

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

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

Leonardo McClarty introduced himself and thanked the Board for the opportunity to speak and address the citizens and constituents of Fayette County. He stated that he was excited to be back home as he grew up in the metro Atlanta area and he looked forward with working with the Board as well as others in the community.

Chairman Hearn extended a warm welcome to Mr. McClarity and added that he would be in contact to discuss ways he and the Board could work together in the future.

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.**

Couty Administrator Steve Rapson, on behalf of the Board, recognized 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. Commissioner Maxwell expressed his appreciation to Mr. Collins for his hard work and fortitude in getting the animal shelter to this point, knowing the challenges he endured and overcame was a ode to his dedication and service to Fayette County.

Mr. Rapson expressed his appreciation to staff as well as to animal advocated because without a collaborative team effort they would not have been as successful.

Mr. Collins stated that it had been a long journey since 2017. He stated that he was appreciative of the hard work of his staff and for the assistance received from the animal advocates in Fayette County. As well as the support he received from Administration and the Board which made this award possible.

Commissioner Maxwell stated that he was so proud of this award and expressed his deep appreciation to Mr. Collins for his hard work remembering where things began in 2017. In light of Mr. Collins pending retirement Commissioner Maxwell stated that he did not want Mr. Collins to be a stranger and thanked him for all he had done for Fayette County.

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, they were welcomed to do so.

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 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.

Mr. Rapson advised the Board that there was an email placed on the dais for review regarding this item.

Mr. Davenport stated that regarding this item the applicant was eligible for a homestead exemption, however, the applicant never applied for said exemption. As a result, even though the applicant was eligible without having applied for the homestead exemption this request would be a denial because the applicant never processed the homestead exemption application. Mr. Davenport stated that the applicant had since moved from the jurisdiction and was unable to attend the Board Meeting but was concerned that her refund request had been recommended for denial.

Commissioner Maxwell stated that it was unfortunate the applicant was unable to attend the meeting to relay their concerns. He added that he was open to moving the vote of this item if needed, although the applicant had not requested for it be postponed.

Mr. Rapson advised that the applicant had relocated to Florida.

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.

Tim Symonds, Project Manager with Morgan Mill Consulting, stated that at the May 25, 2023 BOC Meeting the Board awarded MEJA Construction Inc. to be the construction manager of risk for the renovation project of East Fayetteville Elementary School. Since this award MEJA has developed the design of the building with their designers and input from the Department of Health. Mr. Symonds stated that he was very pleased with the progression of this phase of the project. He continued stating that they had comprised a guaranteed maximum price (GMP) for the project of \$10,979,399, which he was seeking approval of. He added that the cost came in under what was initially budgeted for this project. Mr. Symonds stated that if approved the proposed schedule to start construction with the asbestos abatement was in December 2023 with a project completion deadline of December 2024. He concluded complementing MEJA on their work and efficiency thus far.

Commissioner Rousseau stated that the anticipated project completion of December 2024 was aggressive.

Mr. Symonds stated it was an aggressive timeline but having the structure already in place with “good bones” was a benefit. There would not be extensive heavy construction but primarily renovation which would help them meet that deadline.

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.

Commissioner Maxwell stated that he initially voted against this project because he wanted to build a brand-new Public Health Facility. He noted that he would be voting for this item but wanted it to be clear that in no way was he against this project. However, he would have gone in a different direction and preferred new construction as opposed to doing a 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.

Commissioner Rousseau also asked about the asbestos abatement process.

Mr. Symonds stated that he had initially misspoke and confirmed that the asbestos abatement process would remove all the asbestos from the building.

Mr. Rapson expressed his appreciation to Mike Satterfield and his team for their hard work in getting the build cleaned out and ready. They were initially worried that the clean out process would be prolonged and delay the start of the asbestos abatement process but upon the walk-through staff was pleasantly surprised by the progress made.

Commissioner Rousseau thanked the School Board for the partnership efforts in getting this project underway.

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).

Public Works Director Phil Mallon stated that the purpose of this item which involved State Route 279 Realignment Project, was twofold. He would provide a project update to both the Board as well as the public and be seeking Board authorization for staff to sign the Concept Report for formal submission to Georgia Department of Transportation (GDOT). Mr. Mallon provided a brief overview of the project. He noted the project location extended up State Route 279 and would also involve Corinth Road, Highway 85, and some new road construction. He stated that this project was about 1.25 miles in length. Mr. Mallon outlined various aspects of the project to include road speed changes, curb and gutter, sidewalk logistics, grading and safety improvements. He presented a history of the project since 2017 which began with the State Route 279 Corridor Study, currently the Concept report was being presented to the Board for approval in anticipation of submission to Georgia Department of Transportation (GDOT) for approval. Mr. Mallon noted that the goal of this project was to improve safety and operations along State Route 279, State Route 85 and Corinth Road. He continued stating that the Concept Report outlined several key areas of review to include utility impact, right-of-way impacts, and environmental impacts. Assumptively thinking this project would impact nearly all of these utilities. This would result in a costly price tag for the utilities, which staff was hoping to design the project away from. Mr. Mallon advised that there would be easement and right-of-way acquisition of about 30 parcels with no displacements. Mr. Mallon acknowledge that the cost estimate had dramatically increased since it was initially introduced totaling \$27,382,186. If this cost did play out Fayette County would be responsible for \$6,168,637. He stated that in discussion with Mr. Rapson and Finance they had just about enough funding the 2017 SPLOST, and only needing to reallocate a little bit of additional funding. Mr. Mallon stated that in his opinion this cost would have to be reduced, if not, as a group consideration of this project should be reassessed on a cost-benefit basis.

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.

Commissioner Maxwell asked as a point of clarification, as it related to project details, if any changes had occurred since initial Board approval. Or was this item primarily advising the Board of estimated costs of the project.

Mr. Mallon stated, there were no changes, and this item was brought before the Board to review the estimated costs and Concept Report.

Chairman Hearn stated that he was aware of the utility work arounds that were needed to facilitate this project but was encouraged by the option of doing this project in phases. He stated that they did not have to "eat the elephant in one seating" but they did need to move forward with the whole concept reporting.

Mr. Mallon stated that was correct it was advantages to go through with concept reporting and get the environmental cleared then they could breakdown the construction phase.

Chairman Hearn wanted it to be clear that this item was only approving authorization for staff to sign the Concept Report for formal submission to Georgia Department of Transportation (GDOT).

Commissioner Rousseau asked as a point of clarification if these funds were available via the 2017 SPLOST, for the most part.

Mr. Mallon stated yes.

Commissioner Rousseau encouraged moving forward with this project because this corridor was a gateway into the County and a unique opportunity to welcome people as they come into the County.

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.

Mr. Mallon stated that in order to be a participant and receive Federal Aid for locally sponsored transportation projects, Fayette County needed to maintain a Local Administered Project (LAP) certification with the Georgia Department of Transportation.

Mr. Mallon stated that he had the utmost confidence in Fayette County Purchasing Department and knew our current process met all Federal requirements. However, Georgia Department of Transportation's (GDOT's) did not have the manpower to conduct detail interviews and reviews for the over 159 counties and cities. As a result, it was recommended that Fayette County adopt the Georgia Department of Transportation's (GDOT's) Procurement Manual for the Procurement, Management and Administration of Engineering and Design Related Consulting Services.

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.

Commissioner Maxwell asked if there were any substantive difference between the Fayette County policy and the Georgia Department of Transportation's (GDOT's) policy.

Mr. Mallon stated no, there was not and that is what had been the most frustrating. Using this policy would not change noting in how we proceed on the next project.

Mr. Rapson added as a caveat that there were always more stringent federal requirements vs. the County moving forward on various projects based solely on their policy. However, the Board had to consider that if they wanted to go after federal funding, we had no choice but to follow their policy.

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.

Fire Chief Jeff Hill requested 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. Vice Chairman Gibbons seconded.

Commissioner Oddo reiterated that it was going to take 3 years before these vehicles would be ready.

Chief Hill stated that was correct, 36 months.

Commissioner Oddo stated that was why the Board was approving this purchase now to ensure Fayette County would have the equipment needed to serve its citizens and constituents. Unlike other jurisdictions that have Fire Stations without any fire equipment to service them. He expressed his appreciation to Chief Hill for his forethought.

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. Vice Chairman Gibbons 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.

Fire Chief Hill requested to designate vehicle Asset #21001 (Fleet #23386) and Asset #10848 (Fleet #23022) as surplus and to authorize auctioning both units once these new apparatuses arrive in 3 years.

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.

Commissioner Maxwell asked why the Board would approve this now when this was 3 years down the road.

Chief Hill stated this would allow this designation to be on the record and once the new equipment was received, they could easily move forward with the surplus and auction process.

Commissioner Maxwell stated he would prefer waiting until we got closer to the time the equipment would be ready to make this decision.

Mr. Rapson stated that placing these on surplus provided flexibility to sell and/or surplus them. These engines would be placed in the reserve fleet on reserved status and no longer on the replacement cycle. The fact that they are surplus today would not mean they would be placed on gov.deals to be sold in the next 2-3 years they would remain in service.

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.

Discussion of this item was moved to the beginning of new business as approved at the start of the meeting.

Andrew Tritt with Stifel, Nicolaus, & Company, stated that it was not uncommon for counties to advance fund sales taxes with short term bonds, as long as it did not extend beyond the sales tax collection period. He stated that there had been discussion with staff regarding advance funding certain county projects. Mr. Tritt stated that there was a screening process to determine which project this would work for. He outlined some of the criteria was used to vet which project could be advance funded. He noted that this process would be facilitated using the Public Facilities Authority and screened which project were eligible to be issued through that authority. He continued stating that from this analysis what was being proposed was advanced funding for \$35M of sales tax projects. Mr. Tritt concluded outlining why advanced funding would be beneficial for the County.

Mr. Rapson stated that staff initialed this process based on Board direction. He added that the \$35M advance funded projects included: Recreational Multi-Use Facility at \$14.0M, Backup 911 Center and EOC at South Fayette Treatment Plant at \$1.5M, Justice Center Renovation at \$14.5M, and Longview and Kozisek Dams at \$5M. He stated that staff felt all these projects could be completed within that 3-year cycle. Mr. Rapson stated that staff had evaluated both a revenue bond and a private placement bond, however, the yield curve potential in the bond market were more favorable. Mr. Rapson briefly outlined the bond process stating that the County would borrow the \$35M and use the SPLOST funds as they were received to pay back the \$35M and at the end of the 3-year cycle they County would have gained an additional \$2M in interest revenue that could be reallocated to 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

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, Parks and Recreation multi-use facility, Redwine Road/Bernhard Road/Peachtree Parkway roundabout,

Upcoming Awards

Mr. Rapson advised that Fayette County would be receiving the annual award for Excellence in Financial Reporting as well as the award for Excellence in Financial Reporting for the Water System.

Employee Appreciation Event

Mr. Rapson expressed his appreciation for staff who helped with the Employee Appreciation Event. They did an amazing job!

Veterans Holiday

Mr. Rapson reminded the Board as well as the public that Friday November 11th Fayette County Administrative Office would be closed in observation of Veterans Day.

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 Maxwell extended his condolences to Fayette County Clerk Tameca Smith in light of the loss of her beloved husband. He asked that all in attendance pause for 30-second in remembrance. He concluded asking that we all keep her lifted in this difficult time.

Commissioner Rousseau

Commissioner Rousseau echoed Commissioner Maxwell's comments regards Mrs. Smith. Commissioner Rousseau also expressed his appreciation for the Employee Appreciation Event stating that it was very well executed and organized, he extended a job well done. He concluded asking to get with Mr. Mallon and Mr. Hoffman regarding the conditions of the roadway on Helmer Road specifically the lighting and concerning drop-off.

Commissioner Oddo

Commissioner Oddo expressed the importance of the upcoming Veterans Holiday and showing appreciation for those who have served. He also wished everyone a Happy Thanksgiving.

Chairman Hearn

Chairman Hearn stated that he recently attended the Atlanta Regional Commission (ARC) meeting where they were currently working on their upcoming budget of over \$100M. He noted that also re-elected Bob Reeves to serve as the citizen representative and doing an excellent job. He expressed his appreciation to all veterans.

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.

Non-Retention Settlement

Mr. Davenport advised the Board of a Non-Retention Settlement involving a Fire/EMS unit and a private motor vehicle, with the accident being the private motor vehicle's fault. The insurance company has offered the County \$32K for a non-retention settlement. Mr. Lackey, Fayette County Fleet Director, recommended the Board accept the settlement.

Vice Chairman Gibbon moved to approve the non-retention settlement for \$32K. Commissioner Maxwell seconded. The motion passed 5-0.

Non-Compensable Settlement

Mr. Davenport advised the Board that a former employee Ms. Adams was initially involved in what was thought was a workers compensation case, however, upon investigation it was determined that this was a non-compensable injury not an on-the-job injury. The settlement amount was for \$6500 with the standard release documents to include a confidentiality agreement.

Vice Chairman Gibbons moved to approve non-compensable settlement in the amount of \$6500. Commissioner Oddo seconded. The motion passed 5-0.

Forever Chemical Litigation

Mr. Davenport advised the Board they had been in contact with Burch Blasingame and Beasley Allen Law Firm, and they had proposed to enter an engagement with the County in a contingency relationship, where they would front all expenses of the relationship. If any recovery was made, they would split the proceeds 67%/ 33%, net of expenses, with the expenses being paid first. Then the split would be 2 to 1, County to the attorneys as far as the fees were concerned.

Commissioner Oddo moved to approve the outlined arrangement. 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