

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

November 9, 2023

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 Hearn called the November 9, 2023 Board of Commissioners meeting to order at 2:00 p.m. A quorum of the Board was present. Commissioner Rousseau was absent.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

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

Acceptance of Agenda

Commissioner Maxwell moved to approve the agenda with the following change, that the item #35 be moved to first item under new business to be discussed and to allow Leonardo McClarty, new Fayette County Chamber of Commerce President and Chief Executive Officer, a few minutes at the. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

PROCLAMATION/RECOGNITION:

1. **Recognition of the Animal Control Director Jerry Collins and the Animal Control Department for receiving the 2022 "We are a No-Kill Shelter" award from the Best Friends Animal Society.**

PUBLIC HEARING:

PUBLIC COMMENT:

CONSENT AGENDA:

County Attorney Dennis Davenport advised the Board that as a result of a restructuring process in handling tax refund request the Board had an unusually large number of tax refund request for review. He continued stating that included in these were four requests that were recommended for denial (items 26-29), which he recommended being pulled off the consent agenda to allow any applicants present the opportunity to approach the Board regarding their request. Mr. Davenport also asked if anyone in attendance wanted to speak before the Board regarding items 7- 25 although they were recommended for approval.

Commissioner Maxwell moved to approval the consent agenda items 1-25 as written. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Commissioner Maxwell motioned to move items 26-29 to be the first items discussed under new business. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

2. **Approval to adopt the 2024 County Commissioner Meeting schedule.**
3. **Approval of the October 26, 2023 Board of Commissioners Meeting Minutes.**
4. **Approval of the Third Amendment to License Agreement for the tower located at 365 Swanson Rd (vendor ID: 26033).**
5. **Approval for Fayette County Fire and Emergency Services to accept \$5,962.51 from the Georgia Trauma Commission FY2024 Trauma Equipment Reimbursement Grant.**
6. **Approval to acquire all fee simple right-of-way and easements for the proposed roundabout and signalized RCUT at the intersection of Hampton Road and SR 92 (2004 SPLOST R-21).**
7. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Edith W. Ballard, in the amount of \$36.81 for tax years 2022, 2021 and 2020.**
8. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Larry Bailey, in the amount of \$55.26 for tax years 2021, 2020 and 2019.**
9. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Reagan Moscon on behalf of the Gerald Woolsey Estate, in the amount of \$103.59 for tax years 2022, 2021 and 2020.**
10. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Reagan Moscon on behalf of the Gerald Woolsey Estate, in the amount of \$398.01 for tax years 2022, 2021 and 2020.**
11. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Ernest Clayton, in the amount of \$133.97 for tax years 2021, 2020 and 2019.**
12. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Sheila Tyson, in the amount of \$208.56 for tax years 2021, 2020 and 2019.**
13. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Ann Kimbell, in the amount of \$247.73 for tax years 2021, 2020 and 2019.**
14. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Bernard and Starr Williams, in the amount of \$475.41 for tax years 2021 and 2020.**
15. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Camille Feanny, in the amount of \$559.75 for tax years 2020 and 2021.**
16. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Daniel Heaton, in the amount of \$831.08 for tax year 2022.**
17. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Cheryl Shalhout, in the amount of \$1,005.79 for tax years 2022, 2021 and 2020.**
18. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Rachel and Jeffrey Wicker, in the amount of \$1,136.13 for tax years 2021, 2020 and 2019.**

19. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Brian Micaud, in the amount of \$1,369.62 for tax years 2021 and 2022.**
20. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Allen Fielding, in the amount of \$1,548.75 for tax year 2022.**
21. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Sidney Myers, in the amount of \$1,871.42 for tax year 2021.**
22. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Ronald Romuno, in the amount of \$2,951.81 for tax years 2022, 2021 and 2020.**
23. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Syed Hafeez, in the amount of \$2,988.52 for tax year 2022.**
24. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Hannah Seaman for Southern Federal Credit Union, in the amount of \$3,089.99 for tax years 2021, 2020 and 2019.**
25. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Jake and Shirley Mask, in the amount of \$7,258.25 for tax years 2021, 2020 and 2019.**
26. **Approval of County Attorney's recommendation to deny a disposition of tax refund, as requested by James and Susan Lynn, for tax year 2022.**

Commissioner Rousseau arrived at the Board Meeting.

Commissioner Maxwell moved to approve County Attorney's recommendation to deny a disposition of tax refund, as requested by James and Susan Lynn, for tax year 2022. Commissioner Oddo seconded. The motion passed 5-0.

27. **Approval of County Attorney's recommendation to deny a disposition of tax refund, as requested by LDP Ventures dba Chick-Fil-A Midtown, account P216-0402, for tax year 2022.**

Vice Chairman Gibbons moved to table this item to the December 14, 2023 Board Meeting. Commissioner Maxwell seconded. The motion passed 5-0.

28. **Approval of County Attorney's recommendation to deny a disposition of tax refund, as requested by LDP Ventures dba Chick-Fil-A Midtown, account P216-0403, for tax year 2022.**

Vice Chairman Gibbons moved to table this item to the December 14, 2023 Board Meeting. Commissioner Maxwell seconded. The motion passed 5-0.

29. **Approval of County Attorney's recommendation to deny a disposition of tax refund, as requested by LDP Ventures dba Chick-Fil-A Midtown, account P217-0501, for tax year 2022.**

Vice Chairman Gibbons moved to table this item to the December 14, 2023 Board Meeting. Commissioner Maxwell seconded. The motion passed 5-0.

OLD BUSINESS:

NEW BUSINESS:

- 30. Request to approve Change Order #1; Contract # 2226-P: Construction Manager at Risk to Renovate School Building for Public Health Use, to accept MEJA Construction, Inc.'s Guaranteed Maximum Price (GMP) of \$10,979,399 for the renovation.**

Vice Chairman Gibbons moved to approve Change Order #1; Contract # 2226-P: Construction Manager at Risk to Renovate School Building for Public Health Use, to accept MEJA Construction, Inc.'s Guaranteed Maximum Price (GMP) of \$10,979,399 for the renovation. Commissioner Oddo seconded. The motion passed 5-0.

- 31. Request to review and accept the draft Concept Report for the SR 279 Realignment Project and authorization for staff to sign the Concept Report for formal submission to Georgia Department of Transportation (GDOT) (PI # 0017813).**

Commissioner Maxwell moved to approve to review and accept the draft Concept Report for the SR 279 Realignment Project and authorization for staff to sign the Concept Report for formal submission to Georgia Department of Transportation (GDOT) (PI # 0017813). Vice Chairman Gibbons seconded. The motion passed 5-0.

- 32. Request to amend Policy 200.01; Purchasing-Procuring Goods and Services; Addendum Public Works Projects Using Federal Funds, Engineering & Design Related Services; Procedures, to include the Fayette County annotated Georgia Department of Transportation (GDOT) Procurement Manual, Version 1, dated June 20, 2016.**

Vice Chairman Gibbons moved to approve to amend Policy 200.01; Purchasing-Procuring Goods and Services; Addendum Public Works Projects Using Federal Funds, Engineering & Design Related Services; Procedures, to include the Fayette County annotated Georgia Department of Transportation (GDOT) Procurement Manual, Version 1, dated June 20, 2016. Commissioner Oddo seconded. The motion passed 5-0.

- 33. Request to award Bid #2318-B Aerial Ladder Fire Apparatus to FireLine, Inc. for two (2) Quints in the amount of \$2,619,660 and to allocate \$45,000 to apparatus safety equipment to supply both Quints.**

Commissioner Rousseau moved to approve to award Bid #2318-B Aerial Ladder Fire Apparatus to FireLine, Inc. for two (2) Quints in the amount of \$2,619,660 and to allocate \$45,000 to apparatus safety equipment to supply both Quints. Commissioner Oddo seconded. The motion passed 5-0.

- 34. Request to designate vehicle Asset #21001 (Fleet #23386) and Asset #10848 (Fleet #23022) as surplus and to authorize auctioning both units.**

Commissioner Oddo moved to approve to designate vehicle Asset #21001 (Fleet #23386) and Asset #10848 (Fleet #23022) as surplus and to authorize auctioning both units. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

- 35. Request to authorize staff to proceed with a \$35M bond issuance for specific projects within the Fayette County 2023 SPLOST.**

Vice Chairman Gibbons moved to approve to authorize staff to proceed with a \$35M bond issuance for specific projects within the Fayette County 2023 SPLOST. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2094-B: Annual Pavement Striping; Renewal #1

B: Contract #2118-A: Vegetation Grinding Services; Renewal #1

C: Contract #2298-A: Traffic Signal-Flat Creek at Tyrone Rd

D: Contract #2319-A: Annual Asphalt Contract

E: Contract #2323-A: Roof & Gutter Repair at Station 11

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were seven items for Executive Session. Six items involving threatened litigation and one item involving pending litigation.

COMMISSIONERS' REPORTS:

Commissioner Maxwell, Commissioner Rousseau, Commissioner Oddo, and Chairman Hearn made comments.

EXECUTIVE SESSION:

Six items involving threatened litigation and one item involving pending litigation. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 2:58 p.m. and returned to Official Session at 3:26 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.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the November 09, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The November 9, 2023 Board of Commissioners meeting adjourned at 3:31 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 14th day of December 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk