

## BOARD OF COUNTY COMMISSIONERS

Lee Hearn  
Edward Gibbons  
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

January 12, 2023

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.

### OATH OF OFFICE:

**Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Edward Gibbons.**

Assistant Probate Court Judge Angela Landgaard administered the Official Oath and the Loyalty Oath to Commissioner-Elect Edward Gibbons. He was successfully sworn-in to the Board of Commissioners.

**Probate Court Judge Ann S. Jackson to administer the Loyalty Oath and Official Oath of County Commissioner of the State of Georgia to Commissioner-Elect Charles Rousseau.**

Assistant Probate Court Judge Angela Landgaard administered the Official Oath and the Loyalty Oath to Commissioner-Elect Charles Rousseau. He was successfully sworn-in to the Board of Commissioners.

### ORGANIZATIONAL SESSION:

#### **Call to Order by County Attorney Dennis Davenport**

County Attorney Dennis Davenport called the January 12, 2023 Organizational Meeting of the Board of Commissioners to order at 5:00 p.m. A quorum of the Board was present. He stated that according to Section 2-52 of the Fayette County Code, the county attorney had the duty and responsibility to open the first meeting of the year. He explained the process for electing the Chairman of the Board.

#### **Election of Board Chairman for the year 2023.**

County Attorney Dennis Davenport opened the floor for nominations for Chairman of the Board of Commissioners. Commissioner Edward Gibbons nominated Commissioner Lee Hearn as Chairman.

Commissioner Edward Gibbons moved to close the floor for nominations. Commissioner Charles Oddo seconded. The motion passed 5-0.

Commissioner Edward Gibbons moved to elect Commissioner Lee Hearn as Chairman. Commissioner Charles Rousseau seconded. The motion passed 5-0.

**Election of Board Vice Chairman for the year 2023.**

Commissioner Oddo nominated Commissioner Gibbons as Vice Chairman. Commissioner Rousseau seconded. The motion passed 5-0.

Commissioner Oddo moved to close the floor for nominations. Commissioner Rousseau seconded. The motion passed 5-0.

The Board moved to elect Commissioner Gibbons as Vice Chairman. The motion passed 5-0.

**OFFICIAL SESSION:**

**Invocation and Pledge of Allegiance by Commissioner Charles Rousseau**

Commissioner Charles Rousseau offered the Invocation and led the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Oddo moved to accept the agenda. Vice Chairman Gibbons seconded. The motion passed 5-0

**PROCLAMATION/RECOGNITION:**

**1. Recognition of the Fayette County 10<sup>th</sup> Annual Merry Door Decorating Contest winners.**

County Administrator Steve Rapson recognized Public Works for winning third place. He presented the Tax Assessor's as the second-place winners and the Marshal's Office as the first-place winners with trophies.

**PUBLIC HEARING:** None.

**PUBLIC COMMENT:**

Roy Bishop of Fayetteville expressed his concern regarding a storm drain at the corner of Georgia Avenue and Jeff Davis Road that sat too low from the road, causing issues when driving. He also expressed concern about the condition of the roadway on Rivers Road between Fayette County and Fairburn. He stated that the road was in bad condition with several potholes. Mr. Bishop noted that he was not sure if either of these road conditions concerns were County issues, but wanted to make sure the County was aware, if so.

**CONSENT AGENDA:**

Commissioner Oddo moved to approve the Consent Agenda as written. Vice Chairman Gibbons seconded.

Commissioner Rousseau asked for item #5 to be pulled for discussion.

Commissioner Oddo amended his motion to approve the Consent Agenda as written, with the exception of items #5 for discussion. Vice Chairman Gibbons amended his seconded. The motion passed 5-0.

- 2. Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
- 3. Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
- 4. Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
- 5. Approval of Task Order #1 of Contract #2128-B; Annual Contract for Waterline Extensions for FY23, to allow Shockley Plumbing to install the water main extension to connect to the Coweta County Water System for a not-to-exceed amount of \$202,568.**

Commissioner Rousseau stated that in an effort to remain consistent with his previous vote regarding this item, he asked to pull it, so it could be voted on separately.

Commissioner Oddo moved to approve Task Order #1 of Contract #2128-B; Annual Contract for Waterline Extensions for FY23, to allow Shockley Plumbing to install the water main extension to connect to the Coweta County Water System for a not-to-exceed amount of \$202,568. Vice chairman Gibbons seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

**6. Approval of the December 8, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

**7. Request to approve the recommendation of the Selection Committee, comprised of Vice Chairman Edward Gibbons and Commissioner Charles Rousseau, to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 21, 2028.**

Vice Chairman Gibbons advised the Board that Mr. Burch was a very qualified candidate for this position and had served the Board of Assessors and the citizens of Fayette County well during his previous tenure and was willing to continue to serve. He continued that, both he and Commissioner Rousseau, felt Mr. Burch was the best fit for the position.

Vice Chairman Gibbons moved to approve to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 21, 2028. Commissioner Rousseau seconded.

County Attorney Dennis Davenport advised the Board that the term date should actually be January 1, 2023 and expiring December 31, 2028.

Vice Chairman Gibbons amended his motion and moved to approve to re-appoint Sam Burch to the Board of Assessor position to serve a term beginning January 1, 2023 and expiring December 31, 2028. Commissioner Rousseau amended his seconded. The motion passed 5-0.

**8. Request to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, the transfer of \$140,000 donated funds, and a transfer of \$1,453,950.00 from undesignated fund balance.**

Animal Director Jerry Collins stated that this item was a request to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, He stated that the award amount was comprised of a transfer of a \$140,000 donation from Ms. G. Jones, and a transfer of \$1,453,950.00 from undesignated fund balance.

Commissioner Oddo asked for a brief overview of the proposed new Animal Shelter in comparison to the current facility.

Mr. Collins stated that the new facility would be more than double the current capacity and would be designed in a way that would be more efficient, which would help maintain cleanliness and provide disease control. Mr. Collins excitedly stated that "this facility was a long time coming!"

Commissioner Oddo commended Mr. Collins and his staff for a job well done in maintaining the animals at the shelter.

Chairman Hearn asked how old the current Animal Shelter was.

Mr. Collins stated from his research the current facility was constructed around the 1980's, with some minor work done shortly before he became the Animal Control Director.

County Administrator Steve Rapson stated that the County had a euthanasia policy in place that went into effect when the Animal Shelter was at full capacity. He commended Mr. Collins and his staff, stating that because of the partnerships he created with non-profit organizations and various animal advocate groups, there was no need to enact the policy due to capacity restraints. He noted that an animal shelter was considered a "No Kill" facility if it remained above 96%, the Fayette County Animal Shelter had remained at 98%-99% over the last eight years due in large to Mr. Collins' leadership.

Chairman Hearn expressed his appreciation to Mr. Collins and his staff for their hard work and dedication.

Mr. Collins praised his staff and expressed his appreciation for them, as well as the support he received from the Board.

Vice Chairman Gibbons moved to approve to award Contract #2052-B to Pro Construction of GA, LLC for the construction of a new Animal Shelter for the amount of \$2,971,416.00, the transfer of \$140,000 donated funds, and a transfer of \$1,453,950.00 from undesignated fund balance. Commissioner Oddo seconded. The motion passed 5-0.

**9. Request to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21, and approval to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached).**

Public Works Director Phil Mallon stated that this item was seeking Board approval to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Mr. Mallon acknowledged that this award amount was over the initial budget amount set in 2016 due to inflation. He also stated that it was determined that the project would be more complicated than originally planned due to some gas line logistics that was not originally accounted for and the path infrastructure was much more substantial. He also noted that they would be doing work for the Water System to take advantage of the contract, that was independent to the roundabout project. Mr. Mallon advised the Board that if approved it would be a two phased motion, the first phase would be to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796; and the second phase would be to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached).

Commissioner Oddo asked if there was a huge hole for the electric company at that intersection.

Mr. Mallon stated that there were several utilities in that area, and he may be referencing the gas regulating station at the corner that his team was working around. He stated that they would not have to move any of the large transmission lines and that the project had been designed around that.

Chairman Hearn stated that this was a welcomed project for citizens, residents, and travelers in the area and would provide a marked improvement in traffic.

Commissioner Oddo moved to approve to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Vice Chairman Gibbons seconded.

Commissioner Maxwell stated that he recalled issues with relocating the gas lines during the Dogwood Trail project. He asked if there was any concern regarding utility relocation or logistics.

Mr. Mallon stated that he was not expecting that type of closure and traffic would be maintained throughout the intersection.

Commissioner Maxwell stated that Redwine Road was a high traffic roadway and an alternate route to Highway 54 for travelers. He stated that he hoped there would be no closures to Redwine Road.

Mr. Mallon stated that the condition to maintain traffic on Redwine Road was included in the contract and was a factor in the high price point.

Commissioner Oddo moved to approve to award Bid #2184-B to McLeRoy, Inc. for the construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (17TAL) in the amount of \$3,070,796.21. Vice Chairman Gibbons seconded. The motion passed 5-0.

Commissioner Oddo moved to approve to transfer \$2,194,855.71 from various 2017 SPLOST projects to 17TAL (list attached). Vice Chairman Gibbons seconded. The motion passed 5-0.

**10. Request to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35.**

Road Director Steve Hoffman stated that this request was to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35.

Chairman Hearn stated that from experience he knew that resurfacing a road in warmer weather produces a better result. He stated that from his perspective he would not like to start this project until the weather was consistently warmer, however he would trust the judgment of the Road Department.

Mr. Hoffman stated that staff would be following Georgia Department of Transportation specification regarding road resurfacing. He noted that awarding the project allowed the County to be placed on C.W. Matthews, Inc.'s schedule. He also advised that he felt that providing a longer project duration allowed the County to get a cheaper price.

Commissioner Oddo moved to approve to award Bid #2191-B; Resurfacing FY23 to C.W. Matthews, Inc. in the amount of \$2,758,308.35. Vice Chairman Gibbons seconded. The motion passed 5-0.

**11. Request to approve Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800.**

Chief Hill requested approval of Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800.

Chairman Hearn asked for a brief overview of the equipment.

Chief Hill state that these were cardiac monitors/defibrillators with 12-lead EKGs that defibrillate, "shock", the heart for individuals who suffered a cardiac event and would translate that information to the emergency unit, so they are aware of the imminent patient status.

Commissioner Oddo asked how often this equipment was used.

Chief Hill stated that these incidents happen daily.

Vice Chairman Gibbons moved to approve Fayette County Fire & Emergency Services to purchase up to 12 Stryker LifePak 15 cardiac monitor/defibrillators at a price of \$542,800. Commissioner Oddo seconded. The motion passed 5-0.

**12. Consideration of a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis.**

Mr. Rapson advised the Board that this request was from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis. Mr. Rapson stated that this request was outside the current County parking policy and was being presented before the Board for direction. Under the current policy it would be denied because it was inconsistent with what was done in the past regarding parking on County property.

Chairman Hearn asked if the library was open on Sunday.

Mr. Rapson stated yes, the library was open on Sundays.

Chairman Hearn asked if approving this request would cause capacity issues.

Mr. Rapson stated that capacity was not the concern. He continued that this would be a decision of the Board to allow another entity to use County property for parking on a continuous basis. He stated that this issue would become more prevalent once the new apartments in the area were completed. He stated that a proposed access road was discussed previously and there was some sensitivity during discussions regarding the walkway that connected the new Fayetteville facilities to the library. Mr. Rapson stated that they had no problem working with the City of Fayetteville for sponsored events, however this was a private entity and outside of governmental use.

Chairman Hearn stated that if it was not creating a capacity concern, he did not have an issue with allowing other uses for the parking lot.

Commissioner Oddo stated that he would be hesitant to formalize an agreement or contract with a private entity to use the parking lot. He stated that he felt there was a separation issue that needed to be reviewed before formalizing an agreement. He stated that he did not feel the County had staff chasing away patrons that used the library parking lot on Sundays. Commissioner Oddo stated that he would prefer to maintain the current policy.

Vice Chairman Gibbons asked if the parking lot was being used on a first come, first serve basis.

Mr. Rapson stated yes. He also corrected his previous statement and advised the Board that the library was closed on Sundays. He stated that this request was outside of the existing policy and as a result, if the Board desired to make a decision regarding this request they would have to modify the current policy regarding parking on County property.

Vice Chairman stated that his concern was of a member of the congregation advised others that the parking lot was reserved as church parking on Sunday and an altercation ensued. He also stated that he felt this may set a precedent for parking at county facilities for non-governmental use.

Vice Chairman Gibbons moved to deny a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis.

Mr. Rapson stated this could also create an enforcement issue he did not want to put something in place that would not be enforced.

Vice Chairman Gibbons moved to deny a request from Southside Church in Fayetteville to use the library parking lot during Sunday services on a continuous basis. Commissioner Oddo seconded.

Commissioner Maxwell stated that he did not want to vote against the church but suggested that they vote not to change the current county parking policy and not including the church in the motion.

Vice Chairman Gibbons withdrew his motion.

Vice Chairman Gibbons moved to deny revising the current parking policy. Commissioner Maxwell seconded.

Commissioner Maxwell stated that the parking policy may need to be reviewed and revised in the future in reference to this specific area.

Commissioner Rousseau stated that this would create an enforcement issue and felt that formalizing an agreement could set a precedent. He noted that overnight parking would be a concern once the apartment complex was completed and would need to be addressed in the future. He stated that he was in agreement with maintaining the current policy.

Vice Chairman Gibbons moved to deny revising the current parking policy. Commissioner Maxwell seconded. The motion passed 5-0.

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

#### **A. Contract #2179-A: Water System Admin Bathroom Renovation**

##### **Hot Projects**

Mr. Rapson provided a report to the Board that included updates on the Redwine Road multi-use path, the Parks and Recreation multi-use facility, the Elections building renovation and Ebenezer Church Road bridge replacement.

Mr. Rapson also advised the Board that support, and assistance was extended to Spalding County, who had been hit badly by the recent storm.

Mr. Rapson concluded that he was wearing a University of Georgia jersey because he lost a bet and watched the Texas Christian University (TCU) get massacred.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were six items for Executive Session. Three items involving real estate acquisition, one item involving pending litigation, one item involving threatened, and the review of the Executive Session minutes for December 8, 2022.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Maxwell**

Commissioner Maxwell advised the Board of his recent meeting with the Peachtree City Rotary Club. He stated that he had a great time and talked about the Board of Commissioners and was able to highlight not only the years of experience held by the Board but also the knowledge and experience of the County Administrator, who was in attendance. Commissioner Maxwell stated that the Animal Shelter was a topic of discussion at the Rotary Club meeting, he noted that citizens and residents were interested in the work that was being done by the County and were diligently watching. He concluded expressing his excitement for the recent University of Georgia win, "Go DAWGS!"

#### **Commissioner Oddo**

Commissioner Oddo congratulated Vice Chairman Gibbons and Commissioner Rousseau on their re-elections, and Chairman Hearn and Vice Chairman Gibbons on their appointments. He wished everyone a Happy New Year. Commissioner Oddo stated that he was excited about the new Animal Shelter, expressing that it was a long time coming.

**Commissioner Rousseau**

Commissioner Rousseau echo the sentiments mentioned regarding Mr. Collins and his team, as well as plans for the Animal Shelter. He also relayed congratulations to his colleagues on their re-election and appointments. Commissioner Rousseau wished the Fayette County team a Happy New Year and relayed appreciation for the work they did on behalf of the residents of the county. Commissioner Rousseau asked the County Administrator to review the constitutional right to carry ordinance/laws, specifically as it related to county parks. He stated that he wanted to ensure the County's ordinance/laws properly addressed the topic and that signage was properly posted.

**Chairman Hearn**

Chairman Hearn expressed his appreciation to his colleagues and thanked them for their vote of confidence in voting for him as Chairman. He stated that he enjoyed serving and working with each of them and enjoyed the comradery of the Board.

Chairman Hearn also acknowledged Mr. Rapson and thanked him for his upcoming ten-years of service.

**EXECUTIVE SESSION:**

**Three items involving real estate acquisition, one item involving pending litigation, one item involving threatened, and the review of the Executive Session minutes for December 8, 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 5:52 p.m. and returned to Official Session at 6:12 p.m.

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

**Approval of the December 8, 2022 Executive Session Minutes:** Vice Chairman Gibbons moved to approve the December 8, 2022 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the January 12, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The January 12, 2023 Board of Commissioners meeting adjourned at 6:13 p.m.

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Marlena 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 26<sup>th</sup> day of January 2023. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk