

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles W. Oddo
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 25, 2021

6:30 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Lee Hearn called the March 25, 2021 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Charles Rousseau was absent from the March 25, 2021 Board of Commissioners.

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Vice Chairman Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Oddo moved to accept the agenda as written. Vice Chairman Edward Gibbons seconded. The motion passed 4-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings. Mr. Frisina stated the meeting was unique in that it was being held during a time declared as a State of Public Emergency due to COVID-19 (coronavirus). In the abundance of caution concerning the COVID-19 (coronavirus), the meeting would be livestreamed, and the call-in number 770-305-5277 would be available for those who wanted to make public comment on any of the items during the public hearings portion of the meeting.

- 1. Consideration of Ordinance 2021-05, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-144. - C-H, Highway Commercial District, Sec. 110-146. - M-1, Light Industrial District, Sec. 110-150. - G-B, General-Business District, Sec. 110-169. - Conditional Use Approval and Sec. 110-173. Transportation Corridor Overlay Zone concerning Self-Storage Facilities.**

Mr. Frisina stated that last year work had been done on State Route 54 as it relates to Self-Storage Facilities. He stated that within the County these facilities were referred to as internal access facilities, however, normally they are called climate-controlled facilities. Mr. Frisina stated that these facilities were different than mini storage based upon how access is gained to the facility. Mr. Frisina stated that the Board approved regulation under a special development district as it relates to Self-Storage Facilities on State Route 54. Mr. Frisina stated that since then the Planning and Zoning Department had received requests for Self-Storage Facilities but with a combination of both external and internal access. He continued stating that upon review of the Ordinance there was no connection between the two types of facilities, it was strictly one or the other. Also, there were some conflicts

between the two areas of the code. Mr. Frisina stated that the amendments would create regulation and standards for a Self-Storage Facilities with the ability to do both external and internal access on one parcel and would add this use to the general business zoning district.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Ordinance 2021-05, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-144. - C-H, Highway Commercial District, Sec. 110-146. - M-1, Light Industrial District, Sec. 110-150. - G-B, General-Business District, Sec. 110-169. - Conditional Use Approval and Sec. 110-173. Transportation Corridor Overlay Zone concerning Self-Storage Facilities. Commissioner Oddo seconded. The motion passed 4-0

2. Consideration of Ordinance 2021-06, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-169. - Conditional Use Approval concerning Cemeteries.

Mr. Frisina stated that the County has had cemeteries as a conditional use for approximately 35 years and in that time there had been no request to develop a cemetery under conditional use. Mr. Frisina stated that there was now a request to do so. Mr. Frisina stated that the purpose of this item was to bring the ordinance into compliance with the best way to run one of these types of businesses and in line with state law. Mr. Frisina stated that the amendment would add a line for the definition of funeral services, which would be in line with the state definition. Mr. Frisina stated that it was his understanding that under state law you would need to have a funeral establishment on the property to market funeral services from the location. Mr. Frisina stated that because this is an allowed use under conditional use under the AR and CH zonings it would allow a property owner to have the facility on-site at the cemetery. Mr. Frisina stated that under conditional uses for the cemetery the ordinance did not mention a funeral establishment, he wanted to ensure that a funeral establishment was included in the ordinance.

Mr. Rod Wright stated that he wanted to ask for Board approval for the amendments to the ordinance.

Steven Jones with Bovis, Kyle, Burch, and Medlin stated that he agreed with the proposed amendments and would ask for the Board's favorable approval.

Commissioner Maxwell stated that from his understanding of the ordinance a requester had to have at least 10 acres.

Mr. Frisina stated that, that was correct.

Commissioner Maxwell asked what the 300-foot requirement was set for.

Mr. Frisina stated that the 300-foot requirement was for the crematorium.

Commissioner Maxwell asked if all requirements were met how close to the crematorium could a grave be.

Mr. Frisina stated under AR there was a 50-foot requirement on the sides and 75-foot requirement in the rear.

Commissioner Maxwell asked what the requirements for paving the roadways and infrastructure that was there.

Mr. Frisina stated that the requirements would be similar to that of a parking lot and he would defer to the Public Works Department engineer to consult on what the standards should be for either one way or two-way travel.

Commissioner Maxwell asked for a property owner to qualify would there have to be a facility on-site for embalming to be performed.

Mr. Frisina stated that to be able to run it as a funeral services business and market it as such, "yes, the business owner would have to have the funeral services facility in place."

Commissioner Maxwell asked whether a grave could be opened without the funeral services facility being built and permitted.

Mr. Frisina stated that the state regulated and permitted funeral service/embalming facilities.

Commissioner Maxwell stated that the fact that this has not been done in 35 years shows there is not a tremendous need but perhaps it's an increasing need for more space.

Mr. Frisina stated that this was the first request he has received for a cemetery.

Commissioner Maxwell asked Mr. Wright if he understood the requirements of his request.

Mr. Wright stated, "Yes, I do". He added that once the cemetery was established and recorded burial services could take place. Mr. Wright continued stating that to have a funeral establishment building built he would have to go through the state and the building department process, inspections, then final state approval to start running the funeral services establishment. Mr. Wright stated that with a cemetery an owner cannot market in certain ways without having the funeral services facility and a funeral directors license. Mr. Wright stated that considering the Pandemic over the last year having the funeral services facility onsite and the provision of a streamlined service with a pavilion for gathering and/or picnics outside would be beneficial.

Commissioner Maxwell asked as clarification if he was saying that if an individual wanted to purchase a grave plot, they could do so prior to the funeral services facility being built.

Mr. Wright stated that he could not have a funeral business/establishment, but he could have a cemetery. He added that the cemetery would be plated and outlined that the funeral services facility would be built on the property.

Commissioner Maxwell stated that he was under the impression that the funeral services facility had to be in place before any services could be performed at the property including burials.

Mr. Frisina stated, "No, he could have a cemetery without a funeral services facility, but the marketing had to be somewhere else." He added that funeral services facility was the marketing arm to be able to sell funeral services.

Mr. Wright explained that at a cemetery an individual would purchase a grave plot, vault, and headstone; he continued stating that the cemetery could not sell the cremation and/or the funeral service without the funeral service facility and license through the state. Mr. Wright stated that the cemetery is limited on the services it can market. Mr. Wright stated that he would prefer it be all at one location. He stated that he would create the cemetery and it would be up and running while he worked on getting the funeral services facility permitted and built.

Commissioner Maxwell stated that he does not try and analyze if this would be a good business or not but worries about if and where other business owner may want to open a similar facility within the County. Commissioner Maxwell stated that it seemed like there would be a lot of expenses involved, especially, if the County requires a parking lot.

Mr. Wright stated that he would have the Department of Transportation required curb cut and any regulated asphalt/concert at the funeral service facility or on the property as outline by the County but planned on using ship slate on the property as well.

No one spoke in opposition.

Commissioner Oddo moved to approve Ordinance 2021-06, amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-169. - Conditional Use Approval concerning Cemeteries. Vice Chairman Gibbons seconded. The motion passed 4-0.

PUBLIC COMMENT:

CONSENT AGENDA:

Commissioner Oddo moved to accept the Consent Agenda as written. Vice Chairman Gibbons seconded. The motion passed 4-0.

3. **Approval of staff's recommendation to declare one (1) trailer as unserviceable and sell the asset on-line using contracted auction services and for all proceeds to be returned to the vehicle replacement fund.**
4. **Approval of staff's recommendation to declare one (1) Case 580K Backhoe - Serial #JJG0014176 as unserviceable and to sell the asset on-line using contracted auction services and for all proceeds to be returned to Water System fund.**
5. **Approval of the Georgia Department of Transportation (GDOT) Title VI Non-Discrimination Agreement and Assurances (40 CFR Part 21.7).**
6. **Approval of staff's recommendation to add Fairbrook subdivision to Fayette County's Street Light Program.**
7. **Approval of the February 25, 2021 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

8. **Consideration of a recommendation from Commissioners Eric Maxwell and Edward Gibbons to nominate Michael Hofrichter, Lisa Wright Eichelberger and William Yarde to the Fayette County Hospital Authority for consideration of appointment to serve a term beginning June 1, 2020 and expires May 31, 2024.**

Commissioner Maxwell moved to approve to nominate Michael Hofrichter, Lisa Wright Eichelberger and William Yarde to the Fayette County Hospital Authority for consideration of appointment to serve a term beginning June 1, 2020 and expires May 31, 2024. Vice Chairman Gibbons seconded. The motion passed 4-0.

9. **Consideration of staff's recommendation to sell and lease the Animal Control building and property to the City of Peachtree City in the amount of \$486,549.**

County Administrator Steve Rapson stated that this project started back in 2020 and was a collaborative effort in conjunction with the City of Peachtree City, Peachtree City Water and Sewer Authority and Fayette County. Mr. Rapson stated that with Board approval they would sell the currently Animal Control property to the City of Peachtree City and establish a lease while the new Animal Control Facility was being built which was adjacent to the current Peachtree City Water and Sewer Authority. Mr. Rapson stated that this agreement was a great example of the County, municipalities, and agencies working together as a community and added that he felt the new property was a great location.

Vice Chairman Gibbons asked for clarification if the County would continue to operate out of the current Animal Control facility until the new one was completed.

Mr. Rapson stated, "Yes, that was correct". Mr. Rapson added that that was the purpose of the lease agreement and would ensure there would be no lapse in service.

Chairman Hearn asked if there was an estimated completion time on the new facility.

Mr. Rapson stated from start to finish he was hopeful it would be up by this time next year and operational before then.

Commissioner Oddo moved to approve to sell and lease the Animal Control building and property to the City of Peachtree City in the amount of \$486,549. Vice Chairman Gibbons seconded. The motion passed 4-0.

10. Consideration of staff's recommendation to award bid #1901-B to Denali Water Solutions LLC, the low bidder in the amount of \$399,070.00 for dredging, dewatering and disposal through beneficial re-use of sludge from the two lagoons at Crosstown Water Treatment Plant.

Water Systems Director Vanessa Tigert stated that this was a regular plant maintenance item. She stated that it had been seven (7) years since the Crosstown Water Treatment Plant holding ponds lagoons had been dredged. Ms. Tigert stated that they had a great turn out for the lagoon dredging pre-bid meeting with eleven companies in attendance, and seven (7) submitting bids. She stated that Denali Water Solutions LLC was the lowest bidder.

Vice Chairman Gibbons asked what the normal interval for dredging the Water System lagoons or was dredging based on the built up in the lagoons.

Ms. Tigert stated that the lagoon dredging was based on how much build up there was.

Chairman Hearn asked for clarification "where this water was being generated from, was it from back flushing filters?"

Ms. Tigert stated "Yes, and added that when this process was done the water is recycled back into the holding ponds."

Chairman Hearn stated as clarification that this was a normal process and normal build up.

Ms. Tigert stated, "Yes."

Commissioner Maxwell stated that as he reviewed this item and analyzed the bids, he noticed the stark difference between the highest and lowest bidders and stated that he presumed that the off-site storage and/or disposal was a contributing factor in the cost difference.

Ms. Tigert stated that with the water treatment plant sludge disposal being strictly regulated, the increased costs was a result of the difficulty companies had in being able to properly dispose of the sludge.

Commissioner Maxwell asked if we had ever worked with the lowest bidder Denali Water Solutions LLC in the past.

Purchasing Director Ted Burgess stated, "No, we had not worked with Denali Water Solutions LLC before". Mr. Burgess stated that Denali Water Solutions LLC was the only company that stated that they would not have to pay for the removal of the sludge but would recycle it and get paid for it, which is the biggest difference in the costs.

Commissioner Maxwell expressed his concerns, stating that he would hate for the County to end up in a situation where the costs end up increasing because the company was unable to fulfill its obligation and only worked to get their foot in the door with the County with a low bid.

Mr. Rapson stated that he asked the same questions in reviewing this item. Mr. Rapson stated that the highest bidder Gullett Sanitation Services, Inc. was the vendor that performed the dredging seven years prior, he added that based on their current bid they learned a lot of lessons from that experience. Mr. Rapson stated that based on the analysis of lowest three (3) vendors the cost differential comes down to disposal. Mr. Rapson stated that with the water treatment plant sludge disposal was being strictly regulated, companies must be permitted to dispose of the sludge properly and this was reflected in the cost.

Vice Chairman Gibbons asked if Denali Water Solutions past performance had been evaluated.

Mr. Rapson stated, "Yes, and there were no red flags."

Vice Chairman Gibbons moved to approve to award bid #1901-B to Denali Water Solutions LLC, the low bidder in the amount of \$399,070.00 for dredging, dewatering and disposal through beneficial re-use of sludge from the two lagoons at Crosstown Water Treatment Plant. Commissioner Oddo seconded. The motion passed 4-0.

11. Consideration for staff's request for authorization to refinance and restructure the Fayette County Water System's outstanding bond Series' 2009, 2012A/B, and 2016.

Mr. Rapson stated that typically when an entity refinances the purpose was to save the County material money, however, in this case they took a different approach. Mr. Rapson stated that there were a few different things playing in favor of the County which was the economy, the market and where the bonds were currently held in addition to that they were trying to manage the ratio multiplier that must be maintained in the system itself. Mr. Rapson stated that as the Board was aware most bond companies required a 20 percent relationship that 1.2 that is often used. He stated that approving this request would give the County a lot more breathing room which would ultimately mean that rates would not need to be increased and allow for some debt to be paid off. Mr. Rapson introduced Andrew Tritt with Stifel, Nicolaus, & Company the County's water revenue bonds management firm.

Mr. Tritt reiterating Mr. Rapson's point, stating that the County was in a very unique situation because not only would the County be utilizing lower interest rates, but the County would also be able to free a debt service reserve fund that the County holds in cash which was right at \$5.5M, as such the County would be able to restructure the debt which would shorten the life of the debt and increase the cash flow on a level basis. Mr. Tritt stated that currently the County was at the 1.25 times coverage this transaction would bring the County up to 1.7. He stated that this would mean that there would be more flexibility in the rates and an increase in cash flow which would lessen the need to borrow to fund future projects. Mr. Tritt stated that the biggest impact of this transaction would be freeing up the debt service reserve fund. Tritt stated that to do this the County would need to refinance all the debt, he added that majority of that debt becomes callable this year working towards a July date for closing. Mr. Tritt noted that today's interest rates do not have as much of an impact as those in about 60-day when an interest rate could be locked in which would come back before the Board for final approval. Mr. Tritt stated that the County would potentially be going from about \$27M of debt to about \$18M of debt when it's all said and done. He stated that the County would be debt free on its water fund a few years early. Mr. Tritt stated that part of this would involve rewriting the County's bond ordinance for the revenue bonds which was what enabled his company to release the reserve. Mr. Tritt stated that his company along with County staff and the County Attorney Dennis Davenport would review the wording of the ordinance.

Vice Chairman Gibbons moved to approve staff's request for authorization to refinance and restructure the Fayette County Water System's outstanding bond Series' 2009, 2012A/B, and 2016. Commissioner Oddo seconded. The motion passed 4-0.

ADMINISTRATOR'S REPORTS:

A. Contract #1673-A: Concrete Pipe Annual Contract – Renewal 1; Amendment 1: Additional SPLOST Projects

B. Contract #1867-P: Water System Engineer of Record Task Order 01: FY21 On-Call Support Services

C. Contract #1849-A: Lake Peachtree and Flint River Pump Repairs

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Mercedes Trail culvert replacement, and Fire Station #2. Mr. Rapson also advised that he was anticipating Fire Station #2 being operational by mid-April.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were six items for executive session. There were three items of threatened litigation, one item of pending litigation, one item of real estate acquisition, and the review of the February 25, 2021 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Maxwell wanted to acknowledge that Commissioner Rousseau was absent from the Board Meeting because he was under the weather. Commissioner Maxwell wished Commissioner Rousseau a speedy recovery and stated that he hoped to see him in two weeks at the next Board Meeting.

EXECUTIVE SESSION:

Three items of threatened litigation, one item of pending litigation, one item of real estate acquisition, and the review of the February 25, 2021 Executive Session Minutes for consideration in Executive Session. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 4-0.

The Board recessed into Executive Session at 7:14 p.m. and returned to Official Session at 7:36 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Chairman Hearn moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded the motion. The motion passed 4-0.

Approval of the February 25, 2021 Executive Session Minutes: Chairman Hearn moved to approve the February 25, 2021 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the March 25, 2021 Board of Commissioners meeting. Commissioner Maxwell seconded the motion. The motion passed 4-0.

The March 25, 2021 Board of Commissioners meeting adjourned at 7:37 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman