

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

ACTION AGENDA

January 26, 2023
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

Vice Chairman Edward Gibbons called the December 8, 2022 meeting to order at 2:00 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 audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Eric Maxwell moved to accept the agenda. Commissioner Charles Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

PROCLAMATION/RECOGNITION:

1. **Recognition of Thomas "Tom" Waller for his years of service on the Fayette County Zoning Board of Appeals.**
2. **Presentation from State Court Judge Jason Thompson of the Accountability Court updates and strategic planning efforts for Fiscal Year 2023 and Fiscal Year 2024.**

PUBLIC HEARING:

Planning and Zoning Director Deborah Bell read the Introduction to Public Hearings

3. **Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District. This petition was tabled at the December 8, 2022 Board of Commissioners meeting.**

Vice Chairman Gibbons moved to table this item to the February 23, 2023 Board of Commissioners Meeting. Commissioner Maxwell seconded. The motion passed 3-0.

4. **Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-**

storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East. This petition was tabled at the December 8, 2022 Board of Commissioners meeting.

Vice Chairman Gibbons moved to table this item to the February 23, 2023 Board of Commissioners Meeting. Commissioner Maxwell seconded. The motion passed 3-0.

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:

Commissioner Maxwell moved to approve the Consent Agenda as written. Commissioner Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Charles Oddo was absent.

5. Approval of the January 12, 2023 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

6. Request to approve the Planning Commission Selection Committee's recommendation to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

Commissioner Rousseau moved to approve the Planning Commission Selection Committee's recommendation to reappoint John Culbreth to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

7. Request to approve the Planning Commission Selection Committee's recommendation to appoint John J. Kruzan to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025.

Commissioner Maxwell moved to approve Planning Commission Selection Committee's recommendation to appoint John J. Kruzan to the Planning Commission for a term beginning January 1, 2023 and ending December 31, 2025. Commissioner Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

8. Request to approve the Zoning Board of Appeals Selection Committee's recommendation to reappoint John Tate to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

Commissioner Rousseau moved to approve Zoning Board of Appeals Selection Committee's recommendation to reappoint John Tate to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

9. Request to approve the Zoning Board of Appeals Selection Committee's recommendation to appoint Brian Haren to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025.

Commissioner Maxwell moved to approve the the Zoning Board of Appeals Selection Committee's recommendation to appoint Brian Haren to the Zoning Board of Appeals for a term beginning January 1, 2023 and ending December 31, 2025. Commissioner Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

10. Request to approve Ordinance 2023-01, to amend Chapter 6 - Animals, Article II. - Keeping Animals; Animal Shelter, Section 6-23. - Restraint of animals - While on property, to include tethering restriction.

This item was tabled to gather feedback and input from the municipalities within the County.

11. Discussion and overview of the proposed upgrade to the hardware and software of the Supervisory control and Data Acquisition (SCADA) System for the Water System's Water Treatment Plants.

No vote was taken.

12. Request to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400.

Commissioner Maxwell moved to approve to award Contract #2216-S to J. K. Duren to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$60,400. Commissioner Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

13. Request to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000.

Vice Chairman Gibbons moved to approve to award Contract #2206-S to ITAC/Filter Magic to upgrade the hardware and software of the SCADA (Supervisory Control and Data Acquisition) System in the amount of \$140,000. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

14. Request to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) for surface water monitoring in the amount of \$212,600.

Commissioner Maxwell moved to approve to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) for surface water monitoring in the amount of \$212,600. Commissioner Rousseau seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

15. Request to renew Contract #1477-S, Renewal 2 for Carbyne, Inc. in the amount of \$285,500 to provide maintenance and support for continued operation of the 911 phone system.

Vice Chairman Gibbons moved to approve to renew Contract #1477-S, Renewal 2 for Carbyne, Inc. in the amount of \$285,500 to provide maintenance and support for continued operation of the 911 phone system. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

16. Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

Commissioner Maxwell moved to table this item to the February 23, 2023 Board of Commissioners Meeting. The motion passed 3-0.

17. Request to approve a Supplemental Agreement with Georgia Department of Transportation (GDOT) to accept an additional \$587,976.80 in federal aid for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD), increasing the total funding for the design (PE) phase to \$1,000,000.

Commissioner Rousseau moved to approve a Supplemental Agreement with Georgia Department of Transportation (GDOT) to accept an additional \$587,976.80 in federal aid for the SR 279 Realignment Project - GDOT PI 0017813

(17TAD), increasing the total funding for the design (PE) phase to \$1,000,000. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

18. Request to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building or Option #2; the reallocation of American Rescue Plan Act (ARPA) funds to Fire/EMS Training Facility, Sheriff's Tactical Training Course and \$1.5M towards renovating the existing Department of Public Health at Stonewall.

Vice Chairman Gibbons moved to table this item to the February 9, 2023 Board of Commissioners Meeting. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

19. Consideration of the "Master Terms and Conditions of Engagement", from law firm Freeman, Mathis & Gary, LLP, to set forth a clear, mutual understanding of the services provided and the scope, terms and conditions under which those services are to be performed.

Vice Chairman Gibbons moved to approve the "Master Terms and Conditions of Engagement", from law firm Freeman, Mathis & Gary, LLP, to set forth a clear, mutual understanding of the services provided and the scope, terms and conditions under which those services are to be performed. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

ADMINISTRATOR'S REPORTS:

A: Contract #1867-P: Water System Engineer of Record; Task Order #22-12: South Fayette Clearwell Leak Investigation & Roof Assessment; Change Order #1: Clearwell Inspection & Repair

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 January 12, 2023.

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons made comments.

EXECUTIVE SESSION:

One item involving pending litigation and the review of the Executive Session minutes for January 12, 2023.

Commissioner Rousseau moved to go into Executive Session. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

The Board recessed into Executive Session at 7:09 p.m. and returned to Official Session at 7:14 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Gibbons moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

Mr. Davenport advised the Board of the Firefighter/EMT Johnson Workers Compensation Settlement. He stated that the settlement was in the amount of \$95,000. The agreement included separation from employment agreement, additional releases and confidentiality terms. Mr. Davenport asked for the Boards favorable approval.

Vice Chairman Gibbons approved the proposed settlement agreement. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

Approval of the January 12, 2023 Executive Session Minutes: Vice Chairman Gibbons moved to approve the January 13, 2023 Executive Session Minutes. Commissioner Maxwell seconded the motion. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the January 26, 2023 Board of Commissioners meeting. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Oddo were absent.

The January 26, 2023 Board of Commissioners meeting adjourned at 7:15 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 9th day of February 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk