

## 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

## AGENDA

March 10, 2022

5:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Acceptance of Agenda

### **PROCLAMATION/RECOGNITION:**

1. Recognition of Addison Lester for eleven (11) years of service on the Fayette County Board of Elections. (page 3)

### **PUBLIC HEARING:**

### **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.*

### **CONSENT AGENDA:**

2. Approval for Fayette County Fire & Emergency Services to enter into a Memorandum of Understanding (MOU) with the Georgia State Fire Marshal's Office Fire Investigation Unit regarding the Metropolitan Atlanta Arson Task Force, and to delegate Fire Chief Jeffrey W. Hill to sign the MOU on behalf of Fayette County. (pages 4-12)
3. Approval of the February 24, 2022 Special Called Board of Commissioners Meeting Minutes. (pages 13-14)
4. Approval of the February 24, 2022 Board of Commissioners Meeting Minutes. (pages 15-29)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

5. Consideration of staff's request to add the ability for employees in the Defined Contribution Retirement Plan to invest in a Roth 'feature', in addition to existing pre-tax options. (pages 30-32)
6. Consideration of staff's request to approve an amendment to the Defined Contribution Retirement Plan, to allow distributions to participants who are ineligible employees and currently receive only supplemental compensation from the County. (pages 33-34)

7. Consideration of staff's recommendation to approve Contract #1229-P: Radio Communications Consultant Change Order #2: Expanded Scope Support. (pages 35-40)
8. Consideration of staff's recommendation to approve Contract #1229-P: Radio Communications Consultant Change Order #3: General Consulting and Long-Term System Support. (pages 41-48)

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Recognition of Addison Lester for eleven (11) years of service on the Fayette County Board of Elections.

**Background/History/Details:**

Addison Lester was first appointed to the Board of Elections in February 2010 by the Board of Commissioners and has served since that time. During his tenure, Mr. Lester has served as the Chair for the Board of Elections and is now retiring.

**What action are you seeking from the Board of Commissioners?**

Recognition of Addison Lester for eleven (11) years of service on the Fayette County Board of Elections.

**If this item requires funding, please describe:**

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval for Fayette County Fire & Emergency Services to enter into a Memorandum of Understanding (MOU) with the Georgia State Fire Marshal's Office Fire Investigation Unit regarding the Metropolitan Atlanta Arson Task Force, and to delegate Fire Chief Jeffrey W. Hill to sign the MOU on behalf of Fayette County.

**Background/History/Details:**

Arson and arson related crimes continue to be a serious problem in the United States and across the State of Georgia. These fires cause significant loss of life and billions of dollars in property loss annually. The investigation of the crime of arson is often complex requiring significant resources, specialized training, and sufficient staffing. In addition, arson related crimes often span across multiple jurisdictions making it difficult for individual agencies to effectively investigate and prosecute these crimes.

It has proven effective in the Metro Atlanta Area to have an organized arson investigation task force to collaborate as a team, sharing resources, staffing, and expertise. Previously organized task forces in the metro area have resulted in the arrest of several serial arsonists, as well as groups that were terrorizing communities with arson during periods of civil unrest.

The Task Force organized under this MOU will utilize a team approach for the previously mentioned reasons to investigate, prosecute and deter arson and arson related crimes in the Metropolitan Atlanta Georgia area.

**What action are you seeking from the Board of Commissioners?**

Approval for Fayette County Fire & Emergency Services to enter into a Memorandum of Understanding (MOU) with the Georgia State Fire Marshal's Office Fire Investigation Unit regarding the Metropolitan Atlanta Arson Task Force, and to delegate Fire Chief Jeffrey W. Hill to sign the MOU on behalf of Fayette County.

**If this item requires funding, please describe:**

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**METROPOLITAN ATLANTA ARSON TASK FORCE**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**GEORGIA STATE FIRE MARSHAL'S FIRE INVESTIGATION UNIT**  
**AND PARTICIPATING AGENCIES**

This Memorandum of Understanding is entered into between the Georgia State Fire Marshal's Fire Investigation Unit and the agencies listed above as it relates to the Metropolitan Atlanta Arson Task Force for the Metropolitan Atlanta Georgia Area herein referred to as the Task Force.

**BACKGROUND/HISTORY**

Arson and arson related crimes continue to be a serious problem in the United States and across the State of Georgia. These fires cause significant loss of life and billions of dollars annually. The investigation of the crime of arson is often complex requiring significant resources, specialized training, and sufficient staffing. In addition, arson related crimes often span across multiple jurisdictions making it difficult for individual agencies to effectively investigate and prosecute these crimes.

It has proven effective in the Metro Atlanta Area to have an organized arson investigation task force to collaborate as a team, sharing resources, staffing and expertise. Previously organized tasks forces in the metro area have resulted in the arrests of several serial arsonists, as well as groups that were terrorizing communities with arson during periods of civil unrest.

The Task Force organized under this MOU will utilize a team approach for the previously mentioned reasons to investigate, prosecute and deter arson and arson related crimes in the Metropolitan Atlanta Georgia Area.

## **AUTHORITIES**

Offenses investigated and enforced pursuant to this MOU are those outlined in the Official Code of Georgia Annotated. Including but not limited to: 16-7-60, 16-7-61, 16-7-62.

## **PURPOSE**

The Task Force will perform the following duties:

- Investigate fire and explosive related incidents
- Investigate fire and explosive related violent crimes
- Conduct undercover operations where appropriate and engage in other traditional methods of investigation to ensure that the Task Force's activities will be successful in prosecuting arson and arson related crimes

The criteria for Task Force involvement in arson investigations will be as follows, (this list is not all inclusive or exclusive):

- Fire related deaths or serious injuries, firefighters or civilian
- Fires of similar nature affecting more than one jurisdiction
- Large property loss
- Serial Arsonist
- Arson for profit rings
- Arson related to civil unrest

## **GOALS**

The primary goal of this Task Force is to reduce the risk to the public safety and fire loss caused by the criminal use of fire. This will be accomplished by:

- Sharing specialized resources
- Providing investigative assistance at fire scenes
- Supporting the judicial process by working with prosecutors and providing expert testimony where necessary
- Share and collaborate current arson related trends and technology
- Share and provide training opportunities and materials as appropriate

## **PHYSICAL LOCATION**

Members assigned to the Task Force by their employer shall be referred to as Task Force Officers (TFO's). TFO's will be assigned to their respective agency's investigative offices and will join resources on a case-by-case basis. During periods where TFO's are actively working a Task Force Case, members will utilize the primary case agency's facilities, SFM's Office or other designated facility.

## **CONTACTS**

Each participating agency will provide a primary and secondary point of contact

## **SCHEDULED MEETINGS**

Regularly scheduled quarterly meetings will be held at agreed upon locations to:

- Provide any updates regarding the Task Force
- Provide an opportunity for members to share case information, current trends, upcoming events, new technology etc.
- Receive input from the members regarding the Task Force
- Offer a training component for the group

## **SUPERVISION AND CONTROL**

The daily supervision and administrative control of Task Force Members will be the responsibility of the participants' employing agency. Operational control over investigations or operations related to the Task Force will be the responsibility of the agency with primary jurisdiction at the time the Task Force resources are requested.

Each TFO shall remain subject to their respective agency's policies and shall report to their respective agencies regarding matters unrelated to this Task Force agreement.

The Task Force will provide fire scene examination assistance to non-law enforcement agencies and may provide law enforcement support as well. The respective agencies police jurisdiction will be responsible for all law enforcement matters.

## **PERSONNEL, RESOURCES AND SUPERVISION**

To accomplish the objectives of the Task Force, personnel and resources needed will be determined on a case-by-case basis by the Chief of the SFM's Office and the supervisor of the agency requesting the Task Force.

Each agency will agree upon entering the MOU on how many members their agency is willing to commit to the Task Force as TFO's.

Each participating agency agrees to make available to their assigned Task Force members and any equipment ordinarily assigned for use by that agency.

To accomplish the objectives of the Task Force the participating agencies agree to detail available TFO's to the Task Force on an as needed contingency.

All POST Certified TFO's shall qualify and comply with their respective employment agencies Weapons Policy.

### **SECURITY CLEARANCES**

The Task Force will require an initial GCIC background check for members. GCIC Security and Awareness training will also be required to be current for Task Force participation.

Members of the Task Force must not be the subject of any ongoing investigation by their department or other law enforcement agency. Previous behavior or disciplinary action may disqualify individuals from eligibility to join the task force. The SFM's Office has the final authority as to the suitability of a Task Force Member receiving security clearance.

### **DEPUTATIONS**

Members of the Task Force will be deputized by the Georgia State Fire Marshal's Office to preform fire investigations within the Task Force guidelines.

### **ASSIGNMENTS, REPORTS, AND INFORMATION SHARING**

The originating case agency supervisor or designee will be responsible for investigative, and personnel matters related to Task Force investigations. The originating case agency supervisor or their designee, along with the Chief of the SFM's Office will be responsible for opening, monitoring, directing, and closing Task Force Investigations.

Assignments will be based on but not limited to, experience, training, and performance, in addition to the discretion of the originating case agency supervisor or their designee.

Investigative reports will be prepared by the originating case agency utilizing their investigative case management system.

Information will be freely shared among the Task Force Members with the understanding all investigative information will be kept strictly confidential and will only be used in furtherance of criminal investigations. No information gathered during Task Force operations to include informal communications between Task Force members, may be disseminated to any third party or Non-Task Force Member by any Task Force Member without the participating agency's permission.

Any public requests for access to the records or any disclosures of information obtained by Task Force Members during Task Force investigations will be handled in accordance with applicable statutes, regulations, and policies pursuant to the Freedom of Information Act, the Privacy Act, Georgia Open Records Act and other applicable statutes and regulations.

### **INVESTIGATIVE METHODS**

The parties agree to utilize the most appropriate standards pertaining to evidence handling and electronic surveillance activities to the greatest extent possible.

The use of other investigative methods such as search warrants, interception of oral communications, etc. and the reporting procedures connected to these methods will be consistent with the policies and procedures of the originating case agency. All Task Force operations will be conducted and reviewed in accordance with applicable policy and guidelines.

None of the parties to this MOU will knowingly seek investigations under this MOU that would cause a conflict with any ongoing investigation of an agency not party to this MOU. It is incumbent upon each participating agency to notify its personnel regarding the Task Force's areas of concern and jurisdiction. All law enforcement actions will be coordinated and cooperatively carried out by all parties of this MOU.

### **INFORMANTS**

Any informants used by the Task Force will be subjected to the agency having jurisdictions of the case or call outs guidelines.

### **EVIDENCE**

Evidence will be collected and maintained by the originating case agency or their designee according to the originating case agency's policies and procedures.

Any firearms seized will be subject to the policies and procedures of the originating case agency or their law enforcement counterpart having jurisdiction.

### **JURISDICTION/PROSECUTIONS**

Cases investigated by the Task Force will be referred for prosecution to the relevant State's Attorney's Office having jurisdiction. Any questions that arise related to the prosecution of a case will be resolved through discussion among the investigative agencies and the prosecution entities having an interest in the case.

### **USE OF FORCE**

All members of the Task Force will comply with their respective agency's use of force policy.

### **MEDIA/PRESS RELEASE**

Media relations will be handled by the appropriate public information officers in coordination with the participating agencies. Information for any press release regarding Task Force investigations will be reviewed and mutually agreed upon by all participating agencies before being released. This review will include who will take part in the press conference. Members of the Task Force will not give statements to the media concerning any ongoing investigation or prosecution under this MOU without the agreement of other participating agencies and when appropriate the relevant prosecutor's office.

### **SALARY/OVERTIME COMPENSATION**

Under this MOU participating agencies will provide for salary and employment benefits of their respective employees. All participating agencies will retain control over their employees' work hours, including approval of overtime.

### **AUDIT INFORMATION**

All Task Force Members will be subjected to training audits for certifications at any time.

## **SEIZURES**

All seized property will be seized, controlled, and regulated by the originating case agency utilizing their policies and procedures.

## **DISPUTE RESOLUTION**

In cases of overlapping jurisdiction, the participating agencies agree to work together to achieve the Task Force's goals and objectives. The parties of this MOU agree to attempt to resolve any disputes regarding jurisdiction, assignments etc. at the lowest level possible.

## **LIABILITY**

The parties agree to be solely responsible for the negligent or wrongful acts or omissions of their respective employees and will not seek financial contributions from others of this agreement for such acts or omissions.

## **DURATION**

This MOU shall remain in effect until it is terminated in writing, to include electronic mail.

This MOU shall be deemed terminated at the time all participating agencies withdraw and the SFM's Office elects not to replace such members or if the SFM's Office unilaterally terminates the MOU upon 90 days written notice to all remaining participating agencies.

## **MODIFICATIONS**

This agreement may be modified at any time by written consent of all participating agencies. Modification shall have no force unless such modifications are in writing and signed by an authorized representative of each participating agency.

**METROPOLITAN ATLANTA ARSON TASK FORCE**  
**MEMORANDUM OF UNDERSTANDING**

**Between the Georgia State Fire Marshal's Office and Participating Agency**

**Effective Date:**  
**February 9, 2022**

Participating Agency: Fayette County Department of Fire & Emergency Services

Agency Head/Designee: Jeffrey W. Hill, Chief of Fire & Emergency Services

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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 Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
 Public Meeting Room  
 Fayetteville, GA 30214

## MINUTES

### Special Called

February 24, 2022  
 4:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

**Call to Order**

Vice Chairman Edward Gibbons called the February 24, 2022 Special Called meeting to order at 4:01 p.m. A quorum of the Board was present. Commissioner Rousseau was absent

**Invocation and Pledge of Allegiance**

Chairman Lee Hearn offered the Invocation and led the Board and audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

**NEW BUSINESS:****1. Discussion of the Local Options Sales Tax (L.O.S.T.) Renegotiations.**

County Administrator Steve Rapson stated that he appreciated everyone for attending. He stated that one of the requirements when doing the Local Option Sales Tax (LOST) negotiations was to formally start the process and notify the Department of Revenue. He stated this was the purpose of this meeting. Mr. Rapson stated that he had met with the respective city managers regarding the Local Option Sales Tax (LOST) and Strategic Delivery Services (SDS) in the past three to four months. He stated that the Georgia Municipal Association (GMA), which was the organization that worked with cities and Association County Commissioners of Georgia (ACCG), which was the organization that worked with the counties, both suggested that the municipalities and counties work together in handling the Local Option Sales Tax (LOST) and Service Delivery Strategy (SDS), Special Purpose Local Option Tax (SPLOT) at the same time because they all interact. Mr. Rapson stated that in an effort to take heed to the recommendation, Fayette County and its municipalities was doing that by taking care of the first two. He stated that the percentages that the County would be allocated would be 48.5% and from his understanding the cities have agreed to an allocation based on the 2020 population and those percentages were outlined in the emails he forwarded along with the corresponding letters. He stated that the next steps in this process would be the certificate of participation would be voted on by each respective jurisdiction. Mr. Rapson stated that Peachtree City usually leads the effort and develop the certifications working with all the cities, signing all ten of the certificates, then those would be forwarded to each remaining cities for signatures ending up with the County for the Board of Commissioners to ratify. Once ratified, it would be forwarded to the Department of Revenue. Mr. Rapson stated that a complete analysis had been completed on the Service Delivery Strategy (SDS), with the only change being the intergovernmental agreement (IGA) regarding inmates which had since gone to each of the jurisdictions. He added the both the Roads and Recreation IGA were still in place. He noted that there had not really been any other changes with the SDS,

so this would also be ratified, approved and sent to Department of Community Affairs (DCA) once all the distribution were completed. He stated that basically, that was it in a nutshell. Mr. Rapson stated that working with his counterparts in the municipalities had become a lot easier and speaks volumes to the leadership within the jurisdictions. He added that the support of the City Managers by the Mayors was vital and helped this get this process accomplished without the conflict.

Question was inaudible.

Mr. Rapson stated that the distribution side was the city's responsibility and not his. He added that one of the reasons he did not have the distribution responsibilities today was because he did not want it said that the County was telling the cities what to do. He stated that Fayette County was at 48.5%, Peachtree City was at 30.0885%, Fayetteville was at 14.9145%, Tyrone was at 6.0249%, and Brooks was at 0.4721% so those would be the distributions for each municipality. He stated that each jurisdiction would sign 10 copies which would then be forward to each jurisdiction until the County had all signed copies. He stated that the third piece to this was that the School Board was voting to take their ESPLOST in the May 2022 election. He added that this was originally geared for a November election, but in talking with the city managers the preference would be to conduct it in March 2023. Mr. Rapson stated that he was perfectly fine waiting until March because it would provide more of an opportunity to educate the public, as we proceed toward a March referendum. He stated that the county would call for the SPLOST referendum after the Local Option Sales Tax (LOST) negotiations were complete. He concluded that he would let the mayors know and the Board would send an official notification to the Revenue Director to let him know that the Local Option Sales Tax (LOST) negotiations process had begun.

#### **ADJOURNMENT:**

Vice Chairman Gibbons Hearn moved to adjourn the February 24, 2022 Special Called meeting. Commissioner Oddo seconded the motion. The motion passed 5-0.

The February 24, 2022 Special Called meeting adjourned at 4:08 p.m.

\_\_\_\_\_  
 Marlena M. Edwards, Chief Deputy County Clerk

\_\_\_\_\_  
 Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of March 2022. Referenced attachments are available upon request at the County Clerk's Office.

\_\_\_\_\_  
 Marlena Edwards, Deputy County Clerk

**BOARD OF COUNTY COMMISSIONERS**

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140 Stonewall Avenue West  
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**MINUTES**

February 24, 2022  
5:00 p.m.

---

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**Call to Order**

Vice Chairman Edward Gibbons called the February 24, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons**

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

**Acceptance of Agenda**

Vice Chairman Gibbons moved to accept the agenda as written with the addition of item #22. Consideration of the approval of grant funds awarded to the Griffin Judicial Circuit. Commissioner Oddo seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

**PUBLIC HEARING:**

Commissioner Oddo recused himself from discussion of item #1 and left the public meeting room.

*Interim Planning and Zoning Director Chanelle Blaine read the Introduction to Public Hearings for rezoning.*

- 1. Consideration of Petition No. RP-079-22, Justin M. Brown, Owner, and Brad C. Barnard, Agent, request to revise the Major Final Plat of Platinum Ridge Subdivision by adding 19.3 acres of property from an adjacent tract to an existing 5.09-acre lot; property located in Land Lot 62 of the 7th district and fronts Platinum Ridge Pointe.**

*Interim Planning and Zoning Director Chanelle Blaine read the Introduction to Public Hearings.*

Ms. Blaine stated that both staff and the Planning Commission recommended approval with no conditions.

Chairman Hearn asked Ms. Blaine for a brief explanation of what this request involved.

Ms. Blaine stated that this request was a revised plat and noted that anytime a request was received adding acreage to an established subdivision, the request would have to come before the Board for approval. She stated that, if approved, the applicant plans to build a home on the back of the property.

Chairman Hearn, as a point of clarification, asked if the access point would be from Platinum Ridge Pointe. Ms. Blaine confirmed that was correct.

Chairman Hearn stated that this request was to add 19.3 acres to an existing 5.09-acre lot in an existing subdivision. He asked if there would only be one house built on this property. Ms. Blaine stated that was correct.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. RP-079-22, Justin M. Brown, Owner, and Brad C. Barnard, Agent, request to revise the Major Final Plat of Platinum Ridge Subdivision by adding 19.3 acres of property from an adjacent tract to an existing 5.09-acre lot; property located in Land Lot 62 of the 7th district and fronts Platinum Ridge Pointe. Commissioner Maxwell seconded.

Commissioner Maxwell stated that consolidating two lots, making it a larger lot, was a relatively easy request to consider. This is something county residents want.

Vice Chairman Gibbons moved to approve Petition No. RP-079-22, Justin M. Brown, Owner, and Brad C. Barnard, Agent, request to revise the Major Final Plat of Platinum Ridge Subdivision by adding 19.3 acres of property from an adjacent tract to an existing 5.09-acre lot; property located in Land Lot 62 of the 7th district and fronts Platinum Ridge Pointe. Commissioner Maxwell seconded. The motion passed 4-0-1, Commissioner Oddo recused himself.

Commissioner Oddo returned to the Public Meeting room.

**2. Consideration of Petition No. 1313-21 A, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property is located on Land Lot 21 of the 7th District and fronts in Eastin Road and Sandy Creek Road.**

*Interim Planning and Zoning Director Chanelle Blaine read the Introduction to Public Hearings for rezoning.*

Ms. Blaine stated that both staff and the Planning Commission recommended denial of this request and there were no conditions.

Randy Boyd stated that he was the representative for Williams James, the owner of the two lots in question. Mr. Boyd stated that he would discuss this item and the preceding item together because they were sister request, involving neighboring lots and the same rezoning request.

Mr. Boyd stated that Mr. James owned two two-acre lots which was part of a three-lot subdivision that was developed in 1990. He stated that behind these properties along Sandy Creek Road was a 1-acre lot zoned R-45. Mr. Boyd stated that the request was to take the two, two-acre lots, and split the four acres into three lots, along with the rezoning request from R-70 to R-45. He acknowledged that initially the request was for four lots but decided to revise the request to three lots. Mr. Boyd stated that this change was because he reviewed comments made by Fayette County Public Works Director Phill Mallon regarding concerns related to the proposed site distance from Sandy Creek Road and not allowing any lot frontage along Sandy Creek. He stated that the revised request for the three lots would allow the petitioner to comply with this request. Mr. Boyd stated that the neighboring lot was currently zoned R-45 and although this was done in 1990, he asked the Board for the same consideration in reviewing this request. Mr. Boyd stated that Mr. James owned two, two-acre lots that can currently be developed and he was asking to rezone these properties from R-70 to R-45 so he can combine these lots and create three lots where he planned to build a house for himself and his two sisters.

Mr. James stated that the homes he planned to build would meet the aesthetics and aura of the surrounding community and noted that these homes would be in the \$700K+ price range.

Chairman Hearn asked if there was anyone in favor of the rezoning petition.

Michael Hall of Fayetteville stated that he was a new resident in Fayetteville after having his home built here in May of 2021. He stated that although he was a new resident of Fayetteville, he had been in love with the community for a long time. Mr. Hall stated that he and Mr. James were friends and noted that he admired his current home and was in favor of this petition. He stated that currently there was nothing on the proposed property and the proposed three homes would add to the aesthetics of the community.

Chairman Hearn asked if there was anyone in opposition of the rezoning petition.

Ron Reams of Fayetteville stated that he was in favor of people having a nice place to live and noted that it sounded like Mr. James wanted to build that. He continued that he and his wife lived in the community for 23 years and had participated in the Comprehensive Plan survey. With this in mind, he stated that it was his understanding that the minimum lot size was two acres. Mr. Hall questioned, "why have a Comprehensive Plan if every time a request is submitted it gets changed". Mr. Reams also expressed his concerns regarding increased traffic at the Eastin Road and Sandy Creek Road intersection and would create a hazard in this area, particularly, if road access driveways are allowed at the corner of these roads. He stated that he was against this request.

Russell Starett of Fayetteville stated that he lived at the neighboring property mentioned by Mr. James that was zoned R-45. He continued that the acreage was actually 1.3 acres not one acre and was zoned prior to him purchasing the property in 2016. He stated that the wisdom of Planning and Zoning was on display riding down Sandy Creek Road. The spacing and acreage of the lots was designed and intentional and the will of the people of the community. Mr. Starett stated that to have well curated and planned development was essential and that is what was shown in that area and to go against the Comprehensive Plan would be a disservice. Mr. Reams stated that this was an avoidable issue because the zoning acreage requirements were well-known.

Jeff Giglio of Fayetteville stated that he moved to Fayette County in 1989 because he enjoyed and recognized the beauty of the openness and terrain. He stated that at that time there was no Comprehensive Plan but was done years later. He continued stating that the Comprehensive Plan was very detailed regarding what its purpose was for the county. Mr. Giglio stated that this petition had been denied by staff, the Planning Commission and the Public Works Department, specifically because of the number of driveway cuts. He also stated that he found it inappropriate that the request was changed at the last minute, not allowing the public enough time to review the changes. He stated that the Board recognized the retirement of former Community Services Director Pete Frisina who served the community for 32 years and who took pride in the work he accomplished in planning/development efforts throughout Fayette County. He stated that it did not make sense to recognize him for his work, then turn around and approve a rezoning contrary to the Comprehensive Plan he diligently put in place as subject matter expert.

Mr. Boyd stated that it was his suggestion to make them three, 1.4 acre lots because of the comments made by Phil Mallon regarding safety concerns. He continued that the request was not asking for three separate entrances because it would not comply with Public Works safety concerns. Mr. Boyd stated that two of the driveways could be combined with one on the corner lot and a combined secondary one. He noted that this would equate to the same net result of two driveway cuts which the owner can do currently. Mr. Boyd provided the Board a map that highlighted the rezoned R-45 properties in the area over the last 30 plus years, and although there were some developments that had been rezoned, it was not an overwhelming amount. He noted that he did not have a crystal ball to predict the future; he did not foresee this request opening the floodgates for others in the future. Mr. Boyd asked for the Board's approval of Mr. James' request.

Commissioner Rousseau asked procedurally if the proposal that had been passed out to the Board and the request that was presented before the Board were the same.

Mr. Rapson stated that before the Board was the same rezoning request, but instead of four homes there may only be three.

Commissioner Rousseau stated that he considered that to be highly inappropriate. What was officially requested had been properly documented and the Board had an opportunity to review and digest it. He continued that this revision was presented at the last minute and had not been vetted by the Planning Commission or been available for public review and comment. Commissioner Rousseau stated that he was not prepared to accept the revised request because it had not been properly presented before the Board, in his opinion.

County Attorney Dennis Davenport stated that the petition before the Board was a request to rezone the property to R-45, whether the owner could build three or four lots was immaterial. The fact was, it would still be within the R-45. He stated that the property owner had the right to build three or four lots if they could fit within the zoning. Mr. Davenport stated that he felt the Petitioner was trying to show a representation of how the property layout would work with three lots instead of four, however, the underlying zoning was still the same. Mr. Davenport stated that if the zoning type had changed then the process would have needed to start over because the zoning district would be different.

Commissioner Rousseau stated that he understood that the rezoning aspect of the request was the same but stated that hearing the other changes for the first time during the presentation caused him pause without having the opportunity to review it.

Commissioner Maxwell stated that he had similar concerns. He stated that he had gone out and viewed the property and the surrounding area, but there were no documents provided to the Board that showed the requested changes to the three parcels. Commissioner Maxwell stated that he was unsure what staff, or the Planning Commissioner would say about the change from four to three lots and if this would affect the recommendation. Commissioner Maxwell asked what size lots were in the neighborhood on the back side of the property.

Mr. Giglio stated they were anywhere between two and eight acres.

Commissioner Maxwell stated that he was not sure if it was the best night to make a decision on this request.

Mr. Boyd asked if the Petition could be withdrawn and resubmitted.

Mr. Davenport stated, "No". Once the petition had started there must be a vote, withdrawal was no longer an option. He added that it could have been withdrawn prior to the Public Hearing beginning but once the hearing started withdrawal was not an option.

Commissioner Oddo asked the timeframe for when the Petitioner could bring this request back.

Mr. Davenport stated that if the Board denied the request there would be a bar in place that the Petitioner would have to recognize before he could reapply for the same rezoning.

Commissioner Oddo stated that it has been his practice to conform with the land use plan and to try and not waver from it. He stated that he appreciated the Petitioner's efforts, but the neighboring property rezoning was done so long ago, the intent of R-45 today was much different. Commissioner Oddo added that even if the Petitioner reapplied in the future and it still did not conform, he would still be hard pressed not to approve the request.

Commissioner Oddo moved to deny Petition No. 1313-21 A, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property is located on Land Lot 21 of the 7th District and fronts in Eastin Road and Sandy Creek Road. Vice Chairman Gibbons seconded. The motion passed 5-0.

**3. Consideration of Petition No. 1313-21 B, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property located in Land Lot 21 of the 7th District and fronts on Eastin Road.**

No one spoke in favor or in opposition.

Vice Chairman Gibbons moved to deny Petition No. 1313-21 B, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property located in Land Lot 21 of the 7th District and fronts on Eastin Road. Commissioner Oddo seconded. The motion passed 5-0.

**4. Consideration of Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

Ms. Blaine stated that staff recommended denial of the request for C-C and recommended the approval of L-C1 with one condition. The condition had been satisfied per Public Works and the Environmental Management Department. She added that the Planning Commission recommended approval of C-C with one condition that had already been fulfilled.

Rick Lindsey asked as clarification if the one condition referenced by the Planning Commission was the same condition requested by staff that had been fulfilled.

Ms. Blaine confirmed the condition had been fulfilled as outlined by the Public Works Department.

Mr. Lindsey stated he was representative for the Petitioners, Sam and Nadia Saunyadi. He stated that they were requesting approval of this property and the four properties following this item from A-R to C-C. He stated that staff had recommended approval of L-C1 zoning, which was discussed in the Land Use/ Comprehensive Plan for the County, however since the Comp Plan was adopted several years ago, the world of retail had changed dramatically and currently there were about 17 different uses that were permitted under the L-C1 zoning of which about five and six were no longer viable options. Mr. Lindsey stated this request was to present a retail center that was modern day but paid homage to times past as it relates to the esthetics and looks. He stated that the site location was at the intersection of State Route 74 and State Route 85 south of Peachtree City, which was a very important intersection within the County. Mr. Lindsey provided the Board with several visuals that outlined the site structure, proposed dimensions, and design concept of the retail center. He stated that the space would be broken down between four and five uses, with one of these uses being a convenience store with a small gas pump component and with no more than six pumps to keep the center small. Mr. Lindsey stated that this center would take on the architectural design and appearance of Starr's Mill, as the Starr's Mill historic district overlay required. He highlighted various features of the center that would mimic a historical area with the pitched roof, wood siding, and covered awnings. He noted that this center would have more of a homegrown/local feel not like the larger chain gas stations seen today. Mr. Lindsey stated that in looking at the Comprehensive Plan the goal of the plan was to keep this area small and to keep development in the area from becoming anything like a regional development like big box stores like Home Depot or Lowes. However, the problem with L-C1, the uses that are permitted are too restrictive to make this project economically viable. He stated what his clients were seeking was a local space that would service the underserved citizens in that area. He added that the convenience store/gas station was needed to be the attraction/anchor store for the center. Mr. Lindsey added that this request meets the Comprehensive Plan and asked for Board approval.

No one spoke in favor or in opposition.

Commissioner Maxwell stated that this request had created a unique situation. He noted that it was not typical for Planning and Zoning staff and the Planning Commission to provide differing recommendations. He stated that he was very familiar with the property and was involved in the condemnation of the south portion of the property. Commissioner Maxwell stated that the

property used to be residential with a small store that has since been removed. Commissioner Maxwell asked if this property's northern neighbor was a church.

Mr. Lindsay confirmed that New Hope Baptist Church was the just north of the site. The church also had property across the street which was used as a teen center. The area was no longer conducive to residential use, which was why they request was asking for the commercial use. He stated that they agreed with the commercial use designation, however the L-C1 uses did not permit the small gas station and were too restrictive and not economically viable for the applicants to pursue.

Commissioner Maxwell stated that was his understanding in reviewing these requests, that the Planning Commission was trying to help figure out a way the development could work. He acknowledged that some may have concerns of the possibility of an explosion, but this project would not be a large chain but a small local retail center. Commissioner Maxwell stated that in the discussion Mr. Lindsey mention the retail space would be either 10,000 sq. ft. or 12,000 sq. ft. he asked how the size of the space would be determined.

Mr. Lindsey stated that various factors went into making this determination. He stated that this would depend on the approved zoning and any required setback or buffer, and/or any restrictions and the applicable overlay would all have to be considered.

Commissioner Maxwell asked what other business would fill the five 2,000 sq ft. unit spaces.

Mr. Lindsey stated that it would depend on the market. It could be a beauty salon, barber shop, or donut shop.

Vice Chairman Gibbons stated that he had concerns and wanted to know what type of impact this retail center would have on the traffic in the area.

Mr. Lindsey stated that the way it had been designed there was a right in and right out only on State Route 74 so as not to create or increase or any cross over traffic. The only entrance from State Route 85 was in the far western end, pulling traffic off the intersection.

Commissioner Oddo stated a similar project came before the Board several years ago involving the overlay issue along with the rezoning. He stated that he ended up voting against the overlay because at the time he felt gas stations were reasonable. He stated that in talking about the overlay to preserve the historic look of the area but asked if these efforts were preserving the historic look or recreating it. He added that he added a few concerns and expressed his desire to review the overlay to determine if it is time for it to be updated. He stated that to him these were two separate issues and admitted that he did not know how to proceed.

Mr. Rapson clarified what was before the Board as it was outlined in the agenda package. He noted that staff's recommendation was L-C1, and the request was for C-C. Mr. Rapson stated that if the request was approved and the property was rezoned to C-C the overlay district would still be in effect but that it primarily controlled the architecturally or esthetics of the building which had been presented. The two major deviation between the C-C zoning and the L-C1 was a drive-thru was permitted under the C-C rezoning classifications with possible conditions along with it. The L-C1 restricted the use of gas pumps and the L-C2 would restrict the number to six pumps.

Mr. Lindsey stated that they would agree to the six pumps.

Mr. Davenport stated that the Board should be careful when adding conditions to uses that were contrary to the zoning ordinance.

Commissioner Maxwell asked how they could make this work and stated that he wanted to align with the recommendation of the Planning Commission.

Mr. Rapson reiterated that staff's recommendation was to deny C-C and approve L-C1 which would restrict the gas pumps and drive-thru.

Commissioner Maxwell asked Mr. Davenport how he could approve the rezoning to C-C, limiting the property to six pumps, which Mr. Lindsey agreed to put in the title.

Mr. Davenport stated that he could not control what Mr. Lindsay would or would not do and added that he did not feel the Board had the authority to condition the Petitioner to fix his request for those purposes. Mr. Davenport stressed his concern with the Board regarding adding conditions to uses that were contrary to the zoning ordinance. He noted that the limit for gas pumps was twelve in the C-C zoning district and why would they limit this property to six and what was the basis for doing so. He added that they could put a condition on that use overall but that's different than conditioning this one property.

Commissioner Maxwell stated that this would require a zoning ordinance change.

Mr. Davenport stated that was correct.

Commissioner Oddo asked again if the Board should be reviewing the overlay itself first, since it acts as a guide to what was allowed and asked if the overlay permitted gas stations.

Mr. Davenport stated that overlay was not gas station specific it was architecturally specific. Whatever use would be allowed in the overlay district would be governed by the architectural standards of the overlay district.

Ms. Blaine stated that the Land Use Plan specifically said that the C-C, C-H, and L-C2 was not designated for that area only L-C1.

Mr. Davenport added that the overlay would fit over whatever use is there for the architectural standards.

Chairman Hearn stated that based on the layout of the property the space was limited and probably could not fit more than six to eight pumps.

Mr. Lindsey conferred with his client and her confirmed that the limited pump would be in the chain of title, he acknowledged that the Board could not require it.

Commissioner Rousseau stated that the Board wanted to see new development in the County specifically in dormant properties. However, this request created a unique challenge in that staff and the Planning Commission had differing recommendations. He acknowledged he was stuck in quagmire in considering this request. He stated that he would be prone to lean toward the staff's recommendation. Commissioner Rousseau stated that an opportunity may have been missed to look into this area as it related to the Comprehensive Plan and growth and possible updating.

Commissioner Oddo asked if this property could be rezoned C-C.

Ms. Blaine stated that the C-C zoning would go against the Land Use Plan which is usually not approved.

Commissioner Maxwell moved to approve Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded

Commissioner Oddo stated that he understood the merit in voting to deny this item because it did not conform but he also did want to see the project completed. He asked what the best process would be to fix this issue.

Ms. Blaine stated that the Board would need to amend the Future Land Use Map.

Commissioner Maxwell stated that if this project was denied the six to twelve months until the Future Land Use Map was reviewed and/or updated would essentially kill the project. He stated that a decision needed to be made now.

Commissioner Maxwell moved to approve Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 5. Consideration of Petition No. 1316-21 B, DARRS, LLC, Owner, and Richard P. Lindsey, Agent, request to rezone .09 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 B, DARRS, LLC, Owner, and Richard P. Lindsey, Agent, request to rezone .09 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 6. Consideration of Petition No. 1316-21 C, Estate of Yvonee B. Hammett, Owner, and Richard P. Lindsey, Agent, request to rezone 0.42 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 C, Estate of Yvonee B. Hammett, Owner, and Richard P. Lindsey, Agent, request to rezone 0.42 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 7. Consideration of Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

**8. Consideration of Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

**9. Consideration of Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South.**

Ms. Blaine stated that both staff and Planning Commission recommended approval with two conditions as follows: 1. The plan indicates that the overhead power (OHP) line that bisects the site will be relocated to the east side of the site. The perimeter landscape strip should be located outside the OHP easement. (This condition will be administered by Public Works /Environmental Management.) 2. Development shall provide an integrated style of Stormwater management. Techniques should be used to create water quality/ runoff reduction facilities that can be used as green spaces within the new and existing development. (This condition will be administered by Public Works/Environmental Management.)

Jahnee Prince stated that she was a Representative for the Parker Poe Law Firm. She stated that the subject property was already zoned C-H which allowed self- storage facilities, but while permits were being reviewed, staff determined that there had been conditions of zoning placed on the property in 1987 that restricted the property to only shopping centers. Ms. Prince provided the Board with a brief outline of the request.

No one spoke in favor or in opposition.

Vice Chairman Gibbons moved to approve Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South with two conditions. Commissioner Rousseau seconded.

Mr. Davenport asked if the Petitioner agreed to the two conditions.

Ms. Prince stated that they would agree to both conditions but stated that she felt one of the conditions needed clarification.

Environmental Management Director Bryan Keller stated that the goal of condition #1 was to keep the tree from under either of the power lines because if the power company needed to work on the lines then the trees would have to be taken down and then replaced, and this would help avoid that issue. This condition would remove them from that easement.

Vice Chairman Gibbons moved to approve Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South with two conditions. Commissioner Rousseau seconded. The motion passed 5-0.

**PUBLIC COMMENT:** None

**CONSENT AGENDA:**

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

- 10. Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2022 budget and approval to close completed Capital Improvements Plan (CIP) Projects.**
- 11. Approval of an agreement between CSX Transportation Inc, Fayette County, and the Georgia Department of Transportation for the Coastline Road Railroad Bridge replacement (GDOT PI 0015647 / 2004 SPLOST B-1).**
- 12. Approval of the February 10, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:** None

**NEW BUSINESS:**

- 13. Consideration of the Selection Committee's recommendation to appoint Gary Rower to the Fayette County Board of Elections for a term beginning February 1, 2022 and expiring January 31, 2026.**

Vice Chairman Gibbons stated that he and Commissioner Rousseau interviewed seven applicants for the Board of Elections open position. He stated that all the applicants were very enthusiastic and well qualified. Vice Chairman Gibbons stated that the goal was to select someone who was completely non-partisan and who placed an emphasis on enforcing the election laws of Georgia.

Chairman Hearn thanked Mr. Rower for his willingness to serve.

Commissioner Maxwell stated that Mr. Lester had served on the Board of Elections about twelve years so he hoped Mr. Rower would also be able to serve for a long time too.

Vice Chairman Gibbons moved to appoint Gary Rower to the Fayette County Board of Elections for a term beginning February 1, 2022 and expiring January 31, 2026. Commissioner Rousseau seconded. The motion passed 5-0.

- 14. Consideration of staff's recommendation to extend the existing Transfer Station Operations Agreement with Waste Management Inc. for an additional 180 days.**

Mr. Rapson stated that there had been discussion with Waste Management regarding operational improvements as well as some rate adjustments. He stated that Waste Management had been working with their staff to comprise some of these improvements. Mr. Rapson stated that there were some issues regarding the property permit and restrictions associated with it. As a result, some of the plans were hindered and nearing the end of the contract. He stated that this six-month extension would allow them time to provide the operational improvements and cost adjustments by the end of March. He stated that then he could come to the Board with a new contract in April or May. If a new contract cannot be reached this would still allow enough time to put out an Request For Proposal (RFP) and go out for solicitation.

Commissioner Rousseau commended Waste Management for the repaving efforts of the facility that had been done over the last few years to better serve their patrons. However, he was less impressed with their customer service level. Commissioner Rousseau stated that Waste Management did not answer the phones and their signage was confusing and outdated. He continued that he would love for the contract discussions to include the need for a heightened response level and a focus on customer care.

Commissioner Oddo moved to approve to extend the existing Transfer Station Operations Agreement with Waste Management Inc. for an additional 180 days. Vice Chairman Gibbons seconded. The motion passed 5-0.

**15. Consideration of staff's recommendation to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer \$159,386.34 available surplus from various Capital Improvement Projects, and \$100,000 from Recreation Maintenance and Operations.**

Fayette County Parks and Recreation Director Anita Godbee stated that it was her pleasure to discuss moving forward with the design and architectural service for the Parks and Recreation Multi-use facility. Mrs. Godbee stated that the primary goal of this facility was to replace the existing Kiwanis Park facility with a new 33,000 sq. ft. facility. She stated that Fayette County enlisted proposals from qualified consultants that had experience in providing architectural, engineering, and design service for multi-use facilities to meet the needs of the citizens as well as to ensure it was financially feasible and economically rewarding. She stated that there were sixteen bids submitted, two of the firms were disqualified prior to the evaluation committee's review. Mrs. Godbee stated that fourteen proposals were evaluated and scored by the evaluation committee utilizing both the technical merit and price. The evaluation committee was comprised of staff from Parks and Recreation, Public Works, Building Safety, Building & Grounds Maintenance, and Environmental Management. She stated that due to the number of proposals received and the range in scores, a short list of firms with the highest scoring evaluations to present oral presentations and further evaluation. The evaluation committee then scored the four firms, and the highest overall score was Lose Design, LLC. Mrs. Godbee outlined some of the services they provided would include site analysis, concept design, design and development etc. She added that the Purchasing department checked references, and everything came back highly favorable. She stated that staff was recommending approval to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer the necessary funds to fully fund the cost of services.

Chairman Hearn asked where Lose Design LLC, home office was located.

Ms. Godbee stated that Lose Design LLC was present at the Board Meeting and added that they had an Atlanta Office and a national office.

Whit Alexander, principal owner with Lose Design LLC, stated that the office that would be working on this project was in Gwinnett County.

Chairman Hearn stated that the reason he asked was because he enjoyed doing business with local firms, and he considered Gwinnett County local enough. He added that as a professional engineer he knew the difference between good and bad plans and was putting them on notice that Fayette County required excellence.

Commissioner Maxwell asked about the scoring and why there was such a difference in the scoring and why the lowest priced bidder was not awarded.

Mr. Rapson stated that when this project was placed out for bid the award qualifications were set at 70% based on technical merit and 30% based on price. The score was based on a point system that factored both technical merit and price.

Vice Chairman Gibbons stated that this project was a best value competition and had to be awarded based on the best value not best price.

Mr. Rapson stated that in looking at this project we now have a better idea of the actual cost of this facility, which could be closer to a \$10M-\$15M project, and one of the projects put on Special Purpose Local Option Sales Tax (SPLOST). And from a technical point of view, the four aspects of the technical scoring that were key included: understanding the approach, project team and individual experience, primary firms' qualifications, and scheduling and resource availability. He added all of these

components combined to create the technical score, which was ideal for a company that focused on multi-use/recreational facilities. Mr. Rapson stated that he was sure he could have found developers in the market that would have developed a recreational building for the first time, but that would not be what was best for Fayette County.

Commissioner Rousseau stated that his sentiment had always been that the goal was to provide the lowest responsible bidder and that does not always mean the lowest bidder. He stated that with  $\frac{3}{4}$  of the firm's staff dedicated to the proposition of recreation /multi-use facilities design this project would head in a positive direction. Commissioner Rousseau stated that he had discussed with Mrs. Godbee the need for community input, which was critically important to the design. He encourages everyone involved to be open minded and flexible as the project evolves. Commissioner Rousseau commended Mrs. Godbee for her years of service and as she continued to fight for this facility. Commissioner Rousseau asked Mr. Alexander if he was a registered member of GRPA.

Mr. Alexander stated yes, they were.

Commissioner Rousseau stated that GRPA was the Georgia Recreation and Park Association.

Commissioner Rousseau moved to approve to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer \$159,386.34 available surplus from various Capital Improvement Projects, and \$100,000 from Recreation Maintenance and Operations. Vice Chairman Gibbons seconded. The motion passed 5-0.

**16. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Richard Hand, for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82.**

County Attorney Dennis Davenport stated that this request stemmed from a transaction that occurred in 2008 in the widening of State Route 74. He stated that this request involved property being acquired from an estate as opposed to individuals that had previously purchased the property. Mr. Davenport stated that when the transfer was made to Georgia Department of Transportation (GDOT) in 2008 the names on the deed were different than what was expected because it was from an estate that was not filed, and it involved the heirs of the estate. Because of the lack of supplemental documentation to make the connection between the names on the deed conveying the property and the names on the deed placing the prior owners in ownership of the property, the title was never changed in the Tax Assessor's Office. The following year the estate was billed again and paid the taxes. Mr. Davenport noted that the Georgia Department of Transportation (GDOT) owned the property, but the estate was billed in error since 2008. He stated this issue was brought to the County's attention by Mr. Brad Sears who notified the county of a tax refund request on the Hand estate. Mr. Davenport stated that although we knew this was an error and a tax bill should not have gone out since 2008, the statute of limitations of three years comes into play. Mr. Davenport stated that he was recommending a refund for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82.

Ms. Sandra Greenleaf stated that she was a decedent of the Frank Hand estate. Ms. Greenleaf expressed her frustration and stated that her goal was to honor her mother's wishes to pay the property taxes for the estate as required. She stated that she did not know how the error went on so long, since 2008. She urged the Board to do the right thing.

Commissioner Rousseau reiterated that state law prohibited the Board from going back further than three years. He suggested she speak with her State Representative and in the future perhaps the Board could, in situations like this, review with the State, the statute of limitations for possible revision. Commissioner Rousseau commended her grandmother for her perseverance and dedication in raising and providing for her family. He thanked Ms. Greenleaf for telling her story.

Commissioner Maxwell explained to Ms. Greenleaf that unfortunately the statute of limitation was three years and the Board could only go back three years. The Board had to follow the law.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Richard Hand, for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82. Vice Chairman Gibbons seconded. The motion passed 5-0.

**17. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Kelly Brooks, for tax year 2020 in the amount of \$1,075.87.**

Mr. Davenport stated that this request was regarding a property in Brooks where a structure was moved from the property and the Tax Assessors Office was unaware that the structure had been moved and the property was assessed as if the structure was still there. Mr. Davenport stated that he was recommending a refund for tax year 2020 in the amount of \$1,075.87.

Vice Chairman Gibbons moved to approve the disposition of tax refund, as requested by Kelly Brooks, for tax year 2020 in the amount of \$1,075.87. Commissioner Oddo seconded. The motion passed 5-0.

**18. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Heather Scott, for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96.**

Mr. Davenport stated that this tax refund involved a difference in the square footage of the home. He stated that an error on the property record card the square footage was shown as 1962 sq. ft. but should be 1800 sq. ft., this was verified by the Tax Assessors Office. Mr. Davenport stated that he recommended a refund for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Heather Scott, for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96. Vice Chairman Gibbons seconded. The motion passed 5-0.

**19. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pamela Bouie, for tax years 2018 and 2019 in the aggregated amount of \$1,070.91.**

Mr. Davenport stated that this tax refund request was also an error on the property record card. The property record card showed the structure was 1.75 stories when its 1.5 stories as well as the square footage showing as 5835 as opposed to the correct square footage of 5038. Mr. Davenport stated that he recommended a refund for tax years 2018 and 2019 in the aggregated amount of \$1,070.91.

Ms. Bouie asked why tax year 2020 was not included.

Mr. Davenport clarified that there was a tax appeal on the property in 2020 which is what brought this request before the Board, as a result the appeal itself corrected the value of 2020.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Pamela Bouie, for tax years 2018 and 2019 in the aggregated amount of \$1,070.91. Vice Chairman Gibbons seconded. The motion passed 5-0.

**20. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Generations Auto Body and Restoration LLC, for tax year 2020.**

Mr. Davenport stated that this was a tax refund that the Board did not see often, because it was a refund for personal property. He stated that when someone returns their personal property, they provide the value, and they have a deadline to do so. Once that value is provided the Tax Assessors accepts it. He added that if a mistake was made it would have to be corrected the following year. He stated that the refund request system was only in place when the Tax Assessors made an error and typically its limited to real property. As a result, he was recommending denial of this tax refund request

Commissioner Rousseau moved to approve denial of the disposition of tax refund, as requested by Generations Auto Body and Restoration LLC, for tax year 2020. Vice Chairman Gibbons seconded. The motion passed 5-0.

**21. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Diana Ross-McCullough, for tax year 2019.**

Mr. Davenport stated that this tax refund involved the timing of the filing of a homestead exemption. He stated that a homestead exemption was filed by the property owner in October of 2019, however the homestead exemption deadline was April 1. So, the October 2019 filing would affect the 2020 tax year. As a result, he was recommending denial of this tax refund request

Commissioner Rousseau moved to approve denial of tax refund, as requested by Diana Ross-McCullough, for tax year 2019. Vice Chairman Gibbons seconded. The motion passed 5-0.

**22. Consideration of the approval of grant funds awarded to the Griffin Judicial Circuit in the amount of \$789,969, effective March 1, 2022, and approval to pay the County's portion of \$196,042.**

Commissioner Rousseau moved to approve grant funds awarded to the Griffin Judicial Circuit in the amount of \$789,969, effective March 1, 2022, and approval to pay the County's portion of \$196,042. Commissioner Oddo seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

**A: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – State Court**

**B: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – Solicitor General Office**

**C: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – Water System**

Mr. Rapson stated that based on the approvals under the public hearings for rezonings, staff would work on amending the Land Use Plan, the overlay district, and the Comprehensive Plan.

Mr. Rapson also advised that the Board of Commissioner held the LOST Negotiation Meeting with the municipalities. They would be moving forward with the distributions once all four of the cities' approvals were received. The Board would then ratify the Local Option Sales Tax (LOST) at the same time as the service delivery strategy.

**ATTORNEY'S REPORTS:** None

**COMMISSIONERS' REPORTS:**

**Commissioner Rousseau**

Commissioner Rousseau apologize for his absence at the Local Option Sales Tax (LOST) Negotiation Meeting

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Chairman Hearn moved to adjourn the February 24, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The February 24, 2022 Board of Commissioners meeting adjourned at 5:55 p.m.

\_\_\_\_\_  
Marlena M. Edwards, Chief Deputy County Clerk

\_\_\_\_\_  
Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10<sup>th</sup> day of March 2022. Referenced attachments are available upon request at the County Clerk's Office.

\_\_\_\_\_  
Marlena Edwards, Deputy County Clerk

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to add the ability for employees in the Defined Contribution Retirement Plan to invest in a Roth 'feature', in addition to existing pre-tax options.

**Background/History/Details:**

Currently the defined contribution retirement plan only allows employees to invest contributions and county match funds into various funds on a pre-tax basis. This plan amendment would allow employees the flexibility to also invest in a Roth 457(b) money type, which can provide additional tax savings.

There will be no additional administrative costs to add this feature.

**What action are you seeking from the Board of Commissioners?**

Approval of staff's request to add the ability for employees in the Defined Contribution Retirement Plan to invest in a ROTH 'feature', in addition to existing pre-tax options.

**If this item requires funding, please describe:**

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

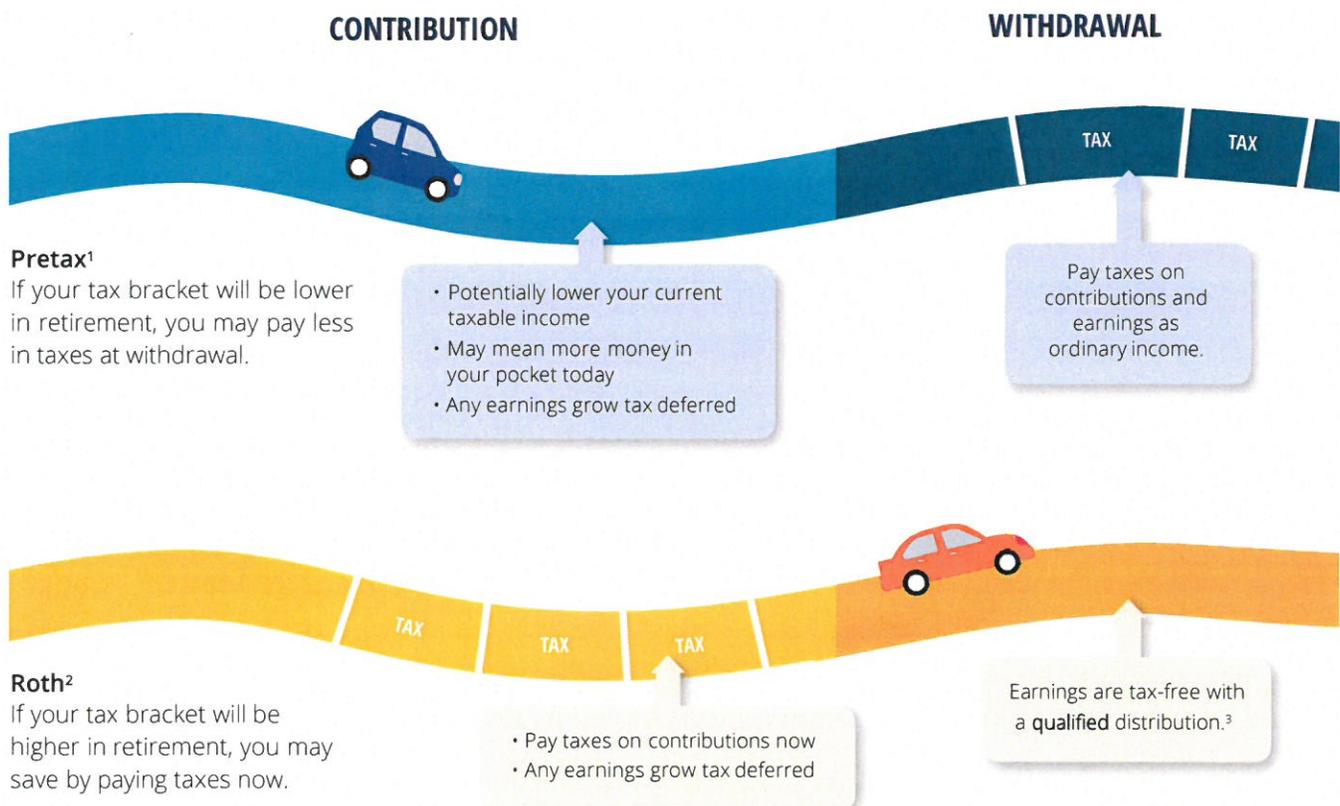
County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# Pretax or Roth: Which road to take?

Before you determine which road or combination of roads may be right for you, you'll need to consider a few important factors, including when you want to pay taxes. Let's take a closer look.



► Visit [learningfromempower.com](http://learningfromempower.com) to access helpful information, videos, calculators and more

## What to know before you hit the road

	PRETAX CONTRIBUTIONS	ROTH CONTRIBUTIONS
Is my contribution taxable in the year I make it?		✓
Is my contribution taxed when distributed?	✓	
Are potential earnings on my contributions taxed when distributed?	✓	No, provided that it is qualified distribution. <sup>3</sup>
Can I contribute to both Roth and pretax plans?	✓	✓
If I change jobs, can I roll over my account?	✓	✓
	Yes, to an eligible employer plan (if the plan allows it) or to an IRA. <sup>4</sup>	
If I experience a financial hardship, can I make a withdrawal?	✓	✓
	Yes, if your plan allows hardship withdrawals.	
Do I have to take a minimum distribution at age 72?	✓	✓
	Once you reach age 72, you are generally required to begin taking minimum distributions. <sup>5</sup>	
What is the maximum amount I can contribute?	Combined limit for contributions in 2022: \$20,500 or \$27,000, including the additional \$6,500 age 50+ catch-up contribution	

### empowermyretirement.com

1 Contributions are made prior to tax withholding.

2 Contributions are made after tax withholding.

3 Subject to requirements: Roth contributions must be in your account for at least five years and the money withdrawn after you have reached age 59½, died or been disabled. If a distribution is not qualified, the earnings are taxed as ordinary income and may be subject to early withdrawal penalties.

4 Eligible employer plans include: qualified plans (e.g., 401(k), governmental 457(b) and 403(b) plans). Roth contributions can only be rolled over to another designated Roth account or to a Roth IRA.

5 If you are still employed with the employer who sponsors the plan or if you are less than a 5% owner of the business sponsoring the plan, you may not be required to take a minimum distribution. The RMD age is 70½ for individuals who turned 70½ on or before December 31, 2019. The RMD age is 72 for individuals who turn age 70½ after December 31, 2019. Refer to your plan provisions for more information.

Investing involves risk, including possible loss of principal.

**Securities offered and/or distributed by GWFS Equities, Inc., Member FINRA/SIPC.** GWFS is an affiliate of Empower Retirement, LLC; Great-West Funds, Inc.; and registered investment adviser, Advised Assets Group, LLC. This material is for informational purposes only and is not intended to provide investment, legal or tax recommendations or advice.

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# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's request to approve an amendment to the Defined Contribution Retirement Plan, to allow distributions to participants who are ineligible employees and currently receive only supplemental compensation from the County.

**Background/History/Details:**

This is a housekeeping issue to address a scenario that could not have been foreseen when the plan was put in place in 2009. We currently have an employee who was 100% on Fayette County payroll but is now on state payroll but still receiving a supplement from the County as the agent of the Griffin Judicial Circuit. Although this employee can no longer contribute to the plan and even though the County is not contributing, because they are still receiving a W-2 from the County they are considered a County employee by the IRS and under the current defined contribution plan document they are ineligible to make a withdrawal from their account. This plan amendment will allow in-service distributions for an additional class of employee who has had funds in the plan for at least two years and is currently ineligible to participate but receives only supplemental compensation from the County.

Staff feels this plan amendment could also be beneficial in the future as the current scenario could conceivably occur again with other employees, as long as Fayette County serves as the payroll and administrative agent for the Griffin Judicial Circuit.

**What action are you seeking from the Board of Commissioners?**

Approval of an amendment to the Defined Contribution Retirement Plan, to allow distributions to participants who are ineligible employees and currently receive only supplemental compensation from the County.

**If this item requires funding, please describe:**

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

## 34. OTHER PERMITTED DISTRIBUTIONS (select all that apply; leave blank if none apply)

## A. IN-SERVICE DISTRIBUTIONS (Plan Section 6.11)

In-service distributions will NOT be allowed (except as otherwise permitted under the Plan without regard to this provision) unless selected below (if applicable, answer a. - e.; leave blank if not applicable):

a.  In-service distributions may be made to a Participant who has not separated from service provided the following has been satisfied (select one or more) (options 2. - 5. may only be selected with Profit Sharing Plans):

1.  Age. The Participant has reached: (select one)
  - a.  Normal Retirement Age
  - b.  age 62
  - c.  age 59 1/2 (may not be selected if a Money Purchase Pension Plan)
  - d.  age 70 1/2
2.  the Participant has been a Participant in the Plan for at least \_\_\_\_\_ years (may not be less than five (5))
3.  the amounts being distributed have accumulated in the Plan for at least 2 years
4.  other: For a Participant who is an ineligible Employee and currently receives only "supplemental compensation" from the Employer, the amounts being distributed have accumulated in the Plan for at least 2 years (must satisfy the definitely determinable requirement under Regulations §401-1(b); may not be subject to Employer discretion; and must be limited to a combination of items a.1. – a.3. or a Participant's disability.)

**More than one condition.** If more than one condition is selected above, then a Participant only needs to satisfy one of the conditions, unless selected below:

5.  A Participant must satisfy each condition

NOTE: Distributions from a Transfer Account attributable to a Money Purchase Pension Plan are not permitted prior to age 62.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's recommendation to approve Contract #1229-P: Radio Communications Consultant Change Order #2: Expanded Scope Support.

**Background/History/Details:**

Fayette County operates a Public Safety radio system which is housed at the 911 Communications Center, and provides services to the cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office, Marshal's Office, and the Fire and Emergency Medical Services.

On June 22, 2017, the Board of Commissioners awarded Contract #1229-P to Mission Critical Partners, Inc. to serve as consultants in acquisition of an upgraded radio system, in the amount of \$290,000. Change Order #1 in the amount of \$90,000 was approved on July 11, 2019.

Implementation and Project Support portion of the contract was calculated based on the unusual complexity and uncertainty of this type of project. As implementation moves forward, it has become apparent that additional effort will be required to address issues that have become known during this critical phase of the project.

**What action are you seeking from the Board of Commissioners?**

Approval of Contract #1229-P: Radio Communications Consultant Change Order #2: Expanded Scope Support.

**If this item requires funding, please describe:**

The \$75,000 of funding is available in the 2017 SPLOST project 17PAA.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**911 Communication Center**

140 Stonewall Avenue West  
Fayetteville, GA 30214  
Phone: 770-305-5413  
www.fayettecountyga.gov

To: Steve Rapson  
From: Katye Vogt  
Date: March 10, 2022  
Subject: Contract #1229-P: Radio Communications Consultant  
Change Order #2: Expanded Scope Support

Fayette County 911 operates a Public Safety radio system in our mission to provide services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office and Marshal's Office, and Fire and Emergency Medical Services among others.

Mission Critical has been a vital part of our team in evaluating the respondents to Fayette County's Public Safety Radio System RFP. Their experience was crucial in ensuring a comparison which evaluated like items to like in the extensive responses received. We have continued to rely on their expertise in several areas and require their services going forward. Their review of product orders, tower assessments, and other documents always provides additional insight to assist in our decision making process. This interactive process helps to ensure the system will function as required to help provide reliable communications for our Fayette County Public Safety members as an added layer of protection and through them, to our citizens.

Mission Critical has also been heavily involved in securing a positive outcome with respect to tower negotiations. They have reviewed documents, participated in conference calls, and utilized members of their team to assist in said negotiations which were not anticipated at the time of the original contract. Their continued support is necessary to identify and address issues during the most critical implementation stage of the project.

Therefore, it is my recommendation to proceed with proposed change order #2 for contract 1229-P. Please feel free to contact me should you require any further information.

Katye Vogt

A handwritten signature in blue ink that reads "Katye Vogt".

Director  
Fayette County 911 Communications



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TLB*

From: Natasha M. Duggan *ND*

Date: March 10, 2022

**Subject: Contract 1229-P: Radio Communications System Consultant  
 Change Order #2: Expanded Scope Support**

Fayette County, Georgia operates a Public Safety radio system which is housed at the 911 Communications Center and provides services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone; Fayette County Board of Education; Fayette County Sheriff's Office, the Marshal's Office; and Fire and Emergency Medical Services.

On June 22, 2017, the Board of Commissioners awarded Contract #1229-P to Mission Critical partners, Inc. to serve as consultants in acquisition of an upgraded radio system, in the amount of \$290,000. On July 11, 2019, Change Order #1 was awarded to provide for an expanded site lease negotiation effort, variations in the original set of licensable frequencies, and an extended timeline.

Change Order #2 is being requested to address significant expanded scope support that is necessary to address issues that have become known as the project implementation phase has proceeded. The scope of work from Mission Critical Partners for this change order is attached (Attachment 1).

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#1229-P: Radio Communications System Consultant	
<b>Contractor</b>	Mission Critical Partners	
Original Not to Exceed (NTE)	\$290,000	
Change Order #1	90,000	
<b>This Change Order</b>	<b><u>75,000</u></b>	
Revised NTE	\$455,000	
<b>Budget:</b>		
Fund	<b>322</b>	<b>2017 SPLOST</b>
Org Code	32230800	911 SPLOST
Object	541210	Other Improvements
Project	17PAA	Public Safety Radio
Available	\$9,104,706.36	As of 3/1/2022

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Mission Critical Partners	Contract Number: 1929-P
Mailing Address: 4801 Glenwood Ave. Ste. 200	Contract Description or Title: Radio Communications System Consultant
City, St, Zip Code: Raleigh, NC 27612	Contract Term (Dates) From: 7/2019 – Present
Phone Number: 919-390-0321	Task Order Number: n/a
Cell Number: n/a	Other Reference: This is for change orders to contract 1929-P
E-Mail Address: MikeMilas@missioncriticalpartners.com	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

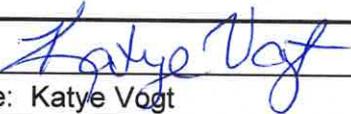
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products			X		
3. Quality of work		X			
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

### EVALUATED BY

Signature: 	Date of Evaluation: 03/02/22
Print Name: Katye Vogt	Department/Division: 911 Communications
Title: 911 Director	Telephone No: 770-320-6053



## Change Order 2

### Contract #1229-P Radio Communications System Consultant (MCP Project #17-145)

In collaboration with Fayette County, Georgia (County) staff, Mission Critical Partners, LLC (MCP) has identified significant expanded scope support that will be necessary to address issues that have become known as the project implementation phase has proceeded. The following explanation of expanded scope is in addition to added scope elements that were documented in Change Order 1 which was approved by the County in July of 2019.

**1. Additional Scope –** Several factors have increased MCP scope in support of this project. Some of these factors have been driven by project staffing changes within EFJohnson to include the replacement of their principal sub-contractor for site development work and a double transition of the assigned EFJohnson Systems Engineer. **These staffing changes have resulted in the following additional scope for MCP:**

- A second review of the new sub-contractors work plans and drawings for civil work.
- Review of discrepancies between actual vs. drawing based antenna placements and cable ladders at numerous sites.
- Provide short spacing frequency evaluation. Two separate requests.
- Pricing re-negotiations on purchases of radios outside the contract for municipalities
- Software mismatch negotiations on outside contract purchases required for the system to support the above.

**The following is a list of additional scope that the County has requested:**

- ARES radio antenna design modification and coordination support.
- Assist in developing a plan to remove the old UPS units and to re-route internal shelter power. Inspect work after completion.
- Provide an on-site R56 grounding and lightning protection audit of selected County facilities and equipment shelters and make recommendations for any necessary remediation work.
- Provide a review of the County legacy enterprise microwave design and plan.

**2. Additional Extensions to the Implementation Timeline –** Change order 1 adjusted the original project timeline of 14 months to an anticipated length of 22 months. However, site lease negotiations were unexpectedly complicated and iterative, requiring almost an entire year to arrive at lease terms that were acceptable to the County. This has added another 12 months to the 22-month schedule, which has become a 34-month schedule.

The desire and contractual requirement to complete coverage testing with full foliage means that coverage testing will now occur in the summer of 2022. This will further extend the project completion date. The project end date is now anticipated to be July or August of 2022.

This schedule extension will require additional support from MCP to align with the longer implementation phase effort.



## Project Pricing – Change Order 2

Professional services described in this Change Order 2 will be provided by MCP for a **total fee of \$75,000**, including expenses.

### Agreement

Fayette County, Georgia, and Mission Critical Partners, LLC agree to this Change Order 2 documented herein, effective the 28th day of February, 2022. Change Order 2 is an addition to the already executed Contract and does not replace or supersede the terms and conditions established therein.

**Fayette County, Georgia**

---

Date

**Mission Critical Partners, LLC**

---

**John L. Spearly**  
Director of Contract Administration

2/25/2022

---

Date

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of staff's recommendation to approve Contract #1229-P: Radio Communications Consultant Change Order #3: General Consulting and Long-Term System Support.

**Background/History/Details:**

Fayette County operates a Public Safety radio system which is housed at the 911 Communications Center, and provides services to the cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office, Marshal's Office, and the Fire and Emergency Medical Services.

On June 22, 2017, the Board of Commissioners awarded Contract #1229-P to Mission Critical Partners, Inc. to serve as consultants in acquisition of an upgraded radio system, and their expertise has been in the continued progress of a project critical to providing services to the citizens of Fayette County in an emergency.

This Change Order is being requested to provide this continued support for the first two years of system operation. In addition, it will allow 911 communications to utilize Mission Critical Partners in a general consulting capacity for future projects developed to enhance the delivery of emergency communications and public safety services in Fayette County.

**What action are you seeking from the Board of Commissioners?**

Approval of Contract #1229-P: Radio Communications Consultant Change Order #3: General Consulting and Long-Term System Support.

**If this item requires funding, please describe:**

The \$50,000 of funding is available in the 2017 SPLOST project 17PAA.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**911 Communication Center**

140 Stonewall Avenue West  
Fayetteville, GA 30214  
Phone: 770-305-5413  
www.fayettecountyga.gov

To: Steve Rapson  
From: Katye Vogt  
Date: March 10, 2022  
Subject: Contract #1229-P: Radio Communications Consultant  
Change Order #3: General Consulting and Long-Term System Support

Fayette County 911 operates a Public Safety radio system in our mission to provide services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office and Marshal's Office, and Fire and Emergency Medical Services among others.

Mission Critical has been a vital part of our team in evaluating the respondents to Fayette County's Public Safety Radio System RFP. Their experience was crucial in ensuring a comparison which evaluated like items to like in the extensive responses received. We have continued to rely on their expertise in several areas and require their services going forward. Their review of product orders, tower assessments, and other documents always provides additional insight to assist in our decision making process. This interactive process helps to ensure the system will function as required to help provide reliable communications for our Fayette County Public Safety members as an added layer of protection and through them, to our citizens.

Mission Critical has also been heavily involved in securing a positive outcome with respect to tower negotiations. They have reviewed documents, participated in conference calls, and utilized members of their team to assist in said negotiations which were not anticipated at the time of the original contract. Their ongoing, long-term support is vital to the success of the radio system in the first two years of operation. It is my belief that they will also be instrumental in providing general consulting support in future projects as 911 technology changes.

Therefore, it is my recommendation to proceed with proposed change order #3 for contract 1229-P. Please feel free to contact me should you require any further information.

Katye Vogt

A handwritten signature in blue ink that reads "Katye Vogt".

Director  
Fayette County 911 Communications



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess 

From: Natasha M. Duggan 

Date: March 10, 2022

**Subject: Contract 1229-P: Radio Communications System Consultant  
 Change Order #3: General Consulting and Long-term System Support**

Fayette County, Georgia operates a Public Safety radio system which is housed at the 911 Communications Center and provides services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone; Fayette County Board of Education; Fayette County Sheriff's Office, the Marshal's Office; and Fire and Emergency Medical Services.

On June 22, 2017, the Board of Commissioners awarded Contract #1229-P to Mission Critical partners, Inc. to serve as consultants in acquisition of an upgraded radio system, in the amount of \$290,000. On July 11, 2019, Change Order #1 was awarded to provide for an expanded site lease negotiation effort, variations in the original set of licensable frequencies, and an extended timeline. Change Order #2 provided expanded scope support to address issues that became known as the project implementation phase proceeded

Change Order #3 is being requested to provide general consulting support related to future projects and long-term radio system support for two years following radio system completion. The scope of work from Mission Critical Partners for this change order is attached (Attachment 1).

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#1229-P: Radio Communications System Consultant	
<b>Contractor</b>	Mission Critical Partners	
Original Not to Exceed (NTE)	\$290,000	
Change Order #1	90,000	
Change Order #2	75,000	
<b>This Change Order</b>	<b><u>50,000</u></b>	
Revised NTE	\$505,000	
<b>Budget:</b>		
Fund	<b>322</b>	<b>2017 SPLOST</b>
Org Code	32230800	911 SPLOST
Object	541210	Other Improvements
Project	17PAA	Public Safety Radio
Available	\$9,104,706.36	As of 3/1/2022



## Change Order 3

### Contract #1229-P Radio Communications System Consultant (MCP Project #17-145)

In collaboration with Fayette County, Georgia (County) staff, Mission Critical Partners, LLC (MCP) has identified additional scope that will support 911 and Public Safety Planning to enhance communications services and to provide longer-term support of the new radio system. The following explanation of expanded scope is in addition to added scope elements that were documented in Change Orders 1 and 2.

1. **General Consulting Support for Public Safety and 911 Communications Planning** – This new scope would allow County staff to request and utilize the expertise of MCP resources over a two-year period following radio system completion and acceptance to support short and long-term planning related to other potential system(s) and facilities upgrades. MCP would support the planning process and the development of project scopes and budgetary estimates related to future projects such as the new Back-up 911 Center and EOC, replacement of the 911 Center's CAD, replacement of the 911 Center's console furniture, and other projects that would serve to enhance the ability of public safety agencies and the 911 Center to provide communications services.

MCP support under this task would be to provide initial planning support for the above activities by making subject matter experts available to the County as appropriate. A separate scope of work and related fee will be jointly determined by the County and MCP for any significant new project that is approved by the County.

2. **Long-term Radio System Support** – For a two-year period following radio system completion and acceptance MCP will monitor post acceptance vendor activities under the warranty and maintenance agreements for alignment with the services that are to be provided. MCP will also provide general consulting support regarding staff questions or concerns related to the new radio system.

## Project Pricing – Change Order 3

Professional services described in this Change Order 3 will be provided by MCP for a **total fee of \$50,000**, including expenses.





## Agreement

Fayette County, Georgia, and Mission Critical Partners, LLC agree to this Change Order 3 documented herein, effective the 28th day of February, 2022. Change Order 3 is an addition to the already executed Contract and does not replace or supersede the terms and conditions established therein.

**Fayette County, Georgia**

---

Date

**Mission Critical Partners, LLC**

A handwritten signature in blue ink, appearing to read 'John L. Spearly', is written over a horizontal line.

**John L. Spearly**  
Director of Contract Administration

2/25/2022

Date

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Mission Critical Partners	Contract Number: 1929-P
Mailing Address: 4801 Glenwood Ave. Ste. 200	Contract Description or Title: Radio Communications System Consultant
City, St, Zip Code: Raleigh, NC 27612	Contract Term (Dates) From: 7/2019 – Present
Phone Number: 919-390-0321	Task Order Number: n/a
Cell Number: n/a	Other Reference: This is for change orders to contract 1929-P
E-Mail Address: MikeMilas@missioncriticalpartners.com	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

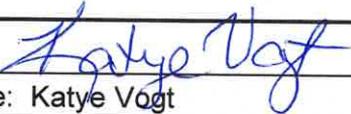
**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products			X		
3. Quality of work		X			
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time			X		
9. Adherence to contract budget and schedule			X		
10. Other (specify):					
11. Overall evaluation of contractor performance			X		

### EVALUATED BY

Signature: 	Date of Evaluation: 03/02/22
Print Name: Katye Vogt	Department/Division: 911 Communications
Title: 911 Director	Telephone No: 770-320-6053



## Change Order 3

### Contract #1229-P Radio Communications System Consultant (MCP Project #17-145)

In collaboration with Fayette County, Georgia (County) staff, Mission Critical Partners, LLC (MCP) has identified additional scope that will support 911 and Public Safety Planning to enhance communications services and to provide longer-term support of the new radio system. The following explanation of expanded scope is in addition to added scope elements that were documented in Change Orders 1 and 2.

1. **General Consulting Support for Public Safety and 911 Communications Planning** – This new scope would allow County staff to request and utilize the expertise of MCP resources over a two-year period following radio system completion and acceptance to support short and long-term planning related to other potential system(s) and facilities upgrades. MCP would support the planning process and the development of project scopes and budgetary estimates related to future projects such as the new Back-up 911 Center and EOC, replacement of the 911 Center's CAD, replacement of the 911 Center's console furniture, and other projects that would serve to enhance the ability of public safety agencies and the 911 Center to provide communications services.

MCP support under this task would be to provide initial planning support for the above activities by making subject matter experts available to the County as appropriate. A separate scope of work and related fee will be jointly determined by the County and MCP for any significant new project that is approved by the County.

2. **Long-term Radio System Support** – For a two-year period following radio system completion and acceptance MCP will monitor post acceptance vendor activities under the warranty and maintenance agreements for alignment with the services that are to be provided. MCP will also provide general consulting support regarding staff questions or concerns related to the new radio system.

## Project Pricing – Change Order 3

Professional services described in this Change Order 3 will be provided by MCP for a **total fee of \$50,000**, including expenses.



## Agreement

Fayette County, Georgia, and Mission Critical Partners, LLC agree to this Change Order 3 documented herein, effective the 28th day of February, 2022. Change Order 3 is an addition to the already executed Contract and does not replace or supersede the terms and conditions established therein.

**Fayette County, Georgia**

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Date

**Mission Critical Partners, LLC**

A handwritten signature in blue ink, appearing to read 'John L. Spearly', is written over a horizontal line.

John L. Spearly  
Director of Contract Administration

2/25/2022

Date