

## 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

October 14, 2021

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.

### Call to Order

Chairman Lee Hearn called the October 14, 2021 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 Board and 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:

### PUBLIC HEARING:

*Community Development Director Pete Frisina read the Introduction to Public Hearings.*

- 1. Public Hearing involving update of the county's redistricting process and overview based on the 2020 decennial census.**

County Administrator Steve Rapson stated that this agenda item was at the request of the Board, to garner public input and would provide an outline of the county's redistricting process. Mr. Rapson introduced the County's redistricting attorney, Bryan Tyson, who presented the information.

Mr. Tyson with Taylor English Duma LLP stated that he was aware that the redistricting process was new for Fayette County, and it was his goal to make the process as painless and efficient as possible. He continued that when the new census results came out for 2020, it showed that the current four districts for the County Commission were just slightly out of the accepted range of deviation for the ideal population size. Mr. Tyson stated that the district ranges were outlined in the October 14, 2021 agenda package. He continued that the general standard of +/- 5% from the ideal district size was an allowable deviation for balancing districts. Mr. Tyson stated that in looking at District 4, it was underpopulated by -5.96% and District 2 was almost outside the population deviation at +4.91%. He stated that the other districts were within the 5% deviation threshold and would not necessarily need to be adjusted. He stated that when new census results come out the existing districts, if outside the population thresholds, they become unconstitutional for use as a violation of "one person one vote", thus the process of redistricting would re-balance the districts to make sure they all are within the constitutionally allowed deviations and the ideal size as equal as

possible. This process for Fayette County should not be difficult. District 4 was slightly under, and District 2 was slightly over and share boundaries making it relatively easy to exchange some population. Mr. Tyson stated that the process would begin this evening as a part of this Public Hearing were citizens are able to comment and express to the Board what they want to see in the districts. Mr. Tyson stated that Fayette County had an obligation under the Voting Rights Acts to protect District 4's ability to elect status, as a result, as the district map drawings are developed it would be an important factor to maintain the ability to elect level for minority voters in District 4. Mr. Tyson stated that the map drawing process would take place beginning October 14<sup>th</sup> until the November 9 meeting of the Board of Commissioners. The map drawing process would take place in coordination with the Joint Reapportionment Office at the State Capital to ensure the districts are done properly and correctly. He continued that the idea was to be able to present a draft district map before the November 9<sup>th</sup> Board of Commissioners Meeting so that citizens would be able to provide comments, concerns and input about the draft district map and how it was drawn. Mr. Tyson continued that those comments would then be taken into consideration and, if needed, adjustments could be made; with the goal of having a Resolution presented at the December 9 Board of Commissioners Meeting for the Local Delegation to introduce local legislation. Mr. Tyson stated that this timeline matters because the Governor has not authorized local redistricting to take place during the special session that would begin on November 3<sup>rd</sup> for State and Congressional redistricting but there would only be a very short window in the regular session in January for the completion of local redistricting. He stated that the local Elections Office had a lot of tasks that they have been charged with as it relates to allocating voters to precincts and proper districts and the goal was to ensure they had adequate time to complete those tasks. As a result, the end of January has been set as a deadline for any local legislation to be completed. Mr. Tyson stated that the goal of having the Resolution in place on December 9<sup>th</sup> allows the the delegation time to have everything ready with error check done by the Legislative Counsel's Office and the bill drafted. With these pieces in place, Fayette County would hopefully be at the "beginning of the line" for local legislation in January and could be sent to the Governor's Office and be in place well ahead of qualifying in March.

No one spoke in favor or opposition.

Chairman Hearn stated that a commonsense approach to the redistricting process would be the best course of action and would assist the Elections Director Brain Hill and his office as they work through assigning voters to the proper precincts, he added that he looked forward to working through the process.

No vote was taken.

**2. Consideration of Ordinance 2021-14, Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.**

Community Development Director Pete Frisina stated that this item included amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures.

Mr. Frisina stated that this item stemmed from a recent request from a convenience store in the County. The store owner wanted to redo all their signage including adding signage of the company name on the gasoline canopy. He added that the County Ordinance prohibits this type of signage. Mr. Frisina stated that in his discussion with the Planning Commission it was determined that it was not out of place to see a logo or the company's name on a gasoline canopy. He stated that lettering, logos or other graphics would be allowed to be applied on an awning or canopy and be placed on the face of a gasoline canopy, marquee, or other similar structure, but the lettering, logos or other graphics shall not exceed the dimensions of the face of the gasoline canopy, marquee, or other similar structure. He added that no sign shall be allowed to be placed on top of these structures and no permit would be required. He stated that these amendments would also address the definitions for changeable copy signs and the time duration for changeable copy signs- mainly digital signs. He added that the time duration of how long the sign image must remain before changing was being reduced from 30 second to 15 seconds as he had attended a sign ordinance seminar and 15 seconds was recommended as the regulation standard.

No one spoke in favor or opposition.

Commissioner Oddo asked if a canopy sign could be a changeable sign.

Mr. Frisina stated yes, it could because that was not precluded as a changeable copy sign. He added however, that the County's changeable copy signs regulation does not allow for animation or flashing; but required a static change from image to image with no additional movement.

Commissioner Eric Maxwell wanted to ensure this amendment would not allow businesses to add signage on top of their build structures.

Mr. Frisina stated "No", no sign would be allowed to be placed on top of the structures.

Vice Chairman Gibbons moved to approve Ordinance 2021-14, Amendments to Chapter 108. Sign Ordinance, Regarding Sec. 108-3. – Definitions, Sec. 108-30. - Prohibited Signs and Devices, Sec. 108-169. – Changeable Copy Signs and Sec, 108-170 – Signs On Awnings, Canopies, Gasoline Canopies, Marquees, or Other Similar Structures. Commissioner Oddo seconded. The motion passed 5-0.

#### **PUBLIC COMMENT:**

#### **CONSENT AGENDA:**

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

3. Approval to award RFQ #1986-A to Starnes Contracting, LLC, in the amount of \$70,000 for top rail fence installation at McCurry Park Softball Complex and Brooks Park and approval to transfer \$30,000 from the park project contingency to fully fund both fields.
4. Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Kozisek Lake Dam on Neely Road (2017 SPLOST 5509C).
5. Approval to acquire all fee simple right-of-way, easements, appraisals, etc. for the proposed rehabilitation of the Margaret Phillips Dam on Longview Road (2017 SPLOST 5509F).
6. Approval of the proposed 2022 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.
7. Approval of staff's recommendation to renew the annual agreement with the U.S. Department of the Interior Geological Survey (USGS) that provides surface water monitoring in the amount of \$197,150.
8. Approval of the September 23, 2021 Board of Commissioners Meeting Minutes.

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

9. **Consideration of the Board of Elections' request to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office.**

Board of Elections Chairman Daryll Hicks stated that at the last meeting of the Board of Election there was discussion of allowing smaller counties, that were in need and did not have drop boxes, the opportunity to loan/borrow "surplus" Absentee Drop Boxes from Fayette County. He continued that the Board of Election decided that they would be willing to donate/loan out two (2)

Absentee Drop Boxes to a county in need. Mr. Hicks added that currently he was unaware of any County that had requested an Absentee Drop Boxes, but if a request did present itself, they would be available. Mr. Hicks stated in full transparency, there were areas of this request that needed to be vetted through, such as what happened if the Absentee Drop Boxes were needed here in Fayette County. How would they be returned, and the cost associated with that? Mr. Hicks stated that the County currently had four (4) Absentee Drop Boxes and by law can only use one. Which was why the Board of Elections agreed to donate/surplus two (2) of the Absentee Drop Boxes. Based on the voting population the county had to have at least one Absentee Drop Box per one-hundred thousand (100,000) voters and the County had ninety-seven thousand (97, 000) voters. He added that if the county's voting population reached one hundred and one thousand (100,001) voters then they could use the second Absentee Drop Box.

Vice Chairman Gibbons moved to approve the Board of Elections' request to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office. Commissioner Maxwell seconded.

Mr. Hicks stated that the reason Board of Elections opted to only donate/surplus two (2) two as opposed to three (3) of the Absentee Drop Boxes was because they wanted to maintain the additional box to be on the safe side in case it was needed in the future.

Commissioner Oddo stated that he had some apprehension regarding this request. He stated that he did not feel as though Election law was settled in the state and because of this uncertainty, changes and/or requirements may come down the pipeline in the future. Commissioner Oddo stated that as a result, he felt the County should not approve this item and hold on to the additional Absentee Drop Boxes for a while.

Commissioner Charles Rousseau stated that he also had concerns regarding the Absentee Drop Boxes as a whole and outstanding lawsuits regarding their use. He stated that if approved, however he wanted provisions to be included that would ensure they would be returned, if requested, and repaired and/or replaced if damaged. Commissioner Rousseau asked since the November election was already set any forthcoming request would be for next elections.

Mr. Hicks stated that although it would be rather late, in his opinion, if a county asked for an Absentee Drop Boxes it would be available for use.

Commissioner Rousseau stated that if a request was issued there were some logistically and regulatory provision he would want included. He stated that one of the provisions he would want included was regarding the return of the Absentee Drop Boxes if a lawsuit was successful and that it be returned in the condition it was given, if not be repaired or replaced if damaged.

Vice Chairman Gibbons amended his motion and moved to approve the Board of Elections' request to declare two (2) Absentee Drop Boxes as surplus property and to loan the two drop boxes to another County Elections office, and that the respective county pay for repair and/or replacement of Absentee Drop Boxes (if necessary); and would agree to return drop boxes upon request, if a lawsuit was successful. Commissioner Maxwell amended his seconded. The motion passed 4-1 with Commissioner Oddo voting in opposition.

#### **10. Consideration of staff's recommendation to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI).**

Public Works Director Phil Mallon stated that he was before the Board about six weeks ago at the August 26<sup>th</sup> Board of Commissioner Meeting regarding safe access across Redwine Road associated with the multi-use paths. He stated that at that meeting, the Board directed staff to prepare a feasibility study of up to \$18,000 to determine if a bridge would be a viable option. Shortly after that meeting there was a meeting involving Fayette County and Peachtree City who expressed very strong reservations about using a bridge there. He stated that part of the decision to move forward into the bridge option was because there was a 50-foot, 40-foot when considering right-of way dedications, city green belt that would aid in the construction and operation of the bridge. However, as a condition, Peachtree City stated that they would not support a bridge nor allow the use of any of the green belt for the bridge construction. Mr. Mallon stated with this added information he felt it would be prudent to come

back to the Board to determine if they still wanted to pursue the feasibility study or revert to design of a tunnel and associated paths at Robinson Road and Redwine Road intersection. He added that the design for the tunnel was about 50% complete.

Chairman Hearn stated that he supported that tunnel and felt that the Board should move forward with that design. He added that he liked the bridge option better but felt the tunnel would be a good alternative. Chairman Hearn stated that the County wanted to be good neighbors but did not see eye-to-eye with what Peachtree City was envisioning.

Mr. Mallon stated that under the existing Intergovernmental Agreement (IGA) between Fayette County and Peachtree City, the County would design and build this tunnel along with a path that would meet existing path to reach the tunnel.

Commissioner Maxwell stated that he was in favor of the bridge and was very vocal about it. He asked if the County moved forward with the tunnel, would there still be a need for the HAWK (High-Intensity Activated Crosswalk Beacon) System.

Mr. Mallon stated that he was asking the Board for direction on how to proceed, but in his opinion, if the Board moved forward with the tunnel design, then the HAWK crosswalk system would not be needed.

Commissioner Maxwell stated that he was in agreement with that opinion. He continued that if the goal was on safety, he would not want to place golf carts at grade traveling across Redwine Road. Commissioner Maxwell also asked if the officer posted at the spot was a Sheriff's Deputy or a Peachtree City Police officer.

County Administrator Steve Rapson stated it was either a Sheriff's Deputy or a School Resource Officer (SRO) and added Commissioner Maxwell was correct, that if the Board went with the tunnel design, the HAWK crosswalk system was not being recommended.

Commissioner Maxwell asked if there was going to be a path developed from Mill Farm Subdivision towards Highway 74.

Mr. Mallon stated that would be a question better answered by Peachtree City, however from his understanding, no, there would not be. He added that there would be a path that the Mill Farms Subdivision developer would design but it would tie into the internal roadway.

Commissioner Maxwell stated that his concern was that citizens, specifically, students on golf carts would cross over Redwine Road to get to the cart path on the other side of the street. He stated this was concerning to him because it was a major safety issue and people would cross at that point. He stated that there would not be an at-grade crossing nor a deputy at that location and that would be a trouble spot.

Vice Chairman Gibbons stated that from his understanding staff was not recommending removal of the deputy.

Mr. Rapson stated that what he communicated to Peachtree City that with the construction of a tunnel the Foreston Place, the at-grade crosswalk and Sheriff Deputy would be removed. He added that Peachtree City was agreeable to that. He stated that there were several other areas in Peachtree City where there was a subdivision across from a golf cart path, and citizens were used to going either north or south to reach the access points for the golf cart paths. He continued that the expectation for this path would be the same. The paths would lead/meet at the tunnel and cross at the tunnel. Mr. Rapson stated that if an individual crossed the road illegally, that would be a traffic violation and would be handled via the Sheriff's Office or Peachtree City Police Department.

Commissioner Maxwell asked if once the tunnel was in place would an officer be posted at that location.

Mr. Mallon stated that staff recommendation was to have the at-grade crossing removed at Foreston Place. Mr. Mallon did note that there was an officer at the end of Panther Path that was independent from this discussion but would remain in place.

Commissioner Maxwell stated that although public safety was the main concern, they also had to consider not tying up resources by having a deputy stationed there for the foreseeable future.

Chairman Hearn stated that the closing of the at-grade crosswalk at Foreston Place was as much a Peachtree City decision as it was a Fayette County decision, and if they wanted to place the HAWK system or an officer, at their expense, the County would not interfere.

Mr. Mallon stated as clarification, that crossing at Foreston Place was Fayette County's right-of-way.

Mr. Rapson stated that Chairman Hearn was probably referring to the offer Peachtree City made to contribute \$100K towards the \$250k costs of the HAWK crosswalk system, if the Board decided to do both the HAWK crosswalk and the tunnel. Mr. Rapson stated that his response was, if Peachtree City wanted the HAWK crosswalk system, they would have to pay for it themselves.

Commissioner Oddo moved to approve to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI). Vice Chairman Gibbons seconded.

Mr. Rapson acknowledged the Fayette County School Board superintendent attended the Board Meeting and was in favor of the design of path and tunnel near the intersection of Robinson Road and Redwine Road.

Commissioner Oddo moved to approve to resume design of path and tunnel near the intersection of Robinson Road and Redwine Road (2017 SPLOST project 17TAI). Vice Chairman Gibbons seconded. The motion passed 5-0

County Attorney Dennis Davenport stated that there was still a valid action directing the \$15K expenditure, he suggested the Board rescind it.

Vice Chairman Gibbons moved to rescind the \$15,000 for the bridge feasibility study and return the funds to the General Fund. Commissioner Oddo seconded. The motion passed 5-0.

#### **11. Consideration of Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee.**

Mr. Mallon stated that before the Board was Ordinance 2021-16, which were amendments that would change the structure of the Fayette County Transportation Committee. Mr. Mallon stated that the two positions currently held by Commissioners would be replaced with one additional staff person position and a second citizen position.

Vice Chairman Gibbons moved to approve Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee. Commissioner Odd seconded.

Commissioner Rousseau stated that he had several concerns and diametrically opposing views related to this item. He stated that he had expressed his opposition to having Commissioners sit on various Boards and/or Committees because it had an undo, whether real, imagined, or perceived, influence on the Committee. Commissioner Rousseau stated however, with this Committee he felt that the removal of Commissioners would leave county staff exposed to other elected officials that may challenge staff. He added that staff had the tendency, rightfully, to advocate for their positions in their jurisdictions leaving county staff unprotected with other elected official that would push their own agendas. Commissioner Rousseau stated that he felt having county staff exposed in that manner was not wise, nor prudent.

Vice Chairman Gibbons withdrew his motion.

Commissioner Maxwell stated that he never cared for the structure of the Transportation Committee. He stated in agreeance with Commissioner Rousseau if the two Commissioners are removed from the Transportation Committee, the power of the committee, that the Board created, would shift to others on the committee. Commissioner Maxwell stated that he never really cared for the Transportation Committee and had concerns regarding having the two Commissioners on it and only needing one additional vote from another Board member to approve an item. He stated that there had been past discussion regarding the Transportation

Committee as a whole and determining if it should remain in existence, because ultimately the Board would be the authorizing body to make any decision related to transportation in the county. Commissioner Maxwell stated that his concerns were that removing the two Commissioners would leave the door open for outside influence even with strong and capable county staff on the Committee, there would still be a tendency toward, or deference shown to the elected official members. Commissioner Maxwell asked if these amendments of having no Commissioner participation and involvement would truly fix the problem.

Commissioner Oddo stated that the Development Authority functioned in a similar manner very well, without Board representation. He added that when he sat on the Transportation Committee there was one mayor in attendance, Mayor Laggis with the Town of Woolsey and Mayor Johnson from City of Fayetteville who attended once or twice. Commissioner Oddo stated that even with elected officials present, there was no bullying and county staff, particularly Mr. Mallon, generally lead the discussion and direction of the meeting. Commissioner Oddo stated that he did not see any adherent need to have a Commissioner sit on the Transportation Committee. He noted that the county had a great staff that took input from the city for discussion and voted on various decisions accordingly. Commissioner Oddo stated he was fine with approving Ordinance 2021-16.

Mr. Rapson echoed some of the sentiments of Commissioner Oddo noting that it was very rare for a city mayor to attend the Transportation Committee, however, as a public meeting a mayor or any other elected official could attend, outside of a quorum being in attendance for any given municipality. Mr. Rapson stated that he had no concerns with his staff interacting with elected officials. He reminded the Board that this was a committee established by the Board and if they did not want elected officials on it, they could change the terms of the committee. Mr. Rapson stated that the purpose of the committee and the primary benefit was the rapport and relationship it helped establish with the Atlanta Regional Commission (ARC) and Georgia Department of Transportation (GDOT) as it relates to funding for projects throughout the county. Mr. Rapson stated that there were ways of addressing some of the concerns expressed by the Board regarding having elected officials on the Board.

Commissioner Oddo stated that he had seen several instances where the Transportation Committee helped in facilitating various projects, most recently regarding a project near the Kenwood school where the Fayette County Board of Education got involved and contributed funding, so the Transportation Committee was working and a true benefit.

Commissioner Rousseau reiterated that what was before the Board was if there should be elected officials on the transportation Committee. He stated that he was not questioning the validity of the Transportation Committee and he felt that the Transportation Committee was good and beneficial. Commissioner Rousseau stated that using the Development Authority as an analogy was off base because they were conferred with certain powers to act of side of the Board of Commissioners unlike the Transportation Committee. He stated that his goal was to protect the interest of staff and although he felt that county staff could handle themselves, leaving them unnecessarily exposed with other elected officials was not wise.

Chairman Hearn stated that he had sat on the Transportation Committee for about nine months and from a positive perspective, he felt the committee maintained a good interaction and engagement between the jurisdictions within the county. He felt that the sharing of information and the opportunity to be updated on various projects each month was beneficial. He added however, on the negative side, there were occasions where he felt some of the jurisdiction may give too much input on projects that have nothing to do with their municipalities. One example is where he saw at the most recent Transportation Committee meeting where Peachtree City and The Town of Tyrone were dictating discussion regarding a project in the County near Kenwood schools that had absolutely nothing to do with their jurisdictions nor where they apart of funding the project. Chairman Hearn stated that he did not appreciate them dictating the conversation and felt they had too much influence regarding that project. He added that overall, he like the tone and flow of the meetings. He stated that he was torn between whether to have Commissioners sit on the Transportation Committee or not but stated that in the end, any recommendations would come before the Board of Commissioners.

Commissioner Oddo moved to revise Ordinance 2021-16 to remove all elected officials on the Transportation Committee. Commissioner Rousseau seconded.

Commissioner Maxwell stated that the motion was a good start, but it was not complete, if the elected officials were removed which staff members would replace those positions.

Further discussion continued regarding the structure of the Transportation Committee.

Mr. Davenport recommended denying the item and sending back for revisions based on Board feedback.

Commissioner Oddo withdrew his motion.

Vice Chairman Gibbons moved to deny Ordinance 2021-16, amendment to the membership of the Fayette County Transportation Committee. Commissioner Rousseau seconded. The motion passed 5-0.

**12. Consideration of Ordinance 2021-17, to provide for an amendment to the membership of the Fayette County Water Committee.**

Ms. Tigert stated that the proposal of the Water Committee, at the direction of the Board, was to remove "The Chairman of the Board of Commissioners, or his/her designee", and the "Director of Planning and Zoning" and replace those seats with the Director of Environmental Management and the Fayette County Fire Chief.

Vice Chairman Gibbons moved to approve Ordinance 2021-17, to provide for an amendment to the membership of the Fayette County Water Committee. Commissioner Oddo seconded. The motion passed 5-0.

**13. Consideration of Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee.**

Fayette County Human Resources Director Lewis Patterson stated that the Fayette County Retirement Committee was established in 2009, without any formal structure. He continued that the Committee had served well over the past years. Mr. Patterson stated that Ordinance 2021-15 would provide a formal structure for the committee. He stated that the Committee had seven members, historically, with a Commissioner serving as Chairman. Mr. Patterson stated that the Commissioner member would be removed and replaced with the Director of Public Works serving as the seventh member.

Commissioner Maxwell moved to deny Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee. Commissioner Gibbons seconded.

Commissioner Maxwell stated that he had in the past and was currently the Commissioner appointed as a member to the Retirement Committee. He stated that he enjoyed his time on the Committee and would like to remain, although he had only been able to make it to one meeting this year. Commissioner Maxwell stated that he had attended a recent training via the Association County Commissioners of Georgia (ACCG) and Endeavor [Empower] and felt that the Retirement Committee was needed, and regular review of the various plans was beneficial for the county employees. Commissioner Maxwell stated that he was ok with Ordinance 2021-15, with the addition to have an ex-officio member that would be a member of the County Commission appointed by the Board and who would serve as the chairman of the Retirement Committee.

Commissioner Maxwell moved to create the same committee established by Ordinance 2021-15, with the addition to have an ex-officio member that would be a member of the County Commission appointed by the Board and would serve as the chairman of the Retirement Committee.

Vice Chairman Gibbons stated that although he was ok with Commissioner Maxwell's motion, his recommendation would be to move forward with the denial and have staff bring back the item based on the recommended guidance.

Mr. Rapson stated that as a housekeeping measure, if approved, there was a new requirement that required all fiduciary members be trained. He advised that that requirement would be added into the ordinance to include the ex-officio member for training as well.



Commissioner Maxwell moved to deny Ordinance 2021-15, establishing the composition and responsibilities of the Fayette County Retirement Committee. Commissioner Gibbons seconded. The motion passed 5-0.

**14. Consideration of Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act.**

Building Safety Director Steve Tafoya stated that he was contacted by one of the county's mobile home parks stating that they had a considerable number of mobile homes and was inquiring about where the County stood regarding the Abandoned Mobile Home Act, as it related to identifying the Local Government Agent who would then identify if a mobile home was considered derelict or intact. He continued that once this determination was made then the mobile home park could complete their due diligence and take matters to the courts to obtain title to either have the mobile home removed or renovated. Mr. Tafoya stated the Abandoned Mobile Home Act was reviewed with the County Attorney and Ordinance 2021-19 was the result of the discussion.

Vice Chairman Gibbons moved to approve Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act. Commissioner Oddo seconded.

Commissioner Rousseau asked if there were not already any provisions for the owner of the mobile home park to deem a given mobile home as abandoned, and "considered private property on someone else's property".

Mr. Tafoya stated that this Abandoned Mobile Home Act was the only provision in place and had only been established in the past few years. He added that the only way for a mobile home park to gain possession of a "seemingly" abandoned mobile home is by following the statute which states it would have to be designated as derelict, in an uninhabitable condition or intact, habitable condition, and that designation would determine the direction taken via the court system.

Commissioner Rousseau stated that he had some concerns and felt that the County was being pulled into a dispute between the owner of the mobile home and the owner of the mobile home park. He added that by approving Ordinance 2021-19, the County would be the Local Government Agent determining the mobile home designation and in turn determining the direction a mobile park owner would take via the courts. He asked the County Attorney if the Board should be weighing in on private property issues.

County Attorney Dennis Davenport stated that it was a different issue because typically mobile and manufactured homes are considered personal property as opposed to real property and the rules are different for that class of property. He continued stating that when someone abandons a mobile home or refuses to pay rent for more than 90-days, as outlined by state law, the legal mechanism of abandonment is in place via the state already. However, the County can not act on this unless it names a local government official that has the authority to classify an individual mobile or manufactured home, which had been abandoned, as derelict or intact. Mr. Davenport stated that the classification would determine the direction taken through the courts system. He noted that a local government official would have to be named to make that classification and that individual would have to have the proper training.

Commissioner Rousseau stated that he still had his apprehension but understood the basic mechanics of the process.

Vice Chairman Gibbons moved to approve Ordinance 2021-19, to identify a Local Government Agent as contemplated by the Abandoned Mobile Home Act. Commissioner Oddo seconded. The motion passed 5-0.

**15. Consideration of the approval of a Deed of Easement and an Ingress/Egress Easement to be conveyed by the owners of property in Trilith to Fayette County for the purpose of installing, constructing, and maintaining water lines.**

Ms. Tigert stated that this was a house keeping item regarding water lines in place at the movie studio area without easements.

Commissioner Rousseau moved to approve a Deed of Easement and an Ingress/Egress Easement to be conveyed by the owners of property in Trilith to Fayette County for the purpose of installing, constructing, and maintaining water lines. Vice Chairman Gibbons seconded. The motion passed 5-0.

**16. Consideration of staff's request to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act – Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment plan in the amount of \$970,000 with a county match of \$388,000.**

Ms. Tigert stated that this item was requesting Board approval to apply for an American Rescue Plan Act (ARPA) grant for a generator at the South Fayette Water Treatment plant.

Commissioner Oddo moved to approve request to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act – Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment plan in the amount of \$970,000 with a county match of \$388,000. Vice Chairman Gibbons seconded.

Vice Chairman Gibbons asked what happens if the County was not approved for the grant funding.

Mr. Rapson stated that if the County did not receive the grant fund, the County would not spend the local match funds. He continued that the Board would only see this request, if the County received the grant approval.

Commissioner Oddo moved to approve request to apply for State of Georgia Fiscal Recovery Fund/American Rescue Plan Act – Water/Sewer Infrastructure Grant and/or the FEMA Hazard Mitigation Grant to replace and upgrade the emergency generator at the South Fayette Water Treatment plan in the amount of \$970,000 with a county match of \$388,000. Vice Chairman Gibbons seconded. The motion passed 5-0.

**17. Consideration of an Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer two American Rescue Plan Act (ARPA) allocations of \$31,182.00 each to Fayette County to use the funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County.**

Mr. Rapson stated that this item was part of the American Rescue Plan Act (ARPA). He stated that this was the Town of Woolsey's allocation that they would transfer to the County, as a result, an Intergovernmental Agreement between the Town of Woolsey and Fayette County had to be established to receive the funds.

Vice Chairman Gibbons moved to approve Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer two American Rescue Plan Act (ARPA) allocations of \$31,182.00 each to Fayette County to use the funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County. Commissioner Maxwell seconded.

Commissioner Rousseau stated as a point of clarification and public knowledge the amount being transfer was \$31,182.00.

Mr. Rapson stated that was correct and noted that it was the first of two payments. The second allocation would also be \$31,182.00.

Commissioner Rousseau asked how the funds was would be spent.

Mr. Rapson stated that the County would be using the funds under the American Rescue Plan Act (ARPA) to reimburse the Sheriff's salaries, which would place the monies into Fund Balance. He continued that there was an Intergovernmental

Agreement (IGA) between the Town of Woolsey and Fayette County to perform a lot of their infrastructure related activities. With that in mind, the Town of Woolsey wanted to use the funds to upgrade some of the lighting at the roundabout. In working with the Public Works department those funds would be routed through Fund Balance as those projects are performed.

Commissioner Rousseau stated as a point of clarification that the Sheriff Office had an Intergovernmental Agreement (IGA) with the Town of Woolsey to provide public safety. The monies spent over the past 18-months would be paid off from the Town of Woolsey via American Rescue Plan Act (ARPA) funds for services received from the Sheriff's Department.

Mr. Rapson stated that it would be submitted as a reimbursement and thus reported to the American Rescue Plan Act (ARPA) as such and in turn, free up monies in the Fund Balance that can be used for other projects in the Town of Woolsey.

Vice Chairman Gibbons moved to approve Intergovernmental Agreement between the Town of Woolsey and Fayette County to transfer two American Rescue Plan Act (ARPA) allocations of \$31,182.00 each to Fayette County to use the funds as necessary under the terms of the ARPA program, in conformance with reporting rules, and in a manner that fosters the best interests of both the Town of Woolsey and Fayette County. Commissioner Maxwell seconded. The motion passed 5-0.

### **ADMINISTRATOR'S REPORTS:**

County Administrator Steve Rapson advised that an updated "Hot Projects" list was sent out via email to the Board with the status of various projects throughout the county. He highlighted the Brockton Court Culvert Replacement, Brogdon Road and New Hope Road roundabout, Silverleaf Drive culvert replacement, Patricia Lane culvert replacement, and the Pleasant Hill culvert replacement.

Mr. Rapson wanted to advise the public that November 9<sup>th</sup> Board of Commissioners Meeting was a Tuesday meeting and would be held at 2:00 p.m. He noted that this would be the meeting where the draft redistricting maps would be discussed and wanted citizens to be aware of change in the day and time of the Board meeting, well in advance. He also acknowledged that the Thursday, December 9<sup>th</sup> meeting would also be at 2:00 p.m.

### **ATTORNEY'S REPORTS:**

Mr. Davenport reminded the Board that he was comprising items for the 2022 Legislative Package and if they had not already done so, he would suggest getting any remaining items or have any additional discussions by the October 28<sup>th</sup> Board of Commissioner Meeting to ensure there was enough time to properly prepare the corresponding resolution needed for each item.

**Notice of Executive Session:** County Attorney Dennis Davenport stated there were three items for executive session. There were two items of threatened litigation and the review of the August 26, 2021 Executive Session Minutes for consideration in Executive Session.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Maxwell**

Commissioner Maxwell asked if the Peachtree City/Kedron Hills/Crabapple issue been resolved or was it still an open issue.

Mr. Rapson stated that at this point Peachtree City had not taken any definitive action.

Commissioner Maxwell spoke on his own behalf. He stated that he did not want to tell Peachtree City what to do. He stated that this issue was regarding the potential closure of a roadway or path between the County and Peachtree City. Commissioner Maxwell stated that the closure of the road would be legally within the rights of Peachtree City, however his concern was regarding the practicality of it. He stated that he knew that it was an access point where citizens travelled back-and-forth. He

stated that he had heard there may be an attempt to change the roadway into a one-way road. Commissioner Maxwell stated that he wanted to work with Peachtree City and hope they do not sell any of the property, in the area. He stated that if Peachtree City decided to close the road that may force the County to make decisions as well. Commissioner Maxwell urged Peachtree City to make a good decision.

#### **Vice Chairman Gibbon**

Vice Chairman Gibbon recognized a great American soldier and statesmen on his birthday. President Dwight D. Eisenhower, who was born October 14, 1890.

#### **Commissioner Rousseau**

Commissioner Rousseau asked regarding the draft redistricting map if it would be available for the Nov. 9<sup>th</sup> Board of Commissioners Meeting and if not, would the draft redistricting map be based upon the early assessment of the balancing numbers mentioned today.

Mr. Rapson stated he was anticipating a draft redistricting map being available at the Nov. 9<sup>th</sup> Board of Commissioners Meeting. Mr. Rapson added that he would be asking the Board for guidance and direction. Specifically, from Chairman Hearn for District 2 and Commissioner Rousseau from District 4.

Commissioner Rousseau stated that if there was not a draft redistricting map issued by the Legislature or the Joint Reapportionment Office, he would expect a meeting with Mr. Tyson prior to his presentation at the November 9<sup>th</sup> Board of Commissioner Meeting to provide his input and feedback.

Commissioner Rousseau thanked staff for a job well done on work near Kedron schools and that he would contact Mr. Mallon for a few project updates in the area.

#### **Commissioner Oddo**

Commissioner Oddo reminded everyone in attendance that Friday October 15, 2021, was the deadline for the 2020 tax return to be filed.

#### **Chairman Hearn**

Chairman Hearn stated as an avid hunter, he wanted to caution drivers to be particularly careful stating next week because it was the beginning of gun season for deer, so he advised citizens to be aware. Chairman Hearn expressed his appreciation for County staff for their hard work and dedication.

#### **EXECUTIVE SESSION:**

**Two items of threatened litigation and the review of the August 26, 2021 Executive Session Minutes for consideration in Executive Session.** Commissioner Rousseau moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:35 p.m. and returned to Official Session at 6:52 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 5-0.

**Approval of the August 26, 2021 Executive Session Minutes:** Commissioner Oddo moved to approve the August 26, 2021 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

#### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the October 14, 2021, Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The October 14, 2021 Board of Commissioners meeting adjourned at 6:53 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 28<sup>th</sup> day of October 2021. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk