.m. Pastor Duncan stated these meetings will be held under a tent, with an amplification system.

Commissioner Rowland motion to approve.

Commissioner Emami seconded the motion and the motion carried 5-0.

County Right-of-Way Usage

Ms. Tammy Rafferzeder has requested to be on the agenda to seek approval of using the county right-of-way along the Towaliga River and Mayfield Road bridge for the purpose of entry and or exit from the river by kayak or inner tube. Ms. Rafferzeder stated in exchange for the permission of use, her and a group of friends will maintain weed control and litter pick up of that area, and erect (not immediately) at my/our expense, a launch/exit skid. Ms. Rafferzeder stated she is not asking for public access but as part of a specific group of people who use the river for nature therapy with a goal of eventually maintaining a group of guided tours for women seeking therapy through nature.

Commissioner Ambrose motioned to approve the request.

Commissioner Emami seconded the motion and the motion carried 5-0.

Juliette Water Project-Joe Wood and Matt Stonica

County Manager Jim Hedges stated during the week of April 4, 2022, I informed the Board of issues relating to the Juliette Water Project, specifically relating to availability of pipe which could potentially delay the project.

A meeting was held with Joe Wood, Carter Engineering, and Matt Stonica, United Grading Project Manager. They have developed a plan to finish the project on time, and within budget; however, these changes need to be explained to the Board.

Joe Wood, Carter Engineering, stated this item pertains to change order number 1. Mr. Wood stated due to several happenings around the world that are out of anyone's control, the contractors are being hit with tonnage surcharges for the ductile iron pipe orders. Mr. Wood stated the manufacturers are applying these surcharges retroactively to all orders beginning in March and regardless of when the P.O. was issued. Mr. Wood stated in the contracts a contingency was set up for unforeseen cost. In this contract there was \$150,000 dollars set up. United Grading has estimated the increase due to the surcharges is \$327,000. Mr. Wood stated they explained to United Grading and told them \$150,000 was the cap. United Grading made readjustments of their line items to make up the difference to cover the \$327,000 and agreed to absorb the cost of any over runs on these line items. Mr. Wood stated because of the adjustments to the line items the total contract amount of \$10.48 million dollars will remain unchanged.

Matt Stonica, United Grading Project Manager, addressed the Board stating they are not asking to increase the contract amount they are asking to move the money around in the current contract and asking permission to use the \$150,000 set aside in the contingency to get the pipeline in and get the project done faster.

Following an extensive Board discussion, Commissioner Ambrose motioned to approve.

Commissioner Rowland seconded the motion and the motion carried 4-1 with Commissioner Emami opposed. Commissioner Emami stated he is opposed because he feels as though a precedent is being set to not honor contracts.

Strickland Loop Landfill Change Order

Curtis Reynolds with Harbin Engineering presented a change order for the Strickland Loop Landfill. Mr. Reynolds stated he was here to present some changes that had come about since the last meeting. He stated these items were related to the bedrock that was found during the construction that were much higher than anticipated. Mr. Reynolds stated the changes will lengthen the time taken to complete the landfill project by 120 days, meaning the new anticipated completion date is July 21, 2022.

Mr. Reynolds stated the Lead Permitting Engineer for EPD stated the new major modification permit was routed last week and should be forthcoming in the next few weeks. The permit will allow for the extra waste to be placed in the landfill until the new cell is completed.

Mr. Reynolds stated he is also asking for an additional \$20,000 to increase engineering budget due to an additional survey that had to be performed due to the bedrock. Mr. Reynolds stated there will be an additional amount for the survey that will be around \$5000.

Lorri Robinson, Finance Director stated she needs a budget amendment if this is approved.

Mr. Reynolds continued to state there is also a contractor change order 4 for Geosynthetics for additional seaming and installation due to revised top of liner and grading. The amount for this change order is \$51,376.35. The contractor anticipates the installed quantities to be less than the amount in the change order 2 that was approved in February, this results in a \$39,662.98 savings that will offset the \$51,376.35 increase.

Mr. Reynolds stated the additional amount required for the solid rock excavation is \$79,228.00.

Mr. Reynolds stated the fuel escalation request is due to the increase in fuel prices. Mr. Reynolds stated there has been a 55% increase to the contractor and they have agreed to pay original price plus 10%.

Mr. Reynolds stated this brings the total contract amount to \$4,041,594.10. The change orders presented today are \$152,769.37 for the contractor plus \$20,000 engineering adjustments.

Commissioner Emami motioned to approve to pay 50 percent of everything except the engineering fees.

Commissioner Ambrose seconded the motion for discussion.

Following a Board discussion, Commissioner Emami amended his motion to state approve paying \$172,000 minus the \$57,000 which is half the rock and fuel.

Commissioner Ambrose amended his second.

The motion carried 5-0.

Finance Director asked the Board to do a budget amendment for the change order.

Commissioner Ambrose motioned to amend the budget to cover the cost.

Commissioner Rowland seconded the motion and the motion carried 4-0. Commissioner Emami was out of the room during the vote at 10:36 A.M.

Impact Fees Methodology Report

Mr. Bill Ross presented the Impact Fee Methodology Report.

Commissioner Emami reentered the meeting at 10:38 A.M.

Commercial Building Permits

Emily Parks, Building Department Coordinator along with Lorri Robinson presented a proposed fee schedule for Commercial Building Permits. Ms. Parks stated, currently Monroe County calculates all permit fees based on square footage. Ms. Parks stated this calculation fits for residential due to the limited range of projects allowed on residential property, but commercial projects vary in size and types. Jeremy Head with Charles Abbott and Associates was present.

County	Warehouse	Restaurant	Office Renovation
Square footage-Est.	50,000 sq ft-	2514 sq. ft-\$750,000.00	1690 sq ft \$75,000.00
Cost of Construction	\$2,500,000.00		

Monroe	50,000 x .50=\$25,000.00 Plan review 30% = \$7500.00 App Fee=\$100.00 Total: \$32,600.00	2514 x .50-\$1,257.00 Plan Review 30%- \$377.10 App Fee-\$100.00 Total \$1,734.10	1690 x .50=\$845.00 50%=\$422.50 Plan Review (30%) \$172.50 App Fee-\$100.00 Total \$649.25
Butts	\$3,045.00 \$2.25x1500=\$3,375.00 (\$6,420.00) Plan Review (30%) \$1926.00 Total \$8,346.00	\$1,845.00 \$2.50 x 250=\$625.00 (\$2,470.00) Plan Review (30%) \$187.50 Total \$2,657.50	\$475.00 \$4.00 x 25=100.00 (\$575.00) Plan Review (30%) \$172.50 Total \$747.50

Ms. Parks stated the recommendation is to set up a Commercial Permit fee schedule like Butts County.

Commissioner Ambrose motioned to approve the commercial building permit change being recommended.

Commissioner Rowland seconded the motion and the motion carried 5-0.

Local Option Sales Tax (LOST)

County Manager Jim Hedges stated every ten years, the County and Municipalities must renegotiate the LOST distribution. LOST is deemed a county tax and it is up to the county to call for renegotiations to begin prior to July 1, 2022.

Mr. Hedges stated the renegotiation process is as follows:

- County calls for the renegotiation process to begin July 1, 2022.
- 60 days after negotiations begin, if an agreement on a renegotiated distribution certificate is not reached, the parties must submit the dispute to nonbinding arbitration or mediation.
- A new distribution certificate must be received by the Department of Revenue by December 30, 2022.

Current Distribution:

	<u>Percentage</u>	<u>Proceeds</u>
• Monroe County	75.10%	\$3,900,000
• City of Forsyth	22.50%	\$1,168,442
• City of Culloden	2.40%	\$124,634

Mr. Hedges stated the recommendation is for the County to call for renegotiations to begin May 1, 2022, with letter to the Mayor of Forsyth from Chairman Tapley. The recommendation will be to retain the existing distribution percentages. If the Municipalities disagree and want to enter renegotiations, the County will need to hire a consultant that specializes in LOST.

Commissioner Ambrose stated he would like to see a different distribution.

Commissioner Emami motioned to initiate the negotiation process.

Commissioner Ambrose seconded the motion and the motion carried 5-0.

Speed Bump Policy

Zoning Officer Kelsey Fortner presented a draft speed bump policy. The draft policy is as follows:

- Road requesting traffic control shall contact the zoning office and the county staff shall provide letters to those citizens affected on this road.
- With the response of property owners along the affected road, 70% must be for support, for traffic control options to be installed. Only submittal from the property owners shall be accepted.
- A period of two (2) weeks, will be allotted for the return of letters provided by county staff.
- Once compiled, county staff will submit documentation to the county manager should the 70% support total be met, and the county manager will provide the Board of Commissioners this material in a regularly scheduled Commission Meeting.
- If approved, the Road Superintendent shall determine the Traffic Control Options or most effective for the road with the speed limit in consideration.

Requirements

- Shall be placed on level roads as a change in incline can make the hump functionally higher. Other considerations should include placement relative to intersections, driveways, manholes, streetlights, and curbs.
- Appropriate signage.
- Difference between adjacent road speed limits shall not be more than ten (10) miles per hour. Except for the reductions for school speed zones, which may not be more than twenty (20) miles per hour.
- The property owners requesting shall be responsible for the cost.

Following a Board discussion, County Attorney, Ben Vaughn, and Zoning Officer Kelsey Fortner were directed to draft an ordinance for the installation of speed bumps.

Alcohol License- (Ownership Change)-Hug

Zoning Officer Kelsey Fortner presented an alcohol license ownership change for an existing store located at 4274 High Falls Road. The new owner is Syed Hug and all background checks are clear and the ads have been run. Ms. Fortner stated there would also be a store name change to Waterfalls.

Alcohol License- (Ownership Change)-Do

Zoning Officer Kelsey Fortner presented an alcohol license ownership change for an existing store located at 6025 Hwy 41 South. The new owner is Yoo Chin Do and all background checks are clear, and the ads have been run.

Commissioner Ambrose motioned to approve both alcohol license applications.

Commissioner Emami seconded the motion and the motion carried 5-0.

Old Brent Road

County Manager Jim Hedges stated the storms the week of April 4th resulted in considerable damage to various roads in Monroe County, especially on Old Brent Road. The damage to the drainpipes on this road is going to result in a significant expenditure for repairs. Two quotations indicate the repairs will range between \$350,000 and \$450,000.

Quotes received were:

- Peed Brothers-\$336,700
- Davis Plumbing Company-\$458,736

The options are:

- Close Road
- Contingency
- Reserves
- Temporary close the road until first quarter 2023 and repair with TSPLOST funds?

Commissioner Emami suggested getting community feedback before deciding.

The Board agreed by general consensus to table.

Divestiture Policies & Procedures

Commissioner Emami asked County Manager Jim Hedges to give a review of what happened with the sale of Plant Camellia.

Mr. Hedges read a summary of events and suggested corrective actions to prevent this from happening again.

Commissioner Emami stated due to the more than \$3 million dollar cost estimate to clean up the property, it made fiscal sense at the time to sell the property. Commissioner Emami continued with, it was an honest litany of mistakes and something he feels the entire team will never let happen again. Commissioner Emami stated he apologizes to the citizens for the mistakes.

Commissioner Ambrose stated the county got rid of a big liability to the county and he feels as though the Board did the right thing in selling the property.

Commissioner Rowland stated he wants to personally apologize for the mistakes that were made in this process, but he does not apologize for selling the property. Commissioner Rowland stated the withdrawal permit was revoked prior to the Development Authority's purchase of the property. Commissioner Rowland stated the estimated cost in 2020 for Monroe County to rebuild the plant was \$7 to \$10 million dollars.

Commissioner Davis also apologized for the mistakes that were made and stated proper protocol would be followed in the future.

Chairman Tapley acknowledged mistakes were made and stated he was glad to correct those and move forward. County Manager Jim Hedges stated I personally made mistakes on this, and I have learned from them. He stated he would like to publicly apologize to the citizens of Monroe County. He stated it will never happen again.

Old Business

There was no old business discussed.

Commissioners' Comments

Commissioner Emami asked the status of the UDO and the moratorium on major subdivisions.

County Attorney Ben Vaughn gave Commissioner Emami the timeline.

County Manager Jim Hedges stated the possible eta is for July.

Commissioner Emami asked if anything in the zoning code could be changed in the meantime.

Mr. Vaughn stated an interim change can be made but you must still comply with the procedures and timelines.

Commissioner Emami discussed the current moratorium on major subdivisions.

Mr. Vaughn stated the current moratorium on major subdivisions expires May 1st.

Commissioner Ambrose motioned to amend the agenda to add the moratorium extension.

Commissioner Emami seconded the motion and the motion carried 5-0.

Commissioner Ambrose motioned to extend the moratorium on major subdivisions until July 1st.

Commissioner Emami seconded the motion and the motion carried 4-1 with Chairman Tapley opposed.

Public Comments

Zellner Road resident Allen Gibbs ask the Board how the Development Authority website works. Mr. Gibbs stated the Development Authority should notify homeowners of surrounding property that is being promoted for development.

Executive Session

Commissioner Davis was not present for Executive Session.

Commissioner Ambrose motioned to move into executive session for Real Estate and Personnel at 12:29 P.M.

Commissioner Rowland seconded the motion and the motion carried 4-0.

Commissioner Emami motioned to move out of executive session at 12:51 P.M.

Commissioner seconded the motion and the motion carried 4-0.

Action from Executive Session

County Clerk Janet Abbott asked Chairman Tapley if there was any action from executive session.

County Attorney Ben Vaughn suggested that he be allowed to provide a summary of executive session to the Board after coming out of executive session.

Commissioner Ambrose suggested adding in the event the County Attorney is not present the County Manager will give the summary.

Commissioner Emami motioned for the County Attorney to provide summary of executive session to the Board after coming out of executive session and in the event the County Attorney is not present the County Manager will provide the summary.

Commissioner Ambrose seconded the motion and the motion carried 4-0.

County Attorney Ben Vaughn stated the Commission discussed the acquisition of Real Estate for the Smarr Fire Station and the action item is to instruct the County Attorney to contact the potential donor, work out the details, and bring back to the Board for approval. Mr. Vaughn stated personnel was discussed briefly but no action was taken.

Commissioner Ambrose motioned for the County Attorney to contact the potential donor for the possible real estate acquisition pertaining to the Smarr Fire Station and bring back to the Board for approval.

Commissioner Emami seconded the motion and the motion carried 4-0.

Adjourn

Commissioner Emami motioned to adjourn at 12:51 P.M.

Commissioner Rowland seconded the motion and the motion carried 4-0.

Respectively Submitted by:

County Clerk, Janet Abbott