

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

February 23, 2023
5:00 p.m.

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

Call to Order

Chairman 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.**

Planning and Zoning Director Deborah Bell read the Introduction to Public Hearings for rezonings.

Mrs. Bell stated that this item was tabled at the December 8, 2022 meeting by the Board of Commissioners, and again at the January 26, 2023 meeting by the Petitioner, due to the lack of a full Board. The property is currently located in the State Route (SR) 85 North Overlay Zone. The access points to the property are regulated by Georgia Department of Transportation (GDOT) and the applicant was proposing a truck parking facility for tractor trailer trucks. There was a plan for a joint GDOT and County project for improvements to the intersections of SR 279, SR 85 and Corinth Road that would impact this request. Mrs. Bell stated that the applicant was aware of the project and made modifications to the proposed design to accommodate the project. The future Land Use Plan was designated for Commercial, and the request conforms to the Fayette County Comprehensive Plan, as related to the SR 85 Commercial area. The Planning Commissioner recommended, 3-1, denial of the petition. One member was absent. Staff recommended, based on the investigation and staff analysis, conditional approval of the request for zoning C-H; Highway Commercial District with the following conditions:

1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer, as prescribed by Sec. 110-93 and Sec. 110-94, respectively.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This area is not to be used for septic systems or other site utilities. This buffer shall not prevent use of the existing curb cut on SR 85; this access point is subject to GDOT approval.
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 that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
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 since the detention pond is contained within this parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
8. Omit tree island requirements for southernmost end of parking lot.

Agent and Attorney for the petition, Steven Jones presented Petition No. 1326-22 to the Board. He stated that the proposal was to request to go from O-I to C-H for a truck parking facility. He stated that it was important to note that the facility would not only be for truck parking but also other large vehicles, such as RV's or boats. Mr. Jones stated that in the business park, near the proposed lot, there are approximately 88 businesses that have little, to no outside storage. He stated that this facility would also cater to that need. Mr. Jones stated that the applicant, Nizam Khan, spoke to many of the business owners and they have expressed an interest and desire for the facility and believe it would be beneficial to their business. He stated that the facility was designed to cater to local residents and was not an overnight facility or tractor trailer motel. There will be no utility connections or no waste disposal facilities. This facility will be designed for people who need to store large vehicles but may not have the ability or desire to do so where they live or where their business was located. Mr. Jones stated that after submitting the application he learned about the proposed road project at Corinth and SR 85. He continued that the Petitioner anticipated the option that would connect into Corinth Drive to the south. The site plan also allowed for modifications, should the Board vote for the alternative option on the project. He stated that the facility would have 65 spaces, an attendant office building with security 24/7, and fencing, as well as gates around it to provide security for the vehicles parked on the lot. He stated that there was an entrance along the proposed new road and would be serviced by a light on SR 85. The concept plan showed a vegetated double screened buffer behind the existing buffer. He stated that it was important to ensure that the project was visually screened from SR 85 as well as the new roadway. He stated that there would be existing mature pine forest in front of it at 25 feet and then a planted buffer of double staggered evergreens, as well as a fence. He stated that staff recommended conditional approval. The applicant agreed to all conditions. He concluded that the petition was consistent with the Comprehensive Plan and requested the Board's approval with the recommended conditions.

Commissioner Oddo asked how far away the homes to the first row of trucks were.

Mr. Jones stated that, with the exception of one home, the majority of the area was undeveloped. He stated that the truck parking would be, in excess, approximately 150 feet. He stated that staff recommended a 75-foot vegetated buffer, and it would also have a fence around the lot.

Commissioner Oddo asked how the Petitioner would ensure that the facility was only used for local residents.

Mr. Jones stated that the lease was on a monthly basis. He stated that there would not be a sign advertising the facility. It was for people who wanted to rent the space on a long-term basis. He stated that these were owner/operators that travel twice a week or have long hauls once or twice a month. It was designed for low intensity; in-and-out traffic.

Commissioner Oddo stated that if all spaces were leased out there would be a lot of trucks there.

Mr. Jones stated that there were 65 spaces, but if it was 10% or 20% occupied, it would only be 12 trips leaving per day. He reminded the Board that the owner/operators are those who do not leave daily.

Commissioner Oddo asked if there was a set time that the trucks cannot leave.

Mr. Jones stated that the lessee would come and go as they please. He stated that it would be infrequent. This lot would also cater to large recreational vehicles, such as RV's and boats, which have an even less frequent use, therefore less traffic. Mr. Jones stated that the applicant did not want people sleeping in their trucks or staying on the lot. He stated that the lot was designed to park the large vehicle and leave in their personal vehicle.

Commissioner Oddo stated that on the southside, there would be the vegetated buffer.

Mr. Jones stated yes, there would a staggered row of evergreens, but that road would solely serve the industrial park. On the outside of the roadway was existing trees.

Commissioner Oddo asked if there would be anything on the northside.

Mr. Jones stated yes, it was adjacent to the commercial facility. He stated that they contemplated some planting, but since the whole site would be surrounded by vegetated buffer, the applicant would be inclined to plant there if it was the will of the Board.

Commissioner Oddo asked if staff was aware of any complaints from residents in that area about the industrial park.

Mrs. Bell stated that there had been no complaints about the industrial park.

The following spoke in favor of this petition:

Bryan Clark, (McDonough, GA), industrial broker for this project, stated that he and the prospective purchasers of the property understood the need for this use in Fayette County and throughout the state. He stated that there were several reasons why this site was important. He stated that the use itself, which was not intended to be a campground or sleeping facility, but a facility for long-term use. The second important note was the possible uptick of traffic congestion. He stated that this site was nine miles to the nearest interstate. He stated that his was the main reason this facility would not attract drivers to park, and it would not be marketed to interstate commerce in relation to short-term parking. He stated that the use by local residents was the reason it would not contribute to further traffic congestion. He believed this would improve the county by allowing those that needed to park their boats and vehicles in a secured lot, and not at local establishments, including the roadways and residential communities. He stated that the proposed design was created to leave the frontage on SR 85 largely unchanged, aside from the entrance to the lot. The purchaser of the site was a Fayette County resident and had been in this business for many years. He stated that a C-H zoning was the highest and best use of the site.

Keith Larson, Peachtree City, stated that he was in favor of the petition. He stated that the county needed a location for truck drivers and recreational parking to park vehicles outside of city streets and neighborhoods. He stated that the proposed location would satisfy this requirement and reduce truck traffic down SR 85 in those neighborhoods. He offered the Board considerations of possible amendments to the conditions, if approved and his recommendations.

The following spoke in opposition of the petition:

Kindel Brodigan, Fayetteville, GA, stated that the proposed truck stop was directly behind her home. She stated that she called multiple times to complain about the business behind her home, where an individual was living in his RV and turning the business into a night club. She stated that the business collapsed, and it was now gone. She stated that the cars, truck and delivery vehicles go on throughout the night. She stated that a row of trees would not stop the sounds and smells.

Mark Alexander, Fayetteville, GA, stated that the proposed truck facility would not affect his property as much, but Kenwood Industrial Park was located behind his property. He stated that he had complained about the noise, and nothing was done. He gave examples of his concerns.

Mr. Alexander expressed that his property had been in his family for a hundred years and now the County wanted to run a road through it.

Chairman Hearn reminded Mr. Alexander that pertained to a different agenda item.
Mr. Alexander stated that he would give comments at that time.

Mr. Jones addressed the concerns raised. He stated that the applicants said it would be feasible to limit access between the hours of 10:00 p.m. to 7:00 a.m. to limit night-time noise and activity. He stated that as one of the staff's recommended conditions, there was a condition prohibiting requiring that all lights be directed downwards, so there was no light pollution outside the property. He stated that another staff condition that the applicant consented was for there to be a 75-foot vegetated buffer, in addition to the buffer that already exists on the adjacent properties. A total of 100-foot buffer.

County Attorney Dennis Davenport stated that it sounded like Mr. Jones was offering a ninth condition. He asked if that was the intent, to add the condition that access would be limited between 10:00 p.m. to 7:00 a.m.

Mr. Jones stated yes.

Vice Chairman 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.

Commissioner Maxwell asked if the 200-foot dedication for future roadway was on the south border.
Mr. Jones stated that the applicant was referencing the proposed realignment. He stated that he did not believe it was 200-foot. He stated that the revised site plan showed 120-feet.

Commissioner Maxwell asked would taking 100 or 120 feet have an impact on the project if the Board took it.
Mr. Jones stated that they had anticipated the project and welcomed the project. He stated that they believed it would be beneficial.

Commissioner Maxwell asked if the applicant was willing to offer that dedication free of charge as a condition of the rezoning.
Mr. Davenport interrupted and stated that it was one thing to have a condition on a rezoning to improve a substandard road that was in existence. He stated that this was a new project.
Commissioner Maxwell stated that it sounded like a taking to him.
Mr. Davenport stated that it was a taking that would require the County to pay just and adequate compensation, so to have the Petitioner agree otherwise, would be a coercive agreement because the Petitioner wanted the rezoning.
Commissioner Maxwell stated that was why he asked the question because he was not going to ask for 200-feet because it would be a taking.
Mr. Davenport stated that was correct.

Commissioner Maxwell asked about any other properties around the proposed facility.
Mr. Jones stated that they are undeveloped.
Commissioner Maxwell asked when the Fayette Commercial Park was developed.
Mr. Jones stated that he saw a permit for one of the properties from the early 1990s.
Mr. Alexander made comments. (inaudible)

Commissioner Maxwell stated that his concern was that there was a four-lane divided highway, that GDOT would be doing something with. He stated that it was land locked. There was a commercial park to the west and residential properties "sandwiched" in between. He stated that it did not look like the greatest place with those conditions.

Mr. Alexander stated that he understood what Commissioner Maxwell was saying.
Commissioner Maxwell stated that there were no restrictions on what time the Kenwood Industrial Park operated.

Mr. Alexander stated none. He stated that that he was ok with being land locked. He liked that.

Commissioner Maxwell stated that the Planning Commission voted 4-0 and recommended denial. He stated that he thought that was inaccurate. He asked why the Planning Commission member voted against. That member was voting "for" the rezoning. Mr. Jones stated that it was because of the visual appearance on Highway 85. The property owner tried to sell the property for a number of years. The only offer for the property received, requested this rezoning.

Commissioner Rousseau stated that the issue was, for the Board to exacerbate the existing conditions was a risk, if approved. He stated that the residents were co-existing with the industrial park, and he did not want to exacerbate the residents' comfort level in the negative. He stated that he was stuck with the issue of the quality of life for the residents. He stated that he did not know if it was impervious surface, if there was gravel, or if the trees would help with the noise. He stated that he was impressed that the applicant suggested that they may change the hours of being able to have access. He reiterated that he was not in favor of exacerbating and piling on top of the residents' investments, in regard to the comfort of their homes.

Commissioner Oddo asked how the trucks would get to the facility. He stated that he did not see car parking. Mr. Jones explained that the lessee of the vehicle being stored at the facility would park their personal vehicle in the spot where the large vehicle was parked. It is an assigned spot.

Vice Chairman 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.

Mrs. Bell stated that this property was located on SR 54 and was a major thoroughfare and the access was regulated by Georgia Department of Transportation. It was currently a residential use, but vacant. She stated that the applicant was proposing the development of a self-storage facility with both, exterior access units and climate control interior access units. The Comprehensive Plan on the Future Land Use Plan showed that the subject property was in an area designated for low density residential and office uses. This request did not conform to the Comprehensive Plan. The Planning Commission recommended denial. Staff recommended denial to rezone to C-H; however, staff's recommended condition, if approved, was as followed:

1. 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. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.

Attorney Ellen Smith of Parker Poe Adams and Bernstein LLP presented Petition No. 1328-22 to the Board. She stated that self-storage was a rapid growing sector and the applicant had developed a strategic disciplined approach to selection of sites, design, development and management of best-in-class self-storage facilities across the southeast, including two in Fayette County, currently under construction. She stated that in 2021, the Board adopted changes to the codes to allow for additional design standards with respect to self-storage facilities. She stated that came about by the applicants working with Pete Frisina. This property was about nine acres. There was a house on the property, but it was not occupied. The property fronts on Highway 54, directly across from McCurry Park and the Water System [Public Works Department]. The adjacent and nearby properties are zoned M-1 and C-C, despite the fact that this property was zoned A-R and was within the state route overlay, low density residential designation of the Comprehensive Plan and Future Land Use Plan. She stated that the applicant agreed to the condition; although, there are no residents adjacent to or around the property. She stated that the site plan showed a multi-storage building that was closest to the street, that was farthest away from the residentially zoned property and closest to the

adjacent commercially zoned property. She continued that there were several single-story buildings proposed. She stated that the Planning Commission recommended denial because the project did not meet the Comprehensive Plan. She stated that she respected that, but at the same time, the Comprehensive Plan and Future Land Use Plan are “purely guiding policies”. She stated that in addition to this, the adjacent property to the south was designated as “plan small business center, special development district”. She stated that district was intended to promote a mix of office, service light industrial and limited small scale commercial uses. She continued that this proposed self-storage facility provided a step down between that property and the residential property to the north. She stated that if approved, staff proposed another condition that was a 100-foot buffer along the northern property line.

Mrs. Bell stated that condition was removed.

Ms. Smith stated that they were going to ask to have it removed. She stated that facility would service the Fayette County citizens to the south of the county where there was not a saturation of self-storage facilities.

Carrie Guthrie, Listing Agent, stated she was in favor of this petition.

No one spoke in opposition.

Mr. Davenport stated that there was something brought to his attention, and he wanted to be sure it was addressed appropriately. He stated that having a structure on the property was a red flag. He stated that he knew that the intent was to tear it down, but the County had to allow for the contingency that if the project did not go forward after the rezoning, what would happen with the house. He asked if there was a timeframe for the development of the facility.

Chris Poholea of Childress Klein stated that there was no intention to delay development.

Mr. Davenport stated that if there was a condition that the structure would be raised within 90-days would that be acceptable.

Mr. Poholea stated yes.

Ms. Smith asked for clarification. Was it 90-days from the time of acquiring the property?

Mr. Davenport stated that he would say to move it out to 180-days from the date of rezoning.

The Petitioner agreed.

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.

Commissioner Oddo stated that this use was similar to O-I use. He stated that when it was rezoned and the Land Use Plan was created, the self-storage facilities were not the most beautiful. He stated that there had been vast improvements on the design self-storage facilities. He stated that from Commercial to O-I seemed like a transitional piece that would require that the Land Use Plan be adjusted, if approved. He stated that the Board needed to bear that in mind.

Commissioner Rousseau stated that the County received input from Planning Commission, staff and residents when doing the Comprehensive Plan and to have applicants request to have that changed was part of everyday business. However, he was concerned that when residents participate in the process to say what they would like to see long-term, in the mist of a revision, was concerning. He stated that he did not want to get in the position of “slapping our residents and Planning Commission in the face” when making this type of change, at this level. He stated that they [the Board] all agree to accept the Comprehensive Plan and the modifications, and to go around the Planning Commission based on someone’s request was concerning. He stated that

when residents give that type of energy and time, he was very mindful of that, and he wanted to be careful and respectful of that. He stated that he was not sure if the requester lived in the county and while this was an investment, the Board had a responsibility to protect the investment of the people who lived in the County.

Commissioner Maxwell stated that he believed Highway 54 was four lanes. He stated that he knew that the City of Fayetteville looked at the tract, east of the property to have it rezoned residential and there were certain problems with that. He stated that there was a large tract and not a single house.

Ms. Smith stated that the closest house was not occupied.

Commissioner Maxwell stated that this was not a rezoning that would put a commercial establishment against residential. He stated that this was a commercial establishment where commercial establishments already exist. He stated that this was not the spot where the Board was making a mistake of putting commercial. He stated that this was a no brainer decision.

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.

Commissioner Oddo stated that the Board should direct staff to "clean-up" the Land Use Plan.

Mr. Davenport clarified that since this rezoning conflicted with the Land Use Plan, the Board should direct staff to amend the Land Use Plan in respect to this parcel to be consistent with the zoning.

There was no objection from the Board to have staff move forward with the amendments.

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. She stated that staff recommended amending the Land Use Plan to change the L-C-1 designation for the areas immediately adjacent to the intersection of SR 85 and SR 74 and Padgett Road. The current existing Land Use Plan, on three sides of the intersection was L-C-1. There have been some rezonings on the northwest side, the southside and northside of the intersection. The area on the northwest was rezoned to C-C and consist of five parcels and on the southside, a 12-acre parcel was rezoned to L-C-2. Mrs. Bell stated that staff recommended amendments in the area to change the northwest corner to Commercial and on the southside, the parcel was rezoned to L-C-2. Staff recommended that the Land Use Plan mirror that and be zoned to Limited Commercial 2.

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.

Mrs. Bell stated that this area was currently designated as Office. Staff recommended to amend this to Commercial to bring it in alignment with a recent rezoning. She stated that the current zoning was rezoned to C-C. Three parcels were rezoned to C-C and the Land Use Plan was Office. The recommendation was to change that to Commercial for only the three parcels that were rezoned.

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. She stated that this was the annual update that the County, the Towns of Brooks, Tyrone and Woolsey, jointly send to Department of Community Affairs (DCA) to demonstrate that impact fees are being managed and spent approximately and that we are accomplishing key task outlined in the Comprehensive Plan. She stated that the report will be sent to DCA for review and staff would recommend approval or amendments based on DCA's review. She stated that staff would present the resolution for approval to the Board at a future meeting.

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. Comments were in opposition to Alternative 1 (ALT 1) as the preferred realignment design for the State Route 279 Realignment Project. Commenters expressed concerns regarding the potential of losing their property, loss of quality of life, concerns regarding project costs and traffic safety. Other comments were in reference to road improvements and traffic safety concerns in relation to four subdivisions: Providence, Northridge, Dix Leon, and County Lake between Highway 138 and State Route 314.

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. Ms. Kimbell stated that the project area for the 279-realignment project was at the northeast part of the county, on State Route 85 from Corinth Road to State Route 279. In highlighting the prepared PowerPoint presentation, Ms. Kimbell stated that State Route 279 /Corinth Road was the original alignment proposed from the 2019 corridor studies. She stated that the project had reached several of the projected milestones and was currently at the point where the Board of Commissioners made the selection of the preferred alternative. Ms. Kimbell stated once an alternative was selected it would take about a year to have an approved Concept Report. She stated that in November of 2022, the County hosted several public engagement opportunities where citizens and residents received information about the two alternatives of the 279-alignment project. From those events, feedback and input was received and it was noticed that citizens were split 50/50 between the two alternatives. She also noted that from the feedback received, the biggest concern was intersection improvements.

Angela Snyder with Practical Design Partners stated that Alternative 1 looked similar to the 2019 version of the State Route 279 realignment project. She stated that there were some improvements made to alternative 1, however the overall premise of this project was to realign State Route 279 to connect to Corinth Road with a new signal slightly north of the existing signalized intersection, providing a connection to Carnes Road and installs R-Cut intersections at Darnels Tomatoes and Plantation Drive. She continued that Alternative 2 provided those same improvements without the relocation along Butler Road for State Route 279. In reviewing comparisons of Alternative 1 vs Alternative 2, she stated that they looked at operational benefits, safety benefits, multimodal benefits along with other considerations which included property impacts, deliverability, and costs. In addressing some of the public comments related to the traffic forecasting, Ms. Snyder stated that the traffic forecasting was developed based on a federal process outlined by the Georgia Department of Transportation (GDOT). The traffic forecasting took into account the travel demand model by the Atlanta Regional Commission which considered future development, traffic volume, growth potential, etc. Ms. Snyder stated that from that analysis the level of service was developed. The Level of Service (LOS) is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions and motorists' perceptions. She stated that the Highway Capacity Manual defines six levels of service, LOS A through LOS F. Level of Service A indicates excellent operations with little delay to motorists, while level of service F indicates extremely long delay. Ms. Snyder stated that levels A through C are typically acceptable and for this corridor a D was also acceptable based on federal highway guidelines. She continued that this project for existing conditions as well as the build year of 2027 and design year of 2047 would meet the acceptable LOS C. As a point of clarification, she stated that the operations of the mainlines of State Route 279, State Route 85, and Corinth Road do not experience any deficient LOS, it was primarily side roads and driveways that experience deficient LOS. In outlining the operational benefits between Alternative 1 and Alternative 2, Ms. Snyder stated that the primary difference was that Alternative 1 would operate more effectively and provide through movement from Corinth Road to SR 279, with no turns. She stated that Alternative 2 would add dual left turn lanes from State Route 85 NB to State Route 279 as well as the required dual receiving lanes. This would provide additional distance than was required for the merge down to one lane prior to the intersection with State Route 279 and Old Road. Both designs would increase turning radii from Old Road to State Route 279 to 75-ft to better accommodate trucks and add left turn lanes from Old Road onto State Route 279. In reviewing the safety benefits, Ms. Snyder stated that the primary difference was that Alternative 1 would reduce turns to/from State Route 85 for those traveling Corinth Road and State Route 279. She also noted that they received a good amount of feedback regarding safety concerns at Carnegie Place. As a result, they would incorporate additional safety and operational features into the SR 85/SR 279/Carnegie intersection. These improvements would add a right turn lane from Carnegie Place onto State Route 85 NB; and adjusts the signal phasing and timing to improve safety and operations for drivers entering and exiting Carnegie Place in order to provide dedicated through and left turn. Ms. Snyder reiterated that Alternative 1 would align State Route 279 across from Corinth Road thereby eliminating the weaving movements along SR 85 for those traveling from Corinth Road to SR 279. This was not a safety benefit of Alternative 2. She noted that alternatives would benefit from an improved curve along Corinth Road to meet 45 mph design speed. She also stated that there were additional multimodal benefits which included upgrades or the addition of pedestrian crosswalks at applicable intersections, provide multiuse paths or sidewalks across limits of project, connecting Corinth Road to SR 279 near the Kenwood area. Alternative 2 design would extend curb & gutter with sidewalks/paths along SR 85 south to

Corinth Road. In conclusion, Ms. Snyder stated that other considerations reviewed in comparing the two designs were that Alternative 1 would construct or reconstructs 2.6 miles of roadway, impacted about 80 parcels, displaced at least five residents, and costs more than \$25M. This option had very low benefit cost ratio and may not meet federal funding requirements. Alternative 2 would construct or reconstruct 1.8 miles of roadway, impacted 22 parcels, displaced no residents, costs less than \$17M, and this option had a higher benefit cost ratio and would meet federal funding requirements. She noted that the project cost had increased due to some additions made to the project since the initial scoping phase; also due to inflation cost increasing.

Ms. Kimball stated that from the Transportation Committee, two members was in support of Alternative 1, but five members supported Alternative 2. She stated that members expressed their concern regarding missing an opportunity if Alternative 1 was not pursued now with the increased safety benefits. She concluded that the project team unanimously supported Alternative 2 because it had a comparable safety and operational benefits, but at a lower cost and fewer property impacts.

Chairman Hearn stated in response to several of the public comments regarding the citizens that would be directly affected by this project specifically those that were at risk for displacement. He stated that he did listen to their comments and noted that he had been involved in displacements in the past and it was a very difficult process and very hard decision to make, one that he did not take lightly. Chairman Hearn stated that what stood out to him the most was that Alternative 2 provided almost the same level of service as Alternative 1, at a cheaper cost saving of at least \$8M and no displacement of residents. He stated that understanding any road project, there would always be hard decisions and negative impacts. The goal was to try to minimize that negative impact. Chairman Hearn relayed a personal experience he had as a child. He stated that his family lost land due to a city water reservoir project, so he was aware of the effects of major decisions like these personally. He stated that the Board did care about the residents and wanted to make a good decision for Fayette County. He stated that he would support Alternative 2, and felt it was the option with the best benefit ratio. Chairman Hearn also stated that regardless of the decision made today, the Board could decide to make additional improvements to the area in the future.

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.

Commissioner Oddo asked if construction would start in 2027 for either alternative.
Ms. Kimball stated that was correct.

Commissioner Oddo asked when they would be complete.
Ms. Snyder made comments, but comments were inaudible.

Commissioner Oddo stated that he had concerns regarding the future East Fayetteville Bypass, and if traffic volume for that had been considered when developing these two alternatives.
Ms. Kimball stated that the potential East Fayetteville Bypass traffic analysis had been considered in the development of both alternatives.

Commissioner Oddo asked what were the requirements that Alternative 1 would not meet, based on information from the presentation which stated that Alternative 1 may not meet federal funding requirements.
Ms. Snyder stated that as part of the federal application process, there were environmental documentations that needed to be filed which would ask about project alternatives. If Alternative 1 was selected, then Alternative 2 would be a prudent and feasible option. As a result, this would raise additional questions by the Federal Highway Administration and would require the County to justify this selection. That justification may not be approved.

Commissioner Oddo asked why the traffic study only analyzed through 2047.
Ms. Snyder state that it was the national and industry standard to conduct analysis for the next 20 years.

Commissioner Oddo stated that where would the sidewalks in Alternative 2 be placed in relation to State Route 85.
Ms. Kimball stated that there would be “curb and gutter” and the sidewalk would be placed 5-ft from the road.

Ms. Snyder stated that these types of details would be determined during the next phase of the project. As of now, in the proposed design on State Route 85, curb and gutter would be added with a buffer then the sidewalk.

Commissioner Oddo suggested having the sidewalk placed further back maybe to 8-ft from the road.

Ms. Snyder reiterated that these types of details would be determined during the next phase of the project. She also noted that assumptively the goal was to stay within the existing right-of-way, doing so would limit the sidewalk placement. She stated that they would consider providing as much buffer as possible.

Commissioner Oddo stated that he liked the layout of Alternative 1 and hoped that at some point in the future that could be done. He asked if there was sufficient funding for either or both alternative.

Ms. Kimball stated that the County had local match closer to what was needed for Alternative 2, for Alternative 1 local match additional funding sources may need to be considered.

Commissioner Rousseau stated although Alternative 1, in the grand scheme of the County would be doable, he was more comfortable with Alternative 2. He also stated that Alternative 1 would have an immediate negative impact on several residents who lived in the area, as a result he was in support of Alternative 2. He thanked the team for their hard work as well as to residents who garnered their input and feedback about this project.

Commissioner Maxwell stated that he was on the Board years ago doing the Veterans Parkway project and the decision to take a property was made. He stated that was the hardest decision he had to make as a commissioner. Like that project, this 279-realignment project, was an arduous project and the discussion and decisions involved have been equally as difficult to make. He stated that it was his goal not to take any home and from comments made he felt like the Board agreed with that. Commissioner Maxwell stated that he wanted to develop a safe and operationally sound intersection and unfortunately this was a complex project considering the lay of the land, cemeteries, commercial businesses, and residential homes configuring the best road design was difficult. He stated that he felt Alternative 2 was the best option.

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 stated that this item was seeking approval of 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.

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 stated that staff wanted to discuss architectural standards as it related to residential accessory structures with the Board. She stated that her office had received several applications from residents who wanted to build various accessory structures i.e., shops, barns, and garden sheds. She continued stating that in the ordinance currently there was a requirement that residential accessory structures must have an exterior material that had a horizontal finish. Ms. Bell stated that she was unsure why that requirement was established. She stated that staff presented this item before the Planning Commission, and they recommended removing this requirement. She provided a brief overview of examples of various accessory structures with both horizontal and vertical finishes. She concluded stating that in her opinion the requirement for vertical siding does not necessarily improve the esthetic of the accessory structures. Ms. Bell asked for Board direction on drafting an amendment if that was the desire of the Board.

Chairman Hearn reiterated Ms. Bells comments stating that he was asked by a resident why this requirement was in place. He stated that he felt this requirement was causing framing issues for applicants that were unnecessary and that the Board probably did not need to be involved in.

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.

Commissioner Oddo asked if this amendment would affect only the AR zoning or would it be a countywide amendment.

Ms. Bell stated that this would be countywide.

Commissioner Oddo asked if there was a lot size requirement before an accessory structure could be added to a property.

Ms. Bell stated, "Yes". For parcels 3 acres or less there could be two accessory structures with a total footprint of 1800 sq. ft. Parcels greater than 3 acres could have up to three accessory structures with a total footprint of 3600 sq. ft. Ms. Bell stated that agricultural building and well houses were exempt from this requirement.

Commissioner Oddo asked if changed, would a resident be allowed to place diagonal siding on their accessory structures.

Ms. Bell stated, "Yes", but the amendments were at the Boards discretion. If the Board would like to add various parameters to the amendments, they could do so. She continued stating that she felt that the Planning Commission's felt that if a home was in a subdivision, then the Homeowners Association (HOA) covenants or guidelines would prevail.

Commissioner Rousseau stated that there were two types of HOA communities 1.an HOA that was defunct and struggling to maintain community standards; and 2. an HOA that was well maintained, operating proficiently within its restrictive covenants and by-laws. So, if approved citizens in a struggling HOA community would be left in the lurch. Commissioner Rousseau expressed his hesitation because he was aware of the state of some HOA communities throughout the county.

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.

County Attorney Dennis Davenport stated that whenever the Town of Tyrone and Fayette County contract together, since his firm represented both entities, the Board was informed that both are represented and there was a potential for conflict, although he did not see the conflict. He stated that the Board was welcomed to bring in another law firm, if preferred; otherwise, he was requesting the Board's consent to waive the potential conflict.

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).

Ms. Kimball stated that this item was seeking approval of Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for FY2022 Fayette County Resurfacing Program this project would be funded with 2017 SPLOST.

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 stated that the Water System had been conducting considerable maintenance on the Lake Kedron pumphouse and this was Change Order 2 for repairs to the interior valve assembly.

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:

Commissioner Rousseau

Commissioner Rousseau stated that he appreciated the work that the Board did for the greater good of the residents and Fayette County community.

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.

Marlena Edwards, Chief Deputy 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 9th day of March 2023. Attachments are available upon request at the County Clerk's Office.