

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

November 10, 2022

2:00 p.m.

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

Call to Order

Chairman Lee Hearn called the November 10, 2022 meeting to order at 2:02 p.m. Commissioner Eric Maxwell was absent at the start of the meeting, but arrived at 2:08 p.m.

Invocation and Pledge of Allegiance

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

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION: None.

PUBLIC HEARING: None.

PUBLIC COMMENT: None.

CONSENT AGENDA:

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

- 1. Approval to adopt the 2023 County Commissioner Meeting schedule.**
- 2. Approval of the October 27, 2022 Special Called Special Purpose Local Option Sales Tax (SPLOST) Meeting Minutes.**
- 3. Approval of the October 27, 2022 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

Chairman Hearn called a recess at 2:05 p.m. to allow Commissioner Maxwell to arrive. The reconvened at 2:08 p.m. Commissioner Maxwell arrived.

4. Request to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County for a not to exceed amount of \$1,019,269.51.

Water System Director Vanessa Tigert stated that this was a request to approve a contract agreement with Georgia Department of Transportation (GDOT) for a project to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Routes 74 and 54 in Peachtree City, in the amount of \$1,019,269.51.

Vice Chairman Gibbons moved to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County for a not to exceed amount of \$1,019,269.51. Commissioner Oddo seconded.

Commissioner Charles Rousseau asked about the funding.

County Administrator Steve Rapson stated that there was funding for the project.

Commissioner Eric Maxwell stated that this was contract that was hired by GDOT and that it was not a County doing the work, or our crew doing the work. He stated that the County was supplying the money to GDOT.

Ms. Tigert stated that was correct.

Vice Chairman Gibbons moved to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County [Peachtree City] for a not to exceed amount of \$1,019,269.51. Commissioner Oddo seconded. The motion passed 5-0.

5. Request to approve the Acknowledgment of Disclosure and Confirmation of Informed Consent document prepared by McNally, Fox, Grant & Davenport P.C. regarding the agreement between Fayette County and the Town of Tyrone for crack sealing services.

County Attorney Dennis Davenport stated that this was a similar contract that had come before the Board in the past. He stated that whenever the Town of Tyrone and Fayette County contract together, since his firm represented both entities, the Board was informed that both are represented and there was a potential for conflict, although he did not see the conflict. He stated that the Board was welcomed to bring in another law firm, if preferred; otherwise, he was requesting the Board's consent to waive the potential conflict and move forward. He stated that his firm would do the same letter with the Town of Tyrone.

Commissioner Oddo moved to approve the Acknowledgment of Disclosure and Confirmation of Informed Consent document prepared by McNally, Fox, Grant & Davenport P.C. regarding the agreement between Fayette County and the Town of Tyrone for crack sealing services. Vice Chairman Gibbons seconded. The motion passed 5-0.

6. Request to approve the Crack Seal Project Agreement between the Town of Tyrone and Fayette County.

Road Department Director Steve Hoffman stated that this was a request to approve the agreement with the Town of Tyrone for a crack seal project.

Vice Chairman Gibbons moved to approve the Crack Seal Project Agreement between the Town of Tyrone and Fayette County. Commissioner Oddo seconded. The motion passed 5-0.

7. Request to award Bid #2177-B Micro Surfacing to Asphalt Paving Systems, Inc. in the amount of \$560,155.00.

Vice Chairman Gibbons moved to approve Bid #2177-B Micro Surfacing to Asphalt Paving Systems, Inc. in the amount of \$560,155.00. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Mr. Rapson highlighted the following from the Hot Topic Projects:

Redwine Road Multi-Use Pathway, Parks and Recreation Multi-Purpose Facility Design, Elections Building Renovation (Old Fire House 4), and the Ebenezer Church Road Bridge Replacement.

He stated that the County was in the process of having the corridor study for State Route 279 project. Public notices are posted on the County's website and a survey available.

The County participated in the National Association of Counties (NACo) initiative, Operation Green Light in honor of Veterans by placing green lights at the Administration Complex and at Heritage fountain. He stated that it was the birthday for the Marine Corps.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were six (6) items for Executive Session. Two items involving pending litigation, one item involving real estate acquisition, two items involving threaten litigation and the review of the Executive Session minutes for October 27, 2022.

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons: Vice Chairman Gibbons gave an update regarding the Health Department Building. He stated that the County received the final bid for the construction of the building on October 26 at \$17.5 million, not including FFE (furniture, fixtures and equipment). He stated that the County had been tracking a funding shortfall on the building since the inception. He stated that initial it was for a couple million dollars. He stated that the last estimate on construction was potentially \$13 million and then when the County received the bid it was significantly more. He stated that the shortfall was approximately \$7 to \$8 million. He stated the Board of Health had gone back to the Department of Health and asked for additional funds. The ask was for \$5 million and it was confirmed, by email from the chairman of the Board of Health, that the funding was not available from the Georgia Department of Health. He stated that the Board of Health also voted to have the Chairman of the Board of Health and the interim District 4 Director to write a letter the local legislative delegation outlining the shortfall. Vice Chairman Gibbons stated that he spoke with Chairman Hearn, and with the Board's permission, he would like to have Chairman Hearn co-sign the letter, on behalf of the Board, to see if the local delegation can assist with funding. He stated that it would be prudent to have staff to conduct an analysis of alternatives for the ARPA (American Rescue Plan Act) funding, currently committed to the Board of Health building, as well as any other options for downsizing the building or bringing it back into a scope within the funding available. Vice Chairman Gibbons stated that he would like to see the analysis at the first meeting in January 2023.

Vice Chairman Gibbons thanked all the stakeholders involved in the Ebenezer Church Bridge project. The funding came from Georgia Department of Transportation, Atlanta Regional Commission, and the county Special Local Option Sales Tax dollars. He stated that it was a great joint project.

He wished the Marines a happy birthday. He stated that it was the 247th anniversary of the United Marine Corp. He recognized all the Veterans and thanked them for their service.

Commissioner Oddo: Commissioner Oddo congratulated Commissioner Rousseau and Commissioner Gibbons on being re-elected. He stated that they have been diligent commissioners and that was what the county needed. He also congratulated others that ran for election. He stated that it took a lot to run for office and serve the community.

Commissioner Oddo wished the veterans a happy Veterans Day and happy Thanksgiving. He stated that Thanksgiving was his favorite holiday, because “you don’t give gifts, you don’t get gifts, you just stop and count your blessings for being in this wonderful country.”

Commissioner Rousseau: Commissioner Rousseau echoed the comments about Veterans Day and Thanksgiving.

He stated that he asked that Vice Chairman Gibbons reiterate what he was seeking to get from the staff’s analysis. Vice Chairman Gibbons stated that he was not putting it in a motion. He was just suggesting that the Board direct the County Administrator to do the analysis. He stated that he was fine with putting it in a motion if that was preferred.

Commissioner Rousseau thanked the voters of District 4 that entrusted him to represent them and give the best level of service that he could with the information provided. He thanked staff for the work that they do and responsiveness. He stated that it does not go unnoticed. He thanked the Board for their service as they deliberated issues together for the citizens of the county.

Vice Chairman stated that he thought it would be a good idea if Chairman Hearn, perhaps spoke to the school superintendent about using the former Booth Middle School building as a potential site for the Department of Health. He stated that it could be done quickly and that it would not hurt to ask.

Chairman Hearn agreed.

Commissioner Maxwell: Commissioner Maxwell thanked those that voted on Tuesday. He stated that the administrative staff at the Elections Department did a wonderful job. He stated that his next comment was not a criticism of the administrative staff of the Elections Department, but an observation of the Board of Elections. He stated that the Board of Commissioners did not run the Board of Elections. That board was appointed by the Republican Party; one seat, the Democratic Party; one seat and one appointment of the citizenry by the Board of Commissioners. He stated that the Board did not get a lot of complaints about the Board of Elections. He stated that he did not want complaints regarding the Board of Elections to cast a bad shadow on the Board of Commissioners. He stated that he did not know exactly what happened, but there was a letter in the newspaper and then a response letter in the newspaper from a member of the Board of Elections. He continued that he did not think it was a good idea to write letters to the newspaper. He stated that he was disappointed to see that the Board of Commissioners’ appointee to the Board of Elections was the one that wrote the response letter to the newspaper. He stated that he did not particularly care for the tone of the letter. He stated that there appeared to be mistakes made by Elections. The administrative side of Elections owned up to the mistakes and he was very disappointed that the appointee that the Board of Commissioners made was the one that wrote the letter. Commissioner Maxwell stated that he was not asking the Board to do anything further, but it really bothered him that it happened and that this was not an isolated incident from that member.

Commissioner Maxwell stated that regarding the Board of Health, it started as a small project. He stated that he was not against the project. The project was fast-tracked when the County received the ARPA funding. He stated that the discussion would have been different without that funding. He stated that it was the Georgia Department of Health that did not have any funding. He stated that writing the delegation was the right thing to do, but that unless the Governor approved the funding it was not going to happen. He stated that he did not want to drain the County’s reserved funds to build the building when the State of Georgia was not interested in putting any more than \$1 million into the project. He stated that using the former Booth Middle School was possibly the best solution.

He stated that he appreciated all the veterans and wished them a happy Veterans Day. He stated that his dad was a veteran, and we should always remember the veterans.

Commissioner Rousseau stated that he was glad Commissioner Maxwell clarified that the one piece he was not inclined to agree with, was to drain the County's funds. He stated that he wanted to be clear that he wanted staff to look at all relevant avenues. He stated that he would then be more comfortable with whatever the alternative was, but exhausting all avenues was critical at this stage. He stated that when speaking on the issues that involve public safety, the Board was ready to support them, and fund them. He stated that the people on the frontlines, in an inadequate space during COVID, had come to the Board to make the new health building a reality, if within the Board's power. He stated that he was inclined to do all that he could. He stated that he agreed with the comment about the delegation. He encouraged his colleagues, in regard to the Governor, that have a relationship through association, to use their influence to encourage the Governor to use the reserve that he talked about being available, to provide the level of service to the community and to the staff that do the work and put their lives on the line, as they have done during the last two and a half years, providing public safety to the residents of this county.

Chairman Hearn: Chairman Hearn stated that he attended the Atlanta Regional Commission (ARC) retreat. He stated that the budget, staff and planning was discussed. He stated that he learned a lot.

He thanked the Public Works Director Phil Mallon and staff for the work done with Ebenezer Church Bridge project.

Chairman Hearn stated that the ultimate compliment for a commissioner was to not have anyone run against you. He congratulated Commissioner Rousseau and Vice Chairman Gibbons and stated that he looked forward to continuing to work with both.

He stated that he had sent an email to the Board regarding the ordinance requirements related to barns and shop, as well as, direction of panels, roll-up doors, swinging doors and barn doors. He stated that he would like to have staff bring a recommendation on how to clean up the ordinance. He stated that from his perspective, he did not see a lot of difference in terms of architectural appeal. He stated that he wanted staff to bring a recommendation in January.

County Administrator Steve Rapson stated that staff would determine the timeline because to change the ordinance required some steps from the other commissions. He stated that staff would bring that back to the Board. He stated that staff had outlined some concerns in the November 8 email and that if the Board had any feedback, please let staff know.

EXECUTIVE SESSION:

Two items involving pending litigation, one item involving real estate acquisition, two items involving threaten litigation and the review of the Executive Session minutes for October 27, 2022. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 2:38 p.m. and returned to Official Session at 3:47 p.m.

Return to Official Session: Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

Mr. Davenport stated that the County had a situation that occurred on July 31, 2022 where a Fayette County Sheriff's Office, 2020 Tahoe was involved in a motor vehicle collision at the fault of the other driver. He stated that the value of the Tahoe was \$37,249 and it was completely totaled. The insurance company of the other driver only had coverage up-to \$25,000 for this type of accident. Liberty Mutual was the insurance company and offered to settle for \$25,000, pursuant to their policy.

Vice Chairman Gibbons moved to accept the settlement of \$25,000 from Liberty Mutual. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Oddo moved to approve the Executive Session minutes from October 27, 2022. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the November 10, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The November 10, 2022 Board of Commissioners meeting adjourned at 3:49 p.m.

Tameca P. Smith, 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 8th day of December 2022. Attachments are available upon request at the County Clerk's Office.

Tameca P. Smith, County Clerk