

## BOARD OF COUNTY COMMISSIONERS

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



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

July 28, 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**

Chairman Lee Hearn called the July 28, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present. Commissioner Eric Maxwell was absent.

### **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. Commissioner Charles Rousseau seconded. The motion passed 4-0. Commissioner Maxwell was absent.

### **PROCLAMATION/RECOGNITION:**

### **PUBLIC HEARING:**

- 1. Consideration of Petition No. 1320-22, G-Squared Events Holding, LLC, Owner, and Alvin Williams, Agent, request to rezone 25 acres from R-40 to G-B to expand a movie/television studio complex; property located in Land Lot 198 of the 13th District and front(s) on S.R. Highway 138.**

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

Commissioner Rousseau recused himself from consideration of this item. He stated that the subject property was in District 4, and that he engaged in conversations with the applicant regarding future needs of employment and training for the community in that area. He noted that while he could efficiently deliberate in discussion and consideration of this item, he felt it would be prudent to recuse himself. Commissioner Rousseau left the chambers during discussion.

Ms. Blaine asked Ryan Cooper, representative of the petitioner, if he was ok with proceeding with the Public Hearing, even though less than a full board was present at the meeting.

County Attorney Dennis Davenport explained as clarification the gravity of moving forward with less than a full board. He stated that approval of any item required three votes, meaning that if this item received 2-1 votes, that would be a denial.

Ms. Blaine stated that both staff and the Planning Commission recommended approval with the following four conditions:

1. That the subject property be combined with the adjacent G-B tract to the west by a deed and said deed be recorded prior to submittal of a site plan. 2. That all existing structures have to be removed from the subject property within 180 days of the effective date of the rezoning. 3. That the owner/developer extend the waterline at their expense per the comments of the Fayette County Water System. 4. That the owner/developer establish a 100-foot buffer along boundary line of the subject property and the adjacent lot to the east (parcel 1306-017). The buffer shall provide for a greater separation of uses and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in the buffer but shall be set back a minimum of 50 feet from the property line. Said 50 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer.

Alvin Williams, with Cinema South Studies, stated that he was fine with all the conditions.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. 1320-22, G-Squared Events Holding, LLC, Owner, and Alvin Williams, Agent, request to rezone 25 acres from R-40 to G-B to expand a movie/television studio complex; property located in Land Lot 198 of the 13th District and front(s) on S.R. Highway 138, with the outlined four conditions. Commissioner Charles Oddo seconded. The motion passed 3-0. Commissioner Rousseau recused himself and Commissioner Maxwell was absent.

Commissioner Rousseau returned to the chambers.

#### **PUBLIC COMMENT:**

#### **CONSENT AGENDA:**

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

2. **Approval of staff's request to auction two (2) surplus boats, one (1) boat trailer and one (1) boat motor.**
3. **Approval to award annual Bid #2131-B to Faultless Business Center as primary vendor for dump truck hauling services for fiscal year 2023 for a total award amount of \$170,551.41.**
4. **Approval of the July 14, 2022 Board of Commissioners Meeting Minutes.**

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

5. **Request to award Contract #2103-B, Fayette County Sheriff Office (FCSO) Hewell Road Renovation, to Brewer Construction Group, LLC in the amount of \$507,995.88 and approval to transfer \$19,035.36 from CIP #5565H (Links - Sheriff's Training Center) to fully fund the contract.**

Tim Symonds, the Project Manager for the Hewell Road Renovation Project, stated that as the Board was aware, the Hewell Road property was purchased at the beginning of the year as part of the Fayette County Sheriff Office training facility development. He stated that this was only one part of the tactical driving course portion of the facility. He stated that this property was hoped to be used for a driving and firearms simulator, as well as a defensive tactics area. Mr. Symonds stated that Brewer Construction Group, LLC was the lowest bidder. Mr. Symonds stated that he did reach out to references of Brewer Construction Group, LLC to ensure their quality of work was up to par for Fayette County and received "glowing accommodations". He stated

that he was seeking approval to award Contract #2103-B, Fayette County Sheriff Office (FCSO) Hewell Road Renovation, to Brewer Construction Group, LLC.

Vice Chairman Gibbons moved to approve to award Contract #2103-B, Fayette County Sheriff Office (FCSO) Hewell Road Renovation, to Brewer Construction Group, LLC in the amount of \$507,995.88 and approval to transfer \$19,035.36 from CIP #5565H (Links - Sheriff's Training Center) to fully fund the contract. Commissioner Oddo seconded the motion.

Chairman Hearn thanked Mr. Symonds for checking references. He stated that this helped to select the right contractors for County projects.

Vice Chairman Gibbons moved to approve to award Contract #2103-B, Fayette County Sheriff Office (FCSO) Hewell Road Renovation, to Brewer Construction Group, LLC in the amount of \$507,995.88 and approval to transfer \$19,035.36 from CIP #5565H (Links - Sheriff's Training Center) to fully fund the contract. Commissioner Oddo seconded the motion. The motion passed 4-0. Commissioner Maxwell was absent.

**6. Request to award annual Bid #2132-B to E.R. Snell Contractor, Inc of Tyrone as annual vendor for asphalt services for fiscal year 2023 with a not-to-exceed amount of \$1,182,425.**

Road Department Director Steve Hoffman stated that the purpose of request was seeking approval to award annual Bid #2132-B to E.R. Snell Contractor, Inc of Tyrone as the annual vendor for asphalt services for fiscal year 2023, with a not-to-exceed amount of \$1,182,425.

Commissioner Rousseau moved to approve to award annual Bid #2132-B to E.R. Snell Contractor, Inc of Tyrone as annual vendor for asphalt services for fiscal year 2023 with a not-to-exceed amount of \$1,182,425. Commissioner Oddo seconded.

Chairman Hearn asked if the County had worked with E.R. Snell Contractor Inc. before.

Mr. Hoffman stated yes.

Commissioner Rousseau moved to approve to award annual Bid #2132-B to E.R. Snell Contractor, Inc of Tyrone as annual vendor for asphalt services for fiscal year 2023 with a not-to-exceed amount of \$1,182,425. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

**7. Request to approve Resolution 2022-07, to acquire from MBT Investments, LLC, a 57 +/- acre parcel of land located in Land Lot 140 of the 5th District, east of 355 McDonough Road, also known as a portion of tax parcel 05-33-007 for \$500,000.**

Parks and Recreation Director Anita Godbee stated that, presented before the Board was an opportunity to purchase a 57 +/- acre parcel of land located in Land Lot 140 of the 5th District, east of 355 McDonough Road, also known as a portion of tax parcel 05-33-007. This property had the potential to provide a passive recreation for the County in the future. She stated that the intent of the Resolution presented to the Board, was to acquire the property from MBT Investments, LLC for \$500,000.

Commissioner Rousseau moved to approve Resolution 2022-07, to acquire from MBT Investments, LLC, a 57 +/- acre parcel of land located in Land Lot 140 of the 5th District, east of 355 McDonough Road, also known as a portion of tax parcel 05-33-007 for \$500,000. Vice Chairman Gibbons seconded.

Chairman Hearn asked Mrs. Godbee what was currently on the property.

Mrs. Godbee stated that staff had the opportunity to tour the property and it consisted of a lot of "passive area" meaning trees and flatland. She noted that there was also a beautiful lake/pond on the property. She stated that there was space for trails and

fishing in the pond and the potential for a BMX trail. Mrs. Godbee emphasized that this park would be for passive recreation, a nature area, which the County did not have.

Chairman Hearn stated that it was good to know that any approved projects or development at this park would not have to be completed right away or all at the same time. He added that he felt it would be a great opportunity for the County to take advantage of.

Commissioner Rousseau moved to approve Resolution 2022-07, to acquire from MBT Investments, LLC, a 57 +/- acre parcel of land located in Land Lot 140 of the 5th District, east of 355 McDonough Road, also known as a portion of tax parcel 05-33-007 for \$500,000. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

### **ADMINISTRATOR'S REPORTS:**

#### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items for Executive Session. One item involving pending litigation and the review of the Executive Session minutes for June 23, 2022.

#### **COMMISSIONERS' REPORTS:**

##### **Commissioner Rousseau**

Commissioner Rousseau stated that his comments at the start of the meeting, in reference to his recusal of item #1, were in reference to employment opportunity for the community, which in his estimation, the County did not have a good grasp of at Trilith and Pinewood Studios as it related to locals being employed. As well as training of youth to prepare them for future opportunities. He noted that while he could have efficiently deliberated in discussion and consideration of that item, he felt it would be prudent to recuse himself.

Commissioner Rousseau stated that he wanted to lift and acknowledge the Clayton County Police Officer that was recently injured in the line of duty. He stated that he wanted to send his regards to her family and sincerely wishes a speedy recovery.

Additionally, he sent his regards to the family that was in an incident over the weekend in Fayette County and extended some kudos to Fayette County law enforcement professionals for remaining safe.

Commissioner Rousseau stated that in reference to the Community Remembrance Coalition flyer that was left on the dais, he noted that he had received good feedback with respect to the initiative. He extended his appreciation to County Clerk, Tameca Smith for her efforts as part of the coalition.

He concluded that the County had several new principals and advised that he would be reaching out to welcome them and offer assistance as the new school year approaches. He also recognized the Fayette County School Board for their efforts in hiring new school bus drivers and offering a decent wage and the recent milestone achievement they received.

##### **Chairman Hearn**

##### **ACCG Leadership Conference**

Commissioner Rousseau moved to nominate Charles Oddo as the voting delegate the ACCG Legislative Leadership Conference. Vice Chairman Gibbons seconded. The motion passed 4-0.

Chairman Hearn stated that Fayette County Board of Commissioners would hold two Special Called Public Hearings on Thursday August 18, 2022 for the purpose of hearing public input of the milage rate increased these hearing will be held at 10:00 a.m. and at 6: p.m. These hearing will be held at the Administrative Complex at 140 Stonewall Ave. W. in the Public Meeting Room Fayetteville, Georgia 30214.

Chairman also stated that he and Public Works Director Phill Mallon met with the Chairman and County Manager of Henry County to discuss the McDonough Road project. He stated that they were warmly received and welcomed and noted that they welcomed the opportunity to speak with Georgia Department of Transportation (GDOT) to assist in making the McDonough Road project a priority. He stated that he also had the opportunity to discuss this project with the Clayton County Chairman who welcomed the opportunity to speak with GDOT.

#### **Commissioner Oddo**

Commissioner Oddo stated that the County was losing another valuable employee, Chanelle Blaine. He thanked her for her hard work, wishing her the best.

#### **Vice Chairman Gibbons**

Vice Chairman Gibbons stated that as a point of clarification for citizens. He stated that outside of County right-of-way, the County had no authority, nor responsibility to go onto private property to investigate or correct a perceived or actual issue or concern.

Vice Chairman Gibbons extended his appreciation to local and regional law enforcement professionals for all they do.

#### **EXECUTIVE SESSION:**

**One item involving pending litigation and the review of the Executive Session minutes for June 23, 2022.** Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The Board recessed into Executive Session at 5:26 p.m. and returned to Official Session at 5:34 p.m.

**Return to Official Session:** Vice Chairman Gibbons moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Maxwell was absent.

**Approval to Sign the Executive Session Affidavit:** Commissioner Oddo moved for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Mr. Davenport advised the Board of the Delmar Bernard Workers Compensation Settlement. He stated that the settlement was in the amount of \$115,000, along with a Medicare set aside in the amount of 13,658, for a total of \$128,658. The agreement included a voluntary resignation with release from employment and confidentiality provision, a general release of all claims against the County, and a non-admission of any wrong- doing on behalf of the county.

Vice Chairman Gibbons approved the proposed settlement agreement. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

**Executive Session Minutes:** Commissioner Oddo moved to approve the June 23, 2022 Executive Session Minutes. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

#### **ADJOURNMENT:**

Vice Chairman Gibbons moved to adjourn the July 28, 2022 Board of Commissioners meeting. Chairman Hearn seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The July 28, 2022 Board of Commissioners meeting adjourned at 5:36 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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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 11<sup>th</sup> day of August 2022. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk