

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

December 8, 2022
2:00 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 Lee Hearn called the December 8, 2022 meeting to order at 2:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Chairman Hearn offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Edward Gibbons moved to accept the agenda with the addition of moving items #17 & #18 to the beginning of the meeting. Commissioner Charles Oddo seconded.

Vice Chairman Gibbons amended his motion to accept the agenda, with the addition of moving item #17 and 18 to the beginning of the meeting and adding item 25a. regarding Fayetteville annexation request for Trilith Expansion.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Mrs. Vicki Turner and the Fayette Fire Foundation for their continued service to the Fayette County Fire & Emergency Services and the citizens of Fayette County.**
- 2. Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.**
- 3. Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.**

PUBLIC HEARING:

- 4. Consideration of a new 2022/2023 Retail Alcohol Beer and Wine License (C22-00943) for Azhar Khan, doing business as Mini Mart, which is located at 1467 Hwy 92 North, Fayetteville, GA 30214.**

Commissioner Oddo moved to approve a new 2022/2023 Retail Alcohol Beer and Wine License (C22-00943) for Azhar Khan, doing business as Mini Mart, which is located at 1467 Hwy 92 North, Fayetteville, GA 30214. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 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. This item was tabled at the October 27, 2022 Board meeting.**

Commissioner Oddo moved to approve 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 L-C2 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, including deed restriction of four pumps. Vice Chairman moved to approve. The motion passed 5-0

Commissioner Oddo amended his motion and moved to approve 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 L-C2 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. Vice Chairman amended his second. The motion passed 5-0

- 6. Consideration of Petition No. 1323-22, Johnnie K. Holland, Owner; Randy Boyd, Agent request to rezone 8.056 acres from A-R to R-45 to develop four (4) single-family residential lots; property located in Land Lot(s) 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road. This item was tabled at the October 27, 2022 meeting.**

Vice Chairman Gibbons moved to approve Petition No. 1323-22, Johnnie K. Holland, Owner; Randy Boyd, Agent request to rezone 8.056 acres from A-R to R-45 to develop four (4) single-family residential lots; property located in Land Lot(s) 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road, with no time limit to the conformity of the guesthouse. Commissioner Maxwell seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

Commissioner Rousseau left the Board meeting.

- 7. Consideration of Petition No. 1324-22-A; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District; fronts on State Route 54 and Tyrone Road.**

Commissioner Maxwell moved to approve Petition No. 1324-22-A; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District; fronts on State Route 54 and Tyrone Road, reducing the buffer condition to 50 feet. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 8. Consideration of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 0.331 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District and fronts on Tyrone Road.**

Commissioner Maxwell moved to approve Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 0.331 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District and fronts on Tyrone Road, reducing the buffer condition to 50 feet. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 9. Consideration of Petition No. 1324-22-C; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.993 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road.**

Commissioner Maxwell moved to approve Petition No. 1324-22-C; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.993 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road, with the five listed conditions. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 10. Consideration of Petition No.1324-22-D; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.948 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road.**

Commissioner Maxwell moved to approve Petition No.1324-22-D; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.948 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road, with the listed conditions but reducing the buffer condition to 50 feet. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 11. Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria, Owners; Nazim Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North.**

Commissioner Maxwell moved to table to the January 26, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 12. Consideration of Petition No. 1327-22; 130 Carnes Drive LLC, Owners; David Weinstein, Attorney, Agent, request to rezone 1.0 acres from C-H to M-1 to establish an auto paint and body shop; property located in Land Lot(s) 217 of the 5th District fronts on Carnes Drive and Walter Way.**

Vice Chairman Gibbons moved to approve Petition No. 1327-22; 130 Carnes Drive LLC, Owners; David Weinstein, Attorney, Agent, request to rezone 1.0 acres from C-H to M-1 to establish an auto paint and body shop; property located in Land Lot(s) 217 of the 5th District fronts on Carnes Drive and Walter Way. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 13. Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East.**

Commissioner Maxwell moved to table to the January 26, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent..

PUBLIC COMMENT:

Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.

CONSENT AGENDA:

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

- 14. Approval of the acceptance of a Fire/EMS Street Legal Golf Cart, valued at \$24,190.00, from the Fayette Fire Foundation for use at public events, sports venues, and other gatherings where larger emergency vehicles may not be accessible.**
- 15. Approval of supplemental grant award for the DUI Accountability Court in the amount of \$7,134 for Enhancement & Innovation.**
- 16. Approval of the November 10, 2022 Board of Commissioners Meeting Minutes.**
 - 16a. Approval to accept a grant award for the DUI Accountability Court in the amount of \$12,719 for Law Enforcement services.**

OLD BUSINESS:

NEW BUSINESS:

- 17. Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Shirelle Hicks to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026.**

Vice Chairman Gibbons moved to approve to appoint Shirelle Hicks to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026. Commissioner Oddo seconded. The motions passed 5-0.
- 18. Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Nick Kilburg to the Recreation Commission for a term beginning January 1, 2023 and expiring December 31, 2026.**

Commissioner Oddo moved to approve to appoint Nick Kilburg to the Recreation Commission for a term beginning January 1, 2023 and expiring December 31, 2026. Vice Chairman Gibbons seconded. The motion passed 5-0.
- 19. Request to approve to enter an Intergovernmental Agreement with Brooks, Fayetteville, Peachtree City and the Town of Tyrone allowing for the use and distribution of proceeds from the 2023 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.**

Commissioner Oddo moved to approve to enter an Intergovernmental Agreement with Brooks, Fayetteville, Peachtree City and the Town of Tyrone allowing for the use and distribution of proceeds from the 2023 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

20. Request to approve Resolution 2022-10; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.

Commissioner Oddo moved to approve Resolution 2022-10; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

21. Request to award Bid #2172-B: 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road Culvert Replacement to the lowest responsive, responsible bidder, North Georgia Concrete, Inc., in the amount of \$764,983, and to transfer \$648,990 from Stormwater Contingency for this purpose.

Commissioner Oddo moved to approve to award Bid #2172-B: 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road Culvert Replacement to the lowest responsive, responsible bidder, North Georgia Concrete, Inc., in the amount of \$764,983, and to transfer \$648,990 from Stormwater Contingency for this purpose. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

22. Request to approve Change Order #4, allocating \$284,492.97 of the contingency funds in the Public Safety Radio System (#1428-P) to secure P25 and related upgrades for existing radios, allowing them to function on the EF Johnson system.

Commissioner Oddo moved to approve Change Order #4, allocating \$284,492.97 of the contingency funds in the Public Safety Radio System (#1428-P) to secure P25 and related upgrades for existing radios, allowing them to function on the EF Johnson system. Vice Chairman Gibbons seconded. The motion passed 4-0.

23. Request to approve to award Bid #2181-B HA 5; High Density Mineral Bond, to Blount Construction Company, Inc. in the amount of \$225,053.95.

Chairman Hearn moved to approve to award Bid #2181-B HA 5; High Density Mineral Bond, to Blount Construction Company, Inc. in the amount of \$225,053.95. Vice Chairman Gibbons seconded. The motion passed 4-0.

24. Request approval for staff to prepare and submit two applications to the Georgia Department of Transportation (GDOT) seeking up to \$400,000 (\$200,000 per project) of LMIG funding for the Starrs Mill Tunnel project under Redwine Road (17TAI) and the Inman Road pipe replacement project (20SAD).

Commissioner Oddo moved to approve staff to prepare and submit two applications to the Georgia Department of Transportation (GDOT) seeking up to \$400,000 (\$200,000 per project) of LMIG funding for the Starrs Mill Tunnel project under Redwine Road (17TAI) and the Inman Road pipe replacement project (20SAD). Vice Chairman Gibbons seconded. The motion passed 4-0.

25. Request to approve the first amendment and renewal of a contract between Fayette County and the Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms.

Commissioner Oddo moved to approve the first amendment and renewal of a contract between Fayette County and the Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms. Vice Chairman Gibbons seconded. The motion passed 4-0.

25a. Consideration of Fayetteville annexation request for Trilith Expansion- 6 parcels that comprise a total of 38.75 acres.

Vice Chairman moved not to object to Fayetteville annexation request for Trilith Expansion- 6 parcels that comprise a total of 38.75 acres. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

Notice of Executive Session: Attorney Ali Cox stated that there were three items for Executive Session. One item involving real estate acquisition and two items of threatened litigations for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Oddo, Vice Chairman Gibbons and Chairman Hearn offered comments.

EXECUTIVE SESSION:

One item involving real estate acquisition and two items of threatened litigations for consideration in Executive Session. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbon seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The Board recessed into Executive Session at 4:20 p.m. and returned to Official Session at 4:32 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.

Approval of the November 10, 2022 Executive Session Minutes: Commissioner Oddo moved to approve the November 10, 2022 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 December 8, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The December 8, 2022 Board of Commissioners meeting adjourned at 4:33 p.m.