



TAMECA P. SMITH, County Clerk
BOARD OF COMMISSIONERS
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FILE NOTE:

The agenda of the Board of Commissioners for September 8, 2022, states under Consent Agenda that the minutes for August 11, 2022 was up for approval by the Board. That is incorrect.

The Board approved the backup presented for the September 8, 2022 meeting, which included the correct minutes for August 25, 2022, not August 11, 2022.

This file note is to document the intent and correct the erroneous information on the September 8, 2022 agenda. Below is the order for what was approved by the Board of Commissioners in the order it was presented in the agenda packet:

2. Approval of the August 18, 2022 Millage Rate First Public Hearing Minutes. (pages 4-6)
3. Approval of the August 18, 2022 Millage Rate Second Public Hearing Minutes. (pages 7-9)
4. Approval of the August 25, 2022 Board of Commissioners Meeting Minutes. (pages 10-18)

Tameca P. Smith, County Clerk

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

September 8, 2022
5:00 p.m.

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

Call to Order

Chairman Lee Hearn called the September 8, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present. Commissioner Charles Rousseau was absent.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

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

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

Keith Larson of the City of Peachtree City stated that he was a community advocate with Bike Walk Fayette. Mr. Larson expressed his concerns regarding road, cyclist, and pedestrian safety. Mr. Larson briefly discussed and outlined the "Vision Zero" initiative and strategic goal being adopted by numerous agencies throughout Georgia. He noted that Vision Zero was a strategy to eliminate all traffic fatalities and serious injuries. Mr. Larson urged the Board to support the safety action plan that would be discussed later in the meeting.

CONSENT AGENDA:

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

- 1. Request to appoint Fayette County Assistant Fire Chief Scott Roberts to fill the unexpired term of retired Assistant Fire Chief Steven Folden to the West Georgia EMS Council to expire June 30, 2023.**
- 2. Approval of the August 11, 2022 Board of Commissioners Meeting Minutes.** (Please see file note)
- 3. Approval of the August 18, 2022 Millage Rate First Public Hearing Minutes.** (Please see file note)

4. Approval of the August 18, 2022 Millage Rate Second Public Hearing Minutes. (Please see file note)

OLD BUSINESS:

NEW BUSINESS:

5. Request to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022.

County Administrator Steve Rapson stated that this was the Intergovernmental Agreement with the City of Peachtree City to conduct a Special Called election as a result of a council member recently stepping down.

Chairman Hearn asked how many candidates had qualified for the position.

Elections Director Brian Hill stated that qualifying for candidates had not started but would begin September 14th through September 16th.

Vice Chairman Gibbons moved to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

6. Public update on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) projects and referendum.

Mr. Rapson stated that Public Works Director Phil Mallon would be presenting this update on behalf of Environmental Management Director Bryan Keller who was absent due to the recent loss of his father.

Mr. Mallon stated that he first needed to correct a typo noted in the agenda request. The request noted that the SPLOST budget for Fayette County for transportation projects was estimated at \$94M, but this was actually the total budget for all county projects.

Mr. Mallon stated that the Board was already aware of the majority of the information provided in this update. He continued that there was an existing 2017 Special Purpose Local Option Sales Tax (SPLOST) that was about to expire. He stated that he was very proud of the project delivery of the outlined projects from the 2017 SPLOST. He added that staff was very diligent at maintaining the 2017 SPLOST list which helped keep citizens abreast of how their tax dollars were being used. He encouraged citizens to visit the website where they could review a detailed list of the 2017 SPLOST projects. Mr. Mallon provided the Board a brief overview of the 2023 SPLOST. He stated that currently, Fayette County had a \$0.07 tax rate, with \$0.04 going to the State of Georgia, \$0.01 going to LOST, \$0.01 to the Board of Education and \$0.01 going to SPLOST. He stated that what would be recommended with this updated list of projects, if approved by voters, would be to continue the \$0.01 rate for SPLOST. Mr. Mallon stated that to-date over fifty-five 2017 SPLOST projects had been completed and an additional thirty project were in various phases of design, right-of-way acquisitions, or construction. He continued that the financial projections for the 2023 SPLOST was that it would generate approximately \$210M over a six-year period with distributions allocated to the County and municipalities within the county. Mr. Mallon stated that the 2023 SPLOST county proposed projects were divided into five primary categories. The Justice Center Renovations- 3rd Floor Buildout with \$14.5M budgeted; Public Safety with \$15,350,000 budgeted; Parks and Recreation, and Human Services with \$16,750,000 budgeted; Stormwater Improvement Project with \$21,628,900 budgeted, and Transportation Improvements with \$26.5M budgeted. Mr. Mallon briefly itemized a few of the projects noted within these primary categories. Together the total estimated budget to complete these projects would be \$94,728,900.

Mr. Rapson explained that the mythology and approach that was used for the successful 2017 SPLOST would be followed again with the 2023 SPLOST. He stated that supporting documentation, pictures, data sheets would be provided for each project listed in a 2023 SPLOST book. He added that these books would be placed at the cities and their books would be available at the County, in an effort to maintain transparency and keep the citizens aware and engaged. He continued that this would be the first time that citizens would have the opportunity to review the proposed list of projects. There would be stakeholder meetings scheduled to receive input. Mr. Rapson stated that along with citizen input, recommendations from the Board would be gathered and a final list comprised to be reviewed and approved by the Board.

Chairman Hearn stated that the fact that this county had already delivered several projects helped build citizen confidence and looked good when going out and speaking with constituents about additional projects.

Mr. Rapson stated that the two big projects that would involve increased public outreach and education would be the Justice Center Renovation and the Recreational Multiuse Facility.

Commissioner Charles Oddo stated that, although the projected value of these projects was \$95M, because of the ability to leverage the funds and apply for grant aid, the actual value was worth much more than \$95M to the county.

Vice Chairman Gibbons asked how much was received from the last SPLOST?

Mr. Mallon stated more than \$10M. He added that the project fact sheets were available on the website for those who were interested in reviewing a complete listing. He stated that the projects selected to be included in the 2023 SPLOST were selected based on thorough analysis, review of several studies and public input. Mr. Mallon reviewed the 2023 SPLOST Timeline which began May 2022 and included collaboration meetings with the cities, open houses and Board presentations, staff reviews, meetings with jurisdictions' mayors, public outreach and education, the official Board of Commissioners resolution adoption and that it would end with the SPLOST Election in March 2023.

Mr. Rapson extended a "kudos" and job well done to Bryan Keller, Courtney Hassenzahl and their team.

Vice Chairman Gibbons asked if the Election in March 2023 was a regularly scheduled election.

Mr. Rapson stated that this would be a Special Called Election.

No vote was taken.

7. Consideration of Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County.

Planning and Zoning Director Deborah Bell stated that this request was for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis. She stated that the property had been annexed by the previous property owners. Mrs. Bell stated that the properties to the north, south, and across the street from the subject property were all in unincorporated Fayette County. If approved by the Board, the request would be submitted to the City of Fayetteville to complete the process. Mrs. Bell stated once approved by the City of Fayetteville a rezoning request would be presented to the Board for zoning approval. She advised that staff recommended approval of the request.

Commissioner Oddo asked what would happen if the City of Fayetteville rejected the request.

County Attorney Dennis Davenport stated that there was not an issue of the City of Fayetteville objecting, because their permission was needed to deannex a property. He explained that this process began at the request of the property owner. It was

dependent upon the property owner to check with the City of Fayetteville to determine their willingness to deannex the property. The property owner also had to check with the County because we would be providing services if the deannexation was approved. Mr. Davenport stated that the County would typically pass this type of resolution on the front end of the process to serve as a signal to the City of Fayetteville that the County was willing to accept the property if they were willing to deannex. Once the deannexation was approved a subsequent zoning process would occur to ensure the property was properly zoned in Fayette County.

Vice Chairman Gibbons moved to approve Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

8. Request to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis.

911 Director Katye Vogt stated that this request was seeking Board approval to enter into an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis. Ms. Vogt stated that unofficially the two counties had supported each other over the years and this agreement would make it official.

Commissioner Oddo moved to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

9. Request to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose.

Mr. Rapson stated that this was a request for Change Order #3 with Yancey Power System for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30. He stated that as the project moved forward, unknown issues were discovered and this was the cost to get it back up and running.

Vice Chairman Gibbons stated that it was his understanding that it would have cost over \$500K to replace the generator.

Mr. Rapson stated, yes.

Commissioner Oddo moved to approve to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose. Vice Chairman Gibbons seconded. The motion passed 4-0. Commission Rousseau was absent.

10. Request to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match.

Mr. Mallon stated that ultimately, he was seeking approval from the Board to allow staff to submit a Safety Action Plan grant to the Office of the Secretary of Transportation (USDOT) to secure funding for the study. Mr. Mallon provided the Board a brief overview. He stated that the Board may have been aware that via the Infrastructure Investment and Jobs Act (IIJA) / Bipartisan Infrastructure Law there was a tremendous amount of funding and programs coming to the State and local governments. Atlanta Regional Commission (ARC) was assisting local governments with identifying and managing potential opportunities for funding.

Mr. Mallon stated that the proposed grant application was for the development of a Safety Action Plan under the Safe Streets for All (SS4A) program. The Federal Department of Transportation (DOT) was expected to award hundreds of Action Plan Grants in FY 2022 and having an Action Plan was a prerequisite for submitting an Implementation Plan Grant application in subsequent years. The purpose of the Safe Streets and Roads for All (SS4A) grants was to "improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on ALL users." The Safe Streets and Roads for All (SS4A) Notice of Funding Opportunity was a new discretionary grant under the Bipartisan Infrastructure Law (BIL), that would provide \$1B annually for five years for each of FY22-26. The Federal Department of Transportation DOT must award no less than 40% of SS4A funds made available for that fiscal year to develop comprehensive safety action plans, of which 80% would be federal funding, and 20% would be local cost share. Mr. Mallon noted that the Federal Department of Transportation DOT was seeking to make awards based on safety impact, equity, and additional safety considerations. Mr. Mallon stated that the Plan Application deadline was September 15, 2022. He continued that there were some requirements, if approved by the Board. The Board would have to be committed to the improving roadway safety, which was the premise of the plan. He stated that there had to be a committee, task force, or implementation group for oversight of plan development, implementation, and monitoring, which we have the Transportation Committee that could serve that role. There would have to be safety analysis, and public engagement and stakeholder.

Commissioner Oddo moved to approve to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

11. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021.

Mr. Davenport stated that before the Board was a tax refund request from Mr. Bannister who purchased property on Gable Road in 2019. Later that year, Mr. Bannister removed a residential structure from the property. Mr. Davenport stated that the Tax Assessor and the property record card had that structure on the books for 2020 and 2021 because there was never an amended return of value or permit pulled to remove the structure which would have notified the office of the activity. Mr. Davenport stated that since there was no illegal or erroneous issue, with respect to the Tax Assessors, the recommendation was to deny the tax refund request for Mr. Bannister.

Commissioner Oddo asked if it had been adjusted moving forward.

Mr. Davenport stated yes it had been adjusted.

Vice Chairman Gibbons moved to County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021. Commissioner Oddo seconded.

Commissioner Maxwell asked Mr. Davenport to please include the dollar figure of the refund request on his recommendation memos.

Mr. Davenport stated he would make sure they were included in future memos.

Vice Chairman Gibbons moved to County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

12. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021.

Mr. Davenport stated that before the Board was a tax refund request from Prime Image Properties submitted by Alfred Lee Dingler for tax year 2021 regarding property located on North Jeff Davis Dr. He stated that an issue came about related to the value of the property. Mr. Davenport stated that the value of the property increased substantially due to a change in the use of the property from \$209K to \$665K from 2020 to 2021. Mr. Davenport stated that Mr. Dingler and Prime Image Properties were questioning the value issue of the increase and believe it was incorrect. Mr. Davenport stated that the value issue of a property was handled through a tax appeal of which the deadline has passed for this year. He stated that a tax refund request was only approved if an illegal or erroneous action occurred by the County, which was not the case. Mr. Davenport stated that his was to deny the request. A letter was sent to Mr. Dingler advised him of the meeting.

Vice Chairman Gibbons moved to approve the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Rousseau was absent.

13. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52.

Mr. Davenport stated that before the Board was a tax refund request from Mae L. London. He stated that this request was regarding acreage of property. Mr. Davenport stated that the property record card had an incorrect acreage amount listed. He added that the record card had been updated. Mr. Davenport stated that the refund request was being recommended for approval as outlined in the memo. A letter was sent to Ms. London advising her of the meeting.

Commissioner Maxwell advised Ms. London that the law only allowed the Board to go back three years. He added that he noticed she owned the property for over 30 years and would vote to go back further, if allowed.

Commissioner Oddo moved to approve the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

14. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15.

Mr. Davenport stated that before the Board was a tax refund request from Pinewood Forest, LLC and was a complex account. He noted that because of the complexity of this account, the Tax Assessors meet annually with the account owner. During this annual meeting, an error was discovered. Mr. Davenport explained that as part of this property, parcels had been split and new tax ID numbers had been assigned, inadvertently, the old number was used to generate a tax bill when it had already been converted to the two new numbers. As a result, the property was taxed twice for 2020. Mr. Davenport advised that once recognized by the Tax Assessors Office the error was correct. Mr. Davenport stated that the refund request was being recommended for approval as outlined in the memo. A letter was sent to Pinewood Forest, LLC advising of the meeting.

Vice Chairman Gibbons moved to approve the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

ADMINISTRATOR'S REPORTS:

A: Contract #2152-A: Fire Station 7 Generator

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. Mr. Rapson stated that the update included details regarding Redwine Road Multi-Use Path, Parks and Recreation Multi-Purpose Facility, and the Election Building renovation.

ATTORNEY'S REPORTS:

Mr. Davenport advised there were no items for Executive Session but the approval of the August 25, 2022 Executive Session Minutes.

Executive Session Minutes: Vice Chairman Gibbons moved to approve the August 25, 2022 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 5-0.

COMMISSIONERS' REPORTS:

Commissioner Oddo

Commissioner Oddo extended his condolences to the Keller Family (Bryan Keller) and added that they were in his thoughts and prayers.

Vice Chairman Gibbons

Vice Chairman Gibbons extended his appreciation to Mr. Larson for his efforts and community advocacy.

Vice Chairman Gibbons also reminded everyone of the upcoming Anniversary of 9/11 and asked that everyone take a moment to think about and show appreciation for our first responders and military (past and present) and the sacrifices they make serving this country.

Chairman Hearn

Chairman Hearn stated that he had received a letter from the Mayor of Peachtree City expressing her appreciation for Sheriff Babb and Chief Hill for their assistance with the recent Walmart fire. Chairman Hearn stated that he had a meeting with City of Fayetteville Mayor Johnson regarding the Lafayette on the Square project and felt that there was going to be continued collaboration and compromise as the project moved forward.

EXECUTIVE SESSION:

ADJOURNMENT:

Commissioner Oddo moved to adjourn the September 8, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The September 8, 2022 Board of Commissioners meeting adjourned at 5:53 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 22nd day of September 2022. Attachments are available upon request at the County Clerk's Office.

Marlena M. Edwards, Chief Deputy County Clerk