

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

May 11, 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 May 11, 2023 Board of Commissioners meeting to order at 5:08 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

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

PROCLAMATION/RECOGNITION:

1. Proclamation in recognition of Drinking Water Week 2023; May 7-13, 2023.

In recognition of Drinking Water Week 2023, Water System Director Vanessa Tigert recognized her team acknowledging their dedication and hard work for the residents and citizens of Fayette County. Ms. Tigert read the Drinking Water Week 2023 proclamation which highlighted that fact that Drinking Water Week was an opportunity for Fayette citizens to learn how important clean, safe water was in their daily lives, its role to help protect the public health and the environment, and how critical the work of water professionals was to deliver quality tap water while bolstering resilience for water in the future.

PUBLIC HEARING:

PUBLIC COMMENT:

The following citizens made comments in reference to the closure of the cart path at Crabapple Lane: David Moles, Michael Villarreal, Skip Schaper, Christine Lewis, Michael Acosta, and John Cheatham.

Residents expressed their frustration, concern, and disappointment regarding the closure of Crabapple Lane. Residents reiterated concerns for the lack of access and inconvenience regarding the road closure. Residents request Board assistance in having Crabapple Lane reopened.

Chairman Hearn stated that he and Vice Chairman Gibbons had reached out and met with Peachtree City officials prior to the road closure. He stated that at this meeting they 'begged' them not to close the road but if they did decide to close the road, they asked that it be done in an appropriate way with a cul-de-sac added and with adequate planning and/or notice. Chairman Hearn

stated that the Board had reached out to Peachtree City officials and petitioned to have the road reopened. He noted that he understood the concerns and complaints, but the Board was doing everything they could regarding this issue.

Vice Chairman Gibbons stated that as the commissioner in the Peachtree City district he wanted citizens to know that he was adamantly against the Crabapple Lane closure. He added that the Board did not have the authority to tell Peachtree City Council and Mayor what to do. Vice Chairman Gibbons suggested that citizens should also reach out to Peachtree City officials and relay their frustrations and concerns regarding this road closure. Vice Chairman Gibbons stated that this closure disrupted connectivity in the county which he was sympathetic to and concerned about.

The following citizens made comments in reference to proposed Rick Ross car show: Bobby Ferrell, Michael Copeland, John Jones, and J.P. Batey.

Residents continued to express their concerns regarding traffic control/safety, accessibility for emergency transportation, and felt that this event would disrupt their quality of life. Residents reiterated their request for the car show to be held at a different location more suitable for an event of this magnitude. Residents asked for Board support and help in resolving this issue related to the car show and suggested that the Board file an injunction of the event.

Commissioner Maxwell regarding the Crabapple Lane issue stated that he agreed that the road should not have been closed. He stated that he sent an email with the Mayor of Peachtree City copied stating that he was tired of the discussion of this road closure and was ready to move forward to finish this conversation even if it meant filing a lawsuit. Commissioner Maxwell stated that he wanted this topic to be placed on a future Board calendar so a solution could be reached. He stated that he would not be making a motion today but was gathering information. He stated that he greatly appreciated the citizens who came out to voice their concerns. He stated that he would be requesting that this item be discussed in executive session to seek advise from the County Attorney. He stated that he had concerns about how this closure could set the precedent for other golf cart path closures. Commissioner Maxwell reiterated that the County did not close Crabapple Lane and were in objection to it being closed. He asked to have this item added to the May 25, 2023 agenda for discussion.

Commissioner Maxwell moved on to respond to comments regarding the Rick Ross Car and Bike Show.

Commissioner Maxwell moved to file an injunction to stop the car and bike show event. Commissioner Rousseau seconded.

Commissioner Rousseau thanked residents who were in attendance and those who attended previous meetings regarding this event for their vigilance and efforts in trying to maintain the quality and integrity of this community. Commissioner Rousseau stated that he had been advised by the County Attorney that a legal filing had been issued regarding this event as a result he would be limited to what could be openly discussed. With that being said, he stated that he was inclined to amend the motion to include denial of the noise ordinance. Commissioner Rousseau stated that the noise permit which was vetted for approval by the Board unlike some of the other administrative functions that staff was charged with overseeing as a part of the day-to-day operations.

Vice Chairman Gibbons stated that he was also advised by the County Attorney regarding potential pending litigation as a result he was not prepared to make any additional comments. He added that he was also not prepared to approve an injunction without being advised by the County Attorney first.

Chairman Hearn stated that he agreed with Vice Chairman Gibbons and stated that he felt it would be prudent to receive counsel from the County Attorney regarding the pending litigation first.

Commissioner Oddo stated that he agreed with the comments of his colleagues. He added that this was not the moment to be voting on this injunction.

Commissioner Maxwell moved to file an injunction to stop the car and bike show event. Commissioner Rousseau seconded. The motion failed 2-3, with Chairman Hearn, Vice Chairman Gibbons, and Commissioner Oddo voting in opposition.

Commissioner Maxwell motioned to direct the County Administrator to deny the conditional use permit. Commissioner Rousseau seconded.

Commissioner Rousseau stated that during his review of this event he read over a few documents that indicated that the Fayette County Chief Marshal recommended that the noise permit be denied. Commissioner Rousseau stated that based on that recommendation he felt the Board should heed the professional opinion. With this in mind, he would support this motion.

Vice Chairman Gibbons and Commissioner Oddo reiterated their previous comments.

Commissioner Maxwell motioned to direct the County Administrator to deny the conditional use permit. Commissioner Rousseau seconded. The motion failed 2-3, with Chairman Hearn, Vice Chairman Gibbons, and Commissioner Oddo voting in opposition.

Commissioner Rousseau motion to deny the noise permit. Commissioner Maxwell second.

County Attorney Dennis Davenport stated that this was a topic that came to the attention of County relatively recently. He continued that when reviewing the County code, he advised the County Administrator to have this placed on the next meeting agenda for review. He noted that as it was written, the Board was the approving body for noise permits according to the code.

Commissioner Rousseau stated that this issue caused him concern because based on the ordinance, the Chief Marshal was charged with conducting an evaluation within 30-days of the application and subsequently present it before the Board for review and approval. He continued that we were outside of the 30-day window and as a result, he felt it should not be approved. He noted that the proposed concert feature would exacerbate the situation in addition to the traffic and emergency access. Commissioner Rousseau stated that denying the noise permit could help limit the additional individuals who may attend or flock to the area for the concert. He reiterated that the Board was the approving or denying body for the noise permits.

Vice Chairman Gibbons reiterated his position stating that he was not for, or against any of the motions. He stated that he was not prepared to support any motion until he had been properly advised by the County Attorney.

Commissioner Oddo stated he was not prepared to vote on anything without backup and supporting information for him to review, analyze, and digest before making a qualified decision.

Chairman Hearn stated that he concurred with those statements. And added that he would like to get input from the County Attorney first then revisit this discussion. He advised the residents of the area that he heard their concerns and recognized their frustration.

Commissioner Rousseau motion to deny the noise permit. Commissioner Maxwell second. The motion failed 2-3, with Chairman Hearn, Vice Chairman Gibbons, and Commissioner Oddo voting in opposition.

CONSENT AGENDA:

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

2. **Approval of Resolution 2023-04 to adopt 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).**
3. **Approval of the April 25, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:
NEW BUSINESS:

4. Request to approve the Ebenezer Church Road (2017 SPLOST 17TAN) First Amendment to the approved Temporary Construction Easement to support the project realignment.

Public Works Director Phil Mallon stated that this request was an agreement that supported the on-going construction of the Ebenezer Church Road realignment project. He added that the Board approved this project in April 2022 and entered into a temporary construction easement with the property owner to allow for construction of the realigned road. Mr. Mallon stated that an extension to the easement was needed for completion of the project.

Vice Chairman Gibbons moved to approve the Ebenezer Church Road (2017 SPLOST 17TAN) First Amendment to the approved Temporary Construction Easement to support the project realignment. Commissioner Odd seconded. The motion passed 5-0.

5. Request to acquire additional permanent easements for utility construction and maintenance at the proposed roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (2017 SPLOST 17TAL), and to reallocate \$12,000 from 17TAG to 17TAL to cover the anticipated additional easement costs.

Mr. Mallon stated that this request was for construction of a roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway. Mr. Mallon stated that months prior, the Board authorized acquisition of right-of-way for the project. He continued that the project was now under construction. During construction a utility conflict was identified that had not been adequately addressed during design. Mr. Mallon state that two areas were identified as needing permanent easement rather than temporary easement. The change would facilitate utility relocation.

Vice Chairman Gibbons moved to approve to acquire additional permanent easements for utility construction and maintenance at the proposed roundabout at the intersection of Redwine Road, Bernhard Road, and Peachtree Parkway (2017 SPLOST 17TAL), and to reallocate \$12,000 from 17TAG to 17TAL to cover the anticipated additional easement costs. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Hot Projects

Mr. Rapson provided a report to the Board that included updates on the Redwine Road multi-use path, the Parks and Recreation multi-use facility, the Elections building renovation and Ebenezer Church Road bridge replacement. Mr. Rapson also reminded all in attendance that the annual county Retreat would be held Friday, May 12, 2023 beginning with breakfast at 7:30 a.m.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were six items for Executive Session. Two items involving real estate acquisition, two items involving pending litigation, one item involving threatened litigation and the review of the April 25, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Chairman Hearn

Chairman Hearn provided a brief overview of his recent Atlanta Regional Commission (ARC) Meeting. At the meeting members were encouraged to encourage citizens to participate in the Help Shape Metro Atlanta's Future survey. He noted that this survey would help Atlanta Regional Commission (ARC) conduct a major update of the long-range Metropolitan Transportation Plan (MTP), which would allocate over \$170 billion toward transportation projects that addressed regional transportation needs through 2050. Chairman Hearn stated that taking the survey would help develop the plan and could draw funding to Fayette County.

Vice Chairman Gibbons

Vice Chairman Gibbons stated that he did not make decisions regarding any issue that was not properly presented before the Board as a formal agenda item with supporting documentation. He added that this did not mean he was for or against any item; however, when done properly he could appropriately vet and review said item and then make an informed decision.

Commissioner Oddo

Commissioner Oddo stated that May 15th was Peace Officers Memorial Day, which was a tribute to the local, state, and federal peace officers who have died, or who have been disabled, in the line of duty. He encouraged all in attendance to, in observance, of this day lower your flag to half mass in recognition of these individuals.

EXECUTIVE SESSION:

Two items involving real estate acquisition, two items involving pending litigation, one item involving threatened litigation and the review of the April 25, 2023 Executive Session Minutes. Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:06 p.m. and returned to Official Session at 7:48 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 passed 5-0.

Approval of the April 25, 2023 Executive Session Minutes: Commissioner Oddo moved to approve April 25, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0-1. Vice Chairman Gibbon abstained.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the May 11, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The May 11, 2023 Board of Commissioners meeting adjourned at 7:49 p.m.

Marlena M. 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 25th day of May 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk