

## **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**

August 8, 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 August 8, 2024 Board of Commissioners meeting to order at 5:01 p.m. A quorum of the Board was present.

#### **Invocation and Pledge of Allegiance by Chairman Lee Hearn**

Chairman Lee Hearn 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:**

### **PUBLIC HEARING:**

### **PUBLIC COMMENT:**

#### **Animal Shelter**

Laura Line, Susan Griffith, Debbie Carroll, Lynne Lasher, Bobby Jones, Cynthia Saracino, Tammie Hurst, Cindy Kilpatrick, and Nelsonya Graves made public comments.

Commenters thanked the Board for hiring an amazing and experienced Animal Shelter Director. They also expressed concerns and frustration regarding disappointment with the size and number of kennels and issues with the RO/holding area; the need for additional staff, the euthanasia [list] policy and procedure, capacity concerns, the need for increased interest in cat care, and the need for continued county and citizen/community engagement and teamwork. Commenters also inquired about the process to be added to a commission meeting agenda.

### **CONSENT AGENDA:**

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

1. **Acknowledgement of / and authorization from the Board of Commissioners to sign the Equitable Sharing Agreement and Annual Certification as required by the US Department of Justice and the US Department of the Treasury.**
2. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Timothy Corkill, in the amount of \$2,268.06 for tax year(s) 2021, 2022 and 2023.**
3. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Richard Dierkes, in the amount of \$1,767.66 for tax year(s) 2021, 2022 and 2023.**
4. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Reagan Moscon, in the amount of \$647.09 for tax year(s) 2021, 2022 and 2023.**
5. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Claude E. Peek, Jr., in the amount of \$3,258.00 for tax year(s) 2022 and 2023.**
6. **Approval of the July 11, 2024 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

7. **Request to approve to participate in the national Kroger settlement and agree to be bound by an anticipated Memorandum of Understanding (MOU) between the State of Georgia and Fayette County regarding the settlement.**

County Administrator Steve Rapson advised the Board that this item was a Memorandum of Understanding (MOU) between the State of Georgia and Fayette County to participate in the national Kroger settlement, related to the national opioid settlement. He stated that funds received via this settlement would be funneled back to the County into the designated special revenue fund for opioids.

Vice Chairman Gibbons moved to approve to participate in the national Kroger settlement and agree to be bound by an anticipated Memorandum of Understanding (MOU) between the State of Georgia and Fayette County regarding the settlement. Commissioner Oddo seconded.

Commissioner Rousseau asked how many suits related to the national opioid settlement was the County involved in.

County Attorney Dennis Davenport advised that the last Memorandum of Understanding (MOU) related to the national opioid settlement involved four (4) different defendants. He noted that the item before the Board only involved Kroger. The multi-state litigation taking place out of Ohio was processing settlements of different defendants regularly. As the court proceedings continue, as a participating party in a participating state, funds would begin to be filtered down and allocated appropriately throughout the various political subdivisions. Mr. Davenport stated that there would most likely be additional funds received via these settlements to come.

Commissioner Rousseau asked if this was part of a class action lawsuit.

Mr. Davenport stated that there were two different levels of the suit in place. The first level strictly involved the State, which was where this item was stemming from; and the second level involved the County as a specific party plaintiff in the litigation being

represented by the Blasingame Firm where the County was subject to receive settlements from other defendants that are not involved in the State initiated portion of the suit. As a result, the County had two opportunities to receive settlement funds.

Vice Chairman Gibbons moved to approve to participate in the national Kroger settlement and agree to be bound by an anticipated Memorandum of Understanding (MOU) between the State of Georgia and Fayette County regarding the settlement. Commissioner Oddo seconded. The motion passed 5-0.

## **ADMINISTRATOR'S REPORTS:**

### **Hot Projects Update**

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 a Water System AMI project update.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Dennis Davenport stated that there were three items for Executive Session. One item involving threatened litigation, one item involving pending litigation and the review of the July 25, 2024 Executive Session Minutes.

## **COMMISSIONERS' REPORTS:**

### **Commissioner Rousseau**

Commissioner Rousseau asked in reference to the Parks and Recreation multi-use facility, if consideration had been given to energy saving efforts such as solar panels.

Mr. Rapson stated that the architect was reviewing various "lead" type initiatives but was not privy if solar panels were being considered.

Commissioner Rousseau suggested to the Board to evaluate using solar panels as an energy saving measure.

Mr. Rapson advised that the project was being peer reviewed and he would make sure solar panels was included on the list for discussion and consideration.

Commissioner Rousseau extended a thank you to the animal advocates for the dog bed donation as well as the recently held employee/volunteer appreciation day. He stated in response to comments regarding animal on the euthanasia list that it would be plausible to add this to the County website to encourage and garner rescue efforts but would refer that to the discretion of the County Administrator.

### **Commissioner Oddo**

Commissioner Oddo relayed his congratulations to his niece who recently graduated from US Naval recruit training in Chicago. He noted that it was an amazing experience to attend.

### **Chairman Hearn**

Chairman Hearn expressed his excitement to have Commissioner Maxwell back in attendance at the meeting. He continued admonishing staff who work outside to be cognizant of the heat. Chairman Hearn stated that we wanted to ensure staff remained safe.

He concluded that the Board was listening to concerns and was responding to issues and supporting Tracy, the new Animal Shelter Director.

**EXECUTIVE SESSION:**

One item involving threatened litigation, one item involving pending litigation and the review of the July 25, 2024, Executive Session Minutes. Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:42 p.m. and returned to Official Session at 5:58 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.

**Workers Compensation Settlement**

Mr. Davenport advised the Board of a previously approved 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 that would be paid in both cash and two annuities. Mr. Davenport stated that since the initial settlement was approved, the agreement was reworked totaling the same amount; however, they distribution of cash and annuities was reconfigured. With this in mind, he wanted to bring this before the Board.

Vice Chairman Gibbons moved to approve the amended settlement for Sterling Johnson. Commissioner Oddo seconded. The motion passed 5-0.

**Approval of the July 25, 2024 Executive Session Minutes:** Commissioner Oddo moved to approve July 25, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Vice Chairman Gibbons moved to adjourn the July 25, 2024 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The August 8, 2024 Board of Commissioners meeting adjourned at 5:59 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 22<sup>nd</sup> day of August 2024. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk