

## 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

February 23, 2023

5:00 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

### Call to Order

Chairman Lee Hearn called the February 23, 2023 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 Oddo

Commissioner Charles Oddo offered the invocation and led the audience in the Pledge of Allegiance.

### Acceptance of Agenda

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

**PROCLAMATION/RECOGNITION:** None.

### **PUBLIC HEARING:**

1. **Consideration of Petition No. 1326-22, Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam 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 is located in Land Lot(s) 233 of the 5th District. This petition was tabled by the Board at the January 26, 2023, meeting.**

Attorney Steven Jones presented Petition No. 1326-22 to the Board.

Bryan Clark and Keith Larson spoke in favor of this petition.

Kindel Brodigan, Mark Alexander spoke in opposition to this petition.

Vice Chairmgn Gibbons moved to approve Petition No. 1326-22, Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam 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 is located in Land Lot(s) 233 of the 5th District, with nine (9) conditions. Commissioner Eric Maxwell seconded. The motion passed 4-1. Commissioner Charles Rousseau voted in opposition.

County Administrator Steve Rapson left the meeting.

2. **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. This item was tabled at the January 26, 2023 Board of Commissioners meeting.**

Attorney Ellen Smith presented Petition No. 1328-22 to the Board.

Carrie Gutherie spoke in favor of this petition.

No one spoke in opposition.

Commissioner Maxwell moved to approve 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, with two (2) conditions. Vice Chairman Gibbons seconded. The motion passed 4-1. Commissioner Rousseau voted in opposition.

**3. 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 SR 74, SR 85 and Padgett Road intersection.**

Planning and Zoning Director Deborah Bell presented this item to the Board.

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

Vice Chairman Gibbons moved to approve the 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 SR 74, SR 85 and Padgett Road intersection. Commissioner Oddo seconded. The motion passed 5-0.

**4. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan at the intersection of S. Sandy Creek and SR 54 W.**

Planning and Zoning Director Deborah Bell presented this item to the Board.

No one spoke in favor or opposition of this item.

Vice Chairman Gibbons moved to approve the amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan at the intersection of S. Sandy Creek and SR 54 W. Commissioner Maxwell seconded. The motion passed 5-0.

**5. Consideration of Resolution 2023-02 to transmit the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027) to Atlanta Regional Commission (ARC) for review by Georgia Department of Community Affairs (DCA).**

Planning and Zoning Director Deborah Bell presented this item to the Board.

No one spoke in favor or opposition of this item.

Vice Chairman Gibbons moved to approve Resolution 2023-02 to transmit the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027) to Atlanta Regional Commission (ARC) for review by Georgia Department of Community Affairs (DCA). Commissioner Oddo seconded. The motion passed 5-0.

**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.*

The following made comments during public comments: Kindel Brodigan, Mark Alexander, Keith Larson, Gary Austin, Jennifer Ketz, Joseph Harris, Caitlin Storc, and Isaac Logan.

### **CONSENT AGENDA:**

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

- 6. Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2023 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.**
- 7. Approval of request to designate vehicle Asset #10849 (Fleet # 23112) instead of Asset #10845 (Fleet #23120) as surplus and authorize auctioning this unit.**
- 8. Approval of the February 9, 2023 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

- 9. Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD). This item was tabled at the January 26, 2023 Board of Commissioners meeting.**

Transportation Engineer Paola Kimbell presented this item to the Board.

Commissioner Rousseau moved to approve Alternate 2 as the preferred realignment for the SR 279 Realignment Project – GDOT PI 0017813 (17TAD). Vice Chairman Gibbons seconded.

Discussion followed.

Commissioner Rousseau moved to approve Alternate 2 as the preferred realignment for the SR 279 Realignment Project – GDOT PI 0017813 (17TAD). Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed at 7:24 p.m.

The Board reconvened at 7:31 p.m.

### **NEW BUSINESS:**

- 10. Request to approve Task Order #3 to develop a Concept Report and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD) for a not-to-exceed amount of \$479,053.92.**

Transportation Engineer Paola Kimbell presented this item to the Board.

Commissioner Rousseau moved to approve Task Order #3 to develop a Concept Report and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD) for a not-to-exceed amount of \$479,053.92. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 11. Discussion of amendments to the Zoning Ordinance: Sec. 110-3, Definitions; Sec. 110-79.-Residential Accessory Structures; 110-173.-General State Route Overlay.**

Planning and Zoning Director Deborah Bell presented this item to the Board.

Discussion followed.

Chairman Hearn moved to approve amendments to the Zoning Ordinance: Sec. 110-3, Definitions; Sec. 110-79.-Residential Accessory Structures; 110-173.-General State Route Overlay. Commissioner Oddo seconded. The motion passed 4-1. Commissioner Rousseau voted in opposition.

**12. Consideration of an Acknowledgment of Disclosure and Confirmation of Informed Consent regarding Design and Resurfacing of Certain Roads.**

Commissioner Oddo moved to approve an Acknowledgement of Disclosure and Confirmation of Informed Consent regarding Design and Resurfacing of Certain Roads. Vice Chairman Gibbons seconded. The motion passed 5-0.

**13. Request to approve Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for federal-aid SPLOST project 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812).**

Vice Chairman Gibbons moved to approve Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for federal-aid SPLOST project 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812). Commissioner Rousseau seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

**A. Contract #2119-A: Lake Kedron Intake House Repairs; Change Order 2: Repairs to Interior Valve Assembly**

Water System Director Vanessa Tigert briefed the Board regarding this item.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items of consideration for Executive Session. one item involving threatened litigation and the review of the Executive Session Minutes for February 9, 2023.

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**One item of threatened litigations and the review of the Executive Session minutes for February 9, 2023.** Commissioner Rousseau moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:48 p.m. and returned to Official Session at 8:19 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**Approval of the January 26, 2023 Executive Session Minutes:** Commissioner Oddo moved to approve February 9, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the February 23, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The February 23, 2023 Board of Commissioners meeting adjourned at 8:19 p.m.