



Action Agenda

Board of Commissioners
March 26, 2015
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on March 26, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Charles Oddo, Chairman
Pota Coston, Vice Chair
David Barlow
Steve Brown
Randy Ognio

Staff Present:

Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk
Dennis Davenport, County Attorney

Staff Absent:

Steve Rapson, County Administrator

Call to Order

Chairman Oddo called the March 26, 2015 Board of Commissioners meeting to order at 7:04 p.m.

Invocation by Commissioner Brown

Commissioner Brown offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as published and to table New Business Items 16 and 17 to the April 9, 2015 Board of Commissioners regularly scheduled meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PROCLAMATION /RECOGNITION:

1. **Recognition of Fayette County's E-911 Communication Director, Cheryl Rogers, for her thirty-six years of service in public safety and for earning the E-911 Director of the Year Award for the State of Georgia.**

Chairman Charles Oddo, the Board of Commissioners, and Assistant Communications Director Peggy Glaze recognized Communications Director Cheryl Rogers for her thirty-six years of service in public safety and for earning the E-911 Director of the Year Award for the State of Georgia.

2. **Recognition in honor of Christian City's 50th anniversary.**

Commissioner Barlow and the Board honored Christian City's 50th anniversary. Special recognition was given to Ms. Rose Marie Harper who was the first female Fayette County Commissioner and who is the founder of Christian City.

3. **Proclamation of Friday, March 27, 2015, as "Advo-Kids Casa Day."**

Commissioner Coston and the Board proclaimed Friday, March 27, 2015 as "Advo-Kids Casa Day" in Fayette County.

4. **Proclamation of April 2015 as "Safe Digging Month in Fayette County."**

Commissioner Brown and the Board proclaimed April 2015 as "Safe Digging Month in Fayette County."

PUBLIC HEARING:

5. **Public Hearing concerning staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License (License #C14-000473) from Tushar Patel and Yijay H. Parikh to Kalpeshbhai Patel, doing business as Fayetteville Chevron Food Mart, LLC., which is located at 1488 Highway 92 North, Fayetteville, Georgia.**

Community Development Director Pete Frisina read the rezoning rules into the record and introduced the first item of Public Hearing. Mr. Frisina stated that staff had reviewed the request and found everything to be "okay."

No one spoke in favor of or in opposition to this request.

Commissioner Brown moved to approve staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License (License #C14-000473) from Tushar Patel and Yijay H. Parikh to Kalpeshbhai Patel, doing business as Fayetteville Chevron Food Mart, LLC., which is located at 1488 Highway 92 North, Fayetteville, Georgia. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

6. **Public Hearing of Petition No. 1243-15, Fland Land, LLC., Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lot(s) 49, 79 and 80 of the 7th District and fronting on Lees Lake Road and Coastline Road. Staff recommends approval with one (1) condition.**

Community Development Director Pete Frisina introduced Public Hearing #6. He reported that earlier in the afternoon that it came to staff's attention that there was a material error in the yield plan associated with the request. He said the error was not caught by staff but it impacts the rezoning and impacts the material provided to the Board of Commissioners. Mr. Frisina stated that the Planning Commission was also unaware of the material error and recommended that the petition be returned to the Planning Commission.

Commissioner Ognio moved to send Petition No. 1243-15 back to the Planning Commission.
Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

7. **Public Hearing of Petition No. RP-055-15, Carter Rocky Fork, LLC., Owner, and Donna Black, Agent, request to approve of the Revision of the Recorded Final Plat for Rock Fork Subdivision to change Lot 15 from a building lot to a common area for a centralized mail kiosk and open space, with said property being located in Land Lot(s) 140 & 149 of the 5 District and fronting on Rocky Fork Boulevard.**

Community Development Director Pete Frisina introduced Petition No. RP-055-15. Agent Donna Black briefed the Board on this request.

No one spoke in favor of or in opposition to this request.

Commissioner Barlow moved to approve Petition No. RP-055-15, Carter Rocky Fork, LLC., Owner, and Donna Black, Agent, request to approve of the Revision of the Recorded Final Plat for Rock Fork Subdivision to change Lot 15 from a building lot to a common area for a centralized mail kiosk and open space, with said property being located in Land Lot(s) 140 & 149 of the 5 District and fronting on Rocky Fork Boulevard. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

8. **Public Hearing on Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.**

Community Development Director Pete Frisina briefed the Board on Ordinance 2015-05 and answered questions from the Board.

Larry Babb: Mr. Larry Babb spoke in favor of Ordinance 2015-05.

No one else spoke in favor of or in opposition to this request.

Commissioner Brown moved to adopt Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval. Commissioner Coston seconded the motion. Discussion followed. The motion passed unanimously.

9. Public Hearing on Ordinance 2015-06 - an ordinance to amend the Fayette County Code of Ordinances Chapter 110. Zoning Ordinance, As Amended, Specifically Article VII. Zoning Board of Appeals and Article IX. Policies, Procedures, and Standards Governing Amendments.

Community Development Director Pete Frisina briefed the Board on Ordinance 2015-06 and answered questions from the Board.

No one spoke in favor of or in opposition to this request.

Commissioner Ognio moved to adopt Ordinance 2015-06 - an ordinance to amend the Fayette County Code of Ordinances Chapter 110. Zoning Ordinance, As Amended, Specifically Article VII. Zoning Board of Appeals and Article IX. Policies, Procedures, and Standards Governing Amendments. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

10. Public Hearing on the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214.

Environmental Management Director Vanessa Birrell briefed the Board on the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214. Mrs. Birrell then answered questions from the Board.

No one spoke in favor of or in opposition to the proposed issuance of a permit for an Inert Landfill Facility.

Commissioner Ognio moved to approve the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

CONSENT AGENDA:

Commissioner Barlow moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

11. Approval of a request from Mr. Morris Lewis, owner and developer of Trustin Lake Subdivision, to approve the change of a road name from Edna Ruth Lane to Trustin Lake Drive.

12. Approval of the March 10, 2015 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

13. Discussion and consideration of staff's recommendation of a revised conceptual design and cost estimate for the Justice Center Park. This request was last discussed at the March 10, 2015 Board of Commissioners meeting.

Public Works Director Phil Mallon quickly briefed the Board on the revised conceptual design and cost estimate for the Justice Center Park before he turned the briefing over to Commissioner Brown. Commissioner Brown also briefed the Board on staff's recommendation and answered questions from the Board.

Mayor Greg Clifton: City of Fayetteville Mayor Greg Clifton discussed how the City of Fayetteville anticipated using Heritage Park and the property at the Historic County Courthouse for city events such as the Lighting of the Christmas Tree.

Commissioner Brown moved to take the budget for the Justice Center Park, Line Item #5110h, to be committed to the Heritage Park Fountain, and to shelve the plans for the Justice Center Park. Commissioner Barlow seconded the motion.

Chairman Oddo asked for the motion to be amended so that it would include that the Board would be kept regularly updated of the Public Art Committee's meetings. Discussion followed.

Commissioner Brown amended his motion to take the budget for the Justice Center Park, identified as Line Item #5110H, and commit its funds to the Heritage Park Fountain, to shelve the plans for the Justice Center Park, and to keep the Board regularly informed of any Committee activities via the minutes and other requested communication. Commissioner Barlow seconded the amended motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS:

14. Consideration of the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential.)

Community Development Director Pete Frisina briefed the Board on the City of Fayetteville's annexation of 467 Veterans Parkway, and he answered questions from the Board. Discussion followed.

Commissioner Brown moved to approve the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential). Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously.

15. Consideration of the City of Fayetteville's annexation of two separate parcels located at and near 475 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to PCD (Planned Community Development).

Community Development Director Pete Frisina briefed the Board on the City of Fayetteville's annexation of two separate parcels located at and near 475 Veterans Parkway, and he answered questions from the Board.

Mayor Greg Clifton: City of Fayetteville Mayor Greg Clifton spoke to the Board about this annexation request and answered questions from the Board.

Commissioner Brown moved to send a response to the City of Fayetteville stating the County does not oppose the annexation of two separate parcels located at and near 475 Veterans Parkway and the rezoning of said property from R-70 to PCD, and to ask the city to take considerations to put some restraints allowing the expeditious implementation of the multiuse path tunnel under Veterans Parkway and to include language in the county's response related to maximum size of the box in conjunction with retail. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-1 with Commissioner Ognio voting in opposition.

16. Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings.

New Business #16 was tabled to the April 9, 2015 Board of Commissioners meeting during the Acceptance of the Agenda.

17. Consideration of Commissioner Brown's request to revise the County Administrator's spending limit to \$50,000.00, with said revision to include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where more than \$50,000.00 could be spent on a particular purchase or multi-year contractual arrangement.

New Business #17 was tabled to the April 9, 2015 Board of Commissioners meeting during the Acceptance of the Agenda.

PUBLIC COMMENT:

Bob Sinclair: Mr. Sinclair, representing St. Gabriel Catholic Church, reminded the Board that the church had sent a letter to each Commissioner stating its position regarding the road project to reconfigure the intersection at State Route 92 and Antioch Road. He asked if the Commissioners had received the letter, and each Commissioner replied they had received the church's letter. Mr. Sinclair asked if the letter could be entered into the public record. Chairman Oddo replied that the letter had been forwarded to the State of Georgia. The Board informed Mr. Sinclair that Public Works Director Phil Mallon could provide information on how to contact the Georgia Department of Transportation, and it stated that the Georgia Department of Transportation would hold a public hearing where it could include the letter in their record.

Emory McHugh: Mr. McHugh spoke for approximately 25 minutes. Mr. McHugh focused on Commissioner Brown's "admission that he had made mistakes and that he wanted to correct some of the erosion of internal controls." He stated that the Tea Party has undermined the control structure of the Fayette County government and how the control structure of Fayette County resembles DeKalb and Gwinnett Counties. Mr. McHugh then gave several examples of how he believes the control structure of Fayette County has been compromised. During his comments, Chairman Oddo asked Mr. McHugh to refrain from specifically naming staff members. Mr. McHugh also spoke about the internal controls regarding placement on the Public Facilities Authority, the purchasing policies, and the 2000 Public Facilities bonds to pay for renovations to the old jail. He spoke about what he anticipates could be staff's wording as to why the "Operating Transfers Out" category exceeded the "Adopted Budget" by \$8 million. He pointed out that the County capitalized meters in the Water Enterprise Fund even though they did not meet its own definition of Capital Assets, and he suggested that the County did so in order to artificially meet the rate covenants on the revenue bonds. Mr. McHugh stated that the County has utilized Internal Service Funds that do not follow the generally accepted accounting principles, and he said the County is disguising deficit funding of vehicles and equipment through the Vehicle and Equipment Replacement fund. Mr. McHugh also gave several other examples of what he believes are the result of a lack of internal controls in Fayette County government. Mr. McHugh closed his comments speaking about why he does not remain at Commissioners' meetings after giving public comment, suggesting that Commissioner Coston obtain a copy of the study prepared by the Eaves Consulting Group as it relates to completing Kenwood Park, and venting about a recent Open Records Request and the responses he had received related to it. Mr. McHugh left the room after giving his public comments.

Frank Gardner: Mr. Gardner suggested that Mr. McHugh take all of his concerns to the Attorney General. He said if Mr. McHugh was willing to make accusations then he should have facts to back them up.

ADMINISTRATOR'S REPORTS:

There was no Administrator's Report.

ATTORNEY'S REPORTS:

There was no Attorney's Report.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow thanked everyone for "hanging in there with us." He stated that Wednesday, March 25, 2015 was Medal of Honor Day throughout the United States, and that he had spent time reading about the soldiers, their feats, and the physical harm they endured. He said he could not say enough about what they have done, and he thought the nation was beginning to embrace how valuable veterans are. Commissioner Barlow stated that there are 22,000 veterans who live in Fayette and Coweta Counties, and how some of the veterans need support. He said he wanted to recognize the Medal of Honor winners.

Commissioner Brown: Commissioner Brown stated that on Saturday, March 28, 2015, the "Suds on the Square" event would take place at the Historic County Courthouse. He said the event was sponsored by the Kiwanis Club and the proceeds would go to charity. Commissioner Brown replied to some of Mr. McHugh's comments.

Commissioner Ognio: Commissioner Ognio replied to Mr. McHugh's comments saying for a man to blame the Tea Party for all the problems was interesting. He pointed out that even though Mr. McHugh has problems with the County's transparency that there are few other boards that would give Mr. McHugh the amount of time that Fayette County gives for him to make his public comments. Commissioner Ognio said he did not understand where Mr. McHugh was coming from, but he agreed that he still did not like the "Stormwater Tax." Commissioner Ognio stated that the problem was that there are stormwater infrastructures that were not maintained in the past necessitating the "stormwater tax." Commissioner Ognio agreed that there are always ways to improve transparency, but that the current Board is much more transparent than previous boards. He said he was open to suggestions on how to make the County more transparent. Commissioner Ognio then thanked the County's Emergency Management Services (EMS) who assisted his cousin who, despite their best efforts, passed away from an aneurism. He said his cousin was already brain dead when help arrived, but he thanked EMS personnel for doing all they could do.

Commissioner Coston: Commissioner Coston expressed sympathy for Commissioner Ognio and said she would pray for his family. She noted that this meeting had gone long so she had no report to give.

Chairman Oddo: Chairman Oddo stated that the Fayette Senior Services would hold its first annual Spring Fling on March 28, 2015, and he encouraged everyone to attend. He expressed sympathy for Commissioner Ognio's family. Chairman Oddo also spoke about the recent passing of former Fayette County Commissioner and Chairman George Patton and of the impact he made for Fayette County. Chairman Oddo also noted that Mr. Matt Bergen's father recently passed away, and that Mr. Bergen works for the Fayette County Water System. He said Mr. Bergen was at

the meeting for the "Safe Digging" Proclamation. Chairman Oddo closed stating there would be a Georgia Department of Transportation public meeting on April 28, 2015 from 4:00 p.m. until 7:00 p.m., and that information about the meeting would be posted to the County's website.

EXECUTIVE SESSION:

There was no Executive Session.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 26, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The March 26, 2015 Board of Commissioners meeting was adjourned at 9:38 p.m.

Floyd L. Jones, County Clerk