

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

June 22, 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

Chairman Lee Hearn called the June 22, 2023 Board of Commissioners meeting to order at 5:01 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Edward Gibbons moved to approve the agenda as written. Commissioner Oddo seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County State Court Summer Interns.

State Court Judge Jason Thompson, recognized State Court law school student interns. Fayette County State Court had the opportunity to host several internships during the 2022-2023 school year. Judge Thompson acknowledged the hard work and dedication of high school students: Kellsey Miller and Charli Thompson; college interns: Robby Klitten, Nathanael Smith, Caleb New, Daija Piper and Tani Alofe; and Law School students: Bassem Amercani and Jocelyn Zhao.

PUBLIC HEARING:

Planning and Zoning Director Debbie Bell read the Introduction to Public Hearings.

2. Second of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024 and to approve Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget.

Chief Financial Officer Sheryl Weinmann presented an overview of the proposed FY2024 Budget. She stated that the Board had already seen some of the slides being outlined in previous budget presentations. She continued that the estimated fund balance FY2023 was expected to be \$32.67M. And noted that \$6.9M was set aside for the 5-year CIP and an estimated \$4.7M in the unassigned fund balance. Ms. Weinmann stated that there was \$2M in the Emergencies Fund and the Stabilization Fund, which

was a reserve of 3-months of expenses and was set at \$18.7M. Ms. Weinman stated that, in review of the FY2024 Budget Summary, there was a positive net impact to the general fund balance of \$394,123.

Ms. Weinmann concluded the presentation with the following budget highlights:

- No Millage Rate Change – Requires Advertising as Property Tax Increase
- General Fund impact from maintenance & operations is positive.
- Proposed Budget increases General Fund Balance \$394,123
- Funds Rolling 5 Year Capital Improvement Program of \$6,975,732
- Changes in Personnel levels protect the existing outstanding service delivery to our citizens
- Budget continues to maintain the commitment to balance current year revenues with current year expenses.
- Maintains Employee Benefits – Medical/Dental/Vision & Retirement
- County-Wide departmental cooperation continues to yield positive results.

Ms. Weinman asked the Board to adopt the Fiscal Year 2024 Budget and to approve Resolution 2023-05.

No one spoke in favor or in opposition.

Chairman Hearn moved to approve an increase of the County Administrator's salary at the same rate as outlined in the budget for County employees. Vice Chairman Gibbons seconded.

Chairman Hearn asked the County Attorney Ali Cox if she was comfortable with this approach to making an adjustment to the County Administrators' salary.

Mrs. Cox replied that she was ok.

Chairman Hearn stated that he appreciated Mr. Rapson for his hard work and dedication as he served the County for the past 11-years. He stated that he had enjoyed working with Mr. Rapson over the last few years.

Commissioner Eric Maxwell asked, as a point of clarification, if the increased was at the same rate as outlined in the budget for County employees' times the County Administrator's gross pay. He also asked if this motion would also extend his contract by one year. Commissioner Maxwell acknowledged that the review of the County Administrator's contract was not normally done at the same time as the budget. Commissioner Maxwell stated that although he did not mind handling it this way, he felt that along with the increase there should also be a contract extension. He stated that without having a copy of the contract to review, it was difficult to recall everything the contract included.

Chairman Hearn amended his motion and moved to approve an increase of the County Administrator's salary at the same rate as outlined in the budget for County employees and extend the County Administrator's contract by one-year. Vice Chairman Gibbons amended his seconded.

Commissioner Charles Rousseau concurred with Commissioner Maxwell and stated that this type personnel adjustment was typically handled in executive session. He asked what year his current contract was scheduled to end.

County Administrator Steve Rapson stated that his current contract ended December 2024, if approved this would extend his contract through December 2025.

Commissioner Rousseau stated that he did have some reservations, because these types of employee/contractual matters were usually discussed in executive session with the appropriate documentation available for review.

Commissioner Charles Oddo stated, as a point of clarification, that the County Administrator did not set his own salary. He, along with staff, created the budget, however, that did not include his salary. His salary was set and/or adjusted based on an act by the

Board of Commissioners. He acknowledged that he was in favor of this increase for the County Administrator. He noted that none of the terms of the contract, other than the length of the contract was changing.

Chairman Hearn moved to increase the Fayette County Administrator's salary at the same rate as outlined in the budget for County employees and to extend the County Administrator's contract by one-year through December 2025. Vice Chairman Gibbons seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to approve the annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024 and to approve Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget. Commissioner Oddo seconded.

Commissioner Rousseau asked if this approval included the Constitutional Officers, he noted that this was typically done via a separate vote.

Mr. Rapson stated that the budget as presented, included all the amendments to the Constitution Officers, which was presented and approved at the 1st Public Hearing. The motion before the Board would include all employees and Constitutional Officers at the 12.5% rate. He noted that the only stipulation was that approval was still needed from the remaining counties in the Griffin Judicial Circuit.

Commissioner Rousseau asked where we were in that approval process.

Mr. Rapson stated that currently we had approval from two counties and still awaiting approval from two remaining counties. The increases for the Griffin Judicial Circuit employees will not go into effect until all the involved counties provide approval.

Chairman Hearn highlighted several excited projects included in the FY2024 Budget and expressed his appreciation to staff for their continued hard work in putting this budget together.

Vice Chairman Gibbons moved to approve the annual budget for Fiscal Year 2024 which begins on July 1, 2023 and ends June 30, 2024 and to approve Resolution 2023-05 to adopt the Fiscal Year 2024 Annual Budget. Commissioner Oddo seconded. The motion passed 5-0.

3. Consideration of Ordinance 2023-02 to amend Chapter 110. ZONING; Article I. – In General; Section 110-3. - Definitions. This item was tabled at the May 25, 2023 meeting.

Ms. Bell stated that the purpose of this items was to amend Chapter 110. ZONING; Article I. – In General; Section 110-3. – Definitions, to add a definition for "Building line, front (corner lot)." Building. She stated that staff was requesting a withdrawal of the request. Ms. Bell stated that the concerns that initiated this request can be addressed without the amendments.

Commissioner Maxwell stated that although he had no objection to the withdrawal, he wanted to make sure the County was not initiating ordinance amendments after an application was submitted. He stated that he wanted us to be mindful of our ordinance review and amendment process.

Commissioner Oddo moved to withdrawal the proposed amendment. Vice Chairman Gibbons seconded. The motion passed 5-0.

4. Consideration of Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility.

Ms. Bell stated that this item was to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. To add a definition of drug abuse treatment facility. She stated that the definition was approved by the Planning Commission, however, in light of continued discussion, they worked with the County Attorney and comprised a slightly revised definition. Ms. Bell stated that both definitions were included in the redlined section of the ordinance as apart of the backup material in the

agenda packet. Ms. Bell stated that, “the revised definition stating “abuse treatment facility, means a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug -dependent persons who are housed on the premises for the course of treatment. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.” She concluded that staff was requesting approval to add this definition to the County ordinance.

The following citizens made comments in support of adding the definition of a drug abuse treatment facility to the County ordinance: Adam Kaye, Rick Lindsey, Doreen Barr, June Felts, Christine Grayson, and Larry Jenkins. Residents’ comments expressed a sincere desire to have a drug abuse treatment facility in Fayette County, viewing it as a necessity. Citizens stated that although they were in support to the added definition, they would like the proposed facility to not be needlessly delayed by the Zoning Board of Appeals Zoning Procedures Act requirements. Several citizens gave firsthand experiences of loss of a loved one due to addiction and noted that having a local treatment could have assisted in saving lives. Comments reiterated that a local drug abuse treatment facility was imperative in assisting individuals with detox and with treatment that could lead to sustained recovery.

Chairman Hearn asked the County Attorney Ali Cox for a summary of the requirements of the law regarding this amendment.

Attorney Ali Cox stated that staff was working diligently to help get a drug treatment facility located here in Fayette County, however, staff had a responsibility to remain compliant with the Zoning Procedures Act, which was, according to the state legislature, their minimum procedures to provide due process to the public. She continued that with this in mind, the amendment involved a section of the law “that provides for any location or relocation of a halfway house, drug rehab center, or other facility for the treatment of drugs dependency”- as a result this proposed facility clearly fell within that prescribed provision. Mrs. Cox stated that this would require a zoning decision be made but the addition of this definition to the county code was a zoning decision. As a result, this would require posting of the property where the facility would be located which had not been done yet. A legal publication needed to be placed in the newspaper to make the public aware of what was being planned and/or proposed and then two subsequent public hearings held. The first public hearing would be at the Planning Commission meeting, similar to any other change in the county’s zoning procedures and the second would be before the Board of Commissioners. She concluded that there was a minimum six-month period between those two hearings that was required under state law.

Commissioner Rousseau asked Mrs. Cox to define and/or clarify the disability issue/category that was raised by Mr. Adam Kaye.

Mrs. Cox stated that Mr. Kaye was referring to drug dependency being deemed a disability. She stated that it was deemed a disability according to insurance and any other number of things; however, as it related to this topic it did not have any application.

Commissioner Maxwell stated that he had an opportunity to meet with Mr. Kaye visiting the site and discuss this facility. He stated that it was his desire to determine a way to have this done as fast as possible. He stated that while the property had not been advertised, it seemed as though citizens were aware of it based on comments made in favor of this facility. He continued that from his experience, when several attorneys were involved on an issued, typically there would be several different opinions on how to apply the law. He stated that he would like to figure out a way as quickly as possible to get this pushed through. He noted that he was always concerned about potential lawsuits and did not want to cause any issues that would cause the County to be sued, as a result of not following proper procedures. Commissioner Maxwell stated that he felt that the Board was in agreement that there was a need for a local drug treatment facility.

Mr. Rapson stated that from his experience in other jurisdictions regarding drug treatment facilities, it seems as though the state legislature made the process arduous intentionally. The state was receiving a lot of calls and complaints after these facilities were put in place. To mitigate that going forward, this process was put in place to ensure the public was aware of the proposed facility and had the opportunity to provide input, feedback, and to relay concerns. Mr. Rapson concluded that ultimately staff was obligated to follow state law and was trying to do so as quickly as possible.

Commissioner Maxwell read the motion as follows, to change the definition of “Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who may reside on the premises. ~~This is a special-use of property requiring the grant of a permit after two (2) public hearings shall be permitted in any zoning district which allows for care homes, convalescent centers and/or nursing homes.~~ A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health and/or the Georgia Department of Behavioral Health and Developmental Disabilities.” Commissioner Rousseau seconded.

Mrs. Cox stated that the problem with that definition was that it was allowing “as a permanent, use this facility” in zoning locations that do not allow, as permanent use, personal care home. They are conditional use even in the zoning districts that were listed. Also, the definition does not consider the detox nature of this facility. She noted that it was not like the other facilities and the state did not treat them similarly. She concluded that “they were not the same”.

Commissioner Rousseau stated he was aware of the need for a drug treatment center here in Fayette County. He shared the loss of his nephew who died of a drug overdose in 2020. Commissioner Rousseau stated that this definition amendment, which our current zoning regulation did not address, was the first stage of the process. Taking this step adding and adopting the amended language would then trigger the County having to go through the required procedure as outlined by the state. He noted that as a part of that process, the Board may then begin to hear additional citizens’ input, objection, and concerns regarding a drug treatment facility in the area. Commissioner Rousseau stated that he was also prepared to offer a substitute motion if this was unsuccessful. He noted that from his experience in Fulton County group homes, and the like, could be extremely contentious items especially in or around residential areas. Commissioner Rousseau commended the community for their engagement and willingness to step up in face of such a weighty issue.

Vice Chairman Gibbons stated that he had as much of a vested interest in having a detox facility in Fayette County as anyone, because he recently was released from a facility, 92 days prior. He stated that if there had been a facility in Fayette, he might not have had to go to north Georgia to undergo detox. He continued that he “got out of residential rehab yesterday”. He noted that he was very fortunate that he was able to attend Commission meetings. Vice Chairman Gibbons concluded that of anyone in the room he was in favor of a facility here in Fayette County. With that in mind, he stated that he was uncomfortable going against the legal advice of the County Attorney, as well as making changes to the County ordinance on the “fly” without having it properly vetted.

Commissioner Oddo stated based on comments made by the Board it was clear they agreed that a local drug treatment facility was needed. However, he would be concerned going against the professional opinion of the County Attorney. He continued that there was a process in place that needed to be followed and although it may seem as though it was hindering the facility, the County was obligated to follow the letter of the law. And when completed, it would be legal, acceptable, and successful.

Commissioner Maxwell moved to change the definition of “Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who may reside on the premises. ~~This is a special-use of property requiring the grant of a permit after two (2) public hearings shall be permitted in any zoning district which allows for care homes, convalescent centers and/or nursing homes.~~ A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health and/or the Georgia Department of Behavioral Health and Developmental Disabilities.” Commissioner Rousseau seconded. The motion failed 1-4, with Chairman Hearn, Vice Chairman Gibbons, Commissioner Oddo and Commissioner Rousseau voting in opposition.

Vice Chairman Gibbons moved to approve Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility. Commissioner Rousseau seconded. The motion passed 5-0.

Vice Chairman Gibbons amended his motion to approve Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility, this is approval of the revised definition provided by staff as reflected as the second example in the agenda packet backup. Commissioner Rousseau amended his second.

Commissioner Rousseau stated that as this verbiage goes back to the Planning Commission, he would like them to consider adding language the related to privacy fencing and vegetative buffers/setbacks since there was a residential community not far from the site. He urged consideration to the use of the term "halfway house" which had a negative stigma. Commissioner Rousseau thanked residents who relayed their person experiences of loss due to addiction and expressed his thanks to Vice Chairman Gibbons for his transparency.

Vice Chairman Gibbons amended his motion to approve Ordinance 2023-04 to amend Chapter 110. - Zoning Ordinance; Article I. - In General; Sec.110-3. - Definitions. Drug abuse treatment facility, this is approval of the revised definition provided by staff as reflected as the second example in the agenda packet backup. Commissioner Rousseau amended his second. The motion passed 5-0.

5. Consideration of Ordinance 2023-05 to amend Chapter 110. – Zoning Ordinance; Article VII. - Zoning Board of Appeals; Sec. 110-241. - Public hearing.; Article IX. - Policies, Procedures and Standards Governing Amendments; Sec. 110-292. - Public hearings.; Sec.110-295 - Appeal.

Ms. Bell stated that this request was amendments that involved primarily housekeeping items to bring the County's Ordinances into alignment with State code. She stated that the Planning Commission recommended approval. She added that staff also recommended approval, except that where the Planning Commission approved a change in the public comment time from 20 minutes to 10 minutes per side, staff recommended retaining the current time limit of 20 minutes. See Sec. 110-241 (b) Conduct of hearing.

Mr. Randy Boyd stated that he was in favor of the amendments and ask that the Board to maintain the 20 minute time limit per side for the public hearings.

No one spoke in opposition.

Commissioner Oddo moved to approve Ordinance 2023-05 to amend Chapter 110. – Zoning Ordinance; Article VII. - Zoning Board of Appeals; Sec. 110-241. - Public hearing.; Article IX. - Policies, Procedures and Standards Governing Amendments; Sec. 110-292. - Public hearings.; Sec.110-295 – Appeal, with the exception of keeping the public hearing time limit at 20 minutes instead of 10 minutes. Vice Chairman Gibbons seconded. The motion passed 5-0.

PUBLIC COMMENT: None

CONSENT AGENDA:

Vice Chairman Gibbons moved to approve the Consent Agenda. Commissioner Oddo seconded. The motion passed 5-0.

6. Approval of the June 8, 2023 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

7. Request to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00.

Water System Director Vanessa Tigert stated that this request was a housekeeping item to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00.

Commissioner Oddo asked if the chemical that would be purchased on an as needed basis was included in the net-to-exceed amount.

Ms. Tigert stated no, it would be purchased separately; however, there were funds available for that purchase.

Vice Chairman Gibbons moved to approve to renew Contract #2077-B; Water System Chemicals, for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemical for a total not-to-exceed amount of \$460,012.00. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #1867-P: Water System Engineer of Record Task Order 23-08: SCADA Project Management & Alum Upgrade

Hot Projects

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Redwine Road multi-use path, Inman Road culvert replacement, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Parks and Recreation multi-use facility, and the Elections building renovation.

Mr. Rapson advised the Board that Matthew Bergan had been selected to serve as the statewide county appointment for the Georgia Underground Facility Protection Act Advisory Committee.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Ali Cox stated that there were three items for Executive Session. Two items involving real estate acquisition and the review of the June 8, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons

Vice Chairman Gibbons extended a kudos and job well done to County Administrator Steve Rapson for his knowledge, expertise, and dedication to Fayette County. He exclaimed that in his opinion, Fayette County had the best County Administrator in the state. He also gave a shot out the Finance Department for the excellent job they do every year on the budget and for the citizens of Fayette County.

Commissioner Oddo

Commissioner Oddo expressed his thanks to staff for a job well done on the execution of this years' budget. He wished everyone a Happy Fourth of July.

Commissioner Rousseau

Commissioner Rousseau reiterated comments of appreciation for a job well done to staff on the budget. He expressed his appreciation to the organizers who hosted the recent Juneteenth celebration on Monday and added that he looked forward to the event growing in the coming years and for opportunities to educating community members about the significance of the celebration.

Chairman Hearn

Chairman Hearn express his appreciation to staff for their leadership, cooperation, and teamwork, he noted that it did not go unnoticed. In response to comments regarding the drug treatment facility Chairman Hearn tearfully stated that he knew one of the young men who was loss due to addiction.

Commissioner Maxwell

Commissioner Maxwell also relayed a heartfelt personal experience with loss and addiction and stating that everybody had been affected by addiction in some form or fashion and the Board was not remiss on the need for a local drug treatment facility.

EXECUTIVE SESSION:

Two items involving real estate acquisition and the review of the June 8, 2023 Executive Session Minutes. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:19 p.m. and returned to Official Session at 6:42 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 passed 5-0.

Approval of the June 8, 2023 Executive Session Minutes: Commissioner Oddo moved to approve June 8, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the June 22, 2023 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The June 22, 2023 Board of Commissioners meeting adjourned at 6:43 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 13th day of July 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk