

## 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

July 27, 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.

### Call to Order

Chairman Lee Hearn called the July 27, 2023 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Vice Chairman Edward Gibbons offered the invocation and led the audience in the Pledge of Allegiance.

### Acceptance of Agenda

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

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

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

- 1. Consideration of Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property.**

Planning and Zoning Director, Deborah Bell, advised the Board that the red-lined version showing the amendments was the final page of the agenda package for this item. She continued stating that this request was providing for the procedure called, "special use of property" and was step one of the following three agenda items.

Chairman Hearn asked for a summary of the intent of this revision.

Fayette County Attorney Dennis Davenport stated that this request stemmed from an issue that developed from a combination of a need for regulation at the local level, via a county ordinance, as well as language existing in state law that provided additional regulations. This series of ordinance would accomplish several things. It would identify the use of the subsequent ordinance, then identify the actual zoning district where that use was allowed. He noted that there would be an application process, which was the final piece of the puzzle, all of which was absent from the current ordinance. He added that the following series of public hearings and language would be added to the zoning ordinance allowing the county to move forward in the process.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property. Commissioner Oddo seconded.

Chairman Hearn asked how this application process would work as it related to a car show request.

Ms. Bell stated that this application process was different from the special events ordinance, which was still being developed. This request was specific to the "special use of property". She acknowledged that the two ordinances did coincide and were muddled but were two separate ordinances.

Chairman Hearn asked where this ordinance would be applied.

Ms. Bell explained that this request was initiated from a request by Adam Kaye to operate a substance abuse detox facility and at the time of that request, this type of use was not included in the County ordinance. With that in mind, a substance abuse detox facility was subject to state zoning procedure law. These laws outlined how local governments must conduct certain activities including zoning procedures.

County Administrator Steve Rapson reiterated the step-by-step process of amending and updating the County ordinances via state law to add the ability to operate a drug treatment facility within the county.

Gibbons moved to approve Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property. Oddo seconded. The motion passed 5-0.

**2. Consideration of Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property.**

Ms. Bell stated that this request built on the previous ordinance approval and would add drug abuse treatment facility as a special use of property. This ordinance would define where it was allowed with outlined conditions, similar to the way a conditional use permit operated. She stated that it was proposed that this be allowed in the O-I zoning district. Ms. Bell stated that the conditions attached to this proposal were copied from the same conditional use permit text of "care homes" because it was a similar use, with the addition of a requirement for a fence and some specific state requirements related to licensing and public notices.

Rick Lindsey of Peachtree City stated that he was in favor of this request but asked that the Board consider amending the fencing condition. He asked if the fencing requirement could either be removed completely or at least lowered to a 4-ft. non-privacy fence.

No one spoke in opposition.

Commissioner Maxwell asked where the fence height requirement came from.

Ms. Bell stated that the height requirement was arbitrary.

Commissioner Maxwell asked Commissioner Charles Rousseau if it was his intent to require this type of fencing.

Commissioner Rousseau stated that from his recollection his comments regarding this fencing condition were specific to potential facilities that were adjacent to and/or abut residential property. He added that his primary concern was that if these facilities were

adjacent to residential property the fencing requirement would provide the Board with some leverage with those who may be in opposition to having these type facilities so close to their homes.

Commissioner Eric Maxwell asked if Commissioner Rousseau was “married” to the 8-ft height requirement for the fencing.

Commissioner Rousseau stated no, he was not married to the 8-ft height requirement. He noted that there was no specific height requirement mentioned in the initial discussion. As a point of clarification, Commissioner Rousseau asked Mr. Davenport, if approved with the condition, would it be set at 8-ft or could that be changed.

Mr. Davenport stated that if included in the ordinance as 8-ft., that requirement would be set.

Commissioner Rousseau stated that he was open to loosening the height restriction, however if the potential facility was adjacent to residential communities his preference was for a higher fence height requirement.

Commissioner Maxwell asked Mr. Lindsey what the zoning of the property on each side of the proposed facility location was.

Mr. Lindsey stated that on the eastside of the property was a church zoned R-40, which was residential. As outlined in the proposed ordinance the 8-ft fencing requirement went into effect if the adjacent property was zoned residential regardless of how it was being used. He stated that the western side of the property was City of Fayetteville property and zoned residential-professional, which he would assume was a residential type zoning as well. As a result, as it related to this property, about  $\frac{3}{4}$  would be subject to the 8-ft privacy fencing requirement. He concluded that they did not want the facility to have a prison-like look and did not feel that was the goal of the Board either.

Commissioner Maxwell stated that from conversations with the Sheriff’s Office, he expressed the request not to use privacy fencing regardless of the height due to safety concerns. Commissioner Maxwell stated that he was against the privacy fence and would prefer a 4-ft decorative fence.

Commissioner Rousseau stated that although he did not want to create a stockade, nor a stigma associated with those who may utilize this facility, from his experience there was some benefit to residents who live nearby to not be able to see over and or into the facility grounds. He preferred the fence height be set at nothing lower than 6-ft. Commissioner Rousseau stated that although this discussion was in reference to a specific location, other facilities would crop up in the future and wanted the Board to be cautious of how this condition could affect other residents surrounding those facilities. He stated that he was open to a 6-ft fence height requirement but opposed to 4-ft fence.

Commissioner Oddo stated that in his opinion, the Board should be mindful of residence surrounding this proposed facility. He continued stating that residents may feel more confident with the 8-ft fencing as opposed the 4-ft fencing. Commissioner Oddo stated that he would much rather start the requirement higher and then lower it, if needed in the future. He noted that he did not want to delay the process, however he felt the 8-ft fence was more reasonable. He concluded that he was in support of the 8-ft fencing requirement and if he voted in opposition to the 6-ft fencing requirement, it did not mean he would vote against the final project.

Mr. Rapson reminded the Board that the approvals made tonight were establishing the confines of the ordinance. As a part of the process, there would be a state required second public hearing held in January 2024. So, although these conditions would be set in ordinance form, there would still be an opportunity to amend, if needed, before the final adoption.

Commissioner Maxwell asked if the property was posted for this current public hearing.

Ms. Bell stated, “yes it was”.

Commissioner Maxwell stated that to him, it was significant that no one came out to speak in opposition of this request.

Commissioner Maxwell moved to approve Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property, with the approval of special conditions #1-#7, except #3; striking 8-ft. changing it to 4 -ft. and making it a decorative fence. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

**3. Consideration of Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district.**

Ms. Bell stated that this request built on the previous ordinance approval and would add drug abuse treatment facility as a special use of property in the Office Institutional (O-I) district.

No one spoke in favor or opposition.

Commissioner Oddo moved to approve Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district. Vice Chairman Gibbons seconded. The motion passed 5-0

**4. The first of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175.**

Ms. Bell stated that this request was the first of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175. She continued that Mr. Adam Kaye inquired about this process in March officially filing a request in April to operate a drug abuse treatment facility as a special use of property in the O-I zoning district. Ms. Bell stated that both staff and the Planning Commission recommended approval. She advised the Board that the second public hearing would tentatively be held on January 25, 2024.

Adam Kaye stated that he knew the Board was familiar with the project and expressed his appreciation for the process thus far. Mr. Kaye stated that he was available if the Board had any questions.

No one spoke in opposition.

No vote taken.

**PUBLIC COMMENT:**

Jeff Longino of Fayetteville thanked the Board for the opportunity to provide input as well as approving a recent notice permit application. He expressed his concerns and frustration with the current noise permit language and enforcement. He asked for Board consideration to update this ordinance/process.

Chairman Hearn in response to Mr. Longino's comments acknowledged that the Board was working on revising the noise permit ordinance.

Rick Metter of Fayetteville also expressed his concern as it related to the noise permit ordinance, especially the decimal levels allowed with the ordinance. He asked the Board to consider and be mindful of all the uses that could contribute to high decimal levels.

**CONSENT AGENDA:**

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

**5. Approval of the July 13, 2023 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

Mr. Rapson stated that the Public Facilities Authority was a volunteer body, comprised of three (3) individuals who were appointed to one-year terms by the Fayette County Board of Commissioners. This request includes appointment for an extended one year, per the county policy.

- 6. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Vice Chairman Gibbons moved to approve to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Oddo seconded. The motion passed 5-0.

- 7. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Vice Chairman Gibbons moved to approve to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Commissioner Oddo seconded. The motion passed 5-0.

- 8. Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Commissioner Rousseau moved to approve to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 9. Request to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center.**

Mr. Rapson stated that this request was for the third floor Justice Center buildout for Architectural & Engineering Services. He stated that in reviewing the bid rankings the selected firm was the lowest cost, as well as the highest ranked.

Vice Chairman Gibbons moved to approve to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center. Commissioner Rousseau seconded.

Commissioner Maxwell asked if there were any basic drawings available.

Mr. Rapson stated no. He noted there were some very high-level floor plans in rough draft form.

Vice Chairman Gibbons moved to approve to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center. Commissioner Rousseau seconded. The motion passed 5-0.

**10. Request to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96.**

Information Technology, Director Phill Frieder, stated that this request was to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96.

Vice Chairman Gibbons moved to approve to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96. Commissioner Oddo seconded.

Commissioner Oddo asked for a brief overview of this request.

Mr. Frieder stated that for the last six years the County contracted with Microsoft to use their subscription-based cloud powered productivity platform, referred to as Office365. This included mainstream applications and services such as Email, Microsoft Teams, Microsoft Office Suite, Share Point and Unified Cybersecurity Threat Management and protection. He stated that the pricing of The Enterprise Agreement was primarily founded on the number of computers/users being licensed, number and type of Enterprise Servers, cyber security measures and support. The pricing was subscription based calculated on a three-year commitment.

Vice Chairman Gibbons moved to approve to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Rousseau asked about a recent data breach regarding an EMS vendor, and if they interfaced with the County system/network at all.

Mr. Rapson stated that the breach occurred separate from the county and did not interface with our system. However, it did pull information from our system as a result 2,600 individuals were impacted but was being handled.

**ADMINISTRATOR'S REPORTS:**

Mr. Rapson stated that these fourteen contract approvals were line items included in the FY24 budget.

**A: Contract #1867-P: Water System Engineer of Record Task Order 24-01: FY24 On-Call Support Services (\$100,000)**

**B: Contract #1867-P: Water System Engineer of Record Task Order 24-02: Groundwater/Surface Water Landfill Monitoring (\$83,114)**

**C: Contract #1945-P: Business Personal Property Compliance Audits Renewal 2 (\$50,000)**

**D: Contract #2019-P: Parks & Recreation Multiuse Facility – Architectural & Engineering Services; Change Order 1: Building Increase and Additional Site Work (\$125,000)**

**E: Contract #2225-B: Grass Cutting Services (\$177,725)**

**F: Contract #2249-S: SeaQuest (\$97,445.70)**

**G: Contract #2250-S: Purate for Water Treatment (\$118,800)**

**H: Contract #2256-S: Carusol-20 (Sodium Permanganate) (\$93,555)**

**I: Contract #2257-S: Lime (\$120,616)**

**J: Contract #2258-B: Utility Locating (\$110,500)**

**K: Contract #2265-A: RoadTemporary Labor (\$107,100)**

**L: Contract #2266-S: Phone Carrier Service – Revised (\$67,468.08)**

**M: Contract #2271-A: Annual Hauling Contract (\$100,000)**

**N: Contract #2274-S: Motorola (Spillman) Annual Maintenance (\$54,294.98)**

### **Inman Road**

Mr. Rapson acknowledged the Inman Road stormwater project ribbon cutting held on July 27, 2023. He stated that the roadway would be re-opened on July 28, 2023. Mr. Rapson thanked the Board for their participation and advised that the project was completed on-time and under-budget.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were four items for Executive Session. Two items involving threatened litigation, one item involving real estate acquisition and the review of the June 22, 2023 Executive Session Minutes.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Rousseau**

Commissioner Rousseau advised the Board of the recent passing of Marvin Arrington Sr. whose son, Marvin Arrington Jr., serves on the Fulton County Board of Commissioners. He noted that Mr. Arrington's services would be held July 28, 2023 at Ebenezer Baptist Church downtown. He expressed his condolences to the family acknowledging Mr. Arrington's vast contributions and service to the community.

Commissioner Rousseau stated that he recently attended the NACO Conference in Texas and was available to provide insight regarding various topics highlighted, i.e., public health, mental health, human services, and infrastructure.

Commissioner Rousseau asked for an update regarding the standing of the HUD challenge.

#### **Commissioner Oddo**

Commissioner Oddo expressed his condolences to the Arrington family. He relayed his kudos for the Inman Road stormwater project. He stated that we should be proud of those who do this kind of work for us.

Commissioner Oddo stated that he would like the applicant who initiated the challenge to HUD to issue a letter withdrawing the complaint.

He advised that he recently underwent eye surgery and would be working through it for the foreseeable future.

He welcomed his sister-in-law and brother-in-law who were visiting from South America.

#### **Chairman Hearn**

Chairman Hearn advised that Ebenezer Church Road would be closed to through traffic west of Lester Road from July 31, 2023-August 2, 2023 for construction.

Chairman Hearn thanked Phil Mallon and his team for a job well done on the Inman Road stormwater project. He urged department heads to be mindful and vigilant of their employees, specifically, those who work outside in the heat.

### **EXECUTIVE SESSION:**

Two items involving threatened litigation, one item involving real estate acquisition and the review of the June 22, 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 5:50 p.m. and returned to Official Session at 6:50 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 22, 2023 Executive Session Minutes:** Commissioner Oddo moved to approve June 22, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded. The motion passed 5-0.

**2023 Fall ACCG Leadership Conference Voting Delegate:** Chairman Hearn moved to appoint Commissioner Oddo as the Voting Delegate for the 2023 Fall ACCG Leadership Conference. Vice Chairman Gibbons seconded. The motion passed 5-0.

**ADJOURNMENT:**

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

The July 27, 2023 Board of Commissioners meeting adjourned at 6:54 p.m.

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Marlena M. 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 10<sup>th</sup> day of August 2023. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk