

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

December 9, 2021

2:00 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 5:00 p.m.

Call to Order

Vice Chairman Edward Gibbons called the December 9, 2021 Board of Commissioners meeting to order at 2:00 p.m. Chairman Lee Hearn attended the meeting via Microsoft TEAMS due to sickness but was not a part of the votes or part of the quorum of the Board.

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Commissioner Eric Maxwell offered the invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Oddo moved to approve the agenda as presented. Commissioner Maxwell seconded. The motion was approved 4-0.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Fayette County receiving the Cigna Well-Being Award and the efforts of County Staff Nurse Erica Roberts for her initiatives and assistance in promoting a culture of health among Fayette County staff.**

County Administrator Steve Rapson recognized members of Piedmont Fayette, the County Staff Nurse/Care Manager Erica Roberts and the Human Resource Director Lewis Patterson for their efforts and assistance in promoting a culture of health among Fayette County staff.

- 2. Recognition of those who have completed the Association of County Commissioners of Georgia (ACCG) Lifelong Learning Academy CORE Certification. Vice Chairman Edward Gibbons, Assistant Chief Finance Officer Lee Ann Bartlett, Assistant Building Safety Director Leslie Nieber, Fire Chief Jeffrey Hill, Parks and Recreation Director Anita Godbee, and 911 Director Katye Vogt.**

Mr. Rapson recognized Vice Chairman Edward Gibbons, Assistant Chief Finance Officer Lee Ann Bartlett, Assistant Building Safety Director Leslie Nieber, Fire Chief Jeffrey Hill, Parks and Recreation Director Anita Godbee, 911 Director Katye Vogt and Water System Director Vanessa Tigert who completed the Association of County Commissioners of Georgia (ACCG) Lifelong Learning Academy CORE Certification.

Vice Chairman Gibbons thanked Mr. Rapson, because not many counties in Georgia invest in their staff as Fayette County does. He stated that Mr. Rapson has made this a standard that other counties are looking to emulate.

- 3. Recognition of those who have completed the Association of County Commissioners of Georgia (ACCG) Lifelong Learning Academy Specialty Track Certification. Commissioner Charles Oddo (Leadership Development), Chief Finance Officer Sheryl Weinmann (Intergovernmental Relations), Fleet Maintenance Safety and Loss Control Manager Bill Lackey (County Operations and Management) and Human Resource Director Lewis Patterson (County Operations and Management)**

Mr. Rapson recognized Commissioner Charles Oddo (Leadership Development), Chief Finance Officer Sheryl Weinmann (Intergovernmental Relations), Fleet Maintenance Safety and Loss Control Manager Bill Lackey (County Operations and Management) and Human Resource Director Lewis Patterson (County Operations and Management) for completion of the Association of County Commissioners of Georgia (ACCG) Lifelong Learning Academy Specialty Track Certification.

- 4. Recognition of Chief Financial Officer Sheryl Weinmann and Human Resource Director Lewis Patterson for successful completion of the Georgia Association of Public Pension Trustees Advanced Course exam and designation of Certified Retirement Plan Fiduciary (CRPF) and Fire Chief Jeffrey Hill and Human Resource Benefits Manager Kennya Carter for successful completion of the Basic Course exam.**

Mr. Rapson recognized Chief Financial Officer Sheryl Weinmann and Human Resource Director Lewis Patterson for successful completion of the Georgia Association of Public Pension Trustees Advanced Course exam and designation of Certified Retirement Plan Fiduciary (CRPF) and Fire Chief Jeffrey Hill for completion of Basic Course exam. He stated that he and Commissioner Maxwell had also attended the training class.

- 5. Presentation from Judge Jason Thompson regarding the Accountability Court programs.**

State Court Judge Jason Thompson made a presentation to the Board regarding the Accountability Court program. He mentioned the summer interns that have worked with State Court. He continued that the Accountability Court programs include the DUI/Drug Court and Veterans Treatment programs. He stated that Accountability Court began in 2016 and has had 68 graduates to complete the programs and another 60 that have transferred to another county where they have worked with other Accountability Courts. He introduced Christa Grayson, the new Accountability Court Coordinator. Judge Thompson shared some of the successful events held through the Accountability Court and the local leadership participants who have shown support.

- 6. Update on the Public Safety Radio System, Special Purpose Local Option Sales Tax (SPLOST) project (#1428-P).**

911 Director Katye Vogt briefed the Board on the Public Safety Radio System project. She stated that there were ten (10) sites, with seven (7) on the current system and three (3) new ones to be added. It will integrate the fire station alerting and the tornado warning siren system. There are eight (8) public safety agencies on the system. There will be ten (10) dispatch consoles in the radio room and two (2) dispatch consoles at the Emergency Operations Center. She continued the presentation with the locations of the sites, explanation of the new looped microwave network and the completed tasks. Ms. Vogt stated that the final acceptance is scheduled for the end of July 2022.

Mr. Rapson commended Ms. Vogt and Mission Critical on the project.

Mike Myers and Todd Johnson with Mission Critical explained to the Board how this system compared to other counties. This was an update to the Board.

PUBLIC HEARING:

- 7. Final Public Hearing involving the redistricting within the county based on the 2020 decennial census and approval of the proposed redistricting map.**

Attorney Bryan Tyson stated that this process was started several months ago looking at the districts and requested that the redistricting office make changes to the current plan. He stated that a proposed redistricting map was presented to the Board at the last Board meeting and a public hearing was held. He stated that the NAACP (National Association for the Advancement of Colored People) legal defense fund sent a letter to the Board expressing concerns about the configuration of districts four (4) and district two (2). *(Mr. Tyson repeatedly stated "district one", but was referring to district two)* Mr. Tyson stated that his firm's advice to the Board was that, going with the majority, minority district in district four and not reducing that below the 50%, as proposed by the NAACP, was the better pathway to avoid litigation liability. He stated that the redistricting map before the Board was based on the negotiated plan from the settlement of the case several years ago.

Commissioner Oddo asked Mr. Tyson to explain the split precinct and how it came about.

Mr. Tyson stated that there was one split precinct because of the population. He stated that the redistricting office always tried to avoid splitting precincts when possible and if they do, it is split on a major road and that generated another ballot combination for that particular precinct. Having the split on a major road would help the elections department and minimizes the burden on the department.

Vice Chairman Gibbons explained the public hearing process and opened the floor. The map presented by the NAACP was shared on the screen for the public.

No one spoke in favor of this item.

The following spoke in opposition of this item:

Thelma Kelly of Fayetteville spoke in opposition. She asked if district four was the only district being reduced and was the redistricting in that district based on race.

Mr. Tyson stated that the process of redistricting was to make the districts substantially equal as possible. He stated that on the population, the only districts that would be beyond the acceptable population variations based on the 2020 census data was districts two and four, so those were the only changes. In terms of the racial part of redistricting, the voting rights act required that race be taken into account as part of the legal process involved with the maps. The proposed redistricting map from the redistricting office was the least changes between the two districts to bring the population in line. The racial considerations were looked at after that, to be sure the county was in compliance. Mr. Tyson stated that with the map from the NAACP, there was not much information about what went into the decision making.

Vice Chairman Gibbons stated that the proposed map was taking population from district two and adding it into the district four. Mr. Tyson stated that district four was underpopulated and needed to add population.

Alice Jones of Fayetteville spoke in opposition. She stated that she was one of the plaintiffs for the district voting case in Fayette County. She stated that one of the reasons was because when she moved here, she had to drive everything favorable that happened in her district. She stated that everything was at-large and to hold the county commission accountable for what was going on in her district, she had to always fight for things to happen. She stated that now that Commissioner Rousseau is her districts' commissioner, she knew he was overburden with issues, but she appreciated his response to issues. Mrs. Jones stated that it helped to know that it was taxation with representations. She stated that they [NAACP] looked at voter participation and voter registration, people who are eighteen years old and above, they wanted to be sure that justice prevailed in this concept. To make sure that blacks are not stacked, "packing and stacking", in one district, as the numbers are demonstrated in the proposed map. She stated that the less than 50% was satisfactory to the courts and she would love to have the opportunity to have the people being moved out of district two to be equally served and district one having the fairness of having representative to have more of a balance in the decision-making process, which will be beneficial to the taxpayers of color and specifically blacks. Mrs. Jones stated that she was asking Attorney Tyson and the Commissioners to revisit this process. She questioned if any of the commissioners, except for one, had visited her district to see for themselves some of the issues that have been brought up over the years.

Dawn Oparah of Fayetteville spoke in opposition. She stated that she was previously in district two and she has now been moved to district four. She stated that she understood the comments made by Mrs. Jones regarding "packing and stacking" the districts. She stated that looking at how people have voted over the past few years, it was trending over the years to be more democratic and becoming more racially diverse. She stated that her daughter ran for the Board of Education in 2014 and received approximately 36% of the votes. Since things have changed since 2014, district two could look differently. She stated that in terms of having more representation across the county, by moving where she was in district two to district four, did not seem fair and she wanted to understand how the decisions were made. She stated that analyzing how people have changed in their voting since district voting passed, should be looked at more closely. Mrs. Oparah asked the Board not to vote until there was more discuss and more study of how the maps were drawn.

Angela Knight stated that she was not for or against this item. She stated that she was taking this opportunity to say that the Dominion machines needed to go. She stated that she was going to have people at the courthouse square every weekend until they [the machines] are gone. She stated that there was proof that the machines could be rigged. She stated that she was a domestic terrorist for saying that the school would take her guardianship rights of her child. She continued her comments.

Commissioner Eric Maxwell moved to approve the redistricting map presented by Attorney Bryan Tyson. Vice Chairman Gibbons seconded.

Commissioner Maxwell stated that there was a Special Called meeting prior to this meeting and there was essentially no one in the room. He stated that it was about a thirty-minute meeting where the Board received a lot of information from Attorney Tyson. He stated that the Special Called meeting notifications were posted as required and everything happened quickly. He apologized to those who were present for this item and were not aware of that meeting because more was discussed at that meeting. He stated that the proposed map presented by the attorney barely moved the map that was adopted when the Board settled the district voting litigation. It added 800 to 1,000 voters to district four, Commissioner Rousseau's district. The NAACP's proposed map essentially moved all the district lines. He stated that he asked Mr. Tyson which map would be less likely to suffer from a legal act. He stated that his understanding from Mr. Tyson was that moving the line on his proposed map was much less likely to suffer from a lawsuit and easier to defend, as opposed to the NAACP map. Commissioner Maxwell stated he and Mrs. Jones had fought and had some agreements over the years and he was one of the commissioners that was elected under the at-large voting. He stated that when he was at-large he would get calls from people all over the county and he would try to address those issues. He stated that he was not present during the county's district lawsuit, but when he returned to office and district voting was in place. He stated that he did not care where a person lived, if someone called him with an issue he would talk to the person. He stated that he would let the person know it was not his district, but that he would help the person and direct them to the commissioner for their district. He stated that he did what he can to help people out. He stated that he does drive through the different neighborhoods. He stated that he did not attend the meetings, but he rode throughout the entire county. Commissioner Maxwell stated that he believed all the commissioners did the same. He stated that the Board voted to have the attorney and reapportionment office to help with the maps. He stated that there was no gerrymandering from the Board that had been put in the plan. He stated that other public hearing regarding this item were held previous to this meeting, and he was ready to vote for this item now.

Chairman Lee Hearn stated that he supported the redistricting map presented by Mr. Tyson. He stated that if he could vote, he would vote for that map.

Commissioner Charles Rousseau stated that the census produced redistricting at the legislative level every ten years. He stated that the outcome was always pretentious in certain parts of the country. He stated that the letter that was presented to the Board by the LDF (Legal Defense Fund) of the NAACP laid out some specific concerns shared with the Board. He stated that the more we celebrate "the" diversity; cultural, ethnic, racial and otherwise, the more balance we are about those particular needs that often come to the Board. He stated that there were two terms used during redistricting, section two and voting rights act. He stated that the concern of the NAACP was the process used to draw the maps. He stated that the attempt was to make the district balance at about 30,000 individuals each. One of the concerns expressed in the letter was "purging" and "packing", purging voters out of one district and then packing the voters into another district. There are elements that the NAACP see differently about the proposal that Mr. Tyson presented to the Board. Mr. Tyson's proposed map moved, predominately African

Americans, out of district two and into district four, creating an imbalance from a stance point of the agreement for the plaintiffs that sued the county. The current population for district four was 46% and below the 55% that was proposed by the NAACP. He stated that they are saying that removing a certain voting block out of one district into the neighboring district. He stated that the challenge that the Board had was that something had to be submitted to the state legislature. He stated that maps for the state representatives and state senators had been completed. The congressional map had also been completed. The municipalities and counties would be complete when the legislative session convened in January or February. He stated that he was compelled at this point, given the fact that the NAACP raised some points that he had not fully digested, to listen to the constituents in his district and at least request that there be some conversations, if appropriate. He stated that legal may advise otherwise because it could turn litigious and as a result, Mr. Gay, would be conversing with his potential litigant, if the LDF decided to file a challenge and/or lawsuit. He stated that he would like to see some dialogue between the demographers at the state level, the LDF and the law firm the county hired, to see if there can be some balance made. The LDF was proposing that there be a re-shifting of the county's proposed map and move or not move the individuals from district two and add district one in order to balance the racial composition throughout the county, to show the diversity of thought and voting pattern to demonstrate the changes of the last census. Commissioner Rousseau stated that when the lawsuit was settled, the judge stated that the district would be 50% plus. The plaintiff and the county, through mediation, reduced the district to 46%. He stated that he put his name on the ballot and that he did not only serve African Americans. This position was a public service that people come to their county representative to redress or seek redress for them and the Board decided on resource that would be sent to meet the need of the people. He stated that to create a district that was 55% plus gave him pause. He asked the Board to take this seriously and give it more time, if possible, to see if there was an adequate way to create diversity throughout the entire county, which it already had done. He stated that the NAACP map would move Commissioner Maxwell out of his district. He stated that happened sometimes. He requested that the Board give this matter fair consideration to get the parties together to look for a balance.

Commissioner Oddo stated that this item was coming up later in the agenda. Attorney Dennis Davenport stated, for clarity, that the Board would be approving the map with this vote and item #20 was to approve the resolution to submit the map to the legislature.

Commissioner Rousseau asked what was the prohibitable nature of asking the hired representative to meet with the letter writers to talk about a possible redrawing of lines.

Mr. Davenport stated that the Board recognized that there was a tight timeframe to get the information to the legislature. He stated that hearing this request in the last 48 hours compressed the ability to these things at this late hour. To the extent that the Board wanted to recognize it as a group and go in that direction, the Board had the authority to do so.

Commissioner Rousseau stated that because there had been a delay at the state level, he did not know if there was a desire to see if there was a comprise.

Commissioner Maxwell stated that he always tried to be reasonable with request and this was reasonable, but there were time restraints. He stated that he and Commissioner Oddo had travel arrangements that will have them away from the county and the holiday was coming up. He stated that he would like to get a vote at this meeting. He stated that the Board did not know that the letter was coming. He stated that he did not like being in this position where the letter was presented at such short notice.

Commissioner Oddo stated that he was involved with the district voting litigation and his recollection was that they had a difficult time coming up with 50% at that time. He stated that the thought was that when the census came out there would be a majority/minority district, which the county has. He stated that when his phone rings he answered it and try to help people and did not ask people where they live, because it did not matter to him. He stated that the wording being used to ask for further analysis was concerning because he knew how the Board had been conducting themselves. Commissioner Oddo stated that the Board had been doing well working with everyone. He stated that people are moving into the county and choosing where they live. He stated that his brother, who ran for reelection for Fayetteville, loss reelection to a minority. He stated that Fayetteville was not in the majority district and the point was that people are choosing where to live and are being heard. He stated that Commissioner Rousseau took the time to speak to his constituents because they call Commissioner Rousseau more than they call him and the same for the other districts. He stated that not many alterations were made to the proposed map, and it had not heard of a lot of

issues until this suggestion from the NAACP at this late date. He stated that it would have been good to have this concern raised when the process started.

Vice Chairman Gibbons stated that the Board obtained Mr. Tyson's firm because the firm was involved at the state level in terms of doing redistricting. Mr. Tyson confirmed that his firm advised the general assembly and was also the counsel to the Georgia Redistricting Commission on the republican side.

Vice Chairman Gibbons stated that because of that expertise, Mr. Tyson's firm had a lot of experience doing this. He asked if Mr. Tyson followed the same procedures that he had done in other redistricting efforts. Mr. Tyson stated that his firm's legal advice regarding the voting rights act was consistent across all jurisdictions. Vice Chairman Gibbons stated that the first public hearing on this matter was about three months ago, and the proposed redistricting map was released at the November 9 Board of Commissioners meeting. He stated that if the Board had the letter from the NAACP then the suggestion for collaboration may have worked, but the Board did not receive it until recently. He asked Mr. Tyson, of the four districts, which had the most diluted vote based on population. Mr. Tyson stated that the most underpopulated district was district four. Vice Chairman Gibbons stated that the most overpopulated district, after the plan, was district three. He asked Mr. Tom Gray with the Fayette County School Board to come to the mic.

Vice Chairman Gibbons asked Mr. Gray if the proposed map from the NAACP legal defense fund would have a significant impact on the schools, school board and the children that attend the schools. Mr. Gray stated that it would have a change in the board members and the district where they live. It would affect to board members being moved from one district to another. He stated that it would not affect what school was attended.

Commissioner Rousseau stated that while the maps may have been sent out during the early part of November, it did not have census tract data, voting age population and things of that nature, which determined who might get shifted. He stated that the detail was not there yet and as a result, he suspected that may have been some of the delay of a strategic response.

Vice Chairman Gibbons asked Mr. Tyson what data was used for the November map. Mr. Tyson stated that what Commissioner Rousseau was referring to was that there were different ways of distributing maps. He stated that there were different ways to distribute the map through geographic system files. He stated that LDF representative reached out to him to get the files and he released the files to her and that was after the map was release. He stated that the census data was released in August. The map that was shared in November was based on the census data.

Commissioner Eric Maxwell moved to approve the redistricting map presented by Attorney Bryan Tyson. Vice Chairman Gibbons seconded. The motion passed 3-1 with Commissioner Rousseau voting in opposition.

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.

Bradley Sanders thanked the Board, especially Commissioner Rousseau, for the help in getting his subdivision resurfaced and dealing with the drainage issue. He stated that he would also like to know the completion schedule for the road work.

Shelia Demons made comments regarding the traffic controls at Eastin and Veteran's Parkway. Rumble strips were recently added at Eastin Road and she had been corresponding with the Board on remediation to lessen the strips and ideally remove them. She stated that she was excited to know that the county had listened to her concerns about improving the intersection. However, she was disappointed that part of the proposal for addressing the issue still involved adding rumble strips. She shared what was discussed at the Transportation Committee regarding adding rumble strips and their disapproval of rumble strips.

The Board recessed at 3:38 p.m.

The Board reconvened at 3:50 p.m.

CONSENT AGENDA:

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

8. **Approval of a conflict waiver letter regarding the proposed Farr Road Pavement Project Agreement between the Town of Tyrone and Fayette County on behalf of McNally, Fox, Grant and Davenport.**
9. **Approval for the Chairman to sign the proposed Farr Road Pavement Project Agreement between the Town of Tyrone and Fayette County.**
10. **Approval of a Funding Commitment Resolution 2021-26 for two Fayette County project applications submitted in response to the Atlanta Regional Commission's 2021 solicitation for Transportation Improvement Program (TIP) project funding proposals.**
11. **Approval of the November 9, 2021 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

12. **Reconsideration of an ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee.**

Human Resource Lewis Patterson stated that ordinance before the Board incorporated the edits that were requested by the Board at the October 14, 2021 meeting.

Commissioner Rousseau moved to approve an ordinance, establishing the composition and responsibilities of the Fayette County Retirement Committee. Vice Chairman Gibbons seconded.

This ordinance included having a commissioner on the committee, appointed by the Board, that would serve as the chairman without voting rights.

Commissioner Oddo asked what the position came with compared to the voting members, aside from not being allowed to vote.

Mr. Rapson stated that the primary difference was that the members who make up the committee would get recommendations from the county's broker of record for both the defined benefits and defined contribution and sometimes the investment selections have to be moved and that was when votes are taken. The members, with the exception of the chairman, would vote for those actions.

Commissioner Oddo stated that he was opposed to commissioners on committees and still was.

After further discussion, Commissioner Maxwell requested to move to table this item.

Commissioner Maxwell moved to table this item to the February 10 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0.

13. **Reconsideration of an ordinance amendment to the membership of the Fayette County Transportation Committee.**

Vice Chairman Gibbons moved to table this item to the February 10 Board of Commissioners meeting. The motion passed 4-0. The Town of Brooks Manager Maurice Ungaro stated that he was a member of the Transportation Committee. He stated that the recommendations from the Transportation Committee are not only neglected, but not even considered many times when it comes

to the Board of Commissioners. He stated that the recommendation for countywide truck routes was slapped down without reason or explanation and no feedback from the Board. The ordinance change came to a shock to the Transportation Committee. He stated that Chairman Hearn spoke at one committee meeting and stated that he believed the committee should only be compromised of staff throughout the community. He stated that after that, the ordinance revision came without any justification or thought for the outcome. He stated that the Transportation Committee was not informed or consulted. He stated that removing elected officials from the committee would remove transparency and relevance.

NEW BUSINESS:

14. Consideration of a request from Laura Dangel to connect 257 Old Norton Road (Parcel 0521 048) and Parcel 0521 071 (0.93 acres) to the City of Fayetteville's sewer system.

Laura Dangel was permitted to make comments via conference call.

Planning and Zoning Director Pete Frisina stated that the sewer line ran along the frontage of the stated properties. The sewer line was installed around 2006. There was a subdivision to the west of the property that is in the city of Fayetteville city limits. Mr. Frisina stated that the purpose of the easement was that the sewer line goes in and out of the right-of-way and into these properties.

Ms. Dangel stated that the smaller property did not have structure at this time. She stated that there was no particular design at the moment.

Mr. Rapson stated that 257 Old Norton Road was properly before the Board and his recommendation was that the Board consider that property. He understood that the request was for both properties, but the other was not properly before the Board.

Commissioner Oddo moved to approve Laura Dangel to connect 257 Old Norton Road (Parcel 0521 048) and that the other property owner for Parcel 0521 071 (0.93 acres) go through the same procedure and bring it back to the Board for consideration. Commissioner Rousseau seconded. The motion passed 4-0.

15. Consideration of staff's recommendation to award Bid #2026-B Winter Resurfacing to C.W. Matthews, Inc. for fiscal year 2022, in the amount of \$1,605,713.00.

Commissioner Rousseau moved to approve to award Bid #2026-B Winter Resurfacing to C.W. Matthews, Inc. for fiscal year 2022, in the amount of \$1,605,713.00. Vice Chairman Gibbons seconded.

Road Department Director Steve Hoffman briefed the Board on this item. The three roads included in this project are: Inman Road, Rivers Road and Farr Road. He confirmed that the Town of Tyrone was paying its share for Farr Road.

Commissioner Rousseau moved to award Bid #2026-B Winter Resurfacing to C.W. Matthews, Inc. for fiscal year 2022, in the amount of \$1,605,713.00. Vice Chairman Gibbons seconded. The motion passed 4-0.

16. Consideration of staff's request to submit an application to the FEMA Assistance to Firefighter's Grant Program in the amount of \$526,325.00 with approval of establishing a hard funds grant match of \$52,632.50, as required by the Grantor, to replace existing Cardiac Monitor / Defibrillator and Patient Parameter Units.

Fire Chief Hill stated that it was time to replace existing cardiac monitors on ambulances used to assist Fayette County patients, patrons and citizens. Chief Hill stated that the FEMA Assistance to Firefighter's Grant Program was open and with Board approval they were ready to submit an application.

Commissioner Maxwell asked who was the grant writer that assisted with this application. Chief Hill stated that it was done internal by Chief Folden with the assistance of Finance.

Commissioner Maxwell stated that he would be asking for a dedicated grant writer during next year's budget season that would assist County department in seeking grant funding.

Commissioner Rousseau added that he also has some idea for next year's budget and would like to vet the idea of developing a program and/or working relationship with the local high schools.

Commissioner Rousseau moved to approve staff's request to submit an application to the FEMA Assistance to Firefighter's Grant Program in the amount of \$526,325.00 with approval of establishing a hard funds grant match of \$52,632.50, as required by the Grantor, to replace existing Cardiac Monitor / Defibrillator and Patient Parameter Units. Commissioner Oddo seconded. The motion passed 4-0.

17. Consideration of staff's recommendation for Fayette County to design and install an all-way stop at the intersection of Veterans Parkway and Eastin Road and allocation of \$120,000 from the 2004 SPLOST to pay for design and construction costs.

Commissioner Rousseau moved to approve to design and install an all-way stop at the intersection of Veterans Parkway and Eastin Road and allocation of \$120,000 from the 2004 SPLOST to pay for design and construction costs, with the exception of adding rumble strips. Vice Chairman Gibbons seconded.

Public Works Director Phil Mallon stated that he was requesting approval to convert this to a four-way stop, to request the funding needed and to receive input from the Board regarding a long-term solution if something other than a four-way stop. Mr. Mallon stated that his department received several calls about this, and he checked with the Sheriff's office and Fire and EMS to verify that there was an issue with crashes. He stated that a warrant analysis was completed. He briefed the Board on the process for considering a four-way stop. He stated that this intersection was above the threshold value for the number of crashes. He shared the crash data regarding this intersection. He stated that the posted speed limit was 45 and the average speed on Veterans Parkway was 55 to 57, which was about 10 miles over the posted speed limit, which was common. He stated that the fiftieth percentile was higher than expected for 75 miles per hour. There were a few extreme speeds that were pursuit activity. He stated that staff was recommending, along with the Transportation Committee, that it be converted to a four-way stop and the turn lane, especially the left turn lane, be struck out and barriers be put up to stop use. He stated that the reason was because this intersection was geometrically large, and it added to the confusion for drivers. He stated that he believed rumble strips will need to be added. He stated that based on the comments made he would look at options. He stated that it was high speed, high traveled road and everything possible needed to be done to alert drivers of the change. He stated that he would like to have a consultant redo the traffic study. He stated that he was also requested reallocation of \$120,000 to be taken out of Project I-13 for this purpose.

Commissioner Maxwell asked why the Board was being asked to put in a four-way stop and consider a roundabout right now. He stated that he preferred a roundabout.

Mr. Mallon stated that a study was completed, and the four-way stop was warranted and based on the number of crashes a roundabout could be placed at this intersection. He stated that if a roundabout was the option, we would have to identify another funding source. He stated that staff would have to look at other slowing methods because a roundabout would be about 18 months away.

Commissioner Maxwell stated that he did not want to spend the money on a four-way stop and then six months later do a roundabout. He stated that he was always in favor of a roundabout.

Commissioner Rousseau stated that he requested the study due to the concerns with this intersection.

Chairman Hearn stated that the rumble strips were the first steps to slow traffic and reduce the accidents. He stated that he also supported roundabouts. He stated that this was an example that the Board followed the recommendation of the Transportation Committee.

Vice Chairman Gibbons asked much would it cost to put in a flashing yellow light instead of the rumble strips. Mr. Mallon stated that a flashing red light could be put on top of the stop signs. Vice Chairman Gibbons stated that if a roundabout was put in, it would eliminate the need for rumble strips. Mr. Mallon agreed. Vice Chairman Gibbons stated that the long-term solution was to put in a roundabout and take up the existing rumble strips on Eastin Road.

Commissioner Rousseau moved to approve to design and install an all-way stop at the intersection of Veterans Parkway and Eastin Road and allocation of \$120,000 from the 2004 SPLOST to pay for design and construction costs, with the exception of adding rumble strips. Vice Chairman Gibbons seconded.

Commissioner Oddo stated that there may be worse accidents without the rumble strips. He stated that he did not want to vote for anything that would remove any potential tool from staff. He stated that he would like staff to make that decision and not have the Board remove that as a tool.

Commissioner Rousseau stated that the quality of life should also be a factor in this equation.

Mr. Mallon asked for clarification. If the motion passed as stated, was it the intent of the Board to remove the existing rumble strips. Vice Chairman Gibbons stated no.

Mr. Rapson stated that the current motion would take the option of rumble strips from staff. He stated that would restrict staff and was not staff recommendation.

Commissioner Maxwell stated that the Board was too in the weeds regarding design of the road. He did not want to get in the business of the design of the road.

Commissioner Gibbons withdrew the second.

Commissioner Rousseau moved to approve to design and install an all-way stop at the intersection of Veterans Parkway and Eastin Road and allocation of \$120,000 from the 2004 SPLOST to pay for design and construction costs and for rumble strips to be the last available resort, if needed to be employed. Vice Chairman Gibbons seconded. The motion passed 4-0.

18. Consideration of staff's recommendation to approve a Right of Entry Agreement for the Reeves Creek Mitigation area with Henry County Water Authority.

Commissioner Rousseau moved to approve a Right of Entry Agreement for the Reeves Creek Mitigation area with Henry County Water Authority. Vice Chairman Gibbons seconded. The motion passed 4-0.

19. Consideration of Staff's recommendation to enhance recruitment and retention by increasing Constitutional & Elected Officers by 10.45%; with an effective start date of January 1, 2022.

Steve Rapson stated that in an effort to address Board direction regarding enhancing recruitment and retention for Constitutional and Elected Officers this item was being presented to the Board for consideration and approval. Mr. Rapson stated this presentation would be broken down into three different components. He continued stating that the first component was previously directed by the Commission as it related to the State Court Solicitor; second was Constitutional and Elected Officials which included: the Sheriff, the State Court Judge, the State Court Solicitor, the Tax Commissioner, the Clerk of Court, the Probate Judges and the Magistrate Court Judges; and third would be the Griffin Circuit Court- Constitutional and Elected Officials which included the Superior Court Judges and Juvenile Court Judges. Mr. Rapson stated that previously the Board approved to uncouple the State Court Solicitors salary and supplement from the Superior Court Judge salary and supplement. Mr. Rapson stated that this would replace the Solicitors salary including the Superior Court salary and supplement with the local supplement

at \$5K and the 75% of DUI Court supplement which puts that salary at \$125,458.45. He continued stating that in discussion with the Board the solution to increase the percentage from 67.5% to 75.0% was determined. Mr. Rapson stated that these changes was approved previously and would be tied to a legislative agenda item, which had not happened yet. He added that this adjustment would raise the Solicitors salary 10.27%. Mr. Rapson continued stating that now up for consideration was the 10.45% increase for the Constitutional and Elected Officers the first one being the State Court Solicitor, in addition to the Solicitor receiving the 10.45% for his salary and supplement he would also receive the ripple affect associated with Superior Judges supplement increasing form 43K to 50K. Mr. Rapson presented as Option 1 to the Board which outlined the total increase for the State Court Solicitor being 14.45% at \$143,592.73. Mr. Rapson also outlined option #2 for the State Court Solicitor that would include a .45% increase and increase 80% Legislative package this would bring the total salary to \$152,532.24.

Vice Chairman Gibbons stated in his opinion the intent of the Board was to give as many County employees as possible as close to a 10.45% raise as possible. It was his opinion that option #1 would accomplish that for the State Court Solicitor. Vice Chairman Gibbons asked if the Board would need to make separate motions for each of the items.

Mr. Rapson stated yes.

Commissioner Maxwell stated that his purpose for triggering this discussion was because he was trying to address what he felt was an employee whose pay had not increased because of the way the system was designed and his goal was to rectify that issue and bring the State Court Solicitor salary up to par.

Mr. Rapson continued stating that the following individuals thr Sheriff, State Court Judge, State Court Solicitor, Tax Commissioner, Clerk of Court and Probate Judge would receive a 10.45% increase which was termed "total compensation" and included state approved longevity, previously approved COLAs, statutory supplements, local supplements, DUI Court & Tax Appeal Supplements. Mr. Rapson stated that Magistrate Court Judge increase was based on increasing the existing hourly rates 10.45%.

Mr. Rapson stated that the Griffin Circuit was comprised of four different counties Fayette County, Spalding County, Upson County and Pike County. The Circuit included two Juvenile Court Judges, 17 court support positions and five Superior Court Judges all these positions were rolled into a budget and each county paid a contribution based on population.

Mr. Rapson state that currently the Juvenile Court Judges were funded 100% from State of Georgia funds in the amount of \$230,000.00. Increasing the Griffin Circuit Juvenile Court Judges salary would implement a new local supplement of 10.45% of the existing salary, which would be \$24,035. Each county of the Circuit would pay their respective share of that amount. Mr. Rapson continued stating the Griffin Circuit Court Support staff would receive a 10.45% increase in base salary this included the Judicial Secretaries, Law Clerks, Official Court Reporters, Staff Attorney and Senior Superior Court Judge. Increases within the Griffin Circuit for Griffin Circuit Court Support staff would amount to \$50,060. Mr. Rapson stated that the State of Georgia established the Superior Court Judge base salary at \$128,790.30. The State allowed us to do a local supplement, but the supplement was restricted to \$50K, as a result the maximum salary for Griffin Circuit Superior Court Judge was \$178,790.30. Mr. Rapson stated that in doing the calculations the highest increase we could give the Griffin Circuit Superior Court Judge was a 4.07% increase. The proposed 10.45% would exceed the statutory limitation. As a result, the increase for Griffin Circuit Superior Court Judge would be 35K because there were five Judges. Mr. Rapson stated that the total increases within the Griffin Circuit for these changes amount to \$109,095.00. Fayette County's Griffin Circuit share would be \$55,093.00. Mr. Rapson stated that staff's recommendation would be to get approval of these Griffin Circuit adjustments with Spalding County, Upson County and Pike County prior to implementation. Mr. Rapson stated that staff's recommendation would be to fund the impact for the Griffin Circuit this fiscal year using existing Griffin Circuit Fund Balance and including these adjustments as part of the FY2023 Griffin Circuit Budget approval process.

Vice Chairman Gibbons moved to approve option 1 as outlined by the County Administrator. Commissioner Maxwell seconded. The motion passed 3-1, with Commissioner Rousseau voting in opposition.

Vice Chairman Gibbons moved to approve staff's recommendation to enhance recruitment and retention by increasing Constitutional & Elected Officers (Sheriff, Tax Commissioner, Clerk of Court, Probate Judges, & Magistrate Court Judges). Commissioner Maxwell seconded. The motion passed 3-1, with Commissioner Rousseau voting in opposition.

Vice Chairman Gibbons moved to approve the Superior Court Judges supplement as outlined by staff, with the caveat that it takes effect no earlier than January 1, 2022. Commissioner Maxwell seconded. The motion passed 3-1, with Commissioner Rousseau voting in opposition.

Vice Chairman Gibbons moved to approve the increase for the State Court Judge, State Solicitor, Griffin Circuit Court support staff, and Juvenile Court Judges, to take effect no earlier than January 1, 2022, contingent on the other three counties of the Griffin Circuit approving the increase and will go into effect when the last county approves it. Commissioner Maxwell seconded. The motion passed 3-1, with Commissioner Rousseau voting in opposition.

20. Consideration of the approval to present Resolutions 2021-19, 2021-20, 2021-21, 2021-22, 2021-23, 2021-24 and 2021-27 in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session.

Vice Chairman Gibbons moved to approve Resolutions 2021-19, 2021-20, 2021-21, 2021-22, 2021-23 and 2021-27 in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Rousseau seconded.

Mr. Davenport stated that in addition to the information covered in agenda item #19, regarding the judge and solicitor, there was language that allowed a 5% increase for every term completed, subsequent to July 1, 2022, to give the judge and solicitor credit for terms served prospectively. This was similar to credits received by other judges of the superior court bench.

(A) Resolution 2021-19; In Support of the 2022 Policy Agenda of Association of County Commissioners of Georgia (ACCG)

Vice Chairman Gibbons moved to approve Resolution 2021-19; In Support of the 2022 Policy Agenda of Association of County Commissioners of Georgia (ACCG). Commissioner Oddo seconded. The motion passed 4-0.

(B) Resolution 2021-20; Creating a technology fee for State Court

Vice Chairman Gibbons moved to approve Resolution 2021-20; Creating a technology fee for State Court. Commissioner Oddo seconded. The motion passed 4-0.

(C) Resolution 2021-21; Creating a technology fee for Probate Court

Vice Chairman Gibbons moved to approve Resolution 2021-21; Creating a technology fee for Probate Court. Commissioner Oddo seconded. The motion passed 4-0.

(D) Resolution 2021-22; Revisions to the local act creating the State Court with respect to compensation for the State Court Judge and the Solicitor

Vice Chairman Gibbons moved to approve Resolution 2021-22; Revisions to the local act creating the State Court with respect to compensation for the State Court Judge and the Solicitor. Commissioner Oddo seconded. The motion passed 4-0.

(E) Resolution 2021-23; Designating elections for Probate Court Judge as nonpartisan

Vice Chairman Gibbons moved to approve Resolution 2021-23; Designating elections for Probate Court Judge as nonpartisan. Commissioner Oddo seconded. The motion passed 4-0.

(F) Resolution 2021-24; Establishing new Board of Commissioner districts

Vice Chairman Gibbons moved to approve Resolution 2021-24; Establishing new Board of Commissioners district. Commissioner Oddo seconded. The motion passed 3-1. Commissioner Rousseau voted in opposition.

(G) Resolution 2021-27; Supporting Reform to Georgia's Annexation Dispute Resolution Law

Vice Chairman Gibbons moved to approve Resolution 2021-27; Supporting Reform to Georgia's Annexation Dispute Resolution Law. Commissioner Oddo seconded. The motion passed 4-0.

21. Consideration of Resolution 2021-25 agreeing to be bound by the Memorandum of Understanding (MOU) between the State of Georgia and Fayette County concerning the National Distributor and J&J Settlements and directing execution of the Acknowledgment and Agreement to be bound by MOU, Subdivision Distributor Settlement Participation Form and Janssen Settlement Participation Form.

Mr. Davenport stated that before the Board was a resolution to be bound by a Memorandum of Understanding (MOU) between the state and the governments within the state to adopt the settlement agreement that was being proposed by the seven different party defendants, the distributors and manufactures in the opioid litigation. He stated that the MOU was basically a document for the state and the local government entities, a way to divide the funds. The local governments would receive 25% of the amount allocated to Georgia. The total amount was \$26 billion and local government would get 25% of Georgia's share of that amount. The outside counsel for the county recommended the Board approve the resolution to maximize the county's recovery. If the Board decided not to be part of this there would be more cost going forward. He stated that another reason to agree to the MOU was that the settlement award put together a contingency fund and attorneys representing local governments can get their fee from the contingency fund rather than the contingency agreement with local governments. The county's legal representatives have committed to do so.

Commissioner Oddo moved to approve Resolution 2021-25 agreeing to be bound by the Memorandum of Understanding (MOU) between the State of Georgia and Fayette County concerning the National Distributor and J&J Settlements and directing execution of the Acknowledgment and Agreement to be bound by MOU, Subdivision Distributor Settlement Participation Form and Janssen Settlement Participation Form. Vice Chairman Gibbons seconded. The motion passed 4-0.

ADMINISTRATOR'S REPORTS:

- A. Contract #1987-A: Painting & Refurbishing at Flint River & Lake Horton
- B. Contract #2002-A: Crack Sealing Services
- C. Contract #2004-A: Bridge and Guardrail Repair
- D. Contract #2021-A: New Storage Building
- E. Contract #2025-A: Hwy 85 Connector Roadside Pruning

Mr. Rapson briefed the Board regarding the above contracts.

Commissioner Gibbons moved to change the Board of Health Selection Committee to Chairman Hearn to Vice Chairman Gibbons. Commissioner Oddo seconded. The motion passed 4-0.

Mr. Rapson stated that the Superior Court Judge was working with ARPA to allocate some of the funds to expedite the court backlog due to COVID. He stated that the grant request would exceed \$100,000 and would come before the Board.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were three items for executive session. One item involving real estate, one involving personnel and the review of the November 9, 2021 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Commissioner Rousseau stated that the Board received a letter from the Transportation Committee, and he would like to take a formal posture. He stated that he had several residents constantly asking for weight limit restrictions for trucks going through

Pinewood Village, particularly on Old Ford Road. He stated that one of the things that was compelling in the letter was that it stated that it did not allow the Sheriff to act on our local ordinance. He stated that he would like to take formal position.

He congratulated staff and the commissioners on the many certifications.
He offered condolences to families who have loss loved ones during this time of the year.

He stated that he would like an update on the county's position on broadband with more ARPA dollars being made available.

Vice Chairman Gibbons stated that he had no problem adding the truck routes to a subsequent agenda to get staff analysis. He stated that anything that Commissioner Rousseau wanted to add, the Board did not have any issues taking it on after the appropriate staff analysis.

Chairman Hearn:

Chairman Hearn wished everyone a Merry Christmas.

Commissioner Oddo:

Commissioner Oddo stated that this was a difficult meeting and that some difficult decisions were made.
He wished everyone a Merry Christmas and Happy New Year.

Vice Chairman Gibbons:

Wished everyone a Merry Christmas.

EXECUTIVE SESSION:

One item involving real estate, one involving personnel and the review of the November 9, 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 5:13 p.m. and returned to Official Session at 5:18 p.m.

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

Approval of the November 9, 2021 Executive Session Minutes: Commissioner Oddo moved to approve the November 9, 2021 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0.

Mr. Davenport stated that the Board had before them second amendment to the County Administrator's agreement. He stated that he was part of the group that received a 10.45% increase.

Vice Chairman Gibbons moved to approve the county administrator's pay increase. Commissioner Oddo seconded. The motion passed 4-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the December 9, 2021 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 4-0.

The December 9, 2021 Board of Commissioners meeting adjourned at 5:32 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Edward Gibbons, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of January 2022. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk