

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

September 12, 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 September 12, 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 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 Edward Gibbons moved to accept the agenda as written. Commissioner Charles Oddo seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION: None.

PUBLIC HEARING: None.

PUBLIC COMMENT:

Laura Line, Linda Conley, Lotte Commerford, Cynthia Saracino, Robin Allgood, Tracy Florczak, Tami Hurst, Debbie Carroll, Lynne Lasher, and Gale Botwick made public comments.

Animal Shelter

Commenters expressed their appreciation for the wonderful job the new Animal Shelter Director, Tracy Thompson, was doing. They noted that she needed Board support to be successful. They reiterated concerns and frustration regarding disappointment with the size and number of kennels and issues with the RO/holding area; appropriate animal care/treatment, appropriate employee treatment and issues with workplace bullying, capacity concerns, and the need for continued county and citizen/community engagement and teamwork.

Elections

Jamie Harmon expressed her concern regarding adequate funding for the Elections office to efficiently run the upcoming election in November. She asked for Board support in assuring that the Elections office is adequately staffed, has sufficient supplies and any needed security for the upcoming election season.

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda with the exception of item #4. Vice Chairman Gibbons seconded. The motion passed 5-0.

1. **Approval of a disposition of tax refund, as requested by Ruchir Agrawal, in the amount of \$2,883.62 for tax year(s) 2021, 2022 and 2023.**
2. **Approval of disposition of tax refund, as requested by Claude E. Peek Sr., in the additional amount of \$1,401.15 for tax year(s) 2022 and 2023.**
3. **Approval of a disposition of tax refund, as requested by Joel P. Volle, in the amount of \$454.51 for tax year(s) 2021, 2022 and 2023.**
4. **Approval of the donation of three (3) transport vehicles to Fayette County Senior Services, totaling \$134,355, as part of the 2023 SPLOST (Special Local Option Sales Tax) to enable Fayette County Senior Services to maintain control/ownership of the vehicles and to approve the donation of future transport vehicles, as described in the 2023 SPLOST.**

Commissioner Rousseau asked if SPLOST (Special Local Option Sales Tax) funds that were used to purchase these vehicles considered capital access.

County Attorney Dennis Davenport stated yes.

Commissioner Rousseau stated that during his review of this item it outlined that with the donation, ownership of the vehicles would be transferred to Fayette County Senior Services. He asked if Fayette County Senior Services no longer provided services for the County for whatever reason in the future; would these vehicles remain under their ownership. Or would ownership be transferred to whatever entity took over senior services for the County. He expressed that he wanted to ensure the asset was not lost but be retained by the county to continue providing services.

Mr. Davenport stated that the vehicles would be owned by the entity listed on their title and if approved, that would be Fayette County Senior Services. He added that even if their services were no longer a part of Fayette County these vehicles would still belong to them. Mr. Davenport added that it would require a substantial series of events for that type of separation to occur but legally, ownership of the vehicles would remain with entity listed on the titles.

Commissioner Rousseau stated that this raised concerns for him because these were taxpayers' assets that would be given over to a third-party entity. He stated that he had serious reservations about losing these assets should Fayette County Senior Services decide to no longer provide services for the county. Commissioner Rousseau stated that he understood the reason for the need of separation in considering liability, maintenance, and insurance. Even with that acknowledgement, he stated that he was concerned on how it should be handled and was not in favor of giving over ownership of taxpayer's assets to a third-party entity.

Chairman Hern asked if this was a time sensitive item.

Fayette County Chief Financial Officer, Sheryl Weinmann, stated that the longer this process took the longer Fayette County Senior Services would be without access to these vehicles, which were needed to provide services. She added that the County's insurance would not allow non-county employees to drive county owner vehicles. Ms. Weinmann continued stating that a part of the 2023 SPLOST was for transportation vans for Fayette County Senior Services. A donation was the best option to facilitate that.

Chairman Hearn asked if this was the typical way we handled situation like this in the past.

Ms. Weinmann stated that this was the first time the County has ever had to do this, as part of the 2023 SPLOST for transportation vans for Fayette County Senior Services.

Commissioner Maxwell congratulated Fayette County voters who voted for the SPLOST so Fayette County Senior Services could have these vehicles. He stated that although he understood Commissioner Rousseau's concern, he did not share those same feelings. The explanation was given that the vehicles were needed to provide services. He noted that Fayette County Senior Services has been in place for decades and the good they provided the community was evident.

Commissioner Rousseau stated that he understood that this was a SPLOST project that the taxpayers voted for but felt they may not have fully understood the ramifications of this transfer of ownership. He also stated that he fully supported the services that the Fayette County Senior Services provided however, should they go away for any reason, the County would be caught in a compromising position that the new provider may not have adequate transportation vehicles. Commissioner Rousseau stated that he would be open to adding a provision/language that outlined ownership would be based on, "as long as they were the authorized agency" that provided services for the County. He concluded that he would suggest a reversion clause that required the vehicles to remain the property of the service provider.

Mr. Davenport stated that there was a detailed agreement in place that outlined services, housing, etc. between Fayette County Senior Services and Fayette County. He noted that he could not recall off hand if specifics about transportation vehicles was included in that agreement but that could easily be reviewed and revised if so desired by the Board.

Ms. Weinmann stated that the agreement was from August 2008 between Fayette County Senior Services and Fayette County and outlined the use of the building as well as services to be provided. She noted that the agreement renewed annually, as of December 31, if not voted by the Board to discontinue.

Commissioner Maxwell moved to approve the donation of three (3) transport vehicles to Fayette County Senior Services, totaling \$134,355, as part of the 2023 SPLOST (Special Local Option Sales Tax) to enable Fayette County Senior Services to maintain control/ownership of the vehicles and to approve the donation of future transport vehicles, as described in the 2023 SPLOST. Commissioner Oddo seconded. The motion passed 3-2, with Vice Chairman Gibbons and Commissioner Rousseau voting in opposition.

Commissioner Rousseau reiterated that his opposition was in reference to the process/format of the transfer and not regarding the services provided by Fayette County Senior Services, which he fully supported.

5. Approval of the August 22, 2024 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

6. Consideration of Chairman Lee Hearn's recommendation to appoint Leonardo McClarty to the Atlanta Regional Commission (ARC) Workforce Development Board.

Chairman Hearn expressed his appreciation of Mr. McClarty's hard work.

Mr. McClarty stated that he was the current President of the Fayette County Chamber of Commerce. He outlined his career in economic development in various capacities in metro Atlanta and out-of-state and noted that he had served on the Workforce Development Board previously for DeKalb County and in Maryland. He stated that he felt this experience helped qualify him to effectively serve in this capacity and represent Fayette County well; and he hoped to continue providing resources to employers and small businesses enhancing the community.

Chairman Hearn moved to approve to appoint Leonardo McClarty to the Atlanta Regional Commission (ARC) Workforce Development Board. Vice Chairman Gibbons seconded. The motion passed 5-0.

7. Consideration of a recommendation from the Selection Committee comprised of Chairman Lee Hearn and Vice Chairman Gibbons to reappoint Sharon White to a term beginning July 1, 2024 and expiring June 30, 2027 to the McIntosh Trail Community Service Board.

Vice Chairman Gibbons stated that he was impressed by Dr. White's extensive resume and experience and noted that she had previously served on this Board and was eager to continue.

Vice Chairman Gibbons moved to reappoint Sharon White to a term beginning July 1, 2024 and expiring June 30, 2027 to the McIntosh Trail Community Service Board. Commissioner Oddo seconded. The motion passed 5-0.

8. Request of the Water Committee's recommendation to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show.

Water System Director Vanessa Tigert stated that this item was an annual event that was initiated by the Parks and Recreation Director via the special events permitting process. It was reviewed by the Water Committee, and they recommended approval to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show.

Vice Chairman Gibbons moved to approve Water Committee's recommendation to close Lake McIntosh Park on October 24 - 27, 2024 for the Greater Atlanta Air Show. Commissioner Oddo seconded. The motion passed 5-0.

9. Request to approve the proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

Public Works Director Phil Mallon stated that each year Georgia Department of Transportation (GDOT) offered an allotment of funding to each local government calculated based on population vs. center lined roadway mileage. This item was the outlined project list of roads that the grant would be used for. He noted that the list was a comprehensive and included more roads than would be covered by the grant but would allow flexibility once approved.

Commissioner Oddo moved to approve proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Vice Chairman Gibbons seconded.

Chairman Hearn stated that this grant was comprised predominantly via gas tax that the state collected, and Georgia Department of Transportation (GDOT) apportioned back out to the various counties and municipalities throughout the state. He noted that this grant would require a 30% local match.

Mr. Mallon stated that was correct.

Commissioner Maxwell asked if any of the roads included on the project list were in Peachtree City.

Mr. Mallon stated no, these funds would only be used strictly for unincorporated county roads.

Commissioner Oddo moved to approve proposed 2025 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Vice Chairman Gibbons seconded. The motion passed 5-0.

10. Request to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV.

Environmental Management Director, Bryan Keller, stated that this request was to fund a culvert replacement project off Corinth Road and Simpson Road. He stated that this project consisted of the removal of the existing deteriorated 48-inch Corrugated Metal Pipe (CMP) beneath Cedar Trail, replacing it with 48-inch Reinforced Concrete Pipe (RCP) and concrete headwalls.

Commissioner Oddo moved to approve to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV. Vice Chairman Gibbons seconded.

Commissioner Rousseau asked where this project would be funded from.

Mr. Keller stated that it was funded via the 2017 SPLOST.

Commissioner Rousseau asked if there were any funds remaining the old stormwater fund.

Mr. Keller stated no.

Vice Chairman Gibbon stated that there had been eight respondents to the RFP and this was the lowest cost, technically acceptable offering, with the K&E Group USA, LLC being the lowest responsible bidder.

Mr. Keller stated that was correct.

Commissioner Oddo moved to approve to award Bid #2431-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBI Cedar Trail Culvert Replacement to the lowest responsive, responsible bidder, The K&E Group USA, LLC, in the amount of \$172,823.38 and to transfer \$19,804.00 from 17SAS Stormwater Improvement Plans CAT IV. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2801-A: Hauling Services – Secondary Contractor Renewal #2

B: Contract #2094-B: Annual Pavement Striping Renewal #2

C: Contract #2118-A: Vegetation Grinding Services Renewal #2

D: Contract #2225-B: Grass Cutting Services Renewal #1

E: Contract #2265-A: Road Temporary Labor Renewal #1

F: Contract #2271-A: Annual Hauling Contract Renewal #1

G: Contract #2373-B: Grass Cutting Services for Brooks and Kiwanis Parks

H: Contract #2388-P: Audit Services

I: Contract #2425-A: Fiber for Fayette County Sheriff's Training Center

J: Contract #2444-A: Dust Control Services

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 August 22, 2024, Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau asked if the transfer station still provided free mulch.

Mr. Mallon confirmed they did.

Commissioner Rousseau stated that this could be a viable resource if deemed safe and acceptable for the Animal Shelter and suggested the animal advocates and staff evaluate that as an option. He continued asking if the Elections Office had requested additional funding or extended elections hours.

Mr. Davenport stated that he had been advised by his colleague Patrick Stough that a request for extended elections hours was being discussed.

Commissioner Rousseau stated that procedurally the Board of Elections would receive those types of requests from staff with budgetary needs attached and if funding was available, they would move forward as desired. Moreover, if additional funding was required to facilitate the need the Board of Elections would come before the Board of Commissioners for assistance.

Mr. Davenport stated that was correct. He stated that the Board of Elections would be hosting a Special Called Meeting September 17th at 11 a.m. for the purpose of discussing advance voting dates and times.

Commissioner Rousseau stated that he had heard that there had been threats and "intimidation of the process" and suggested a close eye be kept on the voting sites to ensure safety of the voters as well as staff during this voting period. Security was vital.

He asked for Board support in having the County Attorney review any options the County may have with respect to the Georgia Power transfer line project. He stated that he was aware of various limitations that the county had, however he would like Mr. Davenport to evaluate any options that may be available in assisting residents in the community being affected.

Commissioner Maxwell stated that he would support the evaluation and noted that he reached out directly to the Georgia Power liaison, Sister Ward, asking her to do all they could in considering underground power lines.

Commissioner Rousseau moved to authorize the County Attorney to conduct an evaluation on any options the Board had to impact change/alter the decision by Georgia Power to run powerlines through residents' personal property.

Commissioner Oddo stated that he attended the recent Georgia Power forum regarding the powerline project. He stated that it was well attended, and citizens did have some misconception on the level of involvement by the Board. He tried to speak with as many as possible with questions to relay the Board's limited position because there was not much the Board could do.

Commissioner Rousseau moved to authorize the County Attorney to conduct an evaluation on any options the Board had to impact change/alter the decision by Georgia Power to run powerlines through residents' personal property. Commissioner Maxwell seconded. The motion passed 5-0.

EXECUTIVE SESSION:

One item involving threatened litigation, one item involving pending litigation and the review of the August 22, 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 6:14 p.m. and returned to Official Session at 6:42 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 August 22, 2024 Executive Session Minutes: Commissioner Oddo moved to approve August 22, 2024, Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the September 12, 2024, Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The September 12, 2024, Board of Commissioners meeting adjourned at 6:43 p.m.

Marlena 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 26th day of September 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk