

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

September 28, 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

Vice Chairman Gibbons called the September 28, 2023 Board of Commissioners meeting to order at 5:02 p.m. A quorum of the Board was present. Chairman Hearn and Commissioner Rousseau were absent.

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Vice Chairman Gibbons 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, with the exception of moving agenda item #5 to be discussed after item #1. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

Vice Chairman Gibbons amended his motion and moved to approve the agenda as written, with the exception of moving agenda item #5 to be discussed before item #1. Commissioner Oddo amended his seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. **Consideration of Petition No. 1331-23, Therol R. Brown and Judy R. Brown, Owners, request to rezone 5.42 acres from R-40 to A-R; property is located in Land Lot 60 of the 7th District, and fronts on Ebenezer Road.**

Commissioner Oddo moved to approve Petition No. 1331-23, Therol R. Brown and Judy R. Brown, Owners, request to rezone 5.42 acres from R-40 to A-R; property is located in Land Lot 60 of the 7th District, and fronts on Ebenezer Road. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

2. **Consideration of Petition No. 1332-23. Wright Chancey Ebenezer Bypass, LLC, Rod Wright, agent and Steven Jones, Atty., agent, request to rezone 84.746 acres from C-S to A-R to develop a single-family residential subdivision; property located in Land Lots 35 and 36 of the 7th District and fronts on Ebenezer Road, Ebenezer Church Road, and Ebenezer Bypass.**

Commissioner Oddo moved to approve Petition No. 1332-23. Wright Chancey Ebenezer Bypass, LLC, Rod Wright, agent and Steven Jones, Atty., agent, request to rezone 84.746 acres from C-S to A-R to develop a single-family residential subdivision;

property located in Land Lots 35 and 36 of the 7th District and fronts on Ebenezer Road, Ebenezer Church Road, and Ebenezer Bypass, with outlined conditions with the change of condition #2 regarding the remnant parcel on the southwest side of Ebenezer Bypass changing the timeline from 60 days to 6 months with the caveat that the property would be deeded to the County within 30-days if it could not be conveyed to the other property owners. Vice Chairman Gibbon seconded. The motion passe 3-0. Chairman Hearn and Commissioner Rousseau were absent.

PUBLIC COMMENT:

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

CONSENT AGENDA:

Commissioner Oddo moved to approve the Consent Agenda. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

3. **Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2023, and authorization to adjust and close capital projects, moving remaining funds to project contingency.**
4. **Approval of the September 14, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

5. **Request to accept the right-of-way dedication from Wright Chancy Ebenezer Bypass, LLC.**

Commissioner Oddo moved to approve to accept the right-of-way dedication from Wright Chancy Ebenezer Bypass, LLC. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

6. **Discussion of proposed amendments to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V.-Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-169.-Conditional use approval, regarding conditional uses.**

Vice Chairman Gibbons moved to proceed with appropriate proposed amendments/recommendations to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V.-Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-169.-Conditional use approval, regarding conditional uses. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

7. **Presentation by Ross & Associates & Hatley Plans, LLC - Impact Fee Methodology Report.**

No vote was taken.

8. **Request to approve the Parks and Recreation Selection Committee's recommendation to re-appoint Charles McCollum to the Recreation Commission for a term beginning September 1, 2023 and expiring August 31, 2027.**

Vice Chairman Gibbons moved to approve re-appoint Charles McCollum to the Recreation Commission for a term beginning September 1, 2023 and expiring August 31, 2027. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

9. **Request to award Contract #2321-S, USGS Water Flow & Stream Monitoring - FY 2024, to the U.S. Department of the Interior for surface water monitoring in the amount of \$247,900.00.**

Commissioner Oddo moved to approve Request to award Contract #2321-S, USGS Water Flow & Stream Monitoring - FY 2024, to the U.S. Department of the Interior for surface water monitoring in the amount of \$247,900.00. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

- 10. Request to adopt Ordinance 2023-10 to amend Code of Ordinance; Chapter 102-Building and Building Regulations; Article VI. -Procedures for the Administration of the Plumbing Code; Division 1.-Generally; Sec. 102-917.-Additions, alterations, or repairs, to remain in compliance with Department of Community Affairs (DCA) and meet the Metro Water District - Water Supply Conservation-8 Efficiency Code Requirements.**

This item was tabled to the October 26, 2023 Board of Commissioners Meeting.

- 11. Request to execute the Georgia Power Encroachment Agreement for Easement on the Tactical Driving Course project for 100 feet of right-of-way extending in part through Land Lot 175 of the 5th District.**

Commissioner Oddo moved to approve to execute the Georgia Power Encroachment Agreement for Easement on the Tactical Driving Course project for 100 feet of right-of-way extending in part through Land Lot 175 of the 5th District. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

- 12. Request to approve Renewal #2 of Contract #2228-S between Fayette County and Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2024 and terminating December 31, 2024.**

Commissioner Oddo moved to approve Renewal #2 of Contract #2228-S between Fayette County and Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2024 and terminating December 31, 2024. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

ADMINISTRATOR'S REPORTS:

A: Contract #2128-B: Annual Contract for Waterline Extension Task Order 24-03: Ellen's Ridge Water Main

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were eight items for Executive Session. Six items involving threatened litigation, one involving real estate acquisition and the review of the September 14, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Oddo made comments.

EXECUTIVE SESSION:

Six items involving threatened litigation, one involving real estate acquisition and the review of the September 14, 2023 Executive Session Minutes. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

The Board recessed into Executive Session at 6:24 p.m. and returned to Official Session at 6:39 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Gibbons moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

Approval of the September 14, 2023 Executive Session Minutes: Commissioner Oddo moved to approve September 14, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

ADJOURNMENT:

Vice Chairman Gibbons moved to adjourn the September 28, 2023 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

The September 28, 2023 Board of Commissioners meeting adjourned at 6:40 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Edwards Gibbons, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 26th day of October 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk