

## 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

July 22, 2021

5:00 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 5:00 p.m.

### Call to Order

Chairman Lee Hearn called the July 22, 2021 Board of Commissioners meeting to order at 5:02 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Chairman Lee Hearn

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

### Acceptance of Agenda

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

### PROCLAMATION/RECOGNITION:

Chairman Hearn recognized Board of Elections Chairman Darryl Hicks for his appointment onto the Georgia Government Transparency and Campaign Finance Commission.

Board of Elections Chairman Darryl Hicks stated that it was an honor to be appointed to the Georgia Government Transparency and Campaign Finance Commission. Mr. Hicks added that in each position he held his desire was to "serve the citizens" be it for Fayette County and now also for Georgia residents. Mr. Hicks stated that he did not make these accomplishments on his own and acknowledged the support and dedication of both the Development Authority Board and the Board of Elections as well as staff.

### 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. 1311-21 A, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 9.88 acres from A-R to C-S to develop a conservation subdivision; property is located in Land Lots 223 of the 4<sup>th</sup> District and fronts on Bernhard Road.**

Mr. Frisina stated that the property request was compliant with the Land Use Plan with a density of 1-unit per 3-acres and was a conservation subdivision. Mr. Frisina stated that the fourteen lot analysis was based on a yield plan that was reviewed by staff and represented what could be yielded from the property and would allow the 3-acre lots to be reduced to 1.5-acre lots. Mr. Frisina added that this would result in 60% of the property being in a development state and 40% being a conservation area leaving it untouched and passive. He added that there were two conditions: 1. that no lot shall have direct driveway access onto Bernhard Road. 2. that the existing single-family residence and any existing accessory structures be removed from the subject property prior to approval of the Final Plat.

Shawn Shanks with Moore Bass Consulting spoke on behalf of Freedom Land Holdings, LLC stating that the request was to rezone from A-R to C-S on three parcels in southern Fayette County and totaled 61.15 acres. Mr. Shanks stated that as part of the rezoning process a yield plan was developed to determine the number of lots on the subject parcel under the R-80 zoning which required a minimum of 3-acres which was consistent with the county's future land use map and surrounding properties. Mr. Shanks stated that the yield plan produced a total of fourteen and had been reviewed and approved by county staff. Mr. Shanks continued stated that using the fourteen lot yield a conservation subdivision layout was developed, using lots that were a minimum of 1.5-acres. He added that the smaller acreage would reduce the required amount of street and infrastructure and would create no impact to the environmentally protected features of the site and less land disturbance. Mr. Shanks stated that the zoning required a minimum of 40% open space, and this would provide over 56% open space.

No one spoke in favor.

**Pamela Pruitt** of Fayetteville stated that she and her parents were long time residents of the area of almost 50 years. Ms. Pruitt stated that the area was quiet and peaceful, and she expressed that she was in opposition to the rezoning.

**Dr. Carol Ferguson** of Fayetteville stated that she moved to the area because of the forested land. She continued stating that when she moved there was a 5-acre requirement. Dr. Ferguson stated that as a licensed Veterinarian she not only enjoyed her community but also the wildlife in the surrounding area. She added that the impact of reducing the lot size requirement would impact nature and change the environment. Dr. Ferguson stated that she was surprised that so many houses would be squeezed into such a small area and added that they should have to meet the 5-acre requirement. Dr. Ferguson also expressed concern regarding the possibility of well water contamination the new development may cause.

**Chip Beall** of Fayetteville thanked that Board for the Pledge of Allegiance and Invocation at the beginning of the Board Meeting. Mr. Beall continued stated that his property was directly across the street from the proposed property. Mr. Beall stated that as a pilot and a US Federal Officer as part of his job duties he had to focus on safety, he continued stating that in reviewing the rezoning proposal he had several safety concerns. Mr. Beall briefed the Board on a tragic accident on Bernhard Road that resulted in the death of Michael Herring. Mr. Beall stated that this accident occurred after the rezoning approval of two lots on Bernhard Road. Mr. Beall stated that his purpose for speaking to the Board was to identify a threat, provide credible testimony, provide facts, and the death of a human being. Mr. Beall demanded that a safety risk analysis be performed prior to the rezoning being approved. Mr. Beall stated that "people will get hurt on the road".

Shawn Shanks stated that he approved of the two conditions. Mr. Shanks stated in response to comments that there would be a single access on Carrolls Way for the one lot, as well as a single access onto Bernhard Road as opposed to multiple lots with individual driveways.

Vice Chairman Gibbons moved to approve Petition No. 1311-21 A, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 9.88 acres from A-R to C-S to develop a conservation subdivision; property is located in Land Lots 223 of the 4th District and fronts on Bernhard Road, with two conditions. Commissioner Oddo seconded.

Commissioner Maxwell stated that in his package he saw two different plats and asked what they were.

Mr. Shanks stated that plat one was the yield plan that was done under the R-80 zoning with a minimum 3-acre lot and the second plat was the conservation subdivisions layout.

Commissioner Maxwell stated that in reviewing this item he noticed there were properties to the west and northwest that were zoned R-40, he asked if those properties had been rezoned or if they were pre-existing.

Mr. Frisina stated that he assumed that those properties were zoned prior to the Land Use Plan currently in place.

Commissioner Maxwell asked what the size lots were on Carrolls Way and Bernhard Road.

Mr. Frisina stated that he would have to check.

Commissioner Maxwell asked Mr. Shanks what the yield would be if the zoning remained at A-R.

Mr. Shanks stated that to his knowledge a layout for A-R had not been done but based on the current yield plan it would be somewhere in the between of six- to eight homes.

Commissioner Maxwell asked if there was a 3-acre overlay in the area.

Mr. Frisina stated that the area was zoned A-R, excepted for the R-40 tracts. He added that the two tracts on the west eastside of Carrolls Way were both 5-acres, the four tracts on the westside of Carrolls Way zoned R-40 were about 1.5-2-acres, and the tracts along Bernard Road were roughly 3-acre size.

Commissioner Maxwell asked Mr. Shanks if he was familiar with the motorcycle incident.

Mr. Shanks respondent that he was not.

Commissioner Maxwell also asked about the sewer/septic systems, paved driveways. potential wetlands, marginal land, and suitable land.

Mr. Shanks provided the Board with a brief overview of the soil mapper diagram.

Commissioner Maxwell asked Mr. Beall for an overview of the tragic accident involving Mr. Herring.

Mr. Beall provided the Board with an overview of when, where, and how the accident occurred.

Commissioner Oddo stated that he understood the need for controlled change and development and had experience it first when he and his family moved to Fayette County in 1970. He stated that he understood the concern for safety and assumed that the appropriate departments would be involved and would require proper protocol and procedure be followed to ensure a safe intersection was built. Commissioner Odd stated that although there are several pros and cons related to this rezoning request it conformed to the rule and ordinances of the County. He added that several years ago the County denied a rezoning similar to this request and was subsequently sued and lost the lawsuit. Commissioner Oddo stated that if there was a good reason to deny the request he would, but he did not feel there was a good reason to do so.

Commissioner Rousseau asked if the proposed area required a minimum lot size of 5-acres, he stated that it was critically important that residents understood that the area had various zonings that permitted certain things.

Mr. Frisina stated that as it was zoned yes it would require a minimum lot size of 5-acres.

Commissioner Rousseau added that the petitioner was requesting a rezoning that was permissible and consistent with County's Land Use Plan. He added that the Board worked hard to remain consistent, create balance and anticipate growth and development as well as safety and the quality of life for current County residents.

Commissioner Maxwell asked the County Attorney Dennis Davenport if there was a filing that a petitioner would submit to the courts as a challenge to the zoning as a part of the record.

Mr. Davenport stated yes, this filing was called a constitutional objection letter and was a prerequisite to explore any remedies after a decision was made by the Board.

Commissioner Maxwell asked if a constitution objection letter had been received.

Mr. Frisina stated no, he does not recall receiving one.

Commissioner Maxwell expressed his concern with approving this rezoning and asked the Board to consider the surrounding areas when reviewing this request.

Vice Chairman Gibbons moved to approve Petition No. 1311-21 A, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 9.88 acres from A-R to C-S to develop a conservation subdivision; property is located in Land Lots 223 of the 4th District and fronts on Bernhard Road, with two conditions. Commissioner Oddo seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

**2. Consideration of Petition No. 1311-21 B, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 1.00 acre from A-R to C-S to develop a conservation subdivision; property is located in Land Lots 223 of the 4<sup>th</sup> District.**

No one spoke in favor.

**Chip Beall** of Fayetteville stated that as it related to the possibility of a lawsuit, he wanted to reiterate his position regarding the potential safety risk, he added that he was identifying a credible threat, providing credible testimony, providing facts, and evidence of the death of a human being, Michael Herring.

**Pamela Pruitt** of Fayetteville stated that she was very disappointed and requested that each of the Commissioner drive down Carrolls Way to see how beautiful it was.

**Mr. Hampton** of Fayetteville asked if a homeowner could go through the same rezoning process to change their lot to accommodate the smaller lot size, or would it require deep pockets to do so.

Vice Chairman Gibbons moved to approve Petition No. 1311-21 B, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 1.00 acre from A-R to C-S to develop a conservation subdivision; property is located in Land Lots 223 of the 4th District, with two conditions. Commissioner Oddo seconded. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

**3. Consideration of Petition No. 1311-21 C, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 50.29 acre from A-R to C-S to develop a conservation subdivision, property is located in Land Lots 223 of the 4<sup>th</sup> District and fronts on Carrolls Way.**

No one spoke in favor or opposition.

Commissioner Maxwell expressed his disappointment and frustration and asked the Board to consider denying this request. Commissioner urged the Board to leave the current A-R zoning in place.

Commissioner Oddo reiterated his previous comments stating that the Board was adhering to a Land Use Plan they created and had to follow. Commissioner Oddo stated that if there was a good reason to deny the request, he would, but he did not feel there was a good reason to do so.

Vice Chairman Gibbons moved to approve Petition No. 1311-21 C, Freedom Land Holdings, LLC, Owners, and Moore Bass Consulting, Agent, request to rezone 50.29 acre from A-R to C-S to develop a conservation subdivision, property is located in Land Lots 223 of the 4th District and fronts on Carrolls Way. The motion passed 3-2, with Commissioner Maxwell and Commissioner Rousseau voting in opposition.

**PUBLIC COMMENT:**

**Dan Tillerson** of Fayetteville stated that he was a resident of Chantilly subdivision and had concerns regarding the property adjacent to his subdivision formally known as Rust Airfield, which was recent for sale. Mr. Tillerson stated that he was advised that a religious organization was in the process of purchasing the property. He continued stating that although he had no issues with the property purchase, he did have concerns because they were already promoting and selling tickets to an event in September prior to closing on the property. Additionally, Mr. Tillerson stated that this event would host between 500-900 people, he added that this event would require tents, porta potties, have an environmental impact, etc. Mr. Tillerson stated that he had concerns related to safety, traffic control, and noise. Mr. Tillerson stated that this event could cause a traffic hazard for residents of the subdivision and stated that an event of that size should not be allowed in residents backyards. Mr. Tillerson asked the Board to please consider putting an injunction in place preventing an event of that magnitude in a peaceful residential area that would impact the residents of the community.

**CONSENT AGENDA:**

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

**4. Approval of the July 8, 2021 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

**5. Consideration of a request from Scott Taylor of T4 Homes Inc., to connect to the City of Fayetteville sewer system.**

Mr. Taylor of T4 Homes Inc. stated that his request was to attach 100 Lake Circle Drive to the City of Fayetteville sewer system, he added that this property was in the Mitchell Estate Subdivision off South Jeff Davis Road. Mr. Taylor stated that in 1972 the Mitchell Family installed a sewer system that would provide for all the lots in the subdivision. He added stating that in 2000 he built an additional five homes in the subdivision, of which, four were attached to the county sewer system and one was attached to the City of Fayetteville sewer system. Mr. Taylor asked for Board permission to attach this property to the City of Fayetteville sewer system.

Mr. Rapson stated that the City of Fayetteville had agreed to perform the sewer connection. He added that this area was served under the service delivery standards via the Water System with the City of Fayetteville with thirteen of the twenty-two homes in the subdivision already connected its sewer system. Mr. Rapson concluded stating that staff's recommendation was to approve the connection.

Vice Chairman Gibbons moved to approve request from Scott Taylor of T4 Homes Inc., to connect to the City of Fayetteville sewer system. Commissioner Oddo seconded. The motion passed 5-0.

**6. Consideration and approval to amend Contract #1113-S with Tyler Technologies in the amount of \$181,954.00 for the purchase and installation of the ExecuTime software and Advanced Scheduling module, including an allowance of \$25,000 for new time clocks.**

Human Resources Director Lewis Patterson stated that this request was regarding the time and attendance software used by all County departments. Mr. Patterson stated that in the early 2000's when the County first looked at automating the collection of time and attendance data, Munis did not offer that type of module and the recommendation and decision was made to go with Kronos. He stated that the current version of Kronos had reached its life cycle, he added that if the County continued to use Kronos it would require new software, the purchase of new time clocks and additional employee training; this would also require Munis and Kronos to construct a custom interface so that the two systems could communicate. Mr. Patterson stated that Tyler Technologies had now acquired a new Munis module called ExecuTime, which was a time and attendance module that seamlessly integrated with Munis and allowed data transfer in real time. He added that this module would still require the purchase of new software, new time clocks and employee training but would not require the custom Munis and Kronos interface construction. Mr. Patterson stated that ExecuTime would be hosted in the cloud, eliminating the need for the County to supply and maintain a new server, perform data base management or be responsible for server repairs and replacement. He added that this software would allow employees to check in on mobile devices by using geofencing, which would create a pre-determined geographic boundary an employee would have to be within to clock-in; this feature would reduce the number of time clocks needed. He continued stating this software would also provide advance schedule modules that would be helpful to public safety. Mr. Patterson concluded stating that after evaluating the pros and cons of these systems he feels it's in the best interest of the County to move to the ExecuTime software. Mr. Patterson stated that his request was to approve to amend the Contract #1113-S with Tyler Technologies in the amount of \$181,954.00 for the purchase and installation of the ExecuTime software and would include \$25,000 for new time clocks.

Commissioner Oddo moved to approve to amend Contract #1113-S with Tyler Technologies in the amount of \$181,954.00 for the purchase and installation of the ExecuTime software and Advanced Scheduling module, including an allowance of \$25,000 for new time clocks. Vice Chairman Gibbons seconded. The motion passed 5-0.

**7. Consideration of staff's request to award Bid #1938-B, West Fayetteville Path from SR 54 to CS 894 Lester Road, to Piedmont Paving Inc. in the amount of \$3,967,499.09 and approval for the Chairman to sign related agreements with the Georgia Department of Transportation for the construction phase of this project (GDOT PI Number 0012878).**

Public Works Director Phil Mallon stated that this project was a City of Fayetteville project that would place a pedestrian bridge across State Route 54 near Piedmont Fayette Hospital as well as about  $\frac{3}{4}$  of a mile of multi-use path. Mr. Mallon stated that there was no cost to the County for this project but advised the Board that the County would serve as the administrators of the project to ensure it would be eligible for federal funding.

Mr. Rapson stated that this was a good example of the County partnering with the City of Fayetteville helping to provide them an approximately \$4M capital asset that they would otherwise not have access to.

Commissioner Rousseau moved to approve to award Bid #1938-B, West Fayetteville Path from SR 54 to CS 894 Lester Road, to Piedmont Paving Inc. in the amount of \$3,967,499.09 and approval for the Chairman to sign related agreements with the Georgia Department of Transportation for the construction phase of this project (GDOT PI Number 012878). Commissioner Oddo seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

Mr. Rapson stated that there were fifteen contracts that were included in the FY2022 budget that he had approved so that the work could be expedited, fourteen of which were associated with the maintenance and operating budgets and two that were in

capital improvement project budgets. He added there was a total of sixteen contract, fifteen were included on this agenda and the last one which was the County Lake stormwater replacement would be listed on the next Board Meeting agenda.

- A. **Contract #1644-B: Hauling Services – Renewal 2**
- B. **Contract #1691-S: Carusol 20 Permanganate – Renewal 2**
- C. **Contract #1697-S: Cal-Flo Lime Slurry – Renewal 2**
- D. **Contract #1699-A: Grass Cutting Services for Kiwanis & McCurry Parks – Renewal 2**
- E. **Contract #1732-A: Seaquest Phosphate Corrosion Control – Renewal 2**
- F. **Contract #1799-A: Firefighter Uniforms – Renewal 1**
- G. **Invitation to Bid #1812-B: Annual Stone Contract – Renewal 1**
- H. **Contract #1815-A: Dust Control Services – Renewal 1**
- I. **Invitation to Bid #1819-B: Annual Pavement Striping – Renewal 1**
- J. **Contract #1918-A: Water System Grass Cutting**
- K. **Contract #1936-S: Purate for Water Treatment**
- L. **Contract #1937-B: Water Treatment Chemicals**
- M. **Proposal #1945-P: Business Personal Property Compliance Audits**
- N. **Contract #1952-S: Spillman Annual Maintenance Agreement**
- O. **Contract #1956-A: Painting South Fayette Water Treatment Plant**

### **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, Brockton Court Culvert Replacement, Brogdon Road and New Hope Road roundabout and Silverleaf Drive culvert replacement and Patricia Lane culvert replacement.

Mr. Rapson stated in response to the comments regarding the “Revive the Way” religious event at Rust Airfield that the County was in communication with the organization and the County had provided an outline of nine requirements needed to be completed. Mr. Rapson stated that the organization was actively working on completing the requirements, he added that he had also provided them with Mr. Tillerson’s contact information so that they could contact him along with the Chantilly Homeowners Association to ensure all parties involved were on the same page

### **ATTORNEY’S REPORTS:**

County Attorney Dennis Davenport advised the Board that a purchase offer of \$29,000 had been presented to the owners of a 14.3-acre parcel at the end of Hewell Road. He continued stating that the owner of the property accepted the offer. Mr. Davenport stated that he needed direction from the Board on how to proceed.

Commissioner Oddo moved to proceed with the purchase of the 14.3-acre parcel on Hewell Rd. Vice Chairman Gibbons seconded. The motion passed 5-0.

Mr. Davenport also advised the Board of a second 1-acre parcel with a home owned by the estate of W.R. Clifton. Mr. Davenport stated that this property appraised for \$236,000. He added that an offer was presented to the owner and was accepted. Mr. Davenport stated that he needed direction from the Board on how to proceed.

Vice Chairman Gibbons moved to move forward with the purchase. Commissioner Oddo seconded. The motion passed 5-0.

**Notice of Executive Session:** County Attorney Dennis Davenport stated there were three items for executive session. There was one item of threatened litigation, one item of personnel and the review of the July 8, 2021 Executive Session Minutes for consideration in Executive Session.

### **COMMISSIONERS’ REPORTS:**

### **Commissioner Oddo**

Commissioner Oddo expressed his appreciation for Darryl Hick stating that he was “the epidemy of what a public servant should be”. Commissioner Oddo continued stating that Mr. Hicks “leaves the politics at the door” and works for everybody in the County and now everybody in the State.

### **Chairman Hearn**

Chairman Hearn advised the Board that at the most recent Atlanta Regional Commission meeting they moved to return to in-person meeting in September 2021. Chairman Hearn also advised that Forsyth county had been accepted as the 11<sup>th</sup> county into the Atlanta metro county region of the Atlanta Regional Commission.

### **Commissioner Rousseau**

Commissioner Rousseau congratulated Darryl Hicks on his appointment to the Georgia Government Transparency and Campaign Finance Commission. He also recognized the appointment of Juvenile Judge Rhonda Kreuziger, to Superior Court Judge. Commissioner Rousseau reminded citizen of the upcoming back-to school vaccination and health fair and encouraged all to attend, this event will be held on Tuesday, July 27, 2021 from 8 a.m. to 4 p.m. at the Fayette County Health Department.

### **EXECUTIVE SESSION:**

**One item of pending litigation, one items of personnel and the review of the July 8, 2021 Executive Session Minutes for consideration in Executive Session.** Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:16 p.m. and returned to Official Session at 6:32 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**Approval of the July 8, 2021 Executive Session Minutes:** Commissioner Oddo moved to approve the July 8, 2021 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

Commissioner Maxwell moved to adjust the base salary of the County Administrator by 6.25%. Vice Chairman Gibbons seconded.

Commission Rousseau stated that he agreed that majority of the time the Fayette County Administrator was exemplary in his performance and in carrying out his duties as it relates to his employment contract with the County, however he was opposed to the 6.25% adjustment and would prefer a 3.25% adjustment. Commissioner Rousseau stated that he was in opposition to the amount not the reason behind the adjustment.

Chairman Hearn commended Mr. Rapson for a job well done.

Commissioner Maxwell moved to adjust the base salary of the County Administrator by 6.25%. Vice Chairman Gibbons seconded. The motion passed 4-1, with Commission Rousseau voting in opposition.

### **ADJOURNMENT:**

Vice Chairman Gibbons moved to adjourn the July 22, 2021 Board of Commissioners Meeting. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The July 22, 2021 Board of Commissioners meeting adjourned at 6:35 p.m.



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Marlena M. Edwards, Chief 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 12<sup>th</sup> day of August 2021. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk