

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles D. Rousseau
Charles W. Oddo



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

January 25, 2024

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.

OFFICIAL SESSION:

Call to Order

Vice Chairman Edward Gibbons called the January 25, 2024 Board of Commissioners meeting to order at 5:01 p.m. A quorum of the Board was present. Chairman Lee Hearn was absent.

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Commissioner Eric Maxwell offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Oddo moved to accept the agenda as written. Commissioner Maxwell seconded. The motion passed 4-0. Chairman Hearn was absent.

PROCLAMATION/RECOGNITION:

- 1. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2023 annual audit.**

Gregory Chapman with Nichols, Cauley & Associates, LLC, provided the Board with a brief outline of the results of the Fiscal Year (FY) 2023 annual audit. Mr. Chapman thanked the Board for allowing his firm the opportunity to perform the (FY) 2023 annual audit for Fayette County. He stated that the responsibility of his firm was to perform an audit over the financial statements. He stated that this audit was performed in accordance with Auditing Standards Generally Accepted in the United States of America (GAAS) and Government Auditing Standards (GAS). Mr. Chapman stated that they did consider the internal control structure of the County, however, they did not express an opinion based on the internal control as a part of the audit. He noted that the financial statements were the responsibility of the County's management. They do assist with the preparation of the financial statements but only with the information provided placing the data into financial statement format. He continued that the audit was an unmodified "clean" opinion on the basic financial statements, presented fairly in accordance with accounting principles generally accepted in the United States of America (GAAP). Mr. Chapman stated that as part of the audit process, his firm did provide a letter to management called the Governance Communications which outlined the details of the results of the audit. Mr. Chapman stated that within the report there was a section noted as "notes to the financial statements". Note one contained all the financial policies that are used by the County to support the numbers within the financial statements. He added that in considering the policies they consider whether they were in accordance with accounting principles used by governmental

entities, and upon review, no problems were found with the policies used by the County. Mr. Chapman stated that when auditing the financial statements there were certain numbers used in the financials referred to as “hard numbers” (e.g., cash) that can easily be confirmed. Conversely, there were other numbers that had to be estimated (e.g., account receivable that were uncollectable) and assessed by actuaries and upon review, there were no significant issues concerning these. He continued stating that the financial disclosures were also reviewed, and no issues were found. Mr. Chapman stated that he was required to disclose any issues or problem encountered with management but advised that they received full cooperation with the County’s management, staff, and others. He stated that as part of the audit, certain financial adjustments were recorded, most of which revolve around the actuarial evaluations he previously discussed. He noted that these reports were completed late in the process and are provided to management and available for review. Mr. Chapman stated that audit adjustments that were proposed to management was accepted by management and made in the financial record. He noted that Nichols Cauley & Associates, LLC was independent with regard to the County and its financial reporting process. Mr. Chapman briefly outlined the financial highlights discussing various trends as it related to property tax, Local Occupational Sales Tax (L.O.S.T) and the millage rate as well as a high-level overview of General Funds expenditures, and 2023 Capital Investments. He acknowledged that Fayette County had received the GFOA Certificate of Achievement for Excellence in Financial Reporting for their 2022 reporting.

Commissioner Oddo stated that although not mentioned, Nichols, Cauley & Associates, LLC also participated in a peer review, which he felt was important for the public to know, to help them understand and appreciate the quality of the analysis the County received.

Mr. Chapman stated that his firm was actually in the midst of their peer review where they similarly go through an audit-like review to ensure they are following the quality control standards that are in place for financial consulting firms.

County Administrator, Steve Rapson, commended the Finance Department for their continued hard work and dedication in getting this reporting done.

No vote was taken.

PUBLIC HEARING:

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

2. Second 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 in accordance with the state zoning procedures act, this was the second of two required public hearings for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility. She continued stating that the first public hearing was presented before the Board of Commissioners on July 27, 2023, no vote was required at that time. Ms. Bell stated that both staff and the Planning Commission recommend approval of the project. Ms. Bell provided a brief overview of the property location within the County.

Adam Kaye, applicant, stated that he was seeking approval of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility. He stated that he was pleased to report that all the conditions that were adopted into the code had been satisfied. In an effort to be a “good neighbor” the applicant decided to go above and beyond regarding the fencing requirement, as raised at the previous public hearing, and elected to use a 6ft. privacy fence around majority of the property and a 4ft. decorative fence on the remaining area requiring fencing. He also noted that the property owner also met with the City of Fayetteville to discuss any questions or concerns, since the property also shared a boundary line in that jurisdiction. He concluded stating that there was an immense community support for the project and asked for Board approval of the application.

Vice Chairman Gibbons stated that from his understanding this process had been approved every step of the way thus far.

Ms. Bell stated, "yes". This had been added as a use to the zoning ordinance and a special use of property was also added.

Vice Chairman stated that this hearing was essentially an adherence to state law and conducting the second required public hearing of the process.

No one spoke in favor or opposition.

Commissioner Oddo moved to approve 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. Commissioner Rousseau seconded.

Commissioner Maxwell stated that he had assumed that there may have been a little more controversy reading this zoning request but was appreciative of all those who came out in support, although they did not speak publicly. He stated that he had wished this could have been done a lot quicker, but it had to go through the appropriate process in accordance with state law. He concluded stating that he was happy to be voting for this, and expressed his appreciation for this project and the impact it would have on the community.

Mr. Kaye thanked the Board for their support.

Commissioner Charles Rousseau reiterated the comments regarding the need for this type of facility in our community. He thanked the combined efforts of Drug Free Fayette, Fayette Factor, and health advocates in the area who were in support of this need.

Commissioner Oddo moved to approve 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. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Hearn was absent.

3. Consideration of Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South.

Ms. Bell stated that when a full Board was not present the applicant did have an option to table the consideration of the request to the next Board meeting. She noted that this applicant was not present to make that request. This request was to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South. Ms. Bell stated that the Planning Commissioner recommended conditional approval, while staff recommend denial because it did not align with the Future Land Use Map, however if approved, staff did have the following conditions:

1. The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

Ms. Bell provided a brief overview of the property location within the county.

No one spoke in favor or in opposition.

Commissioner Maxwell moved to deny Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South. Commissioner Rousseau seconded.

Commissioner Rousseau stated that if denied, the applicant would have to wait six months before they can bring anything back before the Board for consideration.

County Attorney Deniss Davenport stated that was correct.

Commissioner Rousseau stated that from his understanding of the information via the agenda backup, it seemed as though the applicant was confused as to if they wanted to comply with the outlined conditions.

Mr. Bell stated that was correct. At the Planning Commission meeting the applicant agreed to the conditions, however, days later an email was received expressing concern regarding not wanting to comply with the conditions. She stated that she outlined her options and timeframes if the request was denied and advised that the applicant could also request to have the item tabled to reassess the project. She concluded that she did not receive a response.

Commissioner Rousseau also reiterated that the property with conditions and layout was not a good fit for this type of project, along with it not aligning with the Land Use Map.

Commissioner Oddo expressed his reasoning for voting for denial outlining the desire of the Board to maintain appropriate density distribution throughout the county and this project did not fit within those outlined parameters.

Commissioner Maxwell moved to deny Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Hearn as absent.

4. Consideration of Petition No. 1337-23, Javier Torres Fernandez, owner; Nathan Dockery, agent, request to rezone 2.40 acres from A-R to R-20 for the purposes of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road.

Ms. Bell advised that when a full Board was not present the applicant did have an option to table consideration of the request to the next Board meeting.

The applicant elected to proceed with the public hearing.

Ms. Bell stated that this request was a request to rezone 2.40 acres from A-R to R-20 for the purpose of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road. Ms. Bell stated that staff and the Planning Commission recommended conditional approval the following conditions:

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.

She noted that there had been a third condition related to driveway location, however, it was resolved. Ms. Bell advised that the request did comply with the Land Use Plan. Ms. Bell provided a brief overview of the property location within the county.

Nathan Dockery, agent, stated that the request was to rezone 2.40 acres from A-R to R-20 for the purpose of building a single-family residence.

Vice Chairman asked if the applicant had any issues with the outlined conditions.

Mr. Dockery stated no, there were not issues with the conditions.

No one spoke in favor or in opposition.

Commissioner Odo moved to approve Petition No. 1337-23, Javier Torres Fernandez, owner; Nathan Dockery, agent, request to rezone 2.40 acres from A-R to R-20 for the purposes of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road, with outlined conditions. Vice Chairman Gibbons seconded. The motion passed 4-0. Chairman Hearn as absent.

5. Consideration of an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses.

Ms. Bell stated that as a result of discussions over the past few months, the Board of Commissioners instructed staff to develop a revised ordinance addressing special events. She stated that there were several work sessions and a first public hearing with the Planning Commission all of which included public input. Staff and the Planning Commission recommended approval of the amendments with some revisions as discussed during the hearing.

Vice Chairman Gibbons asked for comments of those in favor of these amendments.

The following residents made comments in favor: Bobby Ferrell and Rick Minter.

Comments regarding amendment to the Fayette County Zoning Ordinance included: commendation to Ms. Bell and her staff for their efforts in working with staff and the community to comprise an ordinance that included resident input, appreciation for the updates and desire for close monitoring of these special events.

No one spoke in opposition.

Commissioner Odo moved to approve an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses. Commissioner Maxwell seconded.

Commissioner Rousseau expressed his appreciation to staff and county residents for their engagement, consistency, and doing their due diligence in getting this ordinance updates in the books. Commissioner Rousseau asked about the ability to increase the penalty fee for those who may violate the ordinance.

Mr. Davenport advised that the ordinance penalty fees was included in an umbrella section in the state code that set the violations penalty fee of up to \$1,000. It provides the ceiling to allow the Judge discretion in ruling on various violations.

Commissioner Rousseau asked how and/or if this could be increased.

Mr. Davenport stated that this was a state law cap.

Commissioner Rousseau also asked why the offsite parking was removed as a condition to the ordinance amendments.

Ms. Bell stated that the offsite parking was not removed but incorporated into the offsite traffic management plan under the safety plan.

Commissioner Oddo moved to approve an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses. Commissioner Maxwell seconded. The motion passed 4-0. Chairman Hearn was absent.

PUBLIC COMMENT:

Thema Kelly expressed her concern with concentrated distribution of package stores in Fayetteville and asked if there were plans for construction of package stores in south Fayette County.

Commissioner Maxwell stated that the newly constructed package stores were all in the City of Fayetteville city limits and that they would be the more appropriate jurisdiction to address her concerns. The County did not have anything to do with approval of these developments.

Cynitha Derico expressed a desire to increase the rate of pay for elections poll workers.

Jane Harmon also implored the Board to consider a pay increase for elections poll workers to garner the interest of younger citizens.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda. Commissioner Maxwell seconded. The motion passed 4-0. Chairman Hearn was absent.

- 6. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has appointed Zach Livsey to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.**
- 7. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Sharlene Alexander to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.**
- 8. Approval of a disposition of tax refund, as requested by Patrick Murray, in the amount of \$284.24 for tax years 2020, 2021 and 2022.**
- 9. Approval of a disposition of tax refund, as requested by Keshia Knight Pulliam, in the amount of \$77.37 for tax year 2022.**
- 10. Approval of a disposition of tax refund, as requested by MIKLO IRA LLC, in the amount of \$237.44 for tax years 2022.**
- 11. Approval of a disposition of tax refund, as requested by Antonio Wilkins, in the amount of \$409.92 for tax years 2020, 2021 and 2022.**
- 12. Approval of a disposition of tax refund, as requested by Solomone Fukuoka, in the amount of \$454.87 for tax years 2021 and 2022.**

13. Approval of a disposition of tax refund, as requested by Carrilyn D. Strickland Arnold, in the amount of \$4,311.11 for tax years 22020, 2021 and 2022.
14. Approval of a disposition of tax refund, as requested by Russell and Jacqueline Hall, in the amount of \$1,466.29 for tax years 2020, 2021 and 2022.
15. Approval of a disposition of tax refund, as requested by Hector Morales, in the amount of \$5,078.58 for tax years 2020, 2021 and 2022.
16. Approval of a disposition of tax refund, as requested by Jerry Knowles, in the amount of \$1,219.84 for tax years 2017, 2018 and 2019.
17. Approval to award Bid #2348-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBQ Downing Court Culvert Replacement to the lowest responsive, responsible bidder, F.S. Scarbrough, LLC, in the amount of \$117,706.35 and to transfer \$64,473 from 19SBO - Davis Road.
18. Approval to award Bid #2336-A for Lake Kedron Dam Intake Sluice Gate to Zion Marine Inc., in the not-to-exceed amount of \$62,700 for replacement of Lake Kedron Dam exterior sluice gate and to transfer \$22,700 from CIP 8CSSC to CIP 24WSE.
19. Approval of Ironside Locates Contract 2258-B; Utility Locating change order with a not-to-exceed amount of \$105,000 to provide production utility locating of Water System infrastructure.
20. Approval of the January 11, 2024 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

21. Review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE).

Ms. Bell stated that the current Impact Fee program and its associated Capital Improvement Element (CIE) was adopted May 4, 2001. It has not been restudied or updated since that time. The current Impact Fee provides funding for Fire Services only. Ross and Associates was a consulting firm engaged to update the Impact Fee program. They were also asked to determine Impact Fees for new categories of CIE services so the County can consider adding Emergency Services (EMS) and Parks elements.

Mr. Rapson briefly outlined how Impact Fees are typically developed and established and what the impacts of adding Emergency Services (EMS) and Parks elements would have.

Further discussion continued.

Vice Chairman Gibbons stated that he would like a recommendation from staff on how to proceed. Vice Chairman Gibbons moved to table this item.

Tabled to the February 15, 2024 Board Meeting.

22. Request to approve the Planning Commission Selection Committee's recommendation to appoint Boris Thomas to the Planning Commission to fill an unexpired term expiring December 31, 2024, and the subsequent term beginning January 1, 2025 and expiring December 31, 2027, per County Policy 100.19; Board Appointment.

Commissioner Oddo moved to approve to appoint Boris Thomas to the Planning Commission to fill an unexpired term expiring December 31, 2024, and the subsequent term beginning January 1, 2025 and expiring December 31, 2027, per County Policy 100.19; Board Appointment. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Hearn was absent.

23. Request to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which includes General Conditions and General Requirements and the Construction Manager fee.

Project manager, Tim Symonds, stated that he was seeking Board approval to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which included General Conditions and General Requirements and the Construction Manager fee. He stated that the CMAR would provide professional services and act as a consultant to the owner in the construction phases of the classroom and training tower construction. Mr. Symonds stated that an evaluation committee scored the responding firms' proposals based on technical merit. He added that construction costs would be added to the contract through a change order at a later date.

Commissioner Oddo moved to approve to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which includes General Conditions and General Requirements and the Construction Manager fee. Vice Chairman Gibbons seconded. The motion passed 4-0. Chairman Hearn was absent.

24. Request to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38.

Assistant Environmental Management Director, Courtney J. Hassenzahl, stated that this request was to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38. She stated that this project consists of replacing eight (8) failing and deteriorating corrugated metal pipes in the Foxhall Farms subdivision off State Route 92.

Commissioner Oddo moved to approve to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38. Commissioner Maxwell seconded. The motion passed 4-0. Chairman Hearn was absent.

ADMINISTRATOR'S REPORTS:

Mr. Rapson advised that a selection committee was needed for the Board of Health.

Commissioner Maxwell moved to approve Chairman Hearn and Vice Chairman Gibbon to serve as the selection committee for the Board of Health. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Hearn was absent.

Mr. Rapson thanked Planning and Zoning Director Ms. Bell and her team for a job well done regarding the update to the special use amendments.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were five items for Executive Session. Two items involving threatened litigation, two involving pending litigation and the review of the January 11, 2024 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau extended his appreciation to Arnold Martin for his tenure and years of service on the Planning Commission. He also extended a thank you to the County Administrator and Building Safety staff for a job well done regarding a recent condemnation situation and assistance provided in handling that incident.

Commissioner Oddo

Commissioner Oddo extended his appreciation to Ms. Bell and staff for a job well done.

Vice Chairman Gibbons

Vice Chairman Gibbons extended a speedy recovery to Chairman Hearn. He also expressed his appreciation to the Finance office for an amazing job with the 2023 financial reporting and audit. Vice Chairman Gibbons also stated that he was privilege to attend the recent employee recognition luncheon for employees who have served for 20+ years and this was a testament to the organization to have this level of long-term employees' retention. Kudos to Fayette County.

EXECUTIVE SESSION:

Two items involving threatened litigation, two involving pending litigation and the review of the January 11, 2024 Executive Session Minutes. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 4-0. Chairman Hearn was absent.

The Board recessed into Executive Session at 6:11 p.m. and returned to Official Session at 6:47 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 4-0. Chairman Hearn was absent.

Approval of the January 11, 2024 Executive Session Minutes: Commissioner Oddo moved to approve January 11, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0. Chairman Hearn was absent.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the January 25, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Chairman Hearn was absent.

The January 25, 2024 Board of Commissioners meeting adjourned at 6:47 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Edwards Gibbons, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8th day of February 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk