

## 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

# MINUTES

June 23, 2016  
7:00 p.m.

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### Call to Order

Chairman Oddo called the June 23, 2016 Board of Commissioners meeting to order at 7:00 p.m.

### Invocation by Commissioner Charles Rousseau

Commissioner Rousseau 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. Commissioner Barlow seconded the motion. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

There were no Proclamation / Recognition items on the Agenda.

### PUBLIC HEARING:

- 1. 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.**

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 1," follows these minutes and is made an official part hereof.

This public hearing was originally brought before the Board at the June 9 meeting. Mr. Frisina briefed the Board that a group of citizens at the intersection of State Route (SR) 74, Highway 85 and Padgett Road came to the Planning Commission and requested that the Commission look at the Land Use Plan in the area. The Planning Commission decided to hold off any work at the intersection until SR 74 was completed. Mr. Frisina stated that SR 74 has been completed and, in July of 2015, the Planning Commission staff started working on what is being presented to the Board. He stated that the items include: a

zoning ordinance amendment, color and brick pallet options and a Land Use Plan text and future Land Use Plan map amendments. He stated that agenda items #1, #2 and #3 are related to what is being called the Starr's Mill Historic Overlay District and Overlay Zone. Mr. Frisina continued that there is an existing zoning classification called Limited Commercial (LC) which has not been used and the staff and Planning Commission thought it would be a good low-level or low-intensity commercial district for the area. He stated that this area is the gateway to Fayette County, located in the southern portion of the county. He stated that the goal is to maintain the esthetics, the historic aspects of Starr's Mill, and traffic flow. He stated that staff adapted the LC District into an LC-1 and LC-2. He explained that an LC-1 is similar to an LC-2 and that the only difference is a convenience commercial establishment which would be a typical convenience store that sells gasoline. LC-1 does not allow for it and LC-2 does allow it. Mr. Frisina gave a PowerPoint presentation to include visual examples of the overlay district that includes an architectural standard that would be in association with Starr's Mill. He further explained the types of architecture that would be allowed, which in addition to the Starr's Mill characteristic style, would include a 1800's or early 1900's style called a "one-part commercial block" and the third style is a "two-part commercial block" which is a one-part commercial block with a second story floor. He stated that one of the issues that was discovered is that architects do not like being told how to design buildings, so there is an option that if someone does not want to follow the strict architectural standards, they can present a design that is different but still in character, to be heard in a public hearing process with the Planning Commission and then before the Board for final approval. He further explained that Item #2 is what will be used as the official book that will be kept in the Planning and Zoning office as a reference. He stated that Item #3 is the Land Use Plan. The land use is set up with two corners, one of the corners is LC-2, and the other corner is LC-1. There is also an area that is Office Institutional. He showed a map displaying the area to be identified as the Starr's Mill Historic Overlay District. He pointed out the area that is owned by the county.

Vice Chairman Ognio asked what the area is currently land used for. Mr. Frisina replied that it is all residential and is either agriculture-five acre lots or rural residential. He stated that there is no non-residential land use in the area nor any non-residential zoning.

Chairman Oddo asked if there was anyone who wished to speak in favor of this Public Hearing item. No one spoke in favor of this item. Chairman Oddo then asked if anyone would like to speak in opposition of this item. The following individuals spoke regarding this item:

**Michael Faulkner:** Mr. Faulkner gave accolades for the work done in the area to create a nice gateway. He asked the Board to delay the vote until such time that the Board could make some of the changes to the ordinance. He stated that some of his clients and some of the adjacent property owners, are concerned with the setbacks. He stated that the 100-foot setback becomes confiscatory in the enacting of the ordinance. The other area in the ordinance states that the maximum size of a structure is 3,500 square foot (sq. ft.). He stated that there needs to be more specifics of what the 3,500 sq. ft. is based on. He stated that the ordinance also has a four foot berm that needs to be addressed. He stated that he thinks that will distract from what is trying to be accomplished. He stated that the limitation of 50% parking is also a concern. He stated that depending on the type of company, it may be appropriate to have 50% parking and then it may not be appropriate. He stated that when exercising police powers while doing overlay zonings, the Supreme Court of Georgia requires a balance between the public welfare/benefit and the economics of the individual property owners. He stated that with the 100 foot setback it becomes confiscatory in nature and he does not think an overlay of nine properties is creating a public benefit that out-ways the economic loss of the individual property owners.

**Tim Powers:** Mr. Powers stated that he would like to have a RaceTrac gas station added to this area. He stated that it is time for the zoning to be changed.

**Elaine Powers:** Mrs. Powers spoke in opposition of the way the zoning is currently written. She stated that she has been through variances and they are usually not at the benefit of the citizens. She stated that this property would require many variance issues unless everyone sold their property at one time. She stated that she is opposed to the stringent requirements put on four of the property owners at the corner. She stated that she would like to ask the Board to "re-do" some of the zoning that is included. She stated that the residents that reside there would like to have a convenience store on that end of the county.

**Melisa Harris:** Ms. Harris stated that she represents the property owners who introduced the area and who proposed the enhancing, protecting and designing and development of the south gateway of Fayette County. She stated that she worked for ten years on the gateway of Peachtree City and that this is in alignment with the south gateway of Fayette County. She stated that she lives in the community and has lived here for fifteen years and it is important to her to protect the area and to make sure it all makes sense when moving forward. She stated that her four property owners are in favor of the ordinance. She shared and explained a rendering of the four properties in the area with the Board. She asked that in regards to the 100-foot buffer, is there not already a Highway 75/85 corridor overlay even if this one is not approved. Mr. Frisina stated that all the State highways have an overlay and have a 100-foot setback for structures.

**Michael Faulkner:** Mr. Faulkner returned to the podium to state that, from a listing stand point, he represents the Powers. He stated that he was also contacted by some of the other property owners who also wanted him to speak on their behalf. He reiterated that it was just the issues he mentioned that they objected to and not the overall concept.

**Dennis Shell:** Mr. Shell stated that he actually lives in Meriwether County, but he represents his mother and father who own a portion of the property which is Limited Commercial 2 on the opposite side of Highway 85. He stated that this area had a gas station at one time. He stated that his question is why it is being pushed to the Starr's Mill Historic Overlay District side instead of the Highway 85 connector side where the actual mill is located.

Chairman Oddo closed public comments for this public hearing item.

Vice Chairman Ognio stated that the Board needs to find out about some of the issues before making a motion. He asked if this item was not approved by the Board, could it be taken back to the Planning Commission for further evaluation.

County Attorney Dennis Davenport stated that it is the Board's prerogative to send it back to the Planning Commission for further evaluation. He stated that it is good to give specific direction on why it is being sent back to them. Vice Chairman Ognio asked Mr. Frisina to go over the square footage issue that was mentioned.

Mr. Frisina briefed the Board on the setback and square footage concerns that was mentioned. Mr. Frisina stated that the overlay which would be specific to this intersection and all the State Route overlays have a 100-foot setbacks for structures off the right-a-way. He stated that there is a setback for structures in addition to a 50-foot landscape area and the setback for the building. He stated that it is standard. He continued that the some of the lots are less than an acre. He stated that to develop them on an individual basis is not possible. He stated that an assembly would need to occur in order to make this work. He stated that the convenience commercial establishment is limited to the 3,500 square foot. He stated that the total square footage on the corners is 10,000 square feet.

Commissioner Brown stated that it is in scale with the property and that there would not be a massive rectangular box on a small piece of property with inadequate parking.

Mr. Frisina stated that the parking does not have to be behind the building. He stated that it could be to the side of the building. He stated that the berm is only a prerogative as a condition of zoning and is not required.

Commissioner Brown added that assembling the properties is the only way to make it work. Commissioner Rousseau and Vice Chairman Ognio agreed.

Commissioner Rousseau asked if the issues addressed need to go back before the Planning Commission to incorporate them into the document or if the Board was on "good footing". Mr. Frisina stated that he believed "we are on good footing."

Commissioner Brown stated that his major concern is that he does not want gas stations out there. He stated that a gas station can be placed anywhere else close to the intersection. He stated that over 99% of the real estate has nothing to do with historical significance. He stated that the mill does have a significant historical value. He stated that he has the same

feeling for the Highway 85 connector that he has for this property except no one is asking to develop that area. He stated that he has no problem with anything being in those buildings but he does not want the gas stations.

Commissioner Rousseau asked Mr. Davenport if any of the issues that Mr. Faulkner raised, put up a "red flag" for him. Mr. Davenport stated that he would have to consider the context in which the issues were made. He stated that for example, not having a 100-foot buffer versus changing it to a 100-foot buffer could be an area of concern, but by the same token the ordinance is not rezoning a piece of property. The ordinance is establishing a zoning district and an overlay district and the issues discussed are applying to non-residential development. He stated that Mr. Faulkner does raise some good concerns and these are issues the Planning Commission have probably debated over a period of time and what is presented is the result of their debate and Public Hearings. He stated that based on what is presented he does not see anything from his perspective that gives a "red flag" to stop. Commissioner Rousseau stated that he would like to see a process where citizens can come out and have their questions addressed prior to the document coming before the Board. He stated that he knows it is publicized by Mr. Frisina.

Mr. Frisina stated that he put out a press release, *Fayette County News* published the press release with the map and it was also posted on the County's website.

Commissioner Brown stated that on a one-acre lot, even without the 100-foot setback, by the time the front and rear buffers are included, there is nothing to develop.

Commissioner Barlow asked Mr. Faulkner to come back to the podium. He asked Mr. Faulkner if anyone has ever done a collaboration. He stated that the properties will have to be assembled in order for it to work. Commissioner Barlow shared an example of when he lived in Sedona, Arizona, a gentleman brought in architects and builders from Mexico and built a product called "Tlaquepaque." He stated that the gentleman assembled all the surrounding properties, showed renderings of the area and got everybody on board. He stated that in his humble opinion, if someone were to cobble all the properties together and show what would be developed and everyone was in agreement, that would "fly". Commissioner Brown agreed.

Mr. Faulkner concurred and he stated that assemblage is not his issue. He stated that his issue is some of the things stated in the ordinance. He stated that he is asking the Board to delay the vote and send this back to the Planning Commission.

Chairman Oddo moved to approve 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. Vice Chairman Ognio seconded the motion. There was further discussion. Commissioner Barlow called the vote. The motion failed 1-3-1 with Chairman Oddo voting to approve, Commissioners Brown, Barlow and Vice Chairman Ognio voting against and Commissioner Rousseau abstaining. Copies of the request and PowerPoint presentation, identified as "Attachment 2," follow these minutes and are made an official part hereof.

Vice Chairman Ognio stated that he would like to pass this agenda item without the gas station. Mr. Frisina stated that if the Board does not want the gas station at the intersections, it can be achieved by changing the land use section. He stated that these zonings do not have any impact on whether the gas station goes on the corner or not. He stated that these zonings will be useful in other areas of the county. He stated that if it is the Board's desire to not allow the gas station, then that can be done by amending the Land Use Plan and making it all LC-1. He concluded that he would have to re-advertise and bring the change back to the Board. The Board agreed.

Mr. Davenport made the correction that the changes will be re-advertised and brought back to the Planning Commission and then back to the Board of Commissioners. He stated that while the Board is bringing up compartmentalized issues, those issues have far-reaching effects in several of the documents. He stated he needs direction regarding the Starr's Mill Overlay District which talks about commercial convenience stores and canopies. He stated that he presumes the direction is to remove anything that talks about gas stations and the Starr's Mill Overlay Zone.

Vice Chairman Ognio and Commissioner Brown stated yes. Commissioner Brown stated that LC-2 could include the convenience store.

Mr. Davenport stated that since the Board has denied the LC-1 and LC-2 rezoning districts, they do not exist. He stated that the only thing left is the LC and that is for items #2 and #3 the Board should note that there is nothing to vote on.

**2. Public Hearing of the proposed Color and Brick Palette Resolution for the Starr's Mill Historic Overlay District and Overlay Zone.**

Commissioner Rousseau moved that the Public Hearing of the proposed Color and Brick Palette Resolution for the Starr's Mill Historic Overlay District and Overlay Zone item be deemed moot based on the vote of 1-3-1 on Item #1. Commissioner Brown seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

**3. 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.**

Commissioner Rousseau moved that the 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 item be deemed moot based on the vote of 1-3-1 on item #1. Commissioner Brown seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

**4. Consideration of Petition No. 1250-16, Ron Zappendorf, Owner, request to rezone 2.45 acres from C-H to M-1 to allow for an auto repair, paint and body shop located in Land Lots 200 and 201 of the 5th District and fronts on SR 85 North with one (1) Condition.**

Mr. Frisina stated that both the staff and Planning Commission recommended approval with one (1) condition.

Mr. Ron Zappendorf stated that he owns property south of Dixie Land on the same side of the road. He stated that his property is zoned C-H in an island of M-1 properties. He stated that he is requesting approval of M-1 to do internal small body repair on vehicles for the car lot. He stated that the condition is a variance for setback because of the difference between C-H to M-1. He stated that he would comply with this condition.

There were no comments in favor of this petition. There were no comments in opposition to this petition.

Commissioner Rousseau moved to approve Petition No. 1250-16, Ron Zappendorf, Owner, request to rezone 2.45 acres from C-H to M-1 to allow for an auto repair, paint and body shop located in Land Lots 200 and 201 of the 5th District and fronts on SR 85 North with one (1) Condition. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown stated that this is a difficult sight that has been turned away for this use before. He stated that there were watershed concerns which are the same concerns that still exist. He stated that the property needs two variances. He stated that he thinks this is the wrong property for the use. He stated that typically there should not be paint and things of that nature in a watershed areas which were the same issued sighted in 2001.

Vice Chairman Ognio stated that he knows this property has had issues. He stated that his concern is what would be the rules because the property is close to the wetlands. He noted that Vanessa Birrell, Environmental Management Director was not present. Mr. Frisina stated that her response is in the background information. He stated that the paint shop is regulated by the State as well.

Commissioner Rousseau moved to approve Petition No. 1250-16, Ron Zappendorf, Owner, request to rezone 2.45 acres from C-H to M-1 to allow for an auto repair, paint and body shop located in Land Lots 200 and 201 of the 5th District and fronts on SR 85 North with one (1) Condition. Commissioner Barlow seconded. The motion passed 4-1 with Commissioner Brown voting in opposition. Copies of the request, Rezoning Ordinance 1250-16, Rezoning Resolution 1250-16 identified as "Attachment 5," follow these minutes and are made an official part hereof.

**5. Consideration of Petition No. 1256-16. Claudine B. Morris, Christine B. Thornton, & Betty S. Shubert, Owners and Randy Boyd, Agent request to rezone 100.967 acres from A-R to R-50 to develop a single-family residential subdivision with 68 lots located in Land Lots 104 of the 7th District and fronts on Dogwood Trail.**

Mr. Frisina stated that staff recommends approval, the Planning Commission recommends denial and there are no conditions.

Mr. Randy Boyd stated that he represents Betty Shubert, Claudine Morris and Christine Thornton in this rezoning request. He stated that the property is located on the south side of Dogwood Trail and it is east of Crabapple and backs up to Peachtree City and is about 100.967 acres. He stated that Mrs. Shubert and her husband took title of the property in 1960. He further explained that Claudine Morris's and Christine Thornton's uncle took title in 1947. He stated that the property is zoned A-R and they are asking for an R-50 rezoning request. He stated that this is the same property that went before Peachtree City for an annexation which is a two phase process. He stated that R-50 is a one acre minimum with a house size of 2,100 sq. ft. He asked that the Board consider this request as presented.

There were no comments in favor of this petition. The following individuals spoke in opposition of this petition.

**Russ Korn:** Mr. Korn stated that he is a board member of the Kedron Hills Homeowners Association (HOA). He stated that he is speaking in opposition of this petition on behalf of the neighborhood. He stated that Peachtree City, in part, did not want to annex this property because it did not fit the density structure of the City's Land Use Plan. He stated that it does not fit Fayette County's Land Use Plan. He stated that if the Board approves R-50 it will open the door for more R-50 properties in that area. He stated that Kedron Hills fully supports the decision of the Planning Commission and ask the Board to deny the petition.

**Scott Beamer:** Mr. Beamer stated that he is the president of the Kedron Hills HOA. He stated that he represents 194 homes. He stated that he does not recall anyone saying that they like this idea. He supports the points that Mr. Korn stated.

Mr. Boyd returned to the public podium to give further clarification of his position for this petition. He stated that he is adhering to the Comprehensive Land Use Plan of Fayette County. He stated that the plan calls for anything dedicated to stormwater management be one to two acres and they are at 1.22 acres. He shared a map with the Board to further explain his position.

Commissioner Brown moved to deny Petition No. 1256-16. Claudine B. Morris, Christine B. Thornton, & Betty S. Shubert, Owners and Randy Boyd, Agent request to rezone 100.967 acres from A-R to R-50 to develop a single-family residential subdivision with 68 lots located in Land Lots 104 of the 7th District and fronts on Dogwood Trail. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown stated that he would vote for R-70 because of its lighter density. He stated that Fayette County has had more requests for changes to higher density in the past year because the County's housing market is hot. He stated that it is driving the market up and is causing some to pay more in property taxes. He stated that the beauty of Fayette County, and the reason many moved to the County is the "quality of life". He stated that the sure way to kill the quality of life is to start cramming higher density developments down every street.

Commissioner Rousseau stated that he agreed with Commissioner Brown and that it puts the Board in an awkward position when these requests come before the Board. He stated that he would like to note, for those who were in agreement with the statements that were made, that they also live in subdivisions that have one-acre lots. He stated that the Board has to be careful in regards to putting pressures on the infrastructure. He stated that Mr. Boyd is correct regarding the zoning permission of one to two acres.

Vice Chairman Ognio stated that Peachtree City has higher density but the Fayette County area does not have high density. He stated that the County does not have the infrastructure for that type of development. He stated that traffic is currently an issue and denying this petition is the right thing to do.

Chairman Oddo stated that the Land Use Plan does allow flexibility and there is an option of higher density or low density within the zoning. He stated that he understands the owner's desire but that R-70 is more appropriate in this area. He stated that the Board has to look at the entire county and not just this parcel.

Commissioner Brown moved to deny Petition No. 1256-16. Claudine B. Morris, Christine B. Thornton, & Betty S. Shubert, Owners and Randy Boyd, Agent request to rezone 100.967 acres from A-R to R-50 to develop a single-family residential subdivision with 68 lots located in Land Lots 104 of the 7th District and fronts on Dogwood Trail. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

#### **CONSENT AGENDA:**

Commissioner Brown requested to remove Consent Agenda Item #11. Commissioner Brown moved to approve the Consent Agenda with the exception of Consent Agenda Item #11. Commissioner Barlow seconded the motion. The motion passed 5-0.

- 6. Approval of the appointment of Peachtree City Battalion Chief Chad Matheny and re-appointment of Peachtree City Assistant Chief Kevin Baggett to the Office of Emergency Medical Services Regional 4 Council for a two (2) year term expiring on June 30, 2018. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.**
- 7. Approval of staff's recommendation of the maintenance agreement between Fayette County and Motorola for the 800 MHz ASTRO Simulcast System and to authorize the Chairman to sign the renewal contract, in the amount of \$539,196.47 for the term of July 1, 2016 through June 30, 2017. Copies of the request and contract, identified as "Attachment 8," follow these minutes and are made an official part hereof.**
- 8. Approval of staff's recommendation to enter into a \$312,500 Subgrant Agreement with the Atlanta Regional Commission (ARC) for an update to the Fayette County Comprehensive Transportation Plan (CTP) and to authorize the Chairman to sign the agreement. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.**
- 9. Approval of a request from Peachtree City to execute an Intergovernmental Agreement with Fayette County to share costs, not to exceed \$14,987.50, for maintenance work on the pedestrian bridge along Redwine Road near the entrance of the Preserves Subdivision and to authorize the Chairman to sign the agreement. Copies of the request and Intergovernmental Agreement, identified as "Attachment 10," follow these minutes and are made an official part hereof.**
- 10. Approval of staff's recommendation to add Flowers Field subdivision to Fayette County's Street Light Program. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.**

**11. Approval of the June 7, 2016 Board of Commissioners Meeting Minutes.**

Commissioner Brown was absent for the June 7, 2016 Board of Commissioners meeting.

Vice Chairman Ognio moved to approve the June 7, 2016 Board of Commissioners Meeting Minutes. Commissioner Rousseau seconded. The motion passed 4-1 with Commissioner Brown abstaining.

**OLD BUSINESS:**

There was no Old Business item on the Agenda.

**NEW BUSINESS:**

**12. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Donald Sission, Taya Scott and Dr. Loida Bonney to the Fayette County Hospital Authority for appointment.**

Commissioner Brown gave explanation of the process for these nominations.

Commissioner Brown moved to approve the recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Donald Sission, Taya Scott and Dr. Loida Bonney to the Fayette County Hospital Authority for appointment. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

**13. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Dr. Mark Morehart, Therol Brown and James Oliver, Jr. to the Fayette County Hospital Authority for appointment.**

Commissioner Brown moved to approve the recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Dr. Mark Morehart, Therol Brown and James Oliver, Jr. to the Fayette County Hospital Authority for appointment. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

**14. Consideration of a recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Timothy Etson, Sr., Lavonia Stepherson and Charles Oddo to the Fayette County Hospital Authority for appointment.**

Chairman Oddo recused himself from the vote and Vice Chairman Ognio presided over the vote.

Commissioner Brown moved to approve the recommendation from the Selection Committee, comprised of Commissioners David Barlow and Steve Brown and Mr. Scott Wolfe to nominate Timothy Etson, Sr., Lavonia Stepherson and Charles Oddo to the Fayette County Hospital Authority for appointment. Commissioner Barlow seconded. The motion passed 4-1 with Chairman Oddo abstaining. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.

**15. Consideration of a recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner Charles Rousseau to nominate Charlie Cave, Robert Johnson, Samuel Patton, Heather Cap and Donna Rosser to the Fayette County Public Arts Committee to serve a term of one (1) year beginning June 1, 2016 and expiring May 31, 2017.**



Commissioner Rousseau thanked everyone who submitted application for this appointment. He stated that he stands steadfast that this committee can do great things for the county. He also publicly thanked Commissioner Brown for bringing this committee to the forefront and to the residents who have participated in this committee and who see the greater vision and as a result, bring quality services to the county.

Chairman Oddo also offered thanks to Commissioner Brown for initiating the arts committee. He stated that it has matured and has reached a point where the citizens can take it over. He stated that they will continue to bring items to the Board for approval.

Vice Chairman Ognio asked the candidates stand for recognition.

Commissioner Rousseau moved to approve the recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner Charles Rousseau to nominate Charlie Cave, Robert Johnson, Samuel Patton, Heather Cap and Donna Rosser to the Fayette County Public Arts Committee to serve a term of one (1) year beginning June 1, 2016 and expiring May 31, 2017. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown read a prepared statement into the record regarding the Public Arts Committee. The statement read as follows:

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"I have a statement to read into the record.

I understand the political underpinnings of why I was not appointed to a project that I initiated, grew and worked tirelessly on, enjoying every moment of watching our citizens use their creativity. I do not appreciate the action, but I do understand how that system works.

It's one of the reasons I find government to be the single entity that needs accountability more than the rest.

When a colleague on the Board suggested language to me for the structuring document for the Public Art Committee that no elected official be in the leadership role, which was me, I accepted that arrangement. Wanting to move forward, I voted for the document and looked forward to working with an incredible bunch of citizens who enjoyed creating fun and successful projects for local residents.

I understand the dichotomy of "it's OK for some commissioners to be in leadership positions on committees, authorities and the like, or eligible for those spots, but not others," but I will never endorse nor encourage such discriminatory tactics.

During my years of government service, I have never attempted to espouse or participate in such undertakings.

Commissioner Barlow and I just recently stated to a hospital official that we insist that Chairman Oddo be reappointed to the Hospital Authority Board. I still make that recommendation. I have certainly not agreed with all of the Chairman's actions or lack of actions, but I am willing to see him actively participate as a representative of our Board on the Authority.

Chairman Oddo and Commissioner Ognio are serving on the new Transportation Committee and I voted in favor of both their appointments. Commissioner Ognio is serving as the committee's chairman and I am delighted that he is taking the lead.

In 2013, I asked Commissioner Barlow to take the Chairman's position on the county's Board of Health. He accepted and is now that Board's Chairman and doing a nice job.

I was saddened to see certain other persons left off the committee. One individual donated personal art works to the county and volunteered at various committee events. Another had an extensive arts background and was a vital part of creating and running a very successful event for the committee.

The disappointment comes from knowing that three people who were always critical of the committee, never volunteered for anything and even attempted to undermine committee projects got on the appointment list.

I refuse to subscribe to such tactics.

Since the appointees have been listed for approval en masse instead of individually as we normally do it, I will abstain from the votes so that it does not appear that I am voting against those on the list whom I think are qualified and capable of giving of themselves in a positive and constructive way.”

Chairman Oddo responded to Commissioner Brown’s statement:

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Commissioner, I will make one statement that this is not political and I do believe this is up to the citizens now and I am very grateful to all the citizens who offered incredible amount of talent. And I think it’s up to them to take this and move forward with it. So I appreciate it and I will respectfully disagree.

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Commissioner Rousseau moved to approve the recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner Charles Rousseau to nominate Charlie Cave, Robert Johnson, Samuel Patton, Heather Cap and Donna Rosser to the Fayette County Public Arts Committee to serve a term of one (1) year beginning June 1, 2016 and expiring May 31, 2017. Commissioner Barlow seconded. The motion passed 4-1 with Commissioner Brown abstaining. A copy of the request, identified as “Attachment 17,” follows these minutes and is made an official part hereof.

**16. Consideration of a recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner Charles Rousseau to nominate Jeffrey Mellin, Roshier Sbaja, Tina Brown, Donna Thompson, Vicki Turner and Richard Brown to the Fayette County Public Arts Committee to serve a term of two (2) years beginning June 1, 2016 and expiring May 31, 2018.**

Commissioner Rousseau moved to approve the recommendation from the Selection Committee, comprised of Chairman Charles Oddo and Commissioner Charles Rousseau to nominate Jeffrey Mellin, Roshier Sbaja, Tina Brown, Donna Thompson, Vicki Turner and Richard Brown to the Fayette County Public Arts Committee to serve a term of two (2) years beginning June 1, 2016 and expiring May 31, 2018. Commissioner Barlow seconded. The motion passed 4-1 with Commissioner Brown abstaining. A copy of the request, identified as “Attachment 18,” follows these minutes and is made an official part hereof.

**17. Consideration of the City of Fayetteville annexation of 29.63 acres east of Price Road Estates Subdivision, and the rezoning of said property from R-40 (Single-Family residential) to RTHC-PUD (Residential Townhouse Condominium).**

Mr. Frisina stated that this is an overall development plan for an area that is in the City of Fayetteville but included is a portion of property that is in the unincorporated Fayette County. He stated that this is the second phase of the Price Road Estates Subdivision with approximately 20 lots in the area. There are approximately 54 lots in this area that are bisected by the lines. He stated that he, Chairman Oddo and Vice Chairman Ognio met with the City Manager and Planner for the City of Fayetteville and everyone agreed that this was an increase in density and intensity over what the County’s land use or zoning would allow. He stated that one of the issues he had was the crossing of the stream and the number of lots. He continued that a map was resubmitted and it took the lot count down from 54 to 39 lots which is still a much higher density or intensity than what the County would allow but it did eliminate the stream crossing and provided a better buffer for the surrounding county properties. He stated that in his opinion the newly submitted map proposal is a good compromise. He stated that he does not recommend objecting to this portion. He stated that if the Board wishes to object, the objection has to be delivered by June 28, 2016 via certified mail or statutory overnight delivery and should include what material burdens would be placed on the county by the annexation.

Commissioner Brown questioned if the response had to be given based on the timeline from the submission of the first plan or the second plan. He expressed that he thought it should be based on the second submission and not the first one. Commissioner Ognio agreed.

County Attorney Dennis Davenport stated that the official plan provided to the Board initially is the first plan. He stated that the same people who provided the first plan also provided the second plan. He explained that the Board has the ability to start the clock over and go thirty more days from the second submission. He stated that from his understanding Fayetteville's proposal in the second plan would be the official plan. He stated that the timeframe of June 28 could be extended if the Board chose to recognize the second submission as of the date submitted.

Commissioner Ognio stated that even in the second plan the density is higher than what the County would allow. Mr. Frisina confirmed that both plans are higher. Commissioner Ognio stated that he would still object to the annexation.

Chairman Oddo called for comments in favor of the petition. There were no comments in favor of the petition. He called for comments in opposition of the petition. The following spoke regarding this petition.

**Tonya Mathis:** Ms. Mathis spoke in opposition.

Chairman Oddo clarified that a lot of the emails and correspondence that the Board has received has been regarding this plan. He stated that this matter beyond the County's control. He stated that the only thing the Board can take care of is whether not to object to the piece of property and whether or not it meets the County's land use plan. He stated that the Board is happy to listen to the objections but the objections will have to be directed to the City of Fayetteville, who is in charge of this plan with or without the County's piece of property. He stated that the City will hold a meeting the following week regarding this project.

Two citizens who did not identify themselves, spoke in opposition.

**Brian Rochester:** Mr. Rochester with Rochester and Associates, representing Fayette Ventures, spoke in favor of the proposal. He stated that there is no proposed connections to any of the other subdivisions. He continued that this property that is already in the city is already zoned for townhomes. He stated that the rest of the property is zoned for intense retail use. He stated that it is denser than what would currently be allowed, however, he felt like a compromise is offered that would give two thirds of the remaining property open space. He stated that the development is being pushed closer to what is already in the city.

**Michael Harris:** Mr. Harris spoke in opposition.

**Mayor Edward Johnson:** Mayor Johnson of the City of Fayetteville spoke in opposition. He stated that the City of Fayetteville has inundated with request from developers for high density multi-family dwellings. He stated that the City is researching with attorneys on how to abate these request. He stated that the City is not ready to handle a request such as this. He requested that the Board deny the request for annexation.

**Steve Goulas:** Mr. Goulas, a City of Fayetteville Planning and Zoning member spoke in opposition.

**Doug Powell:** Mr. Powell spoke in opposition.

**Mary Carroll:** Ms. Carroll spoke in opposition.

**Gregory Moon:** Mr. Moon spoke in opposition.

**Michael Stevens:** Mr. Stevens spoke in opposition.

**Nick Dowdy:** Mr. Dowdy spoke in opposition.

**Jennifer Ringhoffer:** Ms. Ringhoffer spoke in opposition.

**Dan Arnett:** Mr. Arnett spoke in opposition.

**John Cernickey:** Mr. Cernickey spoke in opposition.

**Lindsey Cernickey:** Ms. Cernickey spoke in opposition.

Chairman Oddo closed public comments.

Commissioner Brown moved to challenge the City of Fayetteville annexation of 29.63 acres east of Price Road Estates Subdivision, and the rezoning of said property from R-40 (Single-Family residential) to RTHC-PUD (Residential Townhouse Condominium) and to request that the City of Fayetteville offer official notification to the developer that they will not accept the property which will end the process. Commissioner Rousseau seconded. Discussion followed.

Commissioner Brown stated that Department of Transportation (DOT) wants to take over McDonough Road. He stated that they need that road for an arterial transportation corridor. He stated that DOT District 13, which is Clayton and Henry County, wants those projects. He stated that Fayette County cannot stop development, but the goal is to minimize the damage.

Vice Chairman Ognio encouraged the citizens to let their voices be heard. He stated that the County does not want to be like other areas. He stated that the County wants open areas and it is inevitable that developers want to come to the County because of the open land. He stated that they come and make their money and leave and the County would be stuck with the traffic issues. He congratulated the citizens for coming out to speak on this issue.

Chairman Oddo thanked Mayor Johnson for expressing his position. He also thanked Mr. Rochester for attending.

Commissioner Brown moved to challenge the City of Fayetteville annexation of 29.63 acres east of Price Road Estates Subdivision, and the rezoning of said property from R-40 (Single-Family residential) to RTHC-PUD (Residential Townhouse Condominium) and to request that the City of Fayetteville offer official notification to the developer that they will not accept the property which will end the process. Commissioner Rousseau seconded.

After discussion, Commissioner Brown restated the motion to include the word, "object".

Commissioner Brown moved to object the City of Fayetteville annexation of 29.63 acres east of Price Road Estates Subdivision, and the rezoning of said property from R-40 (Single-Family residential) to RTHC-PUD (Residential Townhouse Condominium) and to request that the City of Fayetteville offer official notification to the developer that they will not accept the property which will end the process. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part hereof.

#### **PUBLIC COMMENT:**

**John Thompson:** Mr. Thompson gave a "shout out" to Parks and Recreation Director, Anita Godbee, Deputy Chief Tom Bartlett and the teams in place for the Balloons Over Fayette festival. He stated that it was extremely hot, but that he had a delightful time and kudos to the Commissioners for moving forward with this. He stated that it is nice to know that a family event like this can be held in Fayette County.

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

Steve Rapson, County Manager was absent. Chairman Oddo reminded everyone that the Board of Commissioners will hold a Special Called Meeting on Thursday, June 30 at 7:00 p.m. for the purpose of holding the second hearing for the fiscal year 2017 budget.

### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport notified the Board that he had six items for Executive Session. Two (2) items of Threaten Litigation, two (2) items of Pending Litigation, one (1) item of Real Estate and to review of the June 7, 2016 Executive Session Minutes for consideration in Executive Session.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Brown:**

**Public Arts Committee:** Commissioner Brown stated that he appreciated the time on the Public Arts Committee and that he hopes it goes well. He stated that he looks forward to seeing what they come up with.

**Hospital Authority:** Commissioner Brown stated that he and Commissioner Barlow are on the Selection Committee for the Hospital Authority and it is incredible the amount of talent in Fayette County. He stated that the real shame is that he has to turn some of the applicants away. He thanked everyone who applied for the various committees. He encouraged the applicants who are not appointed to continue to look for opportunities to apply.

#### **Vice Chairman Ognio:**

**Voters Encouraged to Vote in July 2016 Runoff Elections:** Vice Chairman Ognio reminded the audience that a runoff election was upcoming and is very important. He challenged Fayette County voters to get out and have a higher voter turnout than the primary election.

**Balloons Over Fayette Festival:** Vice Chairman Ognio stated that the balloon festival was great. He stated that those who worked it were in the heat and had to handle a lot of the issues that occurred due to this being the first event like this one. He stated that a lot more people attended than expected but that was a good thing. He stated that the County is looking to do it again and possibly at a different location. He thanked the staff and the volunteers that worked all day in the heat. He stated that it shows the kind of citizens that are in Fayette County. He stated that maybe the Board could have them recognized at an upcoming meeting.

#### **Commissioner Rousseau:**

No comments.

#### **Commissioner Barlow:**

**Balloons Over Fayette Festival:** Commissioner Barlow thanked everyone for attending. He also gave kudos to those who were at the balloon festival. He stated that it was anticipated that 1,250 people would attend and there were 7,000 tickets sold and children under five were free. He stated that he arrived at 10 a.m. with Pete Frisina and he was amazed at the number of staff that were present. He stated that the best part was the families with young children that attended. He stated that the final count was around 10,000 to 12,000 people. He stated that there were a tremendous amount of difficulties, but they were handled.

**Board of Health:** Commissioner Barlow stated that Dr. Yolanda Wade, who was one of the unselected applicants for the Board of Health, is a big walker and that she wanted to start a walking program. He stated that he recruited her independently and he

and Dr. Wade have come up with a walking program called "Walk-About Fayette". He stated that it will meet weekly at the different parks in Fayette County. He stated the official launch will likely take place toward the end of July and the idea is that the Board of Health would lead the walk.

**Chairman Oddo:**

**Balloons Over Fayette Festival:** Chairman Oddo thanked the staff who worked the festival. He stated that he was at the follow-up staff meeting with the County Manager and although they were all talking about the glitches they all agreed that they would like to do it again next year.

**4th of July:** Chairman Oddo wished everyone a Happy 4<sup>th</sup> of July. He stated that everyone should reflect on the day and celebrate the day.

**EXECUTIVE SESSION:**

**Two (2) items of Threaten Litigation, two (2) items of Pending Litigation, one (1) item of Real Estate and to review of the June 7, 2016 Executive Session Minutes:** Commissioner Brown moved to recess into Executive Session. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 10:07 p.m. and returned to Official Session at 10:53 p.m.

**Return to Official Session and Authorization to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to official session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 20," follows these minutes and is made an official part hereof.

**Condemnation of the Graves Estate:** Mr. Davenport briefed the Board that they were able to resolve a condemnation of one of the properties on West Fayetteville Bypass owned by the estate of Graves. He stated that the terms and conditions for the final resolution would require the County to purchase a remnant that was left behind. He stated that the remnant's total acreage is 8.295 acres. He stated that in the terms and conditions stated they would accept the value of the property as previously agreed to for the other portion of the property which is \$11,000 an acre. He stated that if that is costed out it will total \$91,245, however, since the County has already paid for a permanent easement across the same 8.295 acres there will be a credit of \$5,010.50 and in addition the County has already paid consequential damages on those 8.295 acres in the amount of \$9,900. He stated that when those credits are added, the County's net cost is \$76,334.50. He asked for Board direction should the settlement have the Board's approval.

Vice Chairman Ognio moved to approve the condemnation as described by the County Attorney. Commissioner Barlow seconded the motion. The motion passed 5-0.

**Approval of the June 7, 2016 Executive Session Minutes:** Vice Chairman Ognio moved to approve the June 7, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the June 23, 2016 Board of Commissioners meeting. Commissioners Barlow seconded the motion. The motion passed 5-0.

The June 23, 2016 Board of Commissioners meeting was adjourned at 10:55 p.m.

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Tameca P. White, Chief Deputy County Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14<sup>th</sup> day of July 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, Chief Deputy County Clerk