

## **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**

April 11, 2024  
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.

### **OFFICIAL SESSION:**

#### **Call to Order**

Chairman Lee Hearn called the April 11, 2024 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**

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. Vice Chairman Edward Gibbons seconded. The motion passed 5-0.

### **PROCLAMATION/RECOGNITION:**

- 1. Recognition from the Veterans of Foreign Wars (VFW) of the Fayette County Fire & Emergency Services 2024 EMT of the Year, Captain Eric Williams, and Fayette County 911 2024 Communications Officer of the Year, Lauren Patterson.**

Larry Dell, with the local chapter of the Veterans of Foreign Wars (VFW) made a presentation to the Fayette County Fire & Emergency Services 2024 EMT of the Year, Captain Eric Williams, and Fayette County 911 2024 Communications Officer of the Year, Lauren Patterson. Mr. Dell stated that it was an honor to make this presentation to both Captain Williams and Communications Officer Patterson and noted that their dedication and service to this community are vital to the successful operations of emergency response to the citizens of Fayette County.

### **PUBLIC HEARING:**

### **PUBLIC COMMENT:**

### **CONSENT AGENDA:**

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

2. **Approval for staff to acquire all fee simple right-of-way, easements, and appraisals for the proposed 2017 SPLOST; Stormwater Category II, Tier II Project 168 Cross Creek Trail Culvert Replacement (21SAJ).**
3. **Approval for staff to acquire all fee simple right-of-way and easements for the proposed signalized intersection of Highway 85 and Highway 85 Connector (2004 SPLOST R-19/R-20).**
4. **Approval of the proposed 2024 Supplemental Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and for the Chairman to sign the LMIG Application and related documents.**
5. **Approval of the "List of Roadways" in Fayette County.**
6. **Approval of the March 28, 2024 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

7. **Request to approve updates to Fayette County Policy 200.03, Use of Federal Funds and the subsequent ordinance regarding this policy.**

Purchasing Director, Ted Burgess, stated that local governments that use federal grant funds must have and use documented procurement procedures that comply with the code of federal regulations. He continued stating that the Board approved compliant regulation in March 2012 since then, however, the requirements have changed significantly and needed to be updated. Before the Board was the updated Fayette County Policy 200.03, Use of Federal Funds and the subsequent ordinance regarding this policy. Mr. Burgess stated that the updated policy had expanded and outlined some of the changes.

Commissioner Maxwell moved to approve updates to Fayette County Policy 200.03, Use of Federal Funds and the subsequent ordinance regarding this policy. Vice Chairman Gibbons seconded.

Commissioner Maxwell stated that although he did not like being told what to do, if the County wanted to use federal funding this was a requirement they had to comply with and was in support if it for that reason.

Mr. Rapson advised the Board that Mr. Burgess was the Georgia Purchasing Association, President. And had spoken before the State Legislature regarding purchasing items recently. He noted that Mr. Burgess was vigilant in keeping the County out of trouble and in compliance as it related to maintain purchasing guidelines.

Commissioner Maxwell moved to approve updates to Fayette County Policy 200.03, Use of Federal Funds, and the subsequent ordinance regarding this policy. Vice Chairman Gibbons seconded. The motion passed 5-0.

8. **Request to approve Ordinance 2024-02 amending Fayette County Code; Chapter 28-Utilities; Article III. - Water Restrictions to establish provisions pertaining to water restriction requirements.**

Water System Director Vanessa Tigert stated that before the Board was an update to Ordinance 2024-02 amending Fayette County Code; Chapter 28-Utilities; Article III. - Water Restrictions to establish provisions pertaining to water restriction requirements. She stated that this request would adopt the model ordinance outlined and established by the Metro Water District. Ms. Tigert briefly outlined a few major differences in the updated requirements highlighting the added language for water use restrictions related to water wasting activities and flash drought requirements. She noted that this ordinance was the backbone to the County's drought contingency plan.

Chairman Hearn asked how the different drought levels were determined.

Ms. Tigert briefly outlined the Environmental Protection Division (EPD) drought level condition requirements; and associated indicators and processes put in place in Fayette County. These indicators included precipitation, stream flow, season, etc. She noted that these indicators are analyzed and evaluated at each of the water reservoirs in the County.

Further discussion continued.

Chairman Hearn asked if changes could be made to this ordinance.

Ms. Tigert stated that as presented the ordinance was the least conservative, if desired, the Board could add more regulations.

Mr. Rapson stated that he was aware of concerns from Board members related to the violations included in the ordinance outlined on page 107 in the agenda package. He advised that if, the Board desired, they could modify the violation structure. He concluded stating that other than that it should be approved as presented.

Commissioner Oddo moved to approve Ordinance 2024-02 amending Fayette County Code; Chapter 28-Utilities; Article III. - Water Restrictions to establish provisions pertaining to water restriction requirements. Chairman Hearn seconded.

Vice Chairman Gibbons asked how violations were handled if an incident occurs when a resident was out of town and unaware of an initial problem, would the resident subsequently be cited additional violations.

Ms. Tigert stated that notices of violation were hand delivered.

Mr. Rapson added that this process would be implemented with a commonsense approach. And violators would be given written warnings and appropriate time to rectify issues before a citation was issued.

Vice Chairman Gibbons stated that his main concern was that residents who unknowingly had issues would be given enough time to resolve concerns without accumulating violations.

Ms. Tigert noted that the first violation was a written warning with no fee. She added stating that a major component of this process was an educational outreach to the community. Compliance of the updated ordinance was the main goal.

Vice Chairman Gibbons stated that he wanted to ensure fairness in dealing with the residents and violations. He asked about the reset period of 12-months and how/when subsequent violations were issued. If a resident was issued a warning violation fixed the problem than 4 months later whether the initial fix failed, or a secondary problem occurred was that considered a secondary (fined) violation or a separate first written warning violation.

Mr. Rapson stated that this would be a judgement call on the County and would be handled in a similar manner to current violation and citations and treated as a new written warning.

Mr. Davenport stated that the way the language was set from the model ordinance was "it does not reset until you come out of the drought response period" which he felt was too general. With that in mind, he added the 12-month reset period to be more objective. He stated that as written a second citation "could" be issued inside that 12-month reset period. Mr. Davenport stated that the Board could change the reset duration language, if desired. He noted that fees are not typically discretionary but set regulatorily. With the 12-month reset period language included, while discretion was appreciated, it could cause fairness issues if not executed appropriately. Mr. Davenport suggested changing the 12-months reset period to 6 or 3 months.

Commissioner Oddo moved to approve Ordinance 2024-02 amending Fayette County Code; Chapter 28-Utilities; Article III. - Water Restrictions to establish provisions pertaining to water restriction requirements. Chairman Hearn seconded. The motion passed 5-0.

## **ADMINISTRATOR'S REPORTS:**

### **Hot Projects**

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Parks and Recreation multi-use facility, Redwine Road multi-use path, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Coastline Bridge improvements, and the Animal Shelter facility, and a Water System update.

### **Animal Shelter**

Mr. Rapson advised that there would be a community Animal Shelter open house on Saturday April 13<sup>th</sup> at 3:00p.m.

### **Retreat**

Mr. Rapson advised that the County's annual Retreat had been rescheduled to Thursday May 16<sup>th</sup>.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were five items for Executive Session. Four items involving threatened litigation and the review of the March 28, 2024 Executive Session Minutes.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Oddo**

Commissioner Oddo extended a job well done to everyone involved with the new Animal Shelter, it's a beautiful facility.

### **Vice Chairman Gibbons**

Vice Chairman Gibbons thanked the City of Peachtree City elected officials for their partnership and collaboration in doing the land swap for the new Animal Shelter this was pivotal in getting this facility built and operational.

### **Chairman Hearn**

Chairman Hearn stated that he attended the groundbreaking ceremony for the new national soccer training facility on Monday April 15<sup>th</sup> and expressed his excitement for this upcoming project.

## **EXECUTIVE SESSION:**

### **Four items involving threatened litigation and the review of the March 28, 2024 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 5:29 p.m. and returned to Official Session at 5:40 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 March 28, 2024 Executive Session Minutes:** Commissioner Oddo moved to approve the revised March 28, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

## **ADJOURNMENT:**

Vice Chairman Gibbons moved to adjourn the April 11, 2024 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The April 11, 2024 Board of Commissioners meeting adjourned at 5:41 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 23<sup>rd</sup> day of April 2024. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk