

## 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

April 20, 2021  
6:30 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

### Call to Order

Chairman Lee Hearn called the April 20, 2021 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Charles Rousseau attended the meeting virtually via Microsoft Teams as allowed during the pandemic.

### Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

Commissioner Eric Maxwell offered the Invocation and led the Board and audience in the Pledge of Allegiance.

### Acceptance of Agenda

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

### PROCLAMATION/RECOGNITION:

#### PUBLIC HEARING:

*Community Development Director Pete Frisina read the Introduction to Public Hearings. Mr. Frisina stated that the meeting was unique in that it was being held during a time declared as a State of Public Emergency due to COVID-19 (coronavirus). In the abundance of caution concerning the COVID-19 (coronavirus), the meeting would be livestreamed, and the call-in number 770-305-5277 would be available for those who wanted to make public comment on any of the items during the public hearings portion of the meeting.*

- 1. Consideration of Petition No. 1303-21, Fayette County School System, Owner, and RODWRIGHT CORP, Agent, request to rezone 99.06 acres from A-R to C-S to develop a residential subdivision consisting of 36 lots; property located in Land Lots 10 and 23 of the 5th district and Land Lot 247 of the 4th District and fronts on Inman Road and SR 92 South.**

Mr. Frisina stated that both staff and the Planning Commissioner recommend Petition No. 1303-21 for approval with one condition, that the developer shall provide a multi-use path that connects an internal street of the subdivision to the Inman Elementary School. The path shall meet applicable Development Regulations and Fayette County Master Path Plan - Path System Design Guidelines and be in a minimum 20-ft wide permanent access easement provided for public use or in property dedicated to Fayette County with the subdivision's right-of-way. The layout and location of the connection shall be approved by the Fayette County School System and Fayette County at the Preliminary Plat stage and shown, as constructed, on the Final Plat for the subdivision. (This condition will be administered by Engineering/Public Works/Environmental Management Department.)

Mr. Rod Wright with RODWRIGHT CORP, asked for the Board's favorable approval of Petition No. 1303-21 and stated that he accepted the condition as written.

No one spoke in favor.

Mr. Ognio of Fayetteville stated that he was in opposition to the rezoning petition. He expressed his concerns regarding maintenance of the storm management areas and detention ponds, he also asked about access to these areas. He suggested that there should be an added condition for funding for maintenance of these areas. Mr. Ognio stated that "he did not want his tax dollars going toward funding the maintenance of these areas when the developer created them" but would leave the County with the responsibility and cost of maintenance. Mr. Ognio asked about the detention ponds counting towards the conservation area forty percent (40%) requirement. Mr. Ognio asked why Fayette County would approve this rezoning without having a traffic study conducted with known traffic concerns in the area. He stated that this development would add traffic at the Highway 92/Goza Road/Inman Road Intersection where the Georgia Department of Transportation had already determined was a good candidate for a roundabout, but no funding was available. Mr. Ognio asked who would provide funding for this intersection improvement. Mr. Ognio also asked about the requirement for deceleration and turning lanes at the entrance of the proposed development.

Malcom Kittrell of Fayetteville reiterated comments asking why a traffic study had not been conducted. Mr. Kittrell pointed out inconsistency between the site plan and the Petition application as it relates to the rezoning request. Mr. Kittrell stated that the site plan states the requested zoning was from R-70 to CS, whereas the application stated the requested rezoning was from AR to CS. Mr. Kittrell expressed his concerns that once the trees were removed and the terraces for the detention ponds are dismantled what will happen to the wildlife and will sewage and storm water runoff become an issue. Mr. Kittrell asked about the setback requirement of the requested rezoning and stated that because of the proposed development, which he shared a boundary line with, there would be a detention pond placed near his home. Mr. Kittrell also expressed his concern regarding the development being able to pass a percolation (Perc) test with the smaller lot sizes. Mr. Kittrell expressed appreciation to the Board for listening to his concerns.

Christian Marcus of Fayetteville stated that as a parent of students who attended Inman Elementary School and as a member of the Garden Committee at the school, she was in opposition to the rezoning petition. She also expressed concerns about the additional traffic at the intersection. Ms. Marcus expressed her concerns of overdeveloping the land. Ms. Marcus stated that the pond at the school was used as part of the curriculum; teaching the student to learn in nature and from their environment, and she fears taking this away would disrupt the children's ability to learn from the world around them. Ms. Marcus stated that a new community garden was being planted at Inman Elementary School, she asked what measures could be put in place to help keep neighboring homeowners yard treatments chemicals (pesticides) and displaced wildlife from foraging and damaging the children's garden. Ms. Marcus urged all to start being mindful of the community and the environment.

Ky King of Fayetteville stated that the Pandemic highlighted a huge flaw in the agricultural model and distribution of fresh foods. Mr. King expressed his concern with the need for Fayette County to begin considering and establishing a plan for local food security and preserving the fertile land in the area. Mr. King stated that the current zoning for the proposed development was agricultural and although it was not being used for farming, once it was rezoned it could never be used for farming. He added that he had a small suburban farm which focused on community and agriculture. Mr. King stated that only one percent of America's population were farmers, but 100 percent of Americans had to eat food which showed an imbalance; and part of that comes from selling off the fertile lands in the area to developers.

Andrew Kurdelski of Fayetteville stated that he was neutral regarding the rezoning but would want to ensure proper due diligence was given to safety concerns and traffic issues at the Highway 92/Goza Road/Inman Road Intersection and, that the County maintained a net positive cash position as it relates to the proposed development, and that consideration be given to the maintenance of nature in the south portion of the County. He added that this was a great area to get away to and relax in nature and asked that the County work to maintain that.

Mr. Wright stated in rebuttal to comments made that the development was designed using the Fayette County's Future Land Use Map and met the requested CS zoning requirement. Mr. Wright stated that the maintenance of the detention ponds would be facilitated through the homeowner's association. He continued stating that the common areas would become property of the homeowner's association. He elaborated stating that each of the thirty-six homeowners would own it and the ponds and would carry the responsibility of the long-term maintenance once he fulfilled the three-year bond process. Mr. Wright stated that the traffic at Highway 92 and Inman Road near the school has been taken into consideration. He added that he travels the road frequently and acknowledges that traffic is heavier during school hours but outside of that runs relatively smoothly. In response to Mr. Kittrell concerns of a new detention pond being placed near his home, Mr. Wright stated that the detention pond would be placed in a fully wooded area with low visibility from the property line based on its positioning. Mr. Wright stated that he designed the proposed development in a way to keep the homes off of Highway 92 and to leave the ten acres open for the purpose of the community, neighborhood and school to use and to benefit from the trails and pond. Mr. Wright stated that requested C-S rezoning designation would help maintain cost and infrastructure for all parties involved. Mr. Wright stated that the soils are good and that there should be no septic system issues. Mr. Wright stated that he followed all procedures outlined by the County and if approved would continue to meet required guidelines.

Commissioner Maxwell asked for the requirements for deceleration and acceleration lanes.

Mr. Frisina stated that deceleration and acceleration lanes would be a requirement that the Fayette County Roads Department would put in place.

Fayette County Public Works Director Phil Mallon made a comment but it was inaudible.

Commissioner Maxwell stated that based on Mr. Mallon's comments that the need for deceleration and acceleration lanes would be evaluated and determined once the traffic study was conducted. He added that this was not a requirement decided by the Planning Commission or Board of Commissioner but determined at the next phase once the rezoning was approved.

Commissioner Maxwell asked about the 30ft. to 50ft. setback requirement.

Mr. Frisina stated that there had been some confusion as it relates to the first drawing received for the development plan which had the R-70 zoning designation in error. Mr. Frisina stated that he went through the entire development plan and replaced the R-70 with the correct C-S zoning. Mr. Frisina stated the C-S zoning has a 30-foot setback requirement.

Commissioner Maxwell asked about the County's requirement for a traffic study.

Mr. Mallon stated that a traffic study could be a condition of rezoning however in this instance staff did not recommend it, but the Board could make that recommendation. Mr. Mallon stated that if a traffic study was recommended it was typically conducted closer to the preliminary plat stage. Mr. Mallon stated that traditionally a subdivision with 35-40 homes was below the trigger point needed to require a traffic study but based on the proposed development's proximity to the Highway 92/Goza Road/Inman Road Intersection a traffic study could be evaluated as a condition.

Commissioner Maxwell asked if a percolation (Perc) test was required before a rezoning was approved.

Mr. Frisina stated no. He added that at the next level preliminary plat and final plat stage a level 3 soil analysis would be conducted. Frisina stated that the Environmental Health Department would use the analysis to determine the best location of the septic system on each individual lot.

Commissioner Maxwell asked what happens if one of the lots does not pass the percolation (Perc) test.

Mr. Frisina stated that the lot may be required to get an enhanced septic system and worst-case scenario the lot could be deemed unbuildable. Mr. Frisina stated that there were still two more levels of evaluation which were preliminary and final before that would be determined.

Commissioner Maxwell asked Mr. Wright what the price and size of the homes in the proposed development would be.

Mr. Wright stated that the homes would begin at \$450K. Mr. Wright stated that a ranch style home would range about 2100 sq. ft. and a two-story style home would begin at 2500 sq. ft. Mr. Wright stated in response to comments mentioned that the development would have a deceleration lane and a right turning lane.

Commissioner Maxwell asked about the homeowner association's responsibility for the detention ponds.

Mr. Wright stated that it was typical for a new development to have the homeowner's association facilitate the maintenance of the common area and detention ponds. Mr. Wright stated that the homeowner's association would collect the fees needed to pay for the inspection of the retention ponds and any maintenance. He continued stating that homeowner's association would take over once the development is sold out and the three-year bond was released.

Commissioner Maxwell stated as clarification that the proposed development property currently belongs to the Fayette County Board of Education. He continued stating that because they owned the property if they desired to use the land for educational programs it was at their discretion to do so. Commissioner Maxwell stated that once the land was sold however and a subdivision was developed, they would not have the freedom to use the land for educational programs.

Commissioner Maxwell in answering a question posed by a citizen stated that he would consider himself a farmer. He added that he had thirty-seven acres and although he did not have row crops, he did have cattle, chicken, turkeys, goats and donkeys. Commissioner Maxwell stated that there were not very many row crop farms still being built in Fayette County.

Commissioner Maxwell stated that he preferred two acre or greater lots, but this development was a permissible zoning.

Mr. Wright stated that the proposed development creates open space and fit the Fayette County's Future Land Use Map and met the requested CS zoning requirement. He stated that although the proposed development would be maintained with a homeowner's association, he would be creating the covenants and could ensure the school would be able to use the open space and trails that lead to the pond.

Commissioner Oddo stated as an observation that there were several concerns discussed and address by the Petitioner. He acknowledged that there were some unresolved concerns but noted that these would be further evaluated as the development went through the next steps in the process. Commissioner Oddo stated that the Board had the delicate job of balancing the rights of the property owner and the community. He continued stating that he would have a hard time denying a rezoning that appropriately conformed to the County's Future Land Use Map.

Commissioner Rousseau asked as clarification if a traffic study was a mandated requirement as cited by a citizen. He stated that he wanted the record to accurately reflect the County's policy to make sure we stay in compliance.

Mr. Mallon stated that he would have to double check the regulation, but it was his understanding that a traffic study was optional at the discretion of the county's Engineering Department. Mr. Mallon stated that the County had not had any mandatory traffic study for any development.

Commissioner Rousseau thanks Mr. Frisina for clarifying that the proposed property was going from A-R zoning which was a two-acre minimum lot to C-S zoning which was a one-acre minimum lot and clarifying that the setback requirement for C-S zoning was 30 ft. Commissioner Rousseau asked how far away was the R-40 zoned subdivision that was shown on the map in the agenda packet.

Mr. Frisina stated that the R-40 zoned subdivision would abut the open space of this proposed development.

Chairman Hearn stated that currently the proposed property was zoned A-R which was five-acre minimum lots. Chairman Hearn stated that based on the property size of 99-acres under the current zoning the property would yield about eighteen to nineteen lots considering the wetlands. Chairman Hearn stated that he proposed rezoning would yield about double the lots. Chairman Hearn stated that to him this is too many homes on that size piece of land.

Commissioner Rousseau stated that he noticed there was no recommendation from the Water Department and asked if water was in the area.

Mr. Frisina stated that the Water Department did review the application and left no comment. Mr. Frisina in relaying the Water System Directors comments stated that Water was available.

Commissioner Maxwell stated that on the dais was a letter from Mr. Steven Jones the Petitions lawyer, he continued stating that this letter sets it up for the County to be sued. Commissioner Maxwell stated that aside from the various concerns, the Board had to determine if the rezoning request appropriately conformed to County's Future Land Use Map and/or overlay plans. He continued stating that if the application does meet the outlined requirement the Board is almost handcuffed in these matters. Commissioner Maxwell stated that the Board had lost some rezoning cases recently and acknowledge that he didn't want to lose a rezoning case unnecessarily when the applicant conformed to County's Future Land Use Map and met the outlined requirements. Commissioner Maxwell stated that the goal of the Board was to maintain balance for the County, and he wanted to make the best decision he could.

Vice Chairman Gibbons moved to approve Petition No. 1303-21, Fayette County School System, Owner, and RODWRIGHT CORP, Agent, request to rezone 99.06 acres from A-R to C-S to develop a residential subdivision consisting of 36 lots; property located in Land Lots 10 and 23 of the 5th district and Land Lot 247 of the 4th District and fronts on Inman Road and SR 92 South. Commissioner Oddo seconded. The motion passed 4-1, with Chairman Hearn voting in opposition.

**2. Consideration of Ordinance 2021-07, amendments to Chapter 108. Sign Ordinance, regarding Sec. 108-3. – Definitions and Sec. 108-162 – Walls Signs.**

Mr. Frisina stated that in reviewing Ordinance 2021-07 it was determined that the definition of a wall sign contained a sentence that was more regulatory than defining. He stated that this amendment would move that sentence to section 108-162 which was the regulation section of the ordinance. Mr. Frisina continued stating that in reviewing the ordinance it was determined that it included the requirement of the location of a wall sign and the wall sign's relationship to two-story buildings, he stated that when trying to apply this requirement it was determined to be too cumbersome. Mr. Frisina stated that as a result, this amendment would read that the location of the wall sign had to fit into the confines of the wall and could not be placed on top of the building or be allowed to extend above the roof line/eave or the top plane of the building and could not be mounted more than six inches from any wall, building, or structure. Mr. Frisina stated that these amendments were housekeeping measures.

No one spoke in favor or opposition.

Commissioner Oddo asked how the six inches designation was determined.

Mr. Frisina stated that six inches was usually a standard mounting space. He added that the goal was to avoid having business owners turn their sign perpendicular to the wall, the wall sign had to be parallel to the wall.

Chairman Hearn asked if this Ordinance was modeled from another jurisdiction.

Mr. Frisina stated no, it was something created in Fayette County in preparation to new building design coming to the County in the future.

Commissioner Oddo moved to approve Ordinance 2021-07, amendments to Chapter 108. Sign Ordinance, regarding Sec. 108-3. – Definitions and Sec. 108-162 – Walls Signs. Vice Chairman Gibbons seconded. The motion passed 5-0.

### **PUBLIC COMMENT:**

Ky King of Fayetteville suggested to the Board that perhaps a review if the rezoning requirements be conducted to ensure the guidelines included specific categories e.g., a soil test which could focus on the use of the land for cultivation purpose. Mr. King stated that there was such thing as unfertile land and he felt that those areas would be a better choice to build on as opposed to land that could produce food. Mr. King stated that he understood that the community had to grow but urged the Board to consider how they allowed the County to grow and encouraged them to place an emphasis on agriculture. Mr. King reiterated that food security was extremely important and having fresh local foods would be key if distribution failed from outside sources.

### **CONSENT AGENDA:**

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

- 3. Approval of Water Committee recommendations to close Lake McIntosh Park on May 21, 22 and 23, 2021 for the Great Atlanta Air Show. Buses**
- 4. Approval of the April 8, 2021 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- 5. Consideration of a five (5) year lease term acceptance with the option of four (4) additional five (5) year term for a tower site at Volunteer Way for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.**

911 Director Katye Vogt stated that the next four items were a part of the P25 Radio System Project, which either was renewing, adapting, amending and/or adding new tower leases.

Mrs. Vogt stated that the tower site at Volunteer Way was owned by the County making this approval a lease amendment.

Vice Chairman Gibbons moved to approve five (5) year lease term acceptance with the option of four (4) additional five (5) year term for a tower site at Volunteer Way for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. Commissioner Oddo seconded. The motion passed 5-0.

- 6. Consideration of lease term acceptance for a tower site at Westbridge Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.**

Mrs. Vogt stated that the tower site at Westbridge Road was also a lease amendment. Mrs. Vogt stated that this amendment involved some changes to the radio equipment and because the County does not own the tower the tower height was also changing which required pricing negotiation.

Vice Chairman Gibbons moved to approve lease term acceptance for a tower site at Westbridge Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. Commissioner Oddo seconded. The motion passed 5-0.

**7. Consideration of a ten (10) year lease term acceptance with the option of four (4) additional ten (10) year term, for a tower site at Hilo Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.**

Mrs. Vogt stated that the tower site at Hilo Road was new to the system and was one of two towers that would improve reception at the southeastern area of the County. Mrs. Vogt stated that a new lease had to be negotiated because there is currently no equipment there.

Vice Chairman Gibbons moved to approve a ten (10) year lease term acceptance with the option of four (4) additional ten (10) year term, for a tower site at Hilo Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. Commissioner Oddo seconded. The motion passed 5-0.

**8. Consideration of a ten (10) year lease term acceptance with the option of four (4) additional ten (10) year term, for a tower site at Mud Bridge Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.**

Mrs. Vogt stated that the tower site at Mud Bridge Road was new to the system and was the second tower that would improve reception at the southeastern area of the County. Mrs. Vogt stated that as a new lease it had the same terms as the tower on Hilo Road.

Vice Chairman Gibbons moved to approve ten (10) year lease term acceptance with the option of four (4) additional ten (10) year term, for a tower site at Mud Bridge Road for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. Commissioner Oddo seconded. The motion passed 5-0.

**9. Consideration of staff's recommendation for Board of Commissioners to approve bid from Piedmont Paving, Inc. for Bid #1943-B Contractor Resurfacing FY21 in the amount of \$1,072,928.45.**

Public Works Director Phil Mallon stated that this item was asking for approval of a contract that was put out for bid, the bid received three quotes with Piedmont Paving, Inc. being the lowest bidder. Mr. Mallon stated that the project included about 4 miles of resurfacing and some crack sealing. Mr. Mallon stated that he wanted to point out that one of the roads included on the project list was Veterans Parkway. Mr. Mallon continued stating that in reviewing this project they were reminded that the segment of Veterans Parkway from State Route 54 through Pinewood Forest was covered under an annexation agreement with the City of Fayetteville. Mr. Mallon stated that the agreement outlined that although portions of the road were officially County property, the City of Fayetteville would take over all maintenance responsibilities. Mr. Mallon stated that he had reached out the City of Fayetteville to ask if they wanted the resurfacing work done and they responded that although the work was needed no funding was available. Mr. Mallon stated that as a result that segment of Veterans Parkway would not be completed. Mr. Mallon added that the segment of Veterans Parkway portion of the project would cost was \$158,000.

Chairman Hearn stated that the bids received came in very close which was an indication that a good set of specs was provided. Chairman Hearn applauded staff efforts for putting together a good set of specs. Chairman Hearn asked if a revised amount for the contract was available.

Mr. Mallon suggested that the project be approved for the full amount to allow for flexibility in the budget for any additional patching work that could be done on some of the roads already outlined on the project list.

Commissioner Maxwell asked how smooth the road would be once the resurfacing was complete and if these roads would receive the surface treatment the citizens complained about

Mr. Mallon stated, "No".

Commissioner Oddo moved to approve bid from Piedmont Paving, Inc. for Bid #1943-B Contractor Resurfacing FY21 in the amount of \$1,072,928.45. Vice Chairman Gibbons seconded. The motion passed 5-0.

**10. Consideration to approve request from Allegiance Development Group, LLC. for motorized cart use on Crabapple Lane, from Dogwood Trail to the Peachtree City limit.**

Mr. Mallon stated that this item was a request to make a County Road legal for golf cart travel. Mr. Mallon stated that the request was from Allegiance Development Group, LLC. for motorized cart use on Crabapple Lane, from Dogwood Trail to the Peachtree City limit. Mr. Mallon stated that the road is officially a county road. He added that although the Town of Tyrone had performed some road maintenance, the County performs a majority of the road maintenance. Mr. Mallon stated that currently on any given day there are just as many golf carts on the road as there are vehicles. He stated that citizens in the surrounding area, many of whom live in homes developed by Allegiance Development Group Inc., enjoy and utilize the road to travel between Tyrone and the City of Peachtree City and appreciate the connectivity. Mr. Mallon stated that in talking with Trent Foster with Allegiance Development Group Inc. it was determined that Crabapple Lane had never been approved for golf cart use. Mr. Mallon stated that there were currently two future developments in the area, one moving toward the final platting stage and the second in the design phase, that would benefit from the approval of this item. Mr. Mallon stated that these two developments would be interconnected. Mr. Mallon stated that Allegiance Development Group Inc. made a formal request outlined by our policy. Mr. Mallon stated that the Engineering Department reviewed the volume on Crabapple Lane, the grade, the slope of the hills on Crabapple Lane, the speed - which was posted at 25-mph and stopping sight distance. Mr. Mallon stated that for a 25-mph posting every area along the road had adequate stopping sight distance. Mr. Mallon stated that the County was recommending four conditions: 1. that Fayette County Public Works be authorized to perform reasonable road work to improve the sight distance, 2. that the vegetation be cut within the right-of-way that limits sight distance, 3. that Public Works be authorized to post appropriate signs and 4. that Fayette County, the Town of Tyrone, and the Developer work together and evaluate the need for a pedestrian and golf cart crossing at Dogwood Trail and for staff to petition the Board for an approved motorized cart crossing of Dogwood Trail, as deemed appropriate.

Chairman Hearn asked about the width of the bridge on Crabapple Lane.

Mr. Mallon stated that he did not have the exact measurements but had walked the area and it was not, if any, significantly more narrow than the road itself and was adequate for passage. Mr. Mallon added that the bridge was on the Special Purpose Local Option Sales Tax (SPLOST) project list to be replaced.

Vice Chairman Gibbons asked if they had reached out to the City of Peachtree City regarding this project, and if they had any objections.

Mr. Mallon stated that this project was reviewed and discussed during the Transportation Committee meeting. He added that the representatives from the City of Peachtree City were opposed to the project. Mr. Mallon stated that he had reached out to Peachtree City's City Manager reminding him that this item was being presented before the Board this evening. Mr. Mallon stated that he understood that Crabapple Lane was a County road and that the Board had the right to make whatever decision they deemed appropriate.

Commissioner Maxwell stated that he recalled that there used to be a large berm or hump there that Peachtree City had put in place to prevent specifically cars from entering the city. Commissioner Maxwell stated that the city could put something like this in place again if they choose. Commissioner Maxwell stated that is always struggle when going from the County into the city and using their paths. He added that it was not the Board goal to create a problem for them, but the citizens want to use the golf cart and connectivity is necessary.

County Administrator Steve Rapson stated that this issue has been a point of discussion for a while amongst the jurisdictions. Mr. Rapson stated that The City of Peachtree City had a reciprocal agreement with the Town of Tyrone for golf carts and if a citizen was in unincorporated Fayette County, they could pay a higher fee but could also use the Peachtree City golf cart paths. Mr. Rapson stated the position of the County was that we develop the properties within unincorporated Fayette County and want the connectivity associated with the golf cart paths, like sidewalks and roads. Mr. Rapson acknowledged that there was some sensitivity as to where the connection points would be located. Mr. Rapson also acknowledged that the City of Peachtree City had the right to block or build a berm to restrict access to their road and this is currently where the discussion is.

Mr. Mallon stated that Mr. Foster with Allegiance Development Group Inc. is here if the Board had any additional questions.

Mr. Foster stated that he was working with the Smith Family who owned the large tract of land being developed in unincorporated Fayette County between Crabapple Lane and Dogwood Trail. Mr. Foster stated that the Smith Family had previously tried to annex the property into the City of Peachtree City at least twice but had been denied both times. Mr. Foster stated that the Smith Family was finally able to settle on a plan with 53 one-acre lots work in unincorporated Fayette County. Mr. Foster stated that when the request was initial presented to the County one main feedback he received was the need for interconnectivity. Mr. Foster stated that after reviewing the ordinances with the Town of Tyrone to ensure he was abiding by the guideline the right way, it was determined that Crabapple Lane was not an authorized road for golf cart use. Mr. Foster stated that there were examples of roads that have been approved for the same type of request throughout the County. Mr. Foster stated that this request meets the requirements and if approved would allow golf carts to be used on Crabapple Lane expanding connectivity within the jurisdictions of Fayette County.

Commissioner Maxwell stated that if a road is created, the city of Peachtree City will push back. He stated that he would recommend considering a golf cart path.

Vice Chairman Gibbons stated that he lived in Kedron Hills. He added that this road was already being used by golf carts and occasionally cars to travel into the City of Peachtree City. Vice Chairman Gibbons stated that because of this regardless of if the Board approved or denied the request citizens would continue to use the road as a golf cart path unless a Sheriff's deputy was stationed on Crabapple Lane, which would not be feasible. Vice Chairman Gibbons stated with these reasons in mind he would not vote against this request.

Chairman Hearn moved to approve request from Allegiance Development Group, LLC. for motorized cart use on Crabapple Lane, from Dogwood Trail to the Peachtree City limit, with the added provision to allow the Fayette County Public Works authorization to make reasonable road repairs as needed. Commissioner Maxwell seconded. The motion passed 5-0.

**11. Request from City of Fayetteville for approval of an Intergovernmental Agreement (IGA) for a temporary construction easement for a proposed walkway between the library and the new Fayetteville City Hall and park area.**

Mr. Mallon stated that this item was a request from the from City of Fayetteville for approval of an Intergovernmental Agreement (IGA) for a temporary construction easement for a proposed walkway between the library and the new Fayetteville City Hall and park area. Mr. Mallon stated that originally the City of Fayetteville was proposing what would be temporary construction easement, then a permanent maintenance easement. Mr. Mallon stated that the County Attorney

Dennis Davenport suggested that the County could deed the land to the City of Fayetteville, and they assume all responsibility for maintenance. Mr. Mallon stated that in order to facilitate the construction schedule he was requesting the Board's approval for the temporary construction easement tonight to allow the contracting team to begin working on the project.

Vice Chairman Gibbons moved to approve request from City of Fayetteville for approval of an Intergovernmental Agreement (IGA) for a temporary construction easement for a proposed walkway between the library and the new Fayetteville City Hall and park area. Commissioner Oddo seconded. The motion passed 5-0.

## **12. Overview of the Transportation Committee.**

Commissioner Rousseau stated that this matter initially had him perplex but upon further review left him more vexed. Commissioner Rousseau stated that several years ago Commissioner Maxwell raise concerns regarding two members of the Board of Commissioners serving on an interview selection committee, as such, there would already be two recommendation being presented to the full body. He stated that with that in mind he would assume that Commissioner Maxwell certainly did not want one commissioner being able to make a decision about appointments to particular standing and ad hoc bodies/authorities/committees, or state mandated committees/authorities. Commissioner Rousseau stated that what he discovered was that a member of the Board had taken on what in his estimation was what the posture of the "Board" should be. Commissioner Rousseau stated that what he was requesting was for language to be developed for any standing, ad hoc, or Board of Commissioner created bodies/authorities/committees that any recommendation for appointments to those specified bodies/authorities/committees come through the Board of Commissioner for consideration and approval. Commissioner Rousseau stated this request was standard when looked at in its totality. Commissioner Rousseau asked the Board to review page 3 of the Transportation Committee Ordinance 2016-03, section 3, item number 2 (provided in the agenda packet). Commissioner Rousseau stated that he did not feel the Board was living up to that requirement. Commissioner Rousseau stated he was aware there had been some robust conversations regarding the term "their". Commissioner Rousseau stated that he would read that section for the purposes of the record, he stated "Two (2) members shall be current members of the Board of Commissioners, or their designees." Commissioner Rousseau stated that he interpreted the term "their" to be the body that originally appointment them and added that he would like for the Board to consider that as a permanent word change or definition moving forward for any standing, ad hoc, or Board of Commissioner created bodies/authorities/committees, and not necessarily those mandated by the state. Commissioner Rousseau asked the Board to consider the Bylaws of the Transportation Committee page 2, section 3, there it states that "Any vacancy on the committee shall be filled in the same manner as the original appointment to the position vacated. The appointment shall be for the unexpired term of such member." Commissioner Rousseau stated that the issue here was that an individual on the Board appointed someone to take their place, without input from the Body. Commissioner Rousseau stated that he has always maintained the posture that Board members should not serve on committees, but the Transportation Committee was somewhat grandfathered in which is why the Board still serves in this compacity. Commissioner Rousseau stated that this situation demonstrates why he has reservation with Board member serving on committees. Commissioner Rousseau stated that what he was proposing for the Board's favorable consideration was to amend language to any standing board/committee, ad-hoc board/committee, or Board created board/committee to state that any recommendations for appointment to said board/committee shall come to the Board of Commissioners for final consideration and approval.

Commissioner Rousseau moved to amend language to any standing board/committee, ad-hoc board/committee, or Board created board/committee to state that any recommendations for appointment to said board/committee shall come to the full Board of Commissioners for final consideration and approval. Vice Chairman Gibbons seconded.

Commissioner Oddo asked what the specific wording was being requested.

Vice Chairman Gibbons stated that from his understanding the language would be that for any future committees, ad hoc or Board created bodies/authorities/committee's membership would be determined by a vote of the Board of Commissioners.

Commissioner Rousseau stated that he was aware there were state mandated bodies/authorities/committees and he was not referring to those.

Commissioner Maxwell stated that his concern was that he was not sure exactly which specific body/authority/committee these amendments would affect. Commissioner Maxwell stated that although the discussion stemmed from the Transportation Committee it would be difficult for him to vote tonight with that general of a motion, because there may be an exception for a specific committee that would need to be considered before amending the language.

Vice Chairman Gibbons asked if Commissioner Maxwell was proposing that Commissioner Rousseau should amend his motion to direct staff to comprise a list of bodies/authorities/committees that are currently formed for the Board to determine if the language amendment was fitting.

Commissioner Maxwell stated no, he was not asking Commissioner Rousseau to change his motion. Commissioner Maxwell stated however that he would not be able to vote for a motion not knowing exactly which body/authority/committee the motion would affect. Commissioner Maxwell stated that if it were only the Transportation Committee it would be relatively easy to decide. Commissioner Maxwell stated he needed to know what exactly which specific body/authority/committee he was dealing with in making this vote.

Chairman Hearn asked County Attorney Mr. Davenport which specific body/authority/committee would be affected by Commissioner Rousseau request.

Mr. Davenport stated that there were two issues on the table for discussion the first being that there was the need to define the term "their" and if it was to remain in the ordinance language. Mr. Davenport stated that the second concern was which specific bodies/authorities/committees this amendment would affect. Mr. Davenport stated that in the County's Policies and Procedures Manuel, the Board had addressed an issue about 1.5 years ago which listed all the bodies/authorities/committees that would have appointments made solely by the Board of Commissioners. He added that the Transportation Committee was the only committee that he was aware of with this type of situation with two sitting members of the Board serving on it. Mr. Davenport stated that the Chairman pointed out that the Water Committee also had a sitting member of the Board serving on it.

Mr. Rapson added that the Retirement Committee also had a sitting Commissioner serving on it.

Commissioner Maxwell stated that he currently was the Commissioner serving on the Retirement Committee. He added that he honestly felt that having a Commissioner as a non-voting member on these bodies/authorities/committees may be a better way of handling them but felt that Commissioners needed to be present to listen and provide suggestions and input. Commissioner Maxwell stated that he was hesitant when the Transportation Committee was originally established and was concerned that with two sitting Commissioners serving on the Committee all they needed was one additional vote and an item could be accomplished or approved. Commissioner Maxwell stated that if the three committees -the Transportation Committee, the Water Committee, and the Retirement were the three committees being affected by the requested language amendment he was fine with it. Commissioner Maxwell stated that however, if the discussion was to remove a serving Commissioner then that would be a different conversation.

Commissioner Rousseau stated that his request was not intended to remove anybody from anything. He added that the request was simply to amend the language for any standing ad-hoc, or Board created board/committee to state that any recommendations for appointment to said board/committee would come to the full Board of Commissioners for final consideration and approval.

Commissioner Oddo stated that there really was no reason to mention designees [within the Transportation Committee Ordinance] if the thought was to come back the Board of Commissioner each time. He stated that he doesn't know why that would be included in the ordinances.

Commissioner Rousseau moved to amend language to any standing board/committee, ad-hoc board/committee, or Board created board/committee to state that any recommendations for appointment to said board/committee shall come to the Board of Commissioners for final consideration and approval. Vice Chairman Gibbons seconded. The motion passed 5-0.

Vice Chairman Gibbons moved to remove the term "or their delegate" outlined in the Transportation Committee ordinance. Commissioner Oddo seconded.

Chairman Hearn stated as clarification that this was in the Transportation Committee Ordinance 2016-03 section 3 subsection A2 which states "Two (2) members shall be current members of the Board of Commissioners, or their designees."

Commissioner Rousseau asked if this change was only for the Transportation Committee.

Vice Chairman Gibbons stated at this time, yes.

Vice Chairman Gibbons moved to remove the term "or their delegate" outlined in the Transportation Committee ordinance. Commissioner Oddo seconded. The motion passed 5-0.

Vice Chairman Gibbons stated that he agreed with Commissioner Rousseau and felt that having members of the Board sit on the various bodies/authorities/committees, not mandated by the state, tends to sway the decisions in favor of the Board; especially in the instance of the Transportation Committee where two members of the Board serve on the committee. Vice Chairman Gibbons continued stating that if it was his decision, members of the Board would not serve on any of the committees. He stated that he would rather have people serve with a vested interest, who have the technical expertise and could debate among themselves without fear of retribution, then could independently make recommendations the Board.

Vice Chairman Gibbons moved to remove the requirement to include two members of the County Commission from the Transportation Committee ordinance and for staff to recommend replacements at the next Board of Commissioners meeting. Commissioner Oddo seconded.

Commissioner Maxwell asked as clarification if he was asking to keep one Commissioner on the Transportation Committee.

Vice Chairman Gibbons stated no.

Commissioner Maxwell stated that this would mean there would be zero Commissioners serving on the Transportation Committee.

Vice Chairman Gibbons stated that was correct.

Mr. Davenport stated as clarification that consistent with the motion and second that was made, the Board currently had the two Commissioner positions on the Transportation Committee schedule to serve through March 27, 2022, so the motion would be effective March 28, 2022 forward if approved.

Commissioner Rousseau stated that he had some concerns with this motion. Commissioner Rousseau stated the value in this instance, in having Board representation present at the Transportation Committee meeting benefited the County. Commissioner Rousseau stated that if this motion was approved, there would be representation from the other municipalities serving and communicating with County staff providing direction without any real input from the Board.

Commissioner Rousseau stated that he was a little perplexed and hesitant because he was not prepared to vote on this topic this evening.

Vice Chairman Gibbons asked Mr. Davenport to read the language that discussed representation from the municipalities as a point of clarification.

Mr. Davenport stated that on page 3 of the Transportation Ordinance 2016-03 under section 2-477 Organization: “(a) Membership. Item 3. Five (5) members shall come from the municipalities within Fayette County (one (1) each);” Mr. Davenport stated that there was no descriptor as to what qualification each individual would have, that would be left the discretion of the municipalities themselves.

Vice Chairman Gibbons stated that from his understanding the membership would select a Chairman and Vice Chairman

Mr. Davenport stated that is correct.

Vice Chairman Gibbons stated these were the same relationships and operations in place as other committees and would function with input from the municipalities but could operate independently and provide recommendation to the Board.

Commissioner Maxwell stated that he understood the need to balance the influence of the committee but stated that currently there was a city mayor serving as member on the Transportation Committee. He asked Vice Chairman Gibbons if he felt comfortable removing the Commissioner from the committee but leaving the mayor.

Vice Chairman Gibbons stated sure.

Commissioner Oddo asked if any of the Board members had attended the Transportation Committee regularly, because as a serving Board member on the committee he had to be there and acknowledge that this was not exactly how the meetings functioned. Commissioner Oddo stated that the County led that meetings primarily Mr. Mallon. Commissioner Oddo stated that Mr. Ognio [the Transportation Committee Chairman] was there and had a wealth of information and had developed a very good relationship with the Georgia Department of Transportation (GDOT) and the Atlanta Regional Commission (ARC), which was one reason he asked him to stay in the position. Commissioner Oddo stated the cities were present and listened to the County, there is no influence. He added that if approved the fact that no Commissioner would be required to serve on the Transportation Committee would not restrict any of the Board members from attending the meeting to stay abreast on what was going on. Commissioner Oddo pointed out that back when the committee was formed the vote was 4-1, with one opposed. He added that the one opposed vote was himself, primarily because of having the Commissioners serve on the committee. Commissioner Oddo stated he felt the Transportation Committee would be better setup if it were similar to the Planning Commission and presented recommendation to the Board for consideration and approval. Commissioner Oddo stated that the idea behind the Transportation Committee was to create a forum to get the municipalities and County together to work in unison. Commissioner Oddo stated that representatives from the Georgia Department of Transportation (GDOT) have commented that they loved the concept of a Transportation Committee and do not see it in other area. Commissioner Oddo stated that over the years the County had experienced a better working relationship with Georgia Department of Transportation (GDOT) than in years prior. Commissioner Oddo stated that the Transportation Committee was valuable having representation from each municipality and the County. He added that he felt that the Transportation Committee could function without having a sitting Board member serving on it. Commissioner Oddo stated that he felt the Board members should not serve on committees he would prefer neutral recommendation be presented to the Board for consideration.

Commissioner Rousseau stated that this discussion was an unintended consequence of his motion and he was not picking on the Transportation Committee. He stated he had also heard favorable comments regarding the Transportation Committee at both the local and regional levels. Commissioner Rousseau stated that the goal of his request was focused on procedure issues and to ensure the Board was working as collective body. Commissioner Rousseau stated that the

current discussion had taken a turn he was not prepared to vote on this evening without digesting all the information. Commissioner Rousseau stated that although it seemed as though the Transportation Committee could function independently of Board member direct influence, he would not want to leave staff exposed to others without internal support from the Board.

Vice Chairman Gibbons moved to remove the requirement to include two members of the Fayette County Board of Commission from the Transportation Committee ordinance effective March 28, 2022, and for staff to recommend replacements at the next Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

### **ADMINISTRATOR'S REPORTS:**

#### **Hot Projects**

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He highlighted the Kenwood Road culvert replacement, Mercedes Trail culvert replacement, Brogdon Road culvert replacement and Fire Station #2.

#### **Selection Committees**

Mr. Rapson advise the Board that a selection Committee was needed for the McIntosh Trail Community Service Board.

Commissioner Oddo moved to nominate Chairman Hearn and Commissioner Rousseau to serve on the McIntosh Trail Community Service Board. Vice Chairman Gibbons seconded. The motion passed 5-0.

**ATTORNEY'S REPORTS:** None

**COMMISSIONERS' REPORTS:** None

**EXECUTIVE SESSION:** None

### **ADJOURNMENT:**

Vice Chairman Gibbons seconded moved to adjourn the April 20, 2021 Board of Commissioners Meeting. Commissioner Oddo seconded. The motion passed 5-0.

The April 20, 2021 Board of Commissioners Meeting adjourned at 8:21 p.m.

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Marlena Edwards, Deputy County Clerk

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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 13<sup>th</sup> day of May 2021. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk