

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

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 Board of Commissioners meeting to order at 2:01 p.m.

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 as written and to move items #17 and #18 to the front of the meeting before the public hearings. Commissioner Charles Oddo seconded. The motion passed 5-0.

Vice Chairman Gibbons amended the motion to include adding the annexation from the City of Fayetteville. Commissioner Oddo amended the second. The motion passed 5-0.

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.**

Fire Chief Jeffrey Hill presented this item to the Board. He stated that he would provide an overview of the Fayette Fire Foundation, recognize the recipients of the scholarships from the Fayette Fire Foundation, and recognize the Fayette Fire Foundation officers for the year.

Chief Hill recognized Mrs. Vicki Turner, as the chair of the foundation and the outstanding service she provided to the foundation. He also recognized, Vice Chair Michael Hofrichter, Treasurer Melody Myer and Secretary Sherry Singletary.

- 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.**

County Administrator Steve Rapson presented the recognition to the Chief Financial Officer Sheryl Weinmann and Water System Director Vanessa Tigert.

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.

Mr. Rapson also presented the Specialty Track certificates to Animal Control Jerry Collins, Road Department Director Steve Hoffman and Road Department Assistant Director Bradley Klinger.

Vice Chairman Gibbons acknowledge Mr. Rapson for also receiving a Specialty Track certificate in County Operations.

PUBLIC HEARING:

Planning and Zoning Director Deborah Bell read the *Introduction to Public Hearings for the Rezoning of Property* into the record and she introduced the first item of Public Hearing to the Board.

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.

Chief Marshal Lem Miller stated that staff received an application for a retail license to sell alcohol beverages at 1467 Hwy 92 North, Fayetteville. Staff reviewed the application and recommended approval.

No one spoke in favor or in opposition of this request.

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.

Mrs. Bell stated that the Planning Commission recommended approval at the September 1, 2022 Planning Commission meeting. The entire parcel was currently zoned A-R; however, the Land Use Plan divided the land use on the parcel between Limited Commercial and Low Density Residential. Mrs. Bell stated that given the configuration of the property and location of a major powerline in the center of the property, staff believed a residential use would be incongruous use on the southern half of the parcel and made the following recommendations:

1. Denial of the request to rezone to C-C.
2. Recommended conditional approval of the request to rezone but recommended the parcel be rezoned to L-C-2 (Limited Commercial-2). Staff's opinion was that the L-C-2 zoning district would allow the applicant to develop the proposed project while maintaining the desired character of the Starr's Mill Historic District.

If approved the recommended conditions were as followed:

1. Padgett Road is a Collector per the Fayette County Thoroughfare Plan. The owner/ developer shall dedicate right-of-way, as needed, to provide 40-feet as measured from the existing centerline of Padgett Road.
2. Owner/applicant shall coordinate all access points with GDOT's (Georgia Department of Transportation) proposed projects at the intersection of Highway 74 and Highway 85.
3. No residential access through the proposed commercial development.
4. Improve the existing Padgett Road driveway shown on the site plan to commercial driveway design standards during LDP (land disturbance permit) and remove all other driveway access points on Padgett Road.
5. A 100' vegetated buffer shall be provided adjacent to the residentially zoned parcels in unincorporated Fayette County to the south and west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.

Mr. Richard Ferry, Agent stated that they agreed to the conditions. He continued that the proposed project could be accomplished under a L-C-2 zoning, so he was good with that. He stated that the property had a powerline and a gas easement and created a barrier between the different uses on a commercial plot. He stated that he would use the buffer to be the difference between where the gas station would be on the corner and other uses in the back that would remain commercial. The access drive was in front of the gas easement, so there was no impact to the residential properties to the south and west. Mr. Ferry stated that he understood that under the L-C-2 and under the overlay, it was a much smaller building as permitted, so the architect designed what a building "could" look like. He concluded that the request was to zone the property according to the County's conditions.

Mr. Dennis Shell stated that his father owned the property for over 50 years, and it was a gas station on the corner that was condemned by the state. He continued that he understood the concerns about traffic, but there was an existing traffic problem there now. He stated that he did not see where a gas station would create more of a traffic problem.

No one spoke in opposition of this request.

Commissioner Oddo moved to approve Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Richard Ferry, Agent, request to rezone 12.591 acres from A-R to L-C-2 to develop a convenience store with fuel 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 with five (5) conditions. Vice Chairman Gibbons seconded.

Commissioner Eric Maxwell stated that he understood that the convenience store/gas station was going to be on the north side of the property. He asked what was going to be on the other side of the property.

Mr. Ferry stated that there were no plans for that area. He stated that the goal was to build something that fit into a community environment, perhaps a restaurant. It would be something with low impact and within the county's code. He stated that there would be 100-foot buffer to protect the houses.

Mrs. Bell stated that to the south of the property was residential.

Commissioner Maxwell stated that he was concerned about what could happen to the backside of the property. He stated that if the Board rezoned the property, it would open other opportunities to do something other than a gas station "back there".

Mr. Ferry reiterated that there were no plans for that side of the property. He stated that he had not reviewed everything that was available under L-C-2. He stated that there were some limitations because the property was in the Starr's Mill commercial area.

Mrs. Bell stated that there were 19 permitted uses under L-C-2 as compared to a Conditional C-C or C-H zoning, which had a longer list. She stated that there were a few conditional uses.

Commissioner Maxwell stated that he was familiar with this area. He stated that the land was very open. He stated that his concern was that any other building placed on the property would be consistently designed for the area. He asked staff if that would be required.

County Administrator Steve Rapson stated that it would follow the Starr's Mill Overlay.

Mrs. Bell stated that the L-C-2 had some architectural guidelines that were very similar to the Starr's Mill Overlay, but the Board could amend an added condition that would require this to abide by the architectural guidelines that apply to the Starr's Mill Overlay.

Mr. Ferry stated that they would want to do something similar in the back to what was going to be done in the primary area of the property.

Commissioner Maxwell asked how to fix this.

Assistant County Attorney Ali Cox stated that the Board could add a condition on the rezoning to apply the Overlay District to the back of the parcel.

Commissioner Maxwell asked Mr. Ferry if the plan was to have three pumps at the gas station.

Mr. Ferry stated that he believed he was limited to three pumps per the zoning.

Commissioner Maxwell stated that he wanted this to be consistent with what was done with the last zoning across the street.

Mr. Ferry stated that he was fine with the condition.

Commissioner Maxwell stated that he did not recall what was done with the last property, but that was what he wanted to vote on for this request.

Mrs. Cox made comments. (inaudible)

Mr. Rapson stated that the front part of the parcel where the gas station would be was in the overlay. The back part of the property was not, which was why staff recommended the conditional architectural. He stated that the overlay in the front had the restrictions on the number of pumps. He stated that if he recalled, the limit was four or five pumps and the applicant agreed to three. He stated that having the applicant to agree to three pumps made it conditional use.

Commissioner Maxwell stated that was what he was trying to do.

Mr. Ferry stated that he would agree to the same number of pumps as the one across the street.

Mr. Rapson confirmed that it was three pumps.

Mr. Rick Lindsey stated that he gave the Board his word. He checked the record with the Governor's office, and they did close it and a deed restriction was there. He stated that the agreed-on number of pumps was four.

Mr. Ferry stated that he would agree to the deed restriction as well.

Commissioner Maxwell asked if the motion could be amended to include the four pumps, deed restriction, as well as including the architectural rendering for the back of the gas station.

Commissioner Oddo amended the motion to approve Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Richard Ferry, Agent, request to rezone 12.591 acres from A-R to L-C-2 to develop a convenience store with fuel 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 with five (5) conditions, and to include the four pumps, deed restriction, as well as the architectural rendering for the back of the gas station. Vice Chairman amended the second.

Commissioner Rousseau asked Mrs. Bell if L-C-2 prevented the Board from coming back to change the Comprehensive Plan.

Mrs. Bell stated that we would still need to address the Comprehensive Plan, but it would be a smaller amendment than what was discussed previously. She stated that the Comprehensive Plan called it L-C-1. She stated that if the Comprehensive Plan was amended to just say, "L-C", that would encompass both L-C-1 and L-C-2. Mrs. Bell stated that would prevent an expansion of uses and keep things more in line with the historic district goals.

Commissioner Rousseau asked if this would still need to come back to the Board, if approved for L-C-2 and the other conditions, to modify the Land Use Plan.

Mrs. Bell stated that the petition itself would not come back to the Board, but yes, the Board would have to modify the Land Use Plan.

Commissioner Rousseau stated that the Board did that several years ago, creating the overlay district.

Mrs. Bell stated yes.

Commissioner Rousseau stated that he had some reservations that this was two to three years into the overlay. He stated that COVID compromised what might have happened with development, in the area of corridors. He stated that even with the applicant agreeing to L-C-2, it put the Board in a position of revising the Comprehensive Plan.

Mrs. Bell stated that staff would need to revisit the Comprehensive Plan regardless of the Board's decision on this case, based on the parcel across the street.

Commissioner Oddo amended the motion to approve Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Richard Ferry, Agent, request to rezone 12.591 acres from A-R to L-C-2 to develop a convenience store with fuel 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 with five (5) conditions, and to include extending the Starrs Mill architectural standards to the entire property, limiting the number of pumps to four and the deed restriction. Vice Chairman Gibbons amended the second. The motion passed 4-1. Commissioner Rousseau voted in opposition.

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.

Mrs. Bell stated that the Planning Commission recommended approval of the request with two conditions. She stated that as defined in the Comprehensive Plan, the R-45 single family residential was designated for the area and based on the investigation and staff analysis, staff recommended conditional approval of the request for rezoning from A-R to R-45 single family residential with the recommended conditions as amended at the Planning Commission meeting.

1. The applicant must apply for a variance for the size of the guesthouse on Lot 1, to allow a guesthouse that is 768 heated square feet to remain, prior to approval of the Final Plat of the proposed minor subdivision. If the requested variance is not approved, the guesthouse must be modified to meet zoning requirements or must be removed.

2. The applicant shall meet all Environmental Health Department requirements and verify that the proposed new property lines do not interfere with the existing drain field lines.

Randy Boyd, Agent, stated that Mr. Holland bought the property in 1969, Mrs. Holland, 86 years old, and wanted to sell the property. Mr. Holland passed in 2009. He stated that the existing zoning was A-R, and the request was to rezone to R-45. The property was one-acre with an 1,800 square foot house and was in compliance with the Land Use Plan. Mr. Boyd stated that Mrs. Holland would agree to the conditions, but in the agenda packet they noticed an arbitrary 30-day time limit to apply to the Zoning Board of Appeals for the size of the house. He stated that they did not agree to that condition with the Planning Commission, and he would ask that the Board remove that condition. He stated that with the holidays and Mrs. Holland's age, they would like the ability to develop the property as submitted on the site plan. He continued that if someone was to come forward and purchase the entire property then there would be a 30-day situation to try to have taken care of. He stated that he did not believe there was a 30-day time limit in the zoning ordinance that he was required to follow. He stated that if he was wrong, he wanted to know why it was not brought up in the Planning Commission meeting. He stated that he agreed to take care of it, but he requested that the time element be removed.

Chairman Hearn asked Mr. Boyd if he would agree to 120-days.

Mr. Boyd stated yes.

Commissioner Rousseau asked if it was policy or was it arbitrary.

Mr. Rapson stated that there was some confusion. He stated that staff was not asking that it be completed in 30-days, but instead was asking that the application be submitted within 30-days.

Commissioner Rousseau asked was it policy or arbitrary.

Mr. Rapson stated that after speaking with the County Attorney Dennis Davenport, he was adamant that there should be a time restriction that was reasonable. He stated that staff believed 30-days to apply was a reasonable expectation.

Mr. Boyd asked if that should be in the ordinance so that people like him would know that and time the rezoning request appropriately.

Chairman Hearn agreed. He asked Mr. Boyd if he was ok with 90-days.

Mr. Boyd stated that he would be ok with 120-days.

Commissioner Rousseau wanted 90-days.

Mr. Boyd asked if the rezoning triggered the submitting of the application or would the splitting of the lots trigger it.

Mrs. Bell stated that the request triggered the recommendation for a variance. She stated that if someone requested a permit on that parcel that would also trigger a recommendation for a variance simply because the guesthouse exceeded the parameters per square footage outlined in the ordinance.

Mr. Boyd asked if the rezoning required that a variance had to be requested or if left alone, could it stand on its own and go back to business as usual.

Mrs. Cox stated that it was a condition of the rezoning so it would be taken back before the Planning Commission to rezone if the variance was not applied for.

Mr. Boyd asked why it was coming up now.

Commissioner Maxwell stated that if there was a policy, then everyone needed to know that there was a policy. He stated that he heard about this a month ago on another property. He stated that it had never been an issue and now it was an issue.

Commissioner Maxwell stated that Mr. Boyd went before the Planning Commission without anyone mentioning the timeframe and now it was being brought up as a requirement that was not required by Planning Commission. He stated that it was not in their motion. He stated that if the County Attorney had a strong opinion about the requirement, it should be included in the ordinance, so people are not surprised when coming before the Board. He stated that he would like to approve this item without any time period.

Commissioner Rousseau stated that he agreed with Commissioner Maxwell that something should not be arbitrary imposed if it was not policy.

Mr. Rapson stated that it was something that could be addressed and put in the ordinance as a proper next step for staff, however what was triggering this was the actual rezoning itself that would create a non-compliance issue that would require a variance. The concern was that once the Board voted to change the zoning, the variance could never happen. Staff was trying to add the time limit to ensure the variance was addressed in a timely manner. He stated that there should be a time limit so that the applicant understood that a rezoning was being requested that would cause the variance to exist, then there would be a timeframe to resolve that.

Commissioner Rousseau stated that it was not his intent to bring up discussion because the applicant was still raising concerns. He stated that he was just asking about procedural questions. He stated that he had concerns that he would express during discussion.

Mr. Boyd stated that assuming that the petition was approved, and the applicant sold the property, and nothing was done to get the variance, what was the harm to the county because it had been there since 1978 or longer. He stated that it needed to be in

the ordinance so that the applicants would know how to plan. He stated that he would do whatever the Board suggested. He stated that if a timeframe was going to be added, he respectfully asked that it be a 120-days.

No one spoke in favor or opposition of this item.

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 on the conformity of the guesthouse with the two conditions. Commissioner Maxwell seconded.

Vice Chairman Gibbons stated that he agreed with Commissioner Maxwell that the requirements should be outlined in the ordinance. He stated that he could not image that this was the first time that someone requested a rezoning that was condition based, and one of the conditions was that a variance was required for an existing structure. He stated that he did not want to see a 120-day time limit added to this request and then the Board hear another request, and the applicant did not get a time limit for requesting a variance. He continued that it should be in the ordinance and if it was not there, then it was a "lick" on the Board, it was not the applicant's mistake. He stated that he had no problem with the conditions as written in the agenda packet.

Commissioner Oddo stated that he could not say that this was the first time that there was a time limit made as part of the condition. He stated that he would like to know if the applicant could work with a timeframe because we know we are going there. He stated that it was the policy to remove structures or remodel structures when "these things" are requested. He stated that he would like to stay with the 120-days.

Vice Chairman Gibbons asked, to bring the property in conformance with the ordinance, did it need to be 750 square feet.

Mrs. Bells stated 700 square feet.

Vice Chairman Gibbons stated that was about 68 square feet difference. He stated that the Board was wasting a lot of time over 68 square feet.

Commissioner Rousseau stated that was important. He stated that the Board could not dismiss it if it was policy. He stated that the Board could not give deference to legal counsel when a recommendation was made to the Board and then want to abandon their recommendation for comfort or "waste of time". He stated that he did not see it as a waste of time in his humble estimation. He stated that the Board did need some parameters going forward. He stated that he had questions regarding the square footage being out of compliance. It needed to be brought into compliance, which was in the policy. He stated that the septic tank was requested to be repaired a year or two ago.

Mr. Boyd stated that there was a problem with the septic tank, and it was his understanding that the problem was addressed and was no modification to the drain field line, but just a pipe going in it. The applicant's son repaired it. He stated that when the request to rezone came up, the County said there was an open permit. He stated that they would address that. The applicant's son was working on that permit. He stated that the applicant would work with that department to resolve the permit. He stated that he understood that the department would not sign the final plat without the problem being fixed.

Commissioner Rousseau stated that he was confused when reading that in the staff report. He asked for clarification.

Mrs. Bell stated that was reported by Environmental Health. She stated that the application to repair required an inspection and that was not performed, so the permit was not closed out. She stated that the director of Environmental Health asked that the owner have a septic tank company come verify the location of the drain field lines so the permit would be closed out and Environmental Health would know that the location of the drain field lines would not cross the new property lines for the proposed subdivision.

Commissioner Rousseau stated that he did not read that was a condition of the approval.

Mrs. Bell stated that closing out the permit was handled through Environmental Health and their primary concern was that none of the septic systems/drain field lines would encroach on an adjacent new parcel.

Commissioner Rousseau asked if the guesthouse was currently in compliance with the zoning requirements.

Mrs. Bell stated no. She stated that there were no site plans for the guesthouse, but it was permitted. She stated that she could not locate actual building plans for that structure but there were essentially two residential structures on the parcel. One was in compliance as the primary structure and one was not, the guesthouse.

Commissioner Rousseau stated that there needed to be some parameters and he was not opposed to 120-days, but he would rather 90-days. He stated that he apologized to the applicant because there was something that was not originally there. He stated that was on the Board. He stated that if legal was recommending there be some parameters, so that there would not be an open-ended process and set precedent, he believed it was wise for the Board to do that. He stated that he was inclined not to approve the motion without a timeframe for the variance. He stated that he was open to 90 or 120 days, particularly because the applicant was in compliance with the Comprehensive Plan.

Chairman Hearn stated that the applicant agreed to the two conditions, and one was to meet all requirements set forth by Environmental Health.

Mr. Boyd stated that they would work with Environmental Health to get that done. He stated that they would ensure that the drain field lines were located and ensure that no property lines were crossed on the site plan. He stated that he would agree to the 90-days, but he would request to work with staff on the ordinance to have it added.

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 on the conformity of the guesthouse with the two conditions. Commissioner Maxwell seconded. The motion passed 3-2 with Commissioner Rousseau and Commissioner Oddo voting in opposition.

Commissioner Rousseau left the meeting at approximately 3:08 p.m.

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

Mrs. Bell stated that Petition No. 1324-22-A through D are for the same parcel. She stated that all the parcels are currently zoned and are located at the intersection of Highway 54W and Tyrone Road. All parcels are zoned C-C; Community Commercial and petitioner was requesting to zone all parcels to C-H; Highway Commercial. She stated that the conditions are similar but differ from parcel to parcel because each parcel had some specific parameters to consider. The time limits were based on conversations with the County Attorney. She stated that in the conditions, staff added 30-days to meet the requirements of demolition of dilapidated structures and recombination plat of the four parcels. At the Planning Commission's recommendation, the time limit was changed to 365 days or prior to the Land Disturbance Permit, whichever was first. The petitioner agreed.

Mrs. Bell presented this item to the Board. The subject property was a 5.615-acre track and currently undeveloped. The parcel was zoned C-C, and the area was designated for commercial uses in the Land Use Plan. The Planning Commission voted 5-0 to recommend conditional approval. Staff recommended conditional approval to C-H because the request was consistent with the Fayette County Comprehensive Land Use Plan and surrounding land uses. The recommended conditions are:

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including

building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 3. A 75' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first.

Rick Lindsey, representing the applicant, stated that the applicant was DG Development Partners, LLC and Joey Petris, representing the company. Joey wanted the Board to know he lived locally and married a Fayette County woman that attended high school in Fayette. He stated that the request was to rezone the northwest corner of Tyrone Road and Hwy 54 from C-C to C-H. Mr. Lindsey stated that it was in compliance with the Comprehensive Plan. He stated that the request was to combine four smaller tracts into one larger tract for four different uses. The total four acres was about 10-acres. Four tracts were vacant and there were two abandoned houses that would be removed. He stated that there was a large area that was in the floodplain that posed some issues. He stated that one of the conditions was that the floodplain area could not be developed. It was across Tyrone Road from the small gas station/convenience store. The property that would become the data center in Fayetteville, was across Highway 54 near the mobile home park. Next to Sam and Davis, going toward Peachtree City, was a vacant lot that was split, part of it was commercial and part A-R. He stated that his client wanted to develop a small commercial node that would consist of a convenience store, a quick-serve restaurant, high-end automotive car wash and an interior climate control self-storage facility.

Mr. Lindsey provided a presentation to show the property and the proposed layout of the property. He stated that under the C-C zoning, the drive through restaurant and convenient store were permitted, there were conditional uses on the convenience store, and they will meet those conditions. He stated that the self-storage unit and the car wash would be C-H. He stated that there was some thought of doing C-H on the back, but it did not make sense, so that was why he was requesting the entire site be C-H zoning. The property was within the Seay Road, Highway 54W overlay district and those requirements would be applicable and would be met. He stated that staff and the Planning Commission approved unanimously the request for rezoning to C-H with five conditions. He stated that he would like to discuss the 75-foot vegetated buffer. He stated that it would be behind the self-storage unit, which was a low intensity commercial use. He stated that this would be the least intent use of the property. He stated that the County already had an ordinance dealing with situation where there was commercial property abutting residential and it was a 50-foot buffer. He stated that the original recommendation was for 100-foot buffer, and he presented to the Planning Commission asking for 50-foot and the Planning Commission met in the middle at 75-foot. He stated that he would submit to the Board that the standard in the ordinance was 50-feet and there were no extenuating circumstances that would require an increase of the buffer. In addition to the buffer was the 15-foot setback which gave 65-feet from the property line. He stated that he would submit to the Board that the 50-feet was sufficient and in addition, the large area of wetland presented a challenge for development. He stated that it may make it difficult to have the development as presented if there was an additional 25-feet. He requested that the Board bring the buffer down to 50-feet.

No one spoke in favor or in opposition of this request.

Mr. Rapson stated that Commissioner Rousseau had left the meeting for the evening.
Mr. Lindsey confirmed that he would like to continue without the full Board.

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 with the five conditions and to change the third condition from 75-foot to 50-foot vegetated buffer. 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. This item was tabled at the October 27, 2022 Board meeting.**

Mrs. Bell stated that the Planning Commission voted 5-0 to recommend conditional approval. Staff recommended conditional approval of the request for rezoning to C-H because the request was consistent with the Comprehensive Land Use Plan and surrounding land uses. Recommended conditions are: 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first.

Mr. Lindsey agreed to the conditions.

No one spoke in favor or in opposition of this request.

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 with five conditions. 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. This item was tabled at the October 27, 2022 Board meeting.**

Mrs. Bell stated that the property was currently undeveloped and zoned C-C. The area was designated for commercial uses in the Land Use Plan. The Planning Commission voted 5-0 to recommend conditional approval. Staff recommended conditional approval for rezoning C-H because it was consistent with the Comprehensive Land Use Plan and surrounding land uses. The recommended conditions are: 1. Tyrone Rd is a Minor Arterial per the County's Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Rd. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. 3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first.

Mr. Lindsey agreed to the conditions.

No one spoke in favor or in opposition of this request.

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

Mrs. Bell stated that the property currently had one vacant house and was zoned C-C. She stated that the Planning Commission voted 5-0 to recommend conditional approval. Staff recommended conditional approval of the request to rezone to C-H because it was consistent with the Comprehensive Land Use Plan and surrounding land uses. The recommended conditions are: 1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road. 2. A 50' buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated County west of project. No encroachment of stormwater detention or other uses allowed in the buffer. 3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above horizontal plane of fixture. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 6. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first.

Mr. Lindsey agreed to the conditions.

No one spoke in favor or opposition of this request.

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 six conditions. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The Board recessed at 3:35 p.m.

The Board reconvened at 3:46 p.m.

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.

Mrs. Bell stated that this parcel was currently zoned O-I; Office Institutional. The area was designated for commercial uses in the Land Use Plan. The Planning Commission voted 4-0 to recommend denial of the request. Staff recommended conditional approval of the request for rezoning of C-H; Highway Commercial, because the request was consistent with the Comprehensive Land Use Plan and surrounding land uses. The recommended conditions are: 1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. 2. The full 50-foot front buffer required by SR 85 N Transportation Overlay shall be vegetated buffer and not to be used for septic systems or other site utilities. 3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85. 4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures. 5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity

to serve the addition of the proposed project. 6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990. 7. The owner of the new project must provide a stormwater maintenance agreement; this agreement shall conform to the county's standard stormwater facility maintenance agreement. 8. Omit tree island requirements for southern end of parking lot.

Mrs. Bell continued that it came to her attention, while reviewing this request, this project would be impacted by improvements to the intersection Corinth Road and Highway 85 and a proposed new road that would take out part of the parcel on the south end of the project and tie in with a road in Kenwood Business Park. The project will improve the access in and out of Kenwood Business Park by providing access at the existing traffic light. She stated that this was currently in the design phase and was mentioned by Public Works Director Phil Mallon at a previous meeting.

Steven Jones, Agent for the petition, begin his presentation.

Commissioner Maxwell interrupted. He stated that he had known Mr. Jones for several years, and he did a great job. He stated that one of the problems he had was that he received a letter the day before the meeting, and it was outside of what was advertised when the meeting was posted. He stated that when receiving new material that had not been distributed to the public or not available on the website, he did not like receiving it at the dais. He continued that when the information was given, he liked that the public, to the extent that they are interested, be able to review the information. He stated that he preferred not to have the hearing for the two requests (this one and Petition No. 1327-22) that he received new information for at the dais. He apologized to the applicant. He stated that he would have to vote "no" if he had to give a decision at this time. He stated that he would like to table this item.

The next available meeting was January 26, 2023.

Mr. Jones stated that he understood. He stated that the proposed site plan was intended to address the concerns of the Planning Commission related to screening the property.

Mr. Rapson stated that when staff received the notifications, he endeavors to route it through the department heads because there are departments that may have input on the new information. He stated that this was more of a layout to address some of the Planning Commissions' issues.

Commissioner Maxwell moved to table 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-1 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 to the January 26, 2023 Board of Commissioners meeting. 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.

Mrs. Bell stated that both roads were classified as internal local on the Fayette County Thoroughfare Plan. The Planning Commission voted 4-0 to recommend approval of the request to rezone from C-H to M-1 and staff recommended approval based on the Comprehensive Plan. The M-1; Light Industrial District was designated for the area. No conditions.

David Weinstein, Agent stated that this was an existing building with a tenant in the building doing the same business. The current tenant will be vacating, and a new tenant will move in. He stated that there were some questions regarding what the M-1 zoning permitted. He stated that there were currently 117 lots in the business park and 102 lots were M-1.

No one spoke in favor or in opposition.

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.

Mrs. Bell stated that the Planning Commission voted 3-1 to deny this petition. There was one member absent at the meeting. Staff recommended denial of the request for rezoning to C-H because it was not consistent with the Comprehensive Plan. Staff recommended that if the Board approved to rezone to C-H, the following conditions be added: 1. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the north and west of the project. No encroachment of stormwater detention or other uses shall be allowed in this buffer. 2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plan of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.

In light of the previous decision of the Board to table, Ms. Smith requested to withdraw her supplement information emailed to the Board because it made no change to the application.

Commissioner Maxwell stated that he had already read the information.

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

PUBLIC COMMENT: None

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 moved to approve the Consent Agenda as written. Vice Chairman Gibbons 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.

This item was moved to the beginning of the meeting. Commissioner Rousseau had not yet left the meeting. Parks and Recreation Director Anita Godbee presented this item to the Board.

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 motion 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.

This item was moved to the beginning of the meeting. Commissioner Rousseau had not yet left the meeting. Parks and Recreation Director Anita Godbee presented this item to the Board.

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.

Environmental Management Director Bryan Keller stated that an Intergovernmental Agreement (IGA) was required between the municipalities and county for the 2023 Special Purpose Local Option Sales Tax (SPLOST). The agreement listed all projects that would be conducted using the 2023 SPLOST. All the municipalities adopted the IGA within the last two weeks and the County received the signed agreements.

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.

Environmental Management Director Bryan Keller stated that this item was to request the approval of Resolution 2022-10 to call for a referendum to impose a Special Purpose Local Option Sales Tax within the special district encompassing Fayette County. He stated that once the resolution was approved it would be presented to the Board of Elections.

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.

Environmental Management Director Bryan Keller stated that the project was located on Inman Road between Hwy 92 South and Countyline Road. He stated that the pipe was in severe failure and the road was having to be prepared on a regular basis. He stated that staff would like to wait until the summer to repair so that there would be no interruption to the schools. He stated that

there would be two 8X8 box culverts to limit the amount of time the road would be closed. He stated that unfortunately, there was a 30-inch watermain on the road that needed the Ellis water tank, so staff would not be able to do a temporary one lane closure. The entire road will have to be closed for 45 days. Mr. Keller stated that the County had a good relationship with the North Georgia Concrete. He stated that the County used this company for the Emerald Lake dam project.

Commissioner Oddo moved to approve 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.

Commissioner Maxwell stated that he hoped it would be 45 days. He asked what else was there, other than the water main.

Mr. Keller stated that there was fiber optics. One was the County's, and one was Zayo's and was part of the contract for the contractor to move the fiber. There was no gas.

Commissioner Maxwell stated that he would be watching the project once it began. He referenced the excessive time it took to complete the Dogwood Road project and the complaints he received.

Commissioner Oddo moved to approve 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.

911 Director Katye Vogt stated that she was requesting that part of the contingency fund from the 2017 SPLOST radio project. She stated that this was always the intent. She stated that there was a number of Motorola radios that are P25 capable, however the radios will need flash upgrades. The units are serviceable. At the time, it was cheaper to purchase the units without it and now, it was cheaper to upgrade the radios versus purchasing new radios.

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. Commissioner Rousseau was absent.

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.

Public Works Director Phil Mallon requested approval to award Bid #2181-HA 5 to Blount Construction Company for the application of HA 5 in some subdivision roads. Mr. Mallon stated that the County had good experiences with Blount Construction Company.

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. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

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).

Mr. Mallon stated that the County had good relationships with the GDOT District 3 staff. He stated that he was informed that there might be surplus Local Maintenance Improvement Grant (LMIG) funding available. He stated that the County received an annual award from GDOT based on population centerline miles and in addition to that, GDOT gave special awards for emergency

projects, school related projects and economic development. He continued that staff would like to apply for two different projects for a total of \$400,000.

Commissioner Oddo moved to approve 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). Vice Chairman Gibbons seconded.

Mr. Mallon confirmed that the match to the County was 30%. He stated that if awarded, it would be for projects that the County already had in the pipeline to reduce the total project cost. He stated that one was for the project just awarded on Inman Road.

Commissioner Oddo moved to approve 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). Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

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.

Mr. Rapson stated that this contract was through State Court. Judge Jason Thompson reviewed the contract and approved it. He stated that there was an increase the set aside for mental health cases from \$1.00/case to \$1.25/case, per month. The probation fees will change from \$35.00/month to \$40.00/month. The alcohol test screens will increase from \$20.00/month to \$35.00/month.

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. Commissioner Rousseau was absent.

25a. Consideration of an annexation request from the City of Fayetteville.

Mr. Rapson stated that the deadline to respond to the annexation from the City of Fayetteville is December 15, 2022. This was the reason it was added to the dais for this meeting. He stated that the City had a two-step process for annexation. He stated that the County received step one and staff did a complete analysis and comments were provided. All the comments have been included in the City's recommendations. He stated that the annexation was being fast-tracked because of the DRI (Development of Regional Impact) study with Georgia Regional Transportation Authority (GRTA) to be released by the end of December. He stated that staff did not recommend objection of the annexation. He stated that it would have been an automatic "no objection" after 90 days, but since annexation have always been handled through approval of the Board, staff decided to have it added to the agenda.

Vice Chairman Gibbons asked for an overview of the conditions that the City and developer agreed to.

Mr. Rapson stated that there was not a high-level view. He stated that there was a 16-page developer's agreement that was currently being finalized. He stated that once it was final, he would send it to the Board. He stated that the City of Fayetteville had been extremely thorough in regard to the improvements. He stated Mr. Mallon was critically involved in the transportation improvements.

Vice Chairman Gibbons stated that he just wanted to point out that if the Board allowed this to lapse, none of the input would necessarily be included without being engaged in the process.

Mr. Rapson confirmed. He stated that the County had been engaged since step-one and with the DRI process as well.

Commissioner Maxwell asked what had the City of Fayetteville done with the fire department.

Mr. Rapson stated that there was a house that the City had been operating out for their fire services. He stated that the City was carving out a tract to build a fire station that would meet the requirement of the PUD (Planned Unit Development). There are only three things that have not been completed. One of the projects was the pedestrian bridge to connect Pinewood Studios to Trilith. The County would be responsible for the contribution of about \$750,000. The other project was the multi-use path to connect to the hospital and the County's contribution would be \$160,000. The last one was the City of Fayetteville's fire station located within Trilith. He stated that he was in discussions with the City of Fayetteville regarding a third curb-cut beyond the three in place on Sandy Creek and Veterans.

Vice Chairman Gibbons moved to not object to the proposed City of Fayetteville's annexation. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

ADMINISTRATOR'S REPORTS:

Hot Projects: The report provided to the Board included: updates on the 2017 SPLOST tally and what had been completed, Redwine Road multi-use path, the Parks and Recreation multi-use facility, the Elections building renovation and Ebenezer Church Road bridge replacement.

He reminded the Board of the holiday Open Houses.

ATTORNEY'S REPORTS:

Notice of Executive Session: Attorney Ali Cox stated that there were items for Executive Session. One item involving real estate acquisition, two items of threatened litigation and the review of the Executive Session minutes for November 10, 2022.

COMMISSIONERS' REPORTS:

Commissioner Oddo:

Commissioner Oddo stated that he remembered a presentation from the Fayette Fire Foundation from a long time ago and he wanted to thank the Foundation for what they have done for the community.

He wished everyone a Merry Christmas and Happy New Year.

Vice Chairman Gibbons:

Vice Chairman Gibbons wish Commissioner Rousseau a speedy recovery and that he feels better soon.

Chairman Hearn:

Chairman Hearn stated that the day before was his last official day of "real work". He stated that it would allow more time for him to spend with his wife and children.

EXECUTIVE SESSION:

One item involving real estate acquisition, two items of threatened litigation and the review of the Executive Session minutes for November 10, 2022. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons 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: 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. Commissioner Rousseau was absent.

Executive Session Minutes: Commissioner Oddo moved to approve the September 27, 2022 Executive Session Minutes. Vice Chairman Gibbons seconded. 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.

Tameca P. Smith, County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 12th day of January 2023. Attachments are available upon request at the County Clerk's Office.

Tameca P. Smith, County Clerk