

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
Dennis A. Davenport, 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

May 26, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the May 26, 2016 Board of Commissioners meeting to order at 7:01 p.m.

Invocation by Chairman Charles Oddo

Chairman Charles Oddo gave the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as published. Commissioner Rousseau seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation of May 26 as "Adrian Romoff Day" in Fayette County.

On behalf of the Board of Commissioners, Commissioner Steve Brown presented Adrian Romoff with a proclamation proclaiming May 26 as "Adrian Romoff Day" in Fayette County. Commissioner Brown spoke of Adrian's numerous accolades and accomplishments. Adrian shared his experience on the Lifetime Network show, "Child Genius" and also his experience performing for the show, "Who's Got Talent".

2. Recognition of Rick and Joanne Minter as the Farm Bureau Georgia Farmer of the Year.

On behalf of the Board of Commissioners, Vice Chairman Randy Ognio recognized Rick and Joanne Minter for being named Farmer of the Year by the Farm Bureau. Mr. Minter thanked the Board for the recognition.

3. Recognition of the Fayette County Water System for receiving the Gold Award for both the Crosstown Water Treatment Plant and the South Fayette Water Treatment Plant, and for receiving the Best Tasting Water Award for District 3 in Georgia from Georgia Association of Water Professionals.

Chairman Oddo requested that the Georgia Water Association of Professionals Chairperson Keisha Lisbon-Thorpe, Water System Director Lee Pope and his staff and County Administrator Steve Rapson come forward to present the awards to the Water System. Ms. Lisbon-Thorpe gave background information and the requirements for the Gold Award and the Best Tasting Water Award for District 3 in Georgia. Mr. Pope and Mr. Rapson congratulated staff on a job well done and commended staff for bringing a troubled water system to gold award status. Mr. Rapson also commended CH2MHill for the work that they provided to the water system.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record.

- 4. Public Hearing of Resolution 2016-06 to amend the Land Use Element Text and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay District in the area of the Intersection of State Route 74, State Route 85 and Padgett Road.**
- 5. Public Hearing of Ordinance 2016-07 to amend the Fayette County Code of Ordinances, Chapter 110, Art. I, Sec. 110-3, Art. IV., Sec. 110-145 and Sec. 110-146, Art. V., Sec. 110-169, Sec. 110-173(3), and Sec. 110-174, concerning the proposed Starr's Mill Historic Overlay District and Overlay Zone.**
- 6. Public Hearing of the proposed Color and Brick Palette for the Starr's Mill Historic Overlay District and Overlay Zone.**

Mr. Frisina stated that items #4, #5 and #6 are related and he read them into the record. Chairman Oddo stated that he would like to get some clarity. He stated that he has questions about how it should be presented to the Board. He asked County Attorney Dennis Davenport if the format that the items are being presented will open the Board up for any legal questions and if it is in the proper format.

Mr. Davenport stated that the Board is typically reviewing amendments to a Zoning Ordinance that has gone before the Planning Commission for a public hearing and possibly a workshop and then brought before the Board of Commissioners for another public hearing. He stated that what is being presented to the Board are two separate documents that are interrelated; the Land Use Plan and the Zoning Ordinance. He stated that in the Zoning Ordinance there are two major revisions. He stated that the way the document is presented, if the sequencing is not particular it could lead to more than one reasonable interpretation. He stated that as written it could be used against the Board. Mr. Davenport recommended that because of the complex nature of what is being presented, that the Board use this time as the first step to understanding the parameters of the items and to allow staff to bring items #4, #5 and #6 back to the Board in thirty days with language to address the sequencing and timing of the two documents and to limit the interpretation to just one reasonable interpretation.

Chairman Oddo asked the Board if they would be in agreement to get more clarity on these items. Vice Chairman Ognio asked if the Board would allow discussion on the items during this meeting. He stated that there are citizens in the audience who came to discuss this item.

Mr. Davenport stated that it is the prerogative of the Board to discuss the items. He stated that the Board could also conduct the Public Hearing and still have another Public Hearing in thirty days. He stated that he would recommend that if a substance discussion is had, that the vote would be taken in thirty days.

Vice Chairman Ognio stated that he would like to hear from the public. Chairman Oddo asked Mr. Frisina to give an overview before hearing from the public. Mr. Frisina gave an overview of items #4, #5 and #6.

Chairman Oddo asked if there were any comments on this item.

Mr. Robert Shell spoke regarding property he owned on the south side of this project and his disapproval of a convenient store being built on the south side. He also spoke regarding paving on Padgett Road.

No one spoke in favor of this item.

There was further discussion regarding this item. Mr. Davenport informed the Board that he would take the information and rework the sequence of the document. He stated that there will not be any substantive changes to the document when it comes back before the Board in thirty days. He stated that after looking at the sequencing, the Board can make changes from the dais or send the document back to the Planning Commission to address areas that are of concern.

Chairman Oddo moved to have the County Attorney address the timing of items #4, #5 and #6 and to bring these items back to the June 23, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. There was no further discussion. The motion passed 5-0.

7. Public Hearing of Ordinance 2016-11 to amend the Fayette County Code of Ordinances, Chapter 110. Article IV.- District Use Requirements Sec. 110-149 – Planned Unit Development- Planned Retreat and Lodge concerning Solar Farms.

Mr. Frisina reported that the Planning Commission was approached by a representative of a solar panel company out of North Carolina that is working with Camp Southern Ground. He shared that Camp Southern Ground is a large Planned Retreat and Lodge (PRL) and is the Zack Brown camp that serves children with special needs that was zoned about four years ago. He continued that Mr. Brown is in the initial phase of developing the camp and the solar company wants to supply solar panels in hopes that the camp can be operated using the solar panels. He stated that the issue the Planning Commission had was that the ordinance is very specific regarding where the solar panels are allowed and based on the definition of the ordinance, solar panels are only allowed in the M-1 zoning district. He stated that this request is to add this one specific use under the Planned Retreat and Lodge which is a sub-category of the Planned Unit Development and is limited to a net metered facility. He stated that the Planning Commission is not looking to create a utility. He informed the Board that if the solar panel creates more power than the camp can use then it goes into a solar grid which allows the camp to receive credit for what was put in the grid. Mr. Frisina stated that if Ordinance 2016-11 is approved then Camp Southern Ground would have to go back through the approval process.

Commissioner Brown commended Zack Brown for putting the money back in the community. He stated that he is concerned about the area being crowded. Mr. Frisina stated that he will have to present any plans back through the process if this ordinance is approved.

Commissioner Brown stated that he would like to see language that says there is a certain amount of time required to remove or repair any inoperative equipment from the site. Mr. Frisina stated that could be added to the approval process for the PUD. There was further discussion regarding this item.

There were no comments in favor or in opposition of this item.

Commissioner Brown moved to approve Ordinance 2016-11 to amend the Fayette County Code of Ordinances, Chapter 110. Article IV.-District Use Requirements Sec. 110-149 – Planned Unit Development- Planned Retreat and Lodge concerning Solar Farms and to include a clause that requires any inoperative equipment to be repaired or disposed of in line with the requirements for cell phone towers. Commissioner Rousseau seconded the motion. There was no further discussion. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Brown moved to accept the Consent Agenda. Commissioner Rousseau seconded the motion. The motion passed 5-0.

8. **Approval of staff's recommendation to award Bid #1095-B, Emergency Portable Radios, to Motorola Solutions to purchase 58 radios for a total amount of \$188,815.23 and acceptance of Motorola Solutions' offer to buy back 58 old portable radios for the amount of \$26,100.00.**
9. **Approval of staff's recommendation to award annual bid #1106-B to Faultless Business Center as the primary vendor and to Concrete Supply Co, Inc. as secondary vendor for dump truck hauling services to begin upon execution and expire June 30, 2017 with the option to renew for two (2) additional one-year terms.**
10. **Approval of the request to fund the Fayette Chamber of Commerce's "Fayette Visioning" initiative, in the amount of \$25,000.00, for the purpose of developing a county-wide brand and for implementing a marketing strategy for economic development and talent recruitment.**

Commissioner Brown stated that he wanted to let everyone know that the Chamber is in charge of overseeing the process of developing a county-wide branding. He stated that a professional marketing firm would be brought in to do the planning and work to put the structure together for the branding. He stated that it would not be a group of average citizens developing the branding and implementing the marketing strategy.

Commissioner Barlow asked Fayette Chamber President and CEO Carlotta Ungaro to come to the podium to speak of her past experience with the branding process. Ms. Ungaro shared her experience and spoke of the citizens that make up the Fayette Visioning Brand Committee.

11. **Approval of the May 12, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENT:

Mr. Frank Gardner spoke regarding his concerns about the zoning that is to take place at Davis Road. Mr. Frisina stated that the zoning had been advertised for June 2 but has since been re-advertised and new signs have been posted.

There were no further public comments.

ADMINISTRATOR'S REPORTS:

Selection Committees: County Administrator Steve Rapson stated that a Selection Committee is needed for the following boards and authorities: One (1) appointment to the Region Six Mental Health Board. Commissioners Brown and Ognio agreed to serve as the Selection Committee. Three (3) appointments to the Public Facilities Authority. Chairman Oddo and Commissioner Brown agreed to serve as the Selection Committee. Three (3) appointments to the Department of Children and Family Services Board. Commissioners Barlow and Rousseau agreed to serve as the Selection Committee.

He continued that a position on Region 4 EMS Council is set to expire in June. He stated that this is a Professional Services Board so there is no need to advertise for vacancies or to establish a Selection Committee. He stated that historically there are

two members from Fayette County and one from Peachtree City. He stated that Peachtree City will need to be advised that the Council will need to appoint someone. He stated that the County's recommendation will be presented in June.

Promise Place Event: Mr. Rapson announced that Promise Place is having a Walk-a-Mile in Her Shoes ® event on June 11 at Heritage Park. He stated that participants are asked to wear a pair of women's shoes and literally walk a mile. He stated that everyone can register and buy a ticket if they prefer not to walk a mile.

Meeting change reminder: Mr. Rapson reminded everyone that the next Board of Commissioners meeting will be held on Tuesday, June 7 at 7:00 p.m. because there was conflict with the ACCG training. He concluded that the Budget Hearing the evening of June 7 as well. June 23 will be a normal Board meeting and on June 30 the second Budget Hearing will be held.

ATTORNEY'S REPORTS:

Notice of Executive Session: Mr. Davenport reported that he had one item involving pending litigation, one item of involving real estate and the consideration of the Executive Session minutes for May 12, 2016.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Congratulations to the Water System: Commissioner Rousseau congratulated the water department and Mr. Pope for the safety and well-being of the County's drinking water.

Midwest Food Bank: Commissioner Rousseau shared that the Midwest Food Bank is trying to raise dollars to build a loading dock. He gave current statistics regarding the organization and the importance of supporting this organization in Fayette County. He stated that the Midwest Food Bank is rated the number two charity in the country based on individual donations. The website for more information is peachtree.midwestfoodbank.org. He encouraged the faith based community, the civic community and the business community and all others to connect with this organization and find a way to assist in their efforts going forward.

Commissioner Barlow:

Thank you: Commissioner Barlow thanked everyone for attending the Board meeting. He stated that on Tuesday he was given his seven month termination notice and that it is with great joy and honor that he served the Fayette County community. He stated that he served under Faith, Family and Fayette County and he will be leaving serving his Faith, Family and Fayette County. He extended a congratulations to Eric Maxwell.

Chalk Art Festival: Commissioner Barlow shared a video he made showcasing the 1st Annual Chalk Art Festival in Fayette County.

Commissioner Brown:

Chalk Art Festival: Commissioner Brown thanked the Public Arts Committee members Heather Cap, Kate LaFoy, Vicki Turner and Charlie Cave and the others for their hard work on the Public Arts Committee.

Water Guardian: Commissioner Brown shared that the second Water Guardian project will take place on Saturday, May 28 at 9:00 a.m. at Lake Horton. He stated that he will be cooking on the grill for the volunteers.

Thank you to Water System: Commissioner Brown thanked Mr. Pope for a great job. He stated that a lot of the water plant enhancements were made in-house by Mr. Pope and his staff. He stated that they saved the County millions of dollars. He stated that he is doing things with technology that no one else in the country is doing at the Water System.

Vice Chairman Ognio:

Thank you: Vice Chairman Ognio thanked all his supporters for their prayers and time during the election. He thanked District 2 for another four years in office. He also thanked Mr. Pope for his efforts. He stated that he has done a great job with the Water System.

Congratulations to the graduates: He congratulated all the high school graduates. He wished them luck in their new endeavors.

Chairman Oddo:

Thank you: Chairman Oddo thanked everyone for their votes on Tuesday. He thanked the candidates for “putting their necks out”. He thanked Commissioner Barlow for serving his term and doing a fine job. He stated that he believes that everyone that is running for office is doing so by believing in this community and with the belief that they can help. He asked everyone to remember that and that everyone is in this to make this county the best that it can be. He asked for those who won to take it with humility and for those who lost to know it is not the end of the road. He stated that he is thankful to serve four more years.

EXECUTIVE SESSION:

Pending Litigation, Real Estate and Review of the May 12, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 8:40 p.m. and returned to Official Session at 8:58 p.m.

Return to Official Session and Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Mr. Davenport reported that there is currently a worker’s compensation claim with an employee named Lance Peebles in the Public Works department for an injury that he sustained a while ago. He stated that the county is being represented by Attorney Robert Goldsmith and Mr. Peebles has an attorney named Tom Holder that is representing his interest. He informed the Board that there was a mediation recently and the terms and conditions of a settlement were reached subject to the Board’s approval and the approval of the State Board of Worker’s Compensation. He stated that the terms and conditions of the settlement are for the injury and medical expenses due to the injury. He stated that the County will pay Mr. Peebles a sum of \$125,000. He stated that in exchange for that payment it will cut off all future medical bills and that as of the date of the approval by the State Board of Worker’s Compensation, Mr. Peebles will agree to sign a standard release that resolves any and all claims that could have arisen from this series of events and it also marks the separation of his employment with Fayette County. He stated that if the proposed settlement meets with the approval of the Board he would like direction to take back to Mr. Goldsmith to be sent to the State Board of Worker’s Compensation.

Chairman Oddo moved to direct County Attorney Dennis Davenport to contact Mr. Goldsmith of the Board of Commissioners’ approval of the settlement to be sent to the State Board of Worker’s Compensation. Commissioner Brown seconded the motion. There was no further discussion. The motion passed 5-0.

Approval of May 12, 2016 Executive Session Minutes: Vice Chairman Ognio moved to approve the May 12, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the May 26, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 5-0.

The May 26, 2016 Board of Commissioners meeting was adjourned at 9:00 a.m.

Tameca P. White, Chief Deputy County Clerk