

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles D. Rousseau
Charles W. Oddo



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 23, 2024

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.

OFFICIAL SESSION:

Call to Order

Chairman Lee Hearn called the May 23, 2024 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present. Commissioner Maxwell was absent.

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Chairman Lee Hearn offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Oddo motioned to accept the agenda as written. Vice Chairman Gibbons seconded. The motion passed 4-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

Zoning Administrator Deborah Sims read the Introduction to Public Hearings for rezonings.

- 1. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.**

Ms. Sims stated that this was a three-part application and noted that items #1-3 would be discussed simultaneously but would have to be voted on separately. She continued stating that this request was for Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, requesting to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property was located in Land Lot 85 of the 7th District and fronts on Ellison Road.

County Attorney Dennis Davenport asked applicant representative, Randy Boyd, if they would like to proceed with less than the full Board present.

Mr. Boyd stated yes.

Mr. Boyd stated that the request to rezone to R-50 aligned with the Fayette County Comprehensive Plan for the area, which constituted 1-acre lots with 2100 sq ft homes. Mr. Boyd stated that a concept plan as well as a level one soil analysis was submitted with the rezoning request. He concluded stating that this request was approved by the Planning Commission and asked for the Boards favorable approval.

Chairman Hearn asked if he agreed to the two outlined conditions.

Mr. Boyd stated that because there was a long-time tenant in the property in question, and they would be working diligently to meet the first condition to demolish/remove the existing structures on the parcel within 180 days of approval of the rezoning. He stated that they would be able to meet the second condition to combine the parcels within 120 days.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road, with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 2. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.**

Ms. Sims stated that item #2 was for Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property was located in Land Lot 85 of the 7th District and fronts on Ellison Road.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road, with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

- 3. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.**

Ms. Sims stated that this item was requesting the same rezoning from A-R to R-50. Staff recommended approval with one condition that the parcels be combined into one single parcel within 120 days.

Chairman Hearn asked Mr. Boyd if he agreed with the outlined conditions.

Mr. Boyd stated yes.

No one spoke in favor or opposition.

Vice Chairman Gibbons moved to approve Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road, with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

4. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road.

Ms. Sims stated that this request was for Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property was located in Land Lot 199 of the 4th District and fronts on Snead Road. Ms. Sims stated that the request did align with the future land use plan comprehensive plan. This request was recommended for approve by staff with two conditions that:

1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30-feet of right-of-way as measured from the existing centerline of Snead Road.
2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

Trent Foster, petitioner representative, stated that the purpose of the rezoning was primarily logistical, and it was their goal to have the lots become more aligned and uniform. He stated that this request met the Comprehensive Plan and the Future Use Plan.

No one spoke in favor.

Mr. and Mrs. Lewis expressed their opposition to the change in the zoning, not necessarily the development of the three homes on the property. They stated that they feared it may set a precedent for further development in the area in the future.

Chairman Hearn asked Mr. Foster if he was in agreement to the outlined conditions.

Mr. Foster stated yes, he was.

Vice Chairman Gibbons moved to approve Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road, with outlined conditions. Commissioner Oddo seconded.

Commissioner Oddo stated that although he understood and appreciated the Lewis's thoughts, there was no reason from the perspective of the Board to oppose this request. It met both, the Comprehensive Plan and the Future Use Plan.

Vice Chairman Gibbons moved to approve Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road, with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

5. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District.

Ms. Sims stated that this request was to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purpose of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District. She stated that the parcel was a legal, nonconforming lot and the existing house did meet the dimensional requirements of the R-50 zoning district. She stated that the goal was to provide an amenity area for the Eva Garden subdivision. There would no access to Highway 85 it would be disconnected.

No one spoke in favor or opposition.

Commissioner Rousseau asked if it was appropriate to continue with the public hearing since there was less than a full Board, and the applicant was also not present.

Mr. Davenport stated that it was appropriate, in the absence of applicant being present to vocalizing their desire to table the discussion it is presumes they wish to proceed.

Vice Chairman Gibbons moved to approve Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

PUBLIC COMMENT:

Flat Creek Baptist Church

Pastor Josh with Flat Creek Baptist Church reiterated past comments made by Senator Marty Harbin at the May 9, 2024 BOC Meeting regarding the Flat Creek Baptist Church upcoming car show. He noted that this car show was an extension of the churches worship and felt that it should be allowed. Pastor Josh asked the Board to reconsider providing the church an exemption to the ordinance that would allow for special circumstances and/or consideration for specific activities.

Kyle Brooks with Flat Creek Baptist Church expressed his concerns regarding the requirements in place for the upcoming car show and asked the Board to reconsider providing the church an exemption to the ordinance that would allow for special circumstances and/or consideration for specific activities. He extended an invitation to all in attendance.

Animal Shelter

The following residents made comments during public comments:

Dr. Jennifer Alvarez, Lotte Commerford, Debbie Caroll, Robin Allgood, Vicki Leopold, Nelsonya Graves, Taryn Prestidge, Laura Line, Cindy Coe, Anne Wittenburg, Gail Drouillard, Barbara Cokely, Cynthia Saracino, Sharon Nettleton, Vicki Gunnin

Comments included concerns and frustration regarding the new animal shelter. Citizens expressed their disappointment with the Board not accepting the expert guidance, the size of the kennels, the lack of outdoor space/runs, the lack of appropriate shade, the need for more volunteers, outdoor seating accessibility, increase focus on the care of the cats, lack of community input, poor use of taxpayer funds, and lack of strategic design of the facility.

Georgia Power

The following residents made comments during public comments:

Leslie Rathburn, Jason Davis, Hannah Schilsky, Donald Pickell, Brandy Redd on behalf of Jim Niles, Alena Jordanoff on behalf of Miriam Bernett, Richard Matthews, Lori Groves, Davis Aldana, Wayne Turner.

Comments included concerns and frustration regarding the pending Georgia Power project. Citizens stated that this was a residential area, and the project was not wanted and should be rerouted. They expressed safety and health concerns regarding this project. Citizens also stated that this project would decrease their property value.

Elections Office

Jamie Harmon expressed her concerns regarding the need for an increase funding for the Elections Office specifically for staffing, security and training.

CONSENT AGENDA:

Vice Chairman Gibbons moved to approve the Consent Agenda. Commissioner Oddo seconded. The motion passed 4-0.

6. **Approval of the renewal of a two-year contract from July 1, 2024 to June 30, 2026 with Midwest Employers Casualty Company, at an annual cost of \$152,929.**
7. **Approval for staff to acquire all fee simple right-of-way for the construction of the turn-around improvement on Crabapple Lane.**
8. **Approval for staff to acquire all fee simple right-of-way and easements for the replacement of a failed storm water culvert at 120 Oak Hill Drive.**
9. **Approval of the May 9, 2024 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Parks and Recreation multi-use facility, Redwine Road multi-use path, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Coastline Bridge improvements, and a Water System AMI project update.

Mr. Rapson reminded everyone that the County offices would be closed on Monday, May 27, 2024, in observation of Memorial Day.

ATTORNEY'S REPORTS: None.

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

Commissioner Oddo moved to adjourn the May 23, 2024 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

The May 23, 2024 Board of Commissioners meeting adjourned at 7:08 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 13th day of June 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk