

## BOARD OF COUNTY COMMISSIONERS

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



## 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

June 10, 2021  
6:30 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 6:30 p.m.

### Call to Order

Chairman Lee Hearn called the June 10, 2021 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Charles Rousseau was absent.

### Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons

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

### Acceptance of Agenda

Vice Chairman Edward Gibbons moved to accept the agenda with the addition of item #9. Commissioner Charles w2 Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

### PROCLAMATION/RECOGNITION:

#### 1. Recognition of the Fayette County State Court Interns.

State Court Judge Jason Thompson, on behalf of the Board, recognized State Court law school student interns. Fayette State Court had the opportunity to host several internships during the 2020-2021 school year. Judge Thompson acknowledged the hard work and dedication of high school students: Amy Kim and Sergio Gonzalez, college students: Nida Mitha and Jasmine Turner, and Law School students: Caroline Peck, Samantha Masters, Mallory Smith, Alex Resnak, and Keagan Galbraith.

#### 2. Presentation by the Fayette Fire Foundation of 160 Leatherman Raptor Rescue Tools to equip all members of Fire & Emergency Services operations division with issued personal safety equipment.

Chief Jeffery Hill, on behalf of the Board, and Vicki Tuner, Chairwoman of Fayette Fire Foundation, presented 160 Leatherman Raptor Rescue Tools to equip all members of Fire & Emergency Services operations division with issued personal safety equipment. Chief Hill stated that the tool will assist firefighters in a variety of ways during EMS and Rescue operations. Mrs. Turner explained that the Fayette Fire Foundation (FFF) supported the Fayette County Fire Department and Emergency Services through donations of equipment and training for the department and community.

#### 3. Recognition by the Fayette Fire Foundation of the \$2,000 Maurice Worth educational scholarship recipients.

Chief Hill introduced Vicki Tuner, Chairwoman of Fayette Fire Foundation, who presented the Maurice Worth educational scholarship to selected Fire & Emergency Services applicants. Mrs. Turner stated that the mission of Fayette Fire Foundation

(FFF) was to aid, support, and assist Fayette County Fire and Emergency Management Services, which was done via grants and fundraising. She stated that the scholarship began in 2016 and was named after Maurice Worth, the first Fayette Fire Foundation (FFF) Board Chairman. Mrs. Turner provided a brief overview of the number of scholarships that the Fayette Fire Foundation (FFF) had awarded since 2016 and was happy to announce that they would be awarding ten (10) \$2,000 Maurice Worth educational scholarship recipients this year. Mrs. Turner presented: Chelsea McBrayer, Tammy Lackey, Willard Harrison, Brandon Gibby, Jaclyn Rice, Jason Anderson, Nathan Byars, Zachary Bull, Jennifer Brown and Zachary Taylor with the Maurice Worth educational scholarship certificates.

**4. Recognition of County Clerk Tameca Smith, Historical Society President Alice Reeves and Local Artist Vicki Turner for their successful planning and execution of the May 15, 2021, Fayette County 200th Anniversary celebration.**

County Administrator Steve Rapson, on behalf of the Board, recognized County Clerk Tameca Smith, Historical Society President Alice Reeves and Local Artist Vicki Turner for their successful planning and execution of the May 15, 2021, Fayette County 200th Anniversary celebration. Mr. Rapson commended Tameca Smith, Alice Reeves and Vicki Turner for their hard work and efforts in arranging and facilitating the celebration on May 15, 2021. Mr. Rapson stated that this celebration included, in part, the Bicentennial Parade, a Fly Over at the Old Courthouse and a Fireworks Show in Tyrone. Mr. Rapson stated that all the events were very well attended, and these ladies' hard work and collaboration helped to make these events successful.

**PUBLIC HEARING:**

**5. First of two Public Hearings on Fayette County's proposed annual budget for Fiscal Year 2022 which begins on July 1, 2021 and ends June 30, 2022.**

Chief Financial Officer Sheryl Weinmann stated that this was the first Public Hearing for the proposed FY2022 Budget. She added that the next Public Hearing would be on June 24, 2021, which would be when the Board would vote to adopt the FY2022 Budget. Ms. Weinmann began her presentation that the estimated fund balance projection for FY2021 was \$37,172,598 based on the March 2021 forecast. Ms. Weinman stated that there was one change made to the proposed FY2022 Budget Presentation. She continued that as a part of the presentation, the Local Maintenance and Improvement Grant (LMIG) Safety Program had a budgeted amount, however since then the actual award was received. As a result, the budget was able to be adjusted and added \$16,662 which raised the Impact to the Fund Balance from \$75,036 to \$91,698. Ms. Weinman stated that the updated Impact to the Fund Balance of \$91,689 was reflected on the FY2022 Budget Summary.

County Administrator Steve Rapson provided the Board with the FY2022 proposed Budget revisions, which were requests from various Fayette County Constitutional Officers. He stated that item #1 was a request from Judge Ann Jackson for a part-time Associate Probate Judge. He stated that this request was primarily because of workload related issues. He added that Judge Jackson had also requested a part-time clerk position, which had already been included in the FY2022 proposed Budget. He continued that the part-time Associate Judge position would be a licensed attorney working 20 hours a week at \$40 per hour with no benefits and included \$1,000 dedicated to training. Mr. Rapson stated that, if approved, this would have a budgetary effect of \$45,782.

Vice Chairman Gibbons moved to approve request for a part-time Associate Probate Judge. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Rapson stated that item #2 request was from the Superior Court Clerk who was requesting an annual supplement of \$4,630.80 for duties as Administrator of the Board of Equalization. Mr. Rapson stated that the law does indicate that additional compensation was eligible but did not reference a statutory supplement amount in state code. He continued that based on other supplements, the requested \$4,630.80 was appropriate. He added that he supported the request which had also been reviewed by the County Attorney.

Vice Chairman Gibbons moved to approve Superior Court Clerk request for an annual supplement of \$4,630.80 for duties as Administrator of the Board of Equalization. Commissioner Oddo seconded. The motion 4-0. Commissioner Rousseau was absent.

Mr. Rapson stated that the next three (3) revisions: items #3, #4, and #5 were interconnected.

He added that he was aware that the Board individually had met with the State Court Judge Thompson and Solicitor General Jamie Inagawa to discuss these requests. Mr. Rapson stated that item #3 was a request for the State Court Judge & State Court Solicitor to receive longevity compensation. He explained that state law allowed an elected official to receive longevity pay, which was a 5% increase in compensation after being re-elected into the same position. However, in Fayette County the State Court Judge & State Court Solicitor positions were created via local legislation. Mr. Rapson stated that although there was no budgetary impact of this request, if approved, this request would require that legal provide a legislative agenda request to our Local Delegation to allow the County to provide longevity compensation based upon re-election for the State Court Judge & State Court Solicitor.

Vice Chairman Gibbons moved to approve to have the County Attorney to draft the needed documents to request for the State Court Judge and State Court Solicitor to receive longevity compensation. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Rapson stated that item #4 was related to the State Judge position. He continued that currently the position received 90% of the Superior Court Judge base salary and 90% of the Superior Judge supplement. This request would change the State Court Judge percentage of Superior Court Judge base salary & supplement from 90% to 95%. Mr. Rapson stated that the total impact of this request would be \$8,589.51 and \$4,294.76 for half a year.

Vice Chairman Gibbon moved to keep the State Court Judge percentage of Superior Court Judge base salary & supplement at 90%. Chairman Hearn seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Rapson stated that the next request item #5 pertained to the State Court Solicitor. He continued that currently under the local delegation the State Court Solicitor was paid 75% of the 90% that the State Court Judge was paid. He stated that this request would un-couple the compensation tie between the State Court Solicitor and the State Court Judge, and instead tie the State Court Solicitor compensation to the Superior Court Judge. Mr. Rapson stated that 75% of the 90% that the State Court Solicitor received equated to 67.5% of the Superior Court Judge's salary. He stated that this request would un-couple the compensation tie changing it to the 67.5% of the Superior Court Judge salary as well as authorize the County Attorney to submit a request to the local delegation updating the language related to the 5000 Local supplement and a portion of the DUI supplement that he would also be entitled to.

Vice Chairman Gibbons moved to approve changes to the State Court Solicitor salary and authorization for the County Attorney to draft the appropriate request to the Local Delegation. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Rapson stated that with the approval of the previous item, the next request, item #6 was to change the State Court Solicitor compensation percentage of Superior Court Judge from 67.5% to 75% base salary and supplement. Mr. Rapson stated that the total impact of this request would be \$12,884.27 and \$6,442.14 for half a year.

Vice Chairman Gibbons moved to approve to change the State Court Solicitor compensation percentage of Superior Court Judge from 67.5% to 75% of base salary & supplement. Chairman Hearn seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Commissioner Maxwell stated that he was the President of the Local Bar Association in the early 90's when the State Court was first established in Fayette County, which he helped write legislation for once he was appointed. He stated that over the years a pay gap had been created, which had grown more significant over the course of the last 20-25 years. Commissioner Maxwell

stated that this request would help correct a problem that was created about 20-25 years ago and added that he felt tying the compensation of the State Court Solicitor to the Superior Court Judge was appropriate. He stated that although this may appear to be a large increase for one person, the State Court Solicitor had held this position for a long time, and this was a fitting increase which he approved.

Mr. Rapson asked the Board to make an official vote accepting the Georgia Department of Transportation Local Maintenance and Improvement Grant (LMIG), that was discussed at the beginning of the proposed FY2022 Budget overview because it was a change/modification to the Budget.

Vice Chairman Gibbons moved to approve the acceptance of the Georgia Department of Transportation Local Maintenance and Improvement Grant (LMIG). Commissioner Odd seconded. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Rapson advised the Board that the second Public Hearing – Budget Adoption would be held Thursday, June 24, 2021 at 6:30 p.m.

**Ms. Velma Kelly** of Fayetteville asked what the LMIG Safety Plan was and asked if the proposed longevity compensation was a 5% increase every time the Judge was re-elected.

Chairman Hearn stated that was correct.

Mr. Rapson stated that the LMIG was a safety paving program grant that the County received for road stripping.

Chairman Hearn stated that the LMIG was funding from Georgia Department of Transportation and stood for Local Maintenance and Improvement Grant (LMIG).

**Mrs. Alice Jones** of Fayetteville stated that she was baffled and had concerns related to the process used for budgeting for the varies Constitutional Officers requests. She added that she was under the impression that the state provided funding for these positions.

County Attorney Dennis Davenport stated that the State of Georgia provided Superior Court for all circuits in the state. However, if a county wanted a State Court, local legislation would have to be passed by the legislator to implement a State Court in your county and would be paid for completely via county funds. He stated that as a result, when any type of budgetary revisions were needed it would have to be done through the local delegation to the legislator even though county funds were being used.

Mrs. Alice Jones asked if all the Griffin Circuit Judges were a part of the County budget.

Mr. Davenport stated that the Superior Courts Judges are paid by state funds but receive a local supplement from each of the four counties that made up the circuit.

Mrs. Jones also requested a copy of the proposed FY2022 Budget and asked about the relationship between the funds (\$22M) the County received via the American Rescue Plan Act and the proposed FY2022 Budget being discussed.

Mr. Rapson stated that the American Rescue Plan Act funds were separate and had nothing to do with the budget process.

Ms. Velma Kelly asked if the items that were discussed and approved this evening would be presented again at the June 24, 2021 Public Hearing.

Mr. Rapson stated that the proposed FY2022 Budget presentation would be modified to include the items that were approved at this meeting with all the changes and the impact of those revision would be available online for the public to review.

Ms. Velma Kelly asked if the resident would be allowed to voice their opinions before the Board made a final decision on the budget.

Chairman Hearn stated that the Public Hearing process being conducted was open for citizen to provide input and feedback.

**PUBLIC COMMENT:**

**CONSENT AGENDA:**

Vice Chairman Gibbons moved to accept the Consent Agenda as written. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent

- 6. Approval of staff's recommendation to award professional services Contract #1972-S, Fire Training Facility Project Management Services, to Morgan Mill Consulting for the not-to-exceed price of \$31,200.00.**
- 7. Approval of the May 27, 2021 Special Called Budget Meeting Minutes.**
- 8. Approval of the May 27, 2021 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

- 9. Consideration to authorize staff to accept the proposal with the lowest rate (PNC Bank) to refinance and restructure the Fayette County Water System's outstanding bond Series' 2009, 2021A/B, and 2016.**

Andrew Tritt, Managing Director with Stifel, Nicolaus, & Company, stated that the journey of this refinance began with Fayette County staff being proactive and asking if there was anything they could do to help decrease the County's debt. Mr. Tritt stated that the purpose of the refinance would increase debt service coverage of the County's Water System, release a debt service reserve fund associated with the old bonds, and shorten the County's debt by three years. He stated that via a competitive process, they received nine (9) term sheets to refinance the County's debt. Mr. Tritt noted that receiving this many term sheets was unique. He continued that there were both tax-exempt and taxable bonds. He stated that PNC Bank submitted the most favorable term sheets for both tax-exempt at 0.90% and taxable bonds at 0.63%. Mr. Tritt stated that refinancing/restructuring of the outstanding debt would generate a \$910,000 interest savings. He stated that along with the refinance this was the ideal time to re-write the County's Bond Ordinance which dated back to the early 80's.

Roger Murry with Murray Barns Finister stated that he worked with the County Attorney Dennis Davenport in drafting the updated Bond Resolution/Ordinance. Mr. Murry stated that the Resolution/Ordinance would authorize the issuance of the bonds and execution of the various documents in connection with the bond's issuance. Mr. Murry stated that basic operation of the Bond Resolution/Ordinance remained the same regarding the flow of funds and added that the county had a closed system. Mr. Murry congratulated the Board on a great outcome.

Vice Chairman Gibbons moved to authorize staff to accept the proposal with the lowest rate PNC Bank to refinance and restructure the Fayette County Water System's outstanding bond Series' 2009, 2021A/B. Commissioner Oddo seconded.

Commissioner Oddo asked if the approval of the Resolution need to be included in the motion.

Mr. Davenport stated that the approval the Board provided in March authorized the creation of all documents needed to move forward with refinance.

Mr. Murry suggested that the motion include adoption of the updated Bond Resolution/Ordinance as presented.

Vice Chairman Gibbons amended his motion to authorize staff to accept the proposal with the lowest rate (PNC Bank) to refinance and restructure the Fayette County Water System's outstanding bond Series' 2009, 2021A/B, and to include approval of Bond Resolution. Commissioner Oddo amended his second. The motion passed 4-0. Commissioner Rousseau was absent.

**10. Consideration of staff's recommendation to award Bid #1963-B: 2017 SPLOST; Stormwater Category II, Tier I; 17SAK Patricia Lane Culvert Replacement to the lowest responsive, responsible bidder, Helix Group Inc., in the amount of \$243,704.49, to reallocate \$66,680.09, and to authorize the County Administrator to execute the contract and related documents.**

Vice Chairman Gibbons moved to approve to award Bid #1963-B: 2017 SPLOST; Stormwater Category II, Tier I; 17SAK Patricia Lane Culvert Replacement to the lowest responsive, responsible bidder, Helix Group Inc., in the amount of \$243,704.49, to reallocate \$66,680.09, and to authorize the County Administrator to execute the contract and related documents. Commissioner Oddo seconded.

Chairman Hearn asked for a brief overview of the project.

Mr. Keller stated that this project would replace a failing 60-inch corrugated metal pipe under Patricia Lane.

Vice Chairman Gibbons highlighted the excellent performance rating of the awardee, Helix Group Inc.

Vice Chairman Gibbons moved to approve to award Bid #1963-B: 2017 SPLOST; Stormwater Category II, Tier I; 17SAK Patricia Lane Culvert Replacement to the lowest responsive, responsible bidder, Helix Group Inc., in the amount of \$243,704.49, to reallocate \$66,680.09, and to authorize the County Administrator to execute the contract and related documents. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**11. Consideration of approval of low bid from Tidwell Traffic Solutions in the amount of \$411,157.30 for ITB package #1964-B Roadway Striping.**

Vice Chairman Gibbons moved to approve low bid from Tidwell Traffic Solutions in the amount of \$411,157.30 for ITB package #1964-B Roadway Striping. Commissioner Oddo seconded.

Chairman Hearn stated that he wanted to encourage staff to be vigilant in make sure all the proper prep work of the road was done before the striping was performed, this included removing all the sand, grass, dirt and debris from the roads.

Commissioner Oddo stated that the County would be providing a 30% match of about \$95,000.

Mr. Hoffman stated that this project was being funded via the Local Maintenance and Improvement Grant (LMIG) Safety Program through Georgia Department of Transportation (GDOT). He added that as an off-system safety grant the County was contacted by GDOT advising us of the available funding. Mr. Hoffman thanked the Purchasing Department for the quick turnaround of the contract and added that because of the short deadline via GDOT, a contract had to be in place before the end of the fiscal year and the Purchasing Department assisted in getting it done.

Chairman Hearn commended all the departments involved in getting the contract prepared.

Vice Chairman Gibbons moved to approve low bid from Tidwell Traffic Solutions in the amount of \$411,157.30 for ITB package #1964-B Roadway Striping. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**12. Consideration of Commissioner Eric Maxwell's request to change the Board of Commissioners meeting time from 6:30 p.m. to 5:00 p.m. effective July 8, 2021.**

Mr. Rapson stated that this item was a recommendation from Commissioner Maxwell to change the Board of Commissioners meeting time from 6:30 p.m. to 5:00 p.m. effective July 8, 2021.

Vice Chairman Gibbons moved to approve Commissioner Eric Maxwell's request to change the Board of Commissioners meeting time from 6:30 p.m. to 5:00 p.m. effective July 8, 2021. Commissioner Maxwell seconded.

Vice Chairman Gibbons stated that from his perspective this was a great recommendation and would be beneficial to County staff who attended the meeting.

Commissioner Maxwell stated that he had briefly discussed this item with a few of the Board members after sending out an email regarding two items he wanted to present before the Board in late July early August. Commissioner Maxwell stated that he felt this item was a long time in the making and would be a good change. He added that he was aware of the concern that this change may create a challenge for working citizens to attend the board meeting. Commissioner Maxwell stated that after the well-attended 10:00 a.m. Special Called Board Meeting it was evident that if citizens were interested in an item being discussed at a board meeting, they would make arrangement to attend.

Commissioner Oddo expressed his concern and stated that he wanted to ensure anyone who had a desire to come to the Board of Commissioners Meeting and participate had the opportunity to do so. Commissioner Oddo stated that changing the meeting time to 5:00 p.m. could make it difficult for those who were getting off work to attend. He added that he wanted to ensure that the Board remained mindful when making decisions that could limit the citizens ability to attend the Board of Commissioners Meeting.

Commissioner Maxwell stated that if the time change became a problem and was not received well by citizens it would be appropriately addressed.

Vice Chairman Gibbons moved to approve Commissioner Eric Maxwell's request to change the Board of Commissioners meeting time from 6:30 p.m. to 5:00 p.m. effective July 8, 2021. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Rousseau was absent.

## **ADMINISTRATOR'S REPORTS:**

### **Hot Projects**

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Brogdon Road culvert replacement, New Hope Road roundabout and Fire Station #2 with the ribbon cutting tentatively scheduled for June 24, 2021 at 5:00 p.m.

- A. Contract #1730-S: New Cameras for Building & Grounds; Amendment 3: Installation of New Cameras for Water System**
- B. Contract #1918-A: Water System Grass Cutting**
- C. Contract #1942-A: Tyrone Road Resurfacing**

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated there were two items for executive session. There was one item of pending litigation and the review of the May 27, 2021 Executive Session Minutes for consideration in Executive Session.

## **COMMISSIONERS' REPORTS:**

**Commissioner Maxwell:** Commissioner Maxwell provide an overview of the history and establishment of State Court in Fayette County in response to questions asked by Mrs. Jones. Commissioner Maxwell in response to questions asked by Ms. Kelly

stated that she was always welcomed to attend the board meetings to ask questions and stated he would provide his business card which had his contact information listed. He stated, along with speaking at the board meeting she was welcomed to contact the Commissioners via emails, texts, and phone calls which another resident readily does. Commissioner Maxwell made comments regarding the potential of an infrastructure bill being passed by Congress and stated that he would be interested in reading the bill to determine what funding it could provide for infrastructure in Fayette County.

Commissioner Oddo commended the hard work and efforts of those who assisted with Bicentennial celebration. Commissioner Oddo stated that Monday, June 14, 2021 was Flag Day and although a not-so celebrated holiday, he encouraged everyone to fly their flags high and take the time to remember what it represented.

### **EXECUTIVE SESSION:**

**One item of pending litigation and the review of the May 27, 2021 Executive Session Minutes for consideration in Executive Session.** Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The Board recessed into Executive Session at 7:44 p.m. and returned to Official Session at 7:55 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. The motion passed 4-0. Commissioner Rousseau was absent.

Mr. Davenport advised the Board of the Amanda Powell Workers Compensation Settlement. He stated that the settlement was in the amount of \$38,000, the agreement included a voluntary resignation with release from employment and confidentiality provision, a general release of all claims against the County, and a non-admission of any wrong- doing on behalf of the county.

Vice Chairman Gibbons moved to approve the Powell Workers Compensation Settlement in the amount of \$38,000 as outlined by the County Attorney. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**Approval of the May 27, 2021 Executive Session Minutes:** Commissioner Oddo moved to approve the May 27, 2021 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0. Commissioner Rousseau was absent.

### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the June 10, 2021 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 4-0.

The June 10, 2021 Board of Commissioners meeting adjourned at 7:57 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 24<sup>th</sup> day of June 2021. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk