

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

ACTION AGENDA

September 22, 2022
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.

Call to Order

Chairman Hearn called the September 22, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. **Consideration of Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road.**

Commissioner Oddo moved to deny Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road. Commissioner Rousseau seconded. The motion failed 2-3, with Chairman Hearn, Vice Chairman Gibbons and Commissioner Maxwell voting in opposition.

Vice Chairman Gibbons moved to approve Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road, with outlined conditions. Commissioner Maxwell seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

2. **Consideration of Petition No. 1321-22B, Evelyn Morgan, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.769 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on S.R. 54 West.**

Vice Chairman Gibbons moved to approve Petition No. 1321-22B, Evelyn Morgan, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.769 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on S.R. 54 West, with outlined conditions. Commissioner Maxwell seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 3. Consideration of Petition No. 1321-22C, Estate of Leonard R. Ebert and Judith Ebert, c/o Leslie Noles, Owners; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.210 acres from R-70 to C-C to construct a car dealership and service center in Land Lot 128, 5th District; fronts on S.R. 54 West and South Sandy Creek Road.**

Vice Chairman Gibbons moved to approve Petition No. 1321-22C, Estate of Leonard R. Ebert and Judith Ebert, c/o Leslie Noles, Owners; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.210 acres from R-70 to C-C to construct a car dealership and service center in Land Lot 128, 5th District; fronts on S.R. 54 West and South Sandy Creek Road, with outlined conditions. Commissioner Maxwell seconded. The motion passed 3-2, Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 4. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection.**

Commissioner Oddo moved to deny amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection. Commissioner Rousseau seconded. The motion passed 4-1, with Chairman Hearn voting in opposition.

- 5. Consideration of Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Patrice Frady, Agent; request to rezone 12.582 acres from A-R to C-C to develop a convenience store with fuels sales and with retail tenant space; property located in Land Lot 8 of the 6th District and fronts on Padgett Road and S.R. 85/74.**

Tabled to the October 27, 2022 meeting.

PUBLIC COMMENT:

CONSENT AGENDA:

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

- 6. Approval of staff's recommendation to award Contract #2125-P, Development Impact Fee Study, to Ross Associates in the amount of \$77,400.00 and to fund the contract through transfer of \$77,400.00 in the mid-year budget adjustments.**
- 7. Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2022, and authorization to adjust and close capital projects, moving remaining funds to project contingency.**
- 8. Approval of the September 8, 2022 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:
NEW BUSINESS:

9. Request to award Contract #2167-B to Amwaste of Georgia, LLC for operation of Fayette County's Municipal Solid Waste (MSW) Transfer Station located on First Manassas Mile Road.

Vice Chairman Gibbons moved to approve Contract #2167-B to Amwaste of Georgia, LLC for operation of Fayette County's Municipal Solid Waste (MSW) Transfer Station located on First Manassas Mile Road. Commissioner Oddo seconded. The motion passed 5-0.

10. Request to award Task Order 07 (not to exceed value of \$227,063) to POND for design of a roundabout at the intersection of Veterans Parkway and Eastin Road (project R-5I) and allocation of \$128,000 from the 2004 SPLOST project I-13 to pay for design.

Commissioner Rousseau moved to approve to award Task Order 07 (not to exceed value of \$227,063) to POND for design of a roundabout at the intersection of Veterans Parkway and Eastin Road (project R-5I) and allocation of \$128,000 from the 2004 SPLOST project I-13 to pay for design. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2150-S: FlowCam Monitoring Software

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one items for Executive Session. One item involving threatened litigation.

COMMISSIONERS' REPORTS:

Commissioner Rousseau made comments.

EXECUTIVE SESSION:

One item involving threatened litigation. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

Commissioner Rousseau left the Board meeting prior to Execution Session.

The Board recessed into Executive Session at 7:58 p.m. and returned to Official Session at 8:06 p.m.

Return to Official Session: Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 4-0.

ADJOURNMENT:

Chairman Hearn moved to adjourn the September 22, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The September 22, 2022 Board of Commissioners meeting adjourned at 6:48 p.m.

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of October 2022. Attachments are available upon request at the County Clerk's Office.

Marlena M. Edwards, Chief Deputy County Clerk