

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Patrick Stough, Assistant County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

October 22, 2015
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the October 22, 2015 Board of Commissioners meeting to order at 7:01 p.m.

Invocation by Commissioner Steve Brown

Commissioner Brown offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as written with the addition of the Special Called Meeting Minutes for October 19, 2015 as Consent Agenda Item 4A. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

There were no items of Proclamation / Recognition.

PUBLIC HEARING:

Zoning Administrator Dennis Dutton read the *Introduction to Public Hearings for the Rezoning of Property* into the record and he introduced the first item of Public Hearing to the Board.

1. **Public Hearing on Ordinance 2015-12 to amend the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation.**

Zoning Administrator Dennis Dutton stated that this request was heard by the Planning Commission and that the Planning Commission agreed to the request with a 4-1 vote. He explained that home occupations would be limited to only one chair and only eight persons per day. He added that the home businesses would also have to be approved by the Health Department. He said the opposition vote was concerned about environmental health. Mr. Dutton told the Board that this provision had once been allowed by Fayette County was removed around 2009 at the advice of legal.

Ms. Rhonda Ramos spoke in favor of the proposed ordinance. No one else spoke in favor of or in opposition to the proposed ordinance.

Commissioner Barlow moved to adopt Ordinance 2015-12 to amend the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation. Commissioner Rousseau seconded the motion. Discussion followed. The motion to adopt Ordinance 2015-12 to amend the Fayette County Code of Ordinances, Chapter 110, Article V. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Standards, Sec. 110-169. Conditional Use Approval. X. Home Occupation to allow a barber shop or beauty shop as a home occupation passed 3-2 with Commissioners Brown and Ognio voting in opposition.

2. Public Hearing on Ordinance 2015-13, amending Fayette County's Code of Ordinances, Chapter 110. Article III. General Provisions Sec. 110-94. Buffer, eliminating buffers adjacent to places of worship, colleges and universities, hospitals, private schools, child care facilities, cemeteries, recreation centers and similar institutions registered with the Secretary of State and in A-R or residential zoning districts.

Zoning Administrator Dennis Dutton stated there is a private school that wants to buy a five-acre parcel of land from a church to develop its campus. He said that upon developing the preliminary plat it was discovered that there is a hardship. He explained that churches, schools, and other uses are considered non-residential but they are allowed in residential-zoned areas so long as they meet all the buffers in order to protect the neighborhood. He stated that with the school wanting to locate next to the church in the residentially-zoned area but, given the required buffers, there would be a total 200-foot buffer separating the church and the school with no ability to grant a variance. He said the county already allows for churches to build next to governmental structures or property without buffers and so staff saw this recommendation as a possibility to address the current hardship. He said the proposed ordinance would allow non-conforming uses to be next to each other with reduced buffers and without the imposed hardship.

Mr. Stephen Carpenter spoke in favor of the proposed ordinance. Ms. Mary Carroll spoke in opposition to the proposed ordinance. No one else spoke in favor of or in opposition to the proposed ordinance.

Commissioner Brown moved to adopt Ordinance 2015-13 as written. Commissioner Ognio seconded the motion. Discussion followed.

Commissioner Rousseau moved to table Ordinance 2015-13 to January 28, 2015. Commissioner Barlow seconded the motion. Mr. Rapson asked for the motion to be amended to allow the ability for staff to bring the petition to the Board prior to January 28, 2015. Commissioner Rousseau amended his motion to allow staff to bring the petition back to the Board before January 28, 2015 if possible.

Commissioner Brown moved to send the draft ordinance back to the Planning Commission, for the Planning Commission to review the language, for the Planning Commission to expedite the ordinance if possible, and for the ordinance to return to the Board of Commissioners for consideration on or before January 28, 2015. Commissioner Rousseau seconded the motion. No discussion followed. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 5-0.

3. **Approval of staff's recommendation to authorize the Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council, in the amount of \$99,000.00 and for a grant period from October 1, 2015 through September 30, 2016, and authorization for the Chairman to sign grant related documentation.**
4. **Approval of the October 6, 2015 Board of Commissioners Meeting Minutes.**
- 4a. **Approval of the October 19, 2015 Board of Commissioners Special Called Meeting Minutes.**

OLD BUSINESS:

5. **Consideration of options for prominently displaying the national motto "In God We Trust" in the Public Meeting Room. This request was tabled at the September 24, 2015 Board of Commissioners meeting.**

Commissioner Barlow moved to approve Option #11 of the provided proposals. Commissioners Brown and Rousseau seconded the motion.

Mr. Dan Vines, Mr. Daniel Solly, Mr. David Richardson, and Mr. Arnie Geiger spoke about the motto. Discussion followed.

The motion to approve Option #11 of the provided proposals passed 5-0.

NEW BUSINESS:

6. **Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019.**

Commissioner Brown stated that Mr. McCollum has been stalwart on the Recreation Commission, has participated in the leadership of several sports associations, has one of the most outstanding attendance records of those on the Recreation Commission, and has been elected by his peers on several occasions to the chairman of the committee. He said it would be very hard to find someone to best Mr. McCollum and that Mr. McCollum is well-experienced.

The motion to accept the recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown, to appoint Charles McCollum to the Fayette County Recreation Commission for a four-year term beginning August 31, 2015 and expiring September 1, 2019 passed 5-0.

7. **Consideration of the Town of Tyrone's annexation of four (4) lots consisting of 337, 341, 349 and 359 Old Senoia Road, and the rezoning of said lots from C-H (Commercial-Highway) to M-1 (Light Industrial.)**

Commissioner Ognio moved to approve the Town of Tyrone's annexation of four (4) lots consisting of 337, 341, 349 and 359 Old Senoia Road, and the rezoning of said lots from C-H (Commercial-Highway) to M-1 (Light Industrial.) Commissioner Barlow seconded the motion. Brief discussion followed. The motion passed 5-0.

8. **Consideration of staff's recommendation to award Bid #1030-B: Harp Road at SR 85- Intersection Improvements, to McCoy Grading, Inc. for the bid amount of \$699,497.25, to add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and State Route 85.**

Commissioner Ognio moved to approve the recommendation to award Bid #1030-B: Harp Road at SR 85- Intersection Improvements, to McCoy Grading, Inc. for the bid amount of \$699,497.25, to add auxiliary turn lanes and a traffic signal at the intersection of Harp Road and State Route 85. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

9. **Consideration of a Fiscal Year 2016 budget amendment of \$471,457.00 to include a two-percent (2%) cost-of-living increase effective November 1, 2015 for eligible County employees.**

Commissioner Rousseau moved to approve a Fiscal Year 2016 budget amendment of \$471,457.00 to include a two-percent cost-of-living increase effective November 1, 2015 for eligible County employees. Commissioner Barlow seconded the motion. Lengthy discussion followed. Mr. Frank Gardner spoke about the matter. The motion passed 3-2 with Commissioners Brown and Ognio voting in opposition.

10. **Consideration of staff's request to change protocol on creating and amending county policies and procedures.**

Commissioner Brown moved for all newly-created and amended policies and procedures go before the Board of Commissioners for consideration and approval via vote in an official meeting. Commissioner Ognio seconded the motion. Lengthy discussion followed. The motion passed 3-2 with Commissioners Barlow and Oddo voting in opposition.

PUBLIC COMMENT:

Mayor Greg Clifton: City of Fayetteville Mayor Greg Clifton stated there were many events happening in Fayetteville over the weekend including the 75th Anniversary Celebration of the city fire department, the Chili Fest, the Pumpkin Walk, and Trick-or-Treat on Main Street with the vendors after Market Day concludes at the Gazebo. He stated that the Fayette County High School Marching Band competition would also take place on Saturday as well as the Fayette County High School Hall of Fame Banquet on Saturday night. He said it would be a great weekend and he invited everyone to come and be a part of it.

Aaron Wright: Mr. Wright announced that from 11:00 a.m. to 4:00 p.m. the Fayette County Republican Party would be holding an Oktoberfest with games for the kids and with great food and beverages. He stated that a number of tickets had already been sold and he expected a large crowd. He then invited everyone to come to the event.

Frank Gardner: Mr. Gardner apologized for not attending some earlier meetings. He welcomed Commissioner Rousseau to the Board and he said about three years ago the County took away his hobby. He said when he had to get rid of his hobby he told everyone that his new hobby was to come to the meetings and harass the Board. Mr. Gardner stated three years ago he attended a Water Commission meeting about some floating docks and since that time he has been told several times that the contracts have been let out. He said he did not mean to be personal when he says things but there are a lot of things he does not understand. He said he has come to the County for two or three meetings only to find the door closed and there have been approximately four meetings where the meetings were held at 2:00 p.m. instead of 7:00 p.m. He asked for someone to have enough foresight to put out the word in enough time for people to know when the meeting times change. He appreciated that staff was continuing to work on the floating docks.

Vanessa Birrell: Mrs. Birrell, a citizen of Fayette County, stated that she was, up until a few months ago, a small business owner as well. She reminded the Board that a few meetings ago someone mentioned that unchallenged statements become truth and she stated that the truth is merit raises are given and they are considerably more than two-percent. She said a small business that is run in Fayette County has given merit raises for the past five years to its 20-plus employees and the raises ranged from four-percent to ten-percent. She added that she has been a public servant throughout her professional career which included working for the Commonwealth of Virginia. She stated that Virginia gave merit raises while she worked there in the mid-1990s, and those merit raises ranged from four-percent to seven-percent. She said she received the highest merit raise, that she worked hard for the raise, and she would welcome merit raises for the county. She asked Commissioner Ognio, if merit raises are needed, to ask staff to come forward with the merit raise policy. Mrs. Birrell stated that merit raises could cost the county significantly more than just a COLA.

Warren Oddo: Mr. Oddo spoke for minutes to give another fact-check on Commissioner Brown. He stated that Commissioner Brown made an accusation about settlement discussions on at the October 6, 2015 Board of Commissioners meeting and that the meeting is available for viewing on Livestream. During his comments, Mr. Oddo repeatedly stated that Commissioner Brown has given no evidence substantiating the accusations and that no one has cooberated the accusations. He said he was concerned about Commissioner Brown talking publically about the litigation in publically since he is doing damage to the County's day in court. He stated that in this county a person is innocent until proven guilty but that Commissioner Brown has the order in reverse. He closed by quoting Commissioner Brown: "Shameful. Shameful. I hope we don't go there."

ADMINISTRATOR'S REPORTS:

Selection Committee for the Board of Tax Assessors: County Administrator Steve Rapson asked for a Selection Committee to be formed for a vacating position on the Board of Tax Assessors. Commissioners Brown and Ognio were appointed to the Selection Committee.

Selection Committee for the Board of Health: County Administrator Steve Rapson asked for a Selection Committee to be formed for two vacating positions on the Board of Health. Commissioners Barlow and Rousseau were appointed to the Selection Committee. Commissioner Barlow asked for Doctor Bonnie and/or Doctor Obasanjo to be part of the Selection Committee.

Selection Committee for the Library Board: County Administrator Steve Rapson asked for a Selection Committee to be formed for the Library Board for one vacating position. Commissioners Ognio and Barlow were appointed to the Selection Committee.

Selection Committee for the Planning Commission: County Administrator Steve Rapson asked for a Selection Committee for the Planning Commission for two vacating positions. Chairman Oddo and Commissioner Rousseau were appointed to the Selection Committee.

Selection Committee for the Zoning Board of Appeals: County Administrator Steve Rapson asked for a Selection Committee for the Zoning Board of Appeals for one vacating position. Chairman Oddo and Commissioner Barlow were appointed to the Selection Committee.

Update on the Chemical System: County Administrator Steve Rapson updated the Board on the chemical system at the South Fayette Water Plant. He said the county was in the process of bringing the chemical system on-line by the beginning of the year. He added that there is one additional Change Order that will be processed for a net reduction of \$128,000.00. He explained that the Change Order includes putting in a chemical vault which is the last piece of the project and it should be complete by the end of January 2016. He said work has already started on the filter project and there is additional work going on at the South Fayette Water Plant.

75th Anniversary of the City of Fayetteville's Fire Department: County Administrator Steve Rapson reported that the City of Fayetteville's Fire Department would be celebrating its 75th Anniversary on Saturday, October 24, 2015.

Public Safety Fall Festival: County Administrator Steve Rapson stated that the Public Safety's Fall Festival would take place on Friday, October 23, 2015 at the Justice Center from 5:30 p.m. to 8:00 p.m.

Thank You Letter from the Fayette County Historical Society: County Administrator Steve Rapson reported that he had a thank you letter from the Fayette County Historical Society for the repairs at Starr's Mill including the repairs to the porch.

Response to Frank Gardner's Public Comments: County Administrator Steve Rapson replied to Mr. Gardner's comments by saying the County actually had a bid and budget for the floating dock but it was pulled off the Agenda since it concerned Lake McIntosh instead of Lake Horton which Mr. Gardner was asking about. He said the County was working on a quote for floating docks for Lake McIntosh and when it is ready both the quotes for Lake McIntosh and Lake Horton will be placed on the Agenda for Board consideration.

Comments Concerning Policies and Procedures: County Administrator Steve Rapson stated he was not trying to fight to keep the policies and procedures. He said he was trying to straddle what he knew he had which was a split Board and he tried to do a compromise to get direction in place. He said he and staff were completely fine with moving forward on the direction and he did not want the Board to believe it would impact anything staff does in the future.

ATTORNEY'S REPORTS:

Notice of Executive Session: Assistant County Attorney Patrick Stough reported that he had one item of Pending Litigation and review of both the October 6, 2015 and October 19, 2015 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio

Great Georgia Air Show: Commissioner Ognio reminded everyone that the Peachtree City Airshow was coming up and it would include the Blue Angels.

Breast Cancer Awareness: Commissioner Ognio stated he wore his pink tie since Breast Cancer is more significant to him since his sister would have turned 50 years old on Monday but she passed away in 2009. He said the issue takes on a whole different meaning for him.

Commissioner Rousseau

Commissioner Rousseau did not offer any comments.

Commissioner Barlow

McIntosh Trail Community Service Board: Commissioner Barlow mentioned that he has served on the McIntosh Trail Community Service Board for three years. He reported that he has recently joined the Sheriff's Civilian Academy and that the Academy's schedule conflicts with the McIntosh Trail Board's schedule. He continued reporting that he has resigned from the McIntosh Trail Community Service Board since he would have to miss three consecutive meetings, and he asked one of the Board members if they would be willing to replace him on the Board. Commissioner Barlow then spoke briefly about his experience and education on the McIntosh Trail Community Service Board. The Board asked Commissioner Barlow to send them information on the McIntosh Trail Community Service Board.

Commissioner Brown

Reply to Warren Oddo's Public Comments: Commissioner Brown thanked Mr. Oddo for speaking and he stated he has formally requested for information on who the Chairman has spoken to in terms of the Plaintiffs and what was discussed. He said he would contact Mr. Oddo as soon as he receives an answer.

Negotiation of the Water Contract with Peachtree City: Commissioner Brown stated he has been informed the county is negotiating a water contract with the City of Peachtree City. He said he had not received any communication on it at all and he found out about it when Commissioner Ognio started going to the meetings and found out about it. He asked for anyone who has information to provide it to him. He closed saying no one has received consent and there has been no communication and he stressed that communication is essential.

Great Georgia Air Show: Commissioner Brown hoped everyone would get to see the Blue Angels. He said it was a great event and all funds would be provided to a local charity.

Chairman Oddo

Reply to Chairman Brown's Comments on the Water Contract: Chairman Oddo stated there has been nothing said because there is nothing to say yet, however, the matter would come up shortly.

Reply to Commissioner Brown's Comments about Negotiations: Chairman Oddo stated there has been no evidence provided to what Warren Oddo spoke about and that Mr. Brown's comments did not allay his accusations without evidence. He said Commissioner Brown can keep making accusations but he needs evidence.

World Stroke Day on October 29, 2015: Chairman Oddo stated that Governor Deal has declared October 29, 2015 as World Stroke Day and that it would be Stroke Awareness Day in Georgia. He stated that Piedmont Fayette Hospital is a primary stroke center and has received the "Get with the Guidelines" Stroke Silver Plus Quality Achievement Award from the American Heart Association and the American Stroke Association for 2014. He congratulated Piedmont Fayette Hospital and said it was a diamond in Fayette County.

Death of an American Special Forces Soldier: Chairman Oddo announced that an American Special Forces soldier died in Iraq in the process of freeing seventy prisoners who were not American. He asked everyone to say a prayer for him and his family and he said he cringed every time he thinks of that.

Happy Halloween: Chairman Oddo wished everyone a happy and safe Halloween.

EXECUTIVE SESSION:

Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

The Board recessed into Executive Session at 9:34 p.m. and returned to Official Session at 10:25 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

Approval of the October 6, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the October 6, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

Approval of the October 19, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the October 19, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the October 22, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The October 22, 2015 Board of Commissioners meeting adjourned at 10:25 p.m.

Floyd L. Jones, County Clerk