

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

ACTION AGENDA

June 27, 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

Chairman Lee Hearn called the June 27, 2024 Board of Commissioners meeting to order at 5:02 p.m. A quorum of the Board was present. Commissioner Maxwell was absent.

Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons

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

Acceptance of Agenda

Vice Chairman Gibbons motioned to accept the agenda with the addition of item 2a. regarding the per diem rates for official court reporter services in Fayette County Courts. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Maxwell was absent.

PROCLAMATION/RECOGNITION:

- 1. Recognition of the Fayette County State Court Summer Interns.**
- 2. Request to approve Resolution 2024-08 to increase the per diem rates for official court reporter services in both criminal and civil cases in the Griffin Judicial Circuit from \$200 to \$400.**

Vice Chairman Gibbons moved to approve Resolution 2024-08 to increase the per diem rates for official court reporter services in both criminal and civil cases in the Griffin Judicial Circuit from \$200 to \$400. Commissioner Oddo seconded. The motion passed 3-0-1, with Commissioner Rousseau abstaining. Commissioner Maxwell was absent.

- 2a. Request to approve Resolution 2024-09 to increase the per diem rates for official court reporter services in Fayette County Courts from \$200 to \$400.**

Commissioner Rousseau moved to approve Resolution 2024-09 to increase the per diem rate for contract court reporters in the Fayette County courts to \$400.00 per day for both criminal and civil cases. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

PUBLIC HEARING:

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

3. Second of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2025 which begins on July 1, 2024 and ends June 30, 2025 and to approve Resolution 2024-05 to adopt the Fiscal Year 2025 Annual Budget.

Ms. Weinmann stated that Budget discussion item #3 involved State Court and would adjust State Court technical services budget. She stated that the State Court technical services budget decreased by \$65K due to a grant application that was not awarded as anticipated. Originally there was a request of \$38,500 for State Court in technical services for visiting judges and court reporters but the budget was placed at \$25K. She stated that the \$13,500 was being added back to the expense budget for visiting judges. She advised that it would be a net reduction of \$51.5K.

Vice Chairman Gibbons moved to approve to adjust the State Court technical services budget as shown in discussion item #3; Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Ms. Weinmann stated that Budget discussion item #4 involved the Cooperative Extension and would increase the University of Georgia Cooperative Extension contract to include a 4% increase for Cooperative Extension personnel and this would be an increase of approximately \$4,375.

Vice Chairman Gibbons moved to approve the 4% increase for Cooperative Extension personnel. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Ms. Weinmann stated that Budget discussion item #5 involved the Griffin Judicial Circuit and would decrease the proposed 6.25% increase for Griffin Judicial Circuit employees to 4.80%. This would be a net reduction of \$10,243 for the Griffin Judicial Circuit (GJC).

Commissioner Oddo moved to approve to decrease the proposed 6.25% increase for Griffin Judicial Circuit employees to 4.80%. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Ms. Weinmann stated that Budget discussion item #6 was for the Sheriff's Office and involved a net reduction of Sheriff's Office personnel expenses of \$6,908. This adjustment would be a reduction of one (1) Detention Officer in the Jail and establish one (1) Criminal Justice Information System (CJIS) Network Operator.

Commissioner Oddo moved to approve the reduction of the Sheriff's Office personnel expenses of \$6,908. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Ms. Weinmann stated that Budget discussion item #7 was regarding the Court Reporters and related to the previously approved resolutions in items 2 and 2a. She stated that Resolution 2024-08 was regarding the Griffin Judicial Circuit employee court reporters per diem rate for criminal cases will remain at \$200 but will increase to \$400 for civil cases; and contract court reporters per diem rate will increase to \$400 for both criminal and civil cases.

Vice Chairman Gibbons moved to approve the court rate per diem as shown for Budget discussion item #7 for the Griffin Judicial Circuit. Commissioner Oddo seconded. The motion passed 3-0-1, with Commissioner Rousseau abstaining. Commissioner Maxwell was absent.

Vice Chairman Gibbons moved to approve the court reporters per diem pay rate as shown for Budget discussion item #7 for Fayette County Courts contract employees. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

Commissioner Oddo moved to adopt the Fiscal Year 2024 Budget and to approve Resolution 2024-05. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 4. Consideration of Petition No. 1348-24, Mark Wurster, II, Owner, requests to rezone 7.972 acres from A-R (Agricultural-Residential) to C-H (Highway Commercial) for the purposes of future commercial development; property located in Land Lot 70 of the 5th District and fronts on State Route 85 and Price Road.**

Commissioner Oddo moved to approve Petition No. 1348-24, Mark Wurster, II, Owner, requests to rezone 7.972 acres from A-R (Agricultural-Residential) to C-H (Highway Commercial) for the purposes of future commercial development; property located in Land Lot 70 of the 5th District and fronts on State Route 85 and Price Road. Vice Chairman Gibbison seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 5. Consideration of Petition No. RDP-018-24, Andrew and Catherine Mask, owners, request to revise the development plan for Bakersfield Farms in order to subdivide Parcel #0443 03005 (Lot 11) into two (2) parcels; property fronts on Old Farm Road.**

Vice Chairman Gibbons moved to approve Petition No. RDP-018-24, Andrew and Catherine Mask, owners, request to revise the development plan for Bakersfield Farms in order to subdivide Parcel #0443 03005 (Lot 11) into two (2) parcels; property fronts on Old Farm Road, with condition. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 6. Consideration of Ordinance 2024-03 amending Chapter 110. Zoning Ordinance, Article V. Conditional Uses; amending Sec. 110-169. Conditional use approval; (2) Conditional uses allowed; mm. Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office; to add a provision for outdoor athletic facility lighting.**

Vice Chairman Gibbons moved to table this item to the July 25th BOC Meeting. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 7. Consideration of a Draft Capital Improvements Element Amendment of the Fayette County Comprehensive Plan relating to the County's Impact Fee Program, to be transmitted to the Atlanta Regional Commission for Regional and State Review pursuant to the Georgia Planning Act of 1989.**

Vice Chairman Gibbons moved to approve the Draft Capital Improvements Element Amendment of the Fayette County Comprehensive Plan relating to the County's Impact Fee Program, to be transmitted to the Atlanta Regional Commission for Regional and State Review pursuant to the Georgia Planning Act of 1989. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

PUBLIC COMMENT:

CONSENT AGENDA:

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

- 8. Approval of Resolution 2024-06 to Transmit the DRAFT Capital Improvements Element Amendment of the Fayette County Comprehensive Plan relating to the County's Impact Fee Program, to be considered for transmittal to the Atlanta Regional Commission for Regional and State Review pursuant to the Georgia Planning Act of 1989.**

9. Approval of a request from Fayette Huntcliff Developers, LLC, owner of Huntcliff Manor, seeking authorization for the use of motorized cart travel on all streets within the subdivision in accordance with Article III Motorized Carts of the Fayette County Code.
10. Approval to add Huntcliff Manor Phase One subdivision to Fayette County's Street Light Program.
11. Approval to acquire all fee simple right-of-way and easements for the Ridge Way at Park Hill Lane Stormwater Replacement.
12. Approval to award prepositioned Contract 2366-P Debris Monitor to Tetra Tech, Inc.
13. Approval to award multi-jurisdictional, prepositioned Contract 2365-P Debris Clearing, Removal & Disposal to Ceres Environmental Services, Inc.
14. Approval to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan.
15. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Billie Marie Wood, in the amount of \$110.65 for tax year(s) 2023.
16. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Deanna Sterling, in the amount of \$651.56 for tax year(s) 2021, 2022 and 2023.
17. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Freida Perry, in the amount of \$2,952.36 for tax year(s) 2023.
18. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Howard Gutherie, in the amount of \$579.36 for tax year(s) 2021, 2022 and 2023.
19. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Rosemary Tennant, in the amount of \$3,346.20 for tax year(s) 2021.
20. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Alonzo Price, in the amount of \$205.92 for tax year(s) 2021 and 2022.
21. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Benjamin and Vanessa Maner in the amount of \$4,829.49 for tax year(s) 2023.
22. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Brenda Fuller, in the amount of \$1,556.93 for tax year(s) 2023.
23. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Eric and Marlo Tiede, in the amount of \$461.72 for tax year(s) 2022.
24. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Evie Bowers, in the amount of \$2,622.99 for tax years 2020, 2021 and 2022.
25. Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Geraldine P. Carolan in the amount of \$1,601.14 for tax year(s) 2021, 2022, and 2023.

26. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by James O'Shields, in the amount of \$2,459.14 for tax year(s) 2023.**
27. **Approval of County Attorney's recommendation to approve a disposition of tax refund, as requested by Rachel Williams, in the amount of \$4,573.93 for tax year(s) 2023.**
28. **Approval of the June 13, 2024 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:
NEW BUSINESS:

29. **Request to close McCurry Park North on November 9, 2024, from 6:30 a.m. to 5:00 p.m. for the Theta Lambda Lambda of Omega Psi Phi Fraternity, Inc. 5K to raise awareness regarding Prostrate Cancer and raise funds for their foundation to continue servicing the communities of Fayette and Coweta.**

Vice Chairman Gibbons moved to approve close McCurry Park North on November 9, 2024, from 6:30 a.m. to 5:00 p.m. for the Theta Lambda Lambda of Omega Psi Phi Fraternity, Inc. 5K to raise awareness regarding Prostrate Cancer and raise funds for their foundation to continue servicing the communities of Fayette and Coweta. Commissioners Rousseau seconded. The motion passed 4-0. Commissioner Maxwell was absent.

30. **Request to enter into a Radio Communications Memorandum of Understanding (MOU) with Georgia Bureau of Investigation for radio access.**

Commissioner Rousseau moved to approve to enter into a Radio Communications Memorandum of Understanding (MOU) with Georgia Bureau of Investigation for radio access. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell seconded.

31. **Request to accept an academic education affiliation agreement with healthcare systems partnering with Fayette County Fire & Emergency Services AEMT and Paramedic training programs, and to delegate Fire Chief Jeffrey W. Hill to sign education affiliation agreements for the training programs on behalf of Fayette County.**

Commissioner Rousseau moved to approve to accept an academic education affiliation agreement with healthcare systems partnering with Fayette County Fire & Emergency Services AEMT and Paramedic training programs, and to delegate Fire Chief Jeffrey W. Hill to sign education affiliation agreements for the training programs on behalf of Fayette County. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

32. **Request to renew Contract #2077-B; Water Treatment chemicals for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemicals for a total not-to-exceed amount of \$478,953.00.**

Vice Chairman Gibbons moved to approve to renew Contract #2077-B; Water Treatment chemicals for Brenntag Mid-South, Inc., Chemtrade Chemicals US LLC, and Southern States Chemicals for a total not-to-exceed amount of \$478,953.00. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

33. **Request to approve Ordinance 2024-04 to revise provision pertaining to the donation of right-of-way as a condition of development in Fayette County's Code of Ordinances.**

Vice Chairman Gibbons moved to approve Ordinance 2024-04 to revise provision pertaining to the donation of right-of-way as a condition of development in Fayette County's Code of Ordinances. Commissioner Oddo seconded. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

34. Request to approve Resolution 2024-07, for the purpose of establishing a reasonable and timely procedure for the receipt and processing of tax refund request.

Vice Chairman Gibbons moved to approve Resolution 2024-07, for the purpose of establishing a reasonable and timely procedure for the receipt and processing of tax refund request. Commissioner Oddo seconded the motion passed 4-0. Commissioner Maxwell was absent.

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were four items for Executive Session. Two items involving pending litigation, one item involving threatened litigation and the review of the June 13, 2024 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Oddo

Commissioner Oddo stated that he wanted all to know that the Board was taking their comments and concerns seriously, even if they do not respond immediately. He noted that he was paying attention to commenters and thoroughly taking notes as was his colleagues. He extended a job well done to staff for putting the Budget together it was not an easy task he thanked everyone involved in that process. He extended a Happy 4th of July to everyone, specifically highlighting that it was his 22nd wedding anniversary. He concluded wishing his wife a Happy Anniversary.

Chairman Hearn

Chairman Hearn stated that he was at the Animal Shelter before the BOC meeting today unannounced. He noted that the kennels were clean and staff was working. He stated that the Board cared about the animals and were listening and taking citizen concerns and suggestions to heart. He noted that he was still open to meeting with the animal advocates.

Commissioner Rousseau

Commissioner Rousseau in speaking to the animal advocates thanked them for their advocacy. He urged them to also be mindful of the stress being placed of the team/staff; considering their physical, mental, and spiritual wellbeing as they work to address the various issues and concerns being relayed.

Commissioner Rousseau moved to approve to allow County employees, barring public safety staff, to be off on Friday July 5, 2024. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

EXECUTIVE SESSION:

Two items involving pending litigation, one item involving threatened litigation and the review of the June 13, 2024 Executive Session Minutes. Commissioner Rousseau moved to go into Executive Session. Commissioner Oddo Commissioner seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The Board recessed into Executive Session at 8:42 p.m. and returned to Official Session at 8:57 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. Commissioner Maxwell was absent.

Approval of the June 13, 2024 Executive Session Minutes: Commissioner Oddo moved to approve June 13, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0. Commissioner Rousseau was absent.

Workers Compensation Settlement

Mr. Davenport advised the Board of a workers compensation settlement for Starling Johnson. Mr. Davenport stated that there was a proposed settlement agreement for Mr. Johnson in the amount of \$234,865 this would be paid in both cash and via annuities. Mr. Davenport stated that Mr. Johnson had agreed to sign off on the necessary releases as part of the package which include a confidentially provision, non-disparagement agreement and agreement not to seek employment again with Fayette County, along with the voluntary resignation agreement.

Commissioner Rousseau moved to approve the workers compensation settlement agreement for Starling Johnson in the amount of \$234,865 including, with the standard release documents. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the June 27, 2024 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The June 27, 2023 Board of Commissioners meeting adjourned at 8:59 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 11th day of July 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk