

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 9, 2017
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 Eric Maxwell called the March 9, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Steve Brown moved to approve the agenda as presented. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

CONSENT AGENDA:

Chairman Maxwell removed item #1 and Vice Chairman Ognio removed #2 for discussion.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #1 and #2 for discussion. Commissioner Oddo seconded. The motion passed 5-0.

1. **Approval of the State Court Judge's request for authorization to submit the Fiscal Year 2018 Grant Application for the Fayette County DUI Court up to the award amount of \$137,300 to authorize 10% local match in the amount of \$13,730 utilizing DUI Court fund balance, and authorization for the Chairman to sign all grant-related documents.**

State Court Judge Jason Thompson stated that he wanted to speak to the Commissioners regarding the DUI Court. He stated that the DUI Court was the only DUI Court in the Griffin Judicial Circuit which serves Fayette, Spaulding, Upson and Pike Counties. He briefed the Board on how DUI Court worked. He stated that those who take part in the program have a certain number of DUI charges within a certain number of years. He continued that normally the only tool that a State Court Judge had to address the problem was a lengthy jail sentence and now DUI Court can work with the participant and address the substance abuse issue. He stated that the participants have to meet with him to make sure they are progressing in their treatment. He stated that in order to be in the program the participant had to be employed

which saves jobs. He stated that the DUI Court saved the community \$110,000. He stated that he obtained that number by counting the number of days that participants would have served in jail as a normal sentence and multiplied it by the number of days it takes to house someone. He stated that he compared it to the number of days someone in the program would serve in jail and multiplied it by the same cost to house someone and the difference totaled \$110,000. He stated that he would be recognizing the first graduate of the DUI program on March 10, 2017 at 3:30 pm. and he invited the Commissioners and citizens to attend.

Commissioner Oddo moved to approve the State Court Judge's request for authorization to submit the Fiscal Year 2018 Grant Application for the Fayette County DUI Court up to the award amount of \$137,300 to authorize 10% local match in the amount of \$13,730 utilizing DUI Court fund balance, and authorization for the Chairman to sign all grant-related documents. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

- 2. Approval of staff's request to purchase Self-Contained Breathing Apparatus Cylinders as budgeted in the 2017 Capital Improvement Program to accept the low bid from Fisher Scientific Inc. for 188 cylinders at a cost of \$168,717.36 and allow for the appropriate disposal of all replaced cylinders.**

Vice Chairman Ognio stated that he would not be against the County purchasing new cylinders. He stated that if the County had the funds it would be nice to buy the new model cylinders instead of these and having to replace them later.

Chief Scarbrough stated that he would like to put the cylinders and the air pack together in a combined purchase but the department does not have the capital to purchase both. He stated that because the cylinders expire this year there was not a choice except to purchase the cylinder this year. He stated that to do the entire package would cost \$850,000 and based on other departmental needs staff had to sacrifice waiting to purchase the package. He stated that they would purchase the air pack portion in three years because he would have to put the capital aside to make that purchase.

Vice Chairman asked if these cylinders would work with the new style. Chief Scarbrough stated that they would.

Commissioner Rousseau stated that he wanted to raise the issue of staff not getting a complete package. He stated that the public needed to hear that it would not compromise the safety of the men and women in the field. Chief Scarbrough stated absolutely and that safety was not being compromised.

Vice Chairman Ognio moved to approve the purchase Self-Contained Breathing Apparatus Cylinders as budgeted in the 2017 Capital Improvement Program to accept the low bid from Fisher Scientific Inc. for 188 cylinders at a cost of \$168,717.36 and allow for the appropriate disposal of all replaced cylinders. Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

- 3. Approval of the wording for the cornerstones at the Kenwood Park Monument and Memorial Garden honoring the late Commissioner Pota Estel Coston.** A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.
- 4. Approval of the Public Arts Committee's request for final project and budget approval for the 2nd Annual Chalk Art event and four additional Pop-Up chalk events.** A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. **Approval of the Public Arts Committee's request for final approval to develop a Lecture Series program in 2017 specific to Art and to approve an honorarium of \$75 to each speaker for a total of \$300.00.** A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.
6. **Approval of the Public Arts Committee's request for final approval to participate in Fayetteville Main Street's Market Day in October, 2017.** A copy of the request identified as "Attachment 6," follows these minutes and is made an official part hereof.
7. **Approval of the Public Arts Committee's request for final approval to develop art programs in partnership with the Southern Conservation Trust.** A copy of the request identified as "Attachment 7," follows these minutes and is made an official part hereof.
8. **Approval of the Public Arts Committee's request for Concept Approval to develop the Church Street Park Mural project, in partnership with Southern Crescent Habitat and the Moms Club.** A copy of the request identified as "Attachment 8," follows these minutes and is made an official part hereof.
9. **Approval of the Public Arts Committee's request for Concept Approval for Earth Day to assist in the development of a mural project and participate in the Earth Day event.** A copy of the request identified as "Attachment 9," follows these minutes and is made an official part hereof.
10. **Approval of the Public Arts Committee's request for Concept Approval to assist in the development of an arts festival in Fayetteville at the Courthouse (Fall, 2017).** A copy of the request identified as "Attachment 10," follows these minutes and is made an official part hereof.
11. **Approval of the Concept Approval Request to expand the Annual Scarecrow Competition.** A copy of the request identified as "Attachment 11," follows these minutes and is made an official part hereof.
12. **Approval of the February 23, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

13. **Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.**

Commissioner Brown stated that he and Commissioner Rousseau interviewed some excellent qualified candidates and it was an honor to interview the applicants. He stated that Mr. Tate was an attorney and that he had a great resume.

Commissioner Brown moved to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded.

Mr. Tate thanked the Board for the opportunity and that he appreciated the recommendation to serve. He stated that although he had not been too involved in the community that he felt this was his chance to serve the community and be more involved.

Mr. Tom Mahon stated that he had resided in Fayette County since 1977 and been involved in many civic, local and church organizations. He stated that one of the proudest things that he had the opportunity to be a part of was the Zoning Board of Appeals (ZBA) which he served since 1983. He stated that he was speaking on behalf of himself and Mr. Larry Blanks who had served on the ZBA for over 20 years. He stated that he was asking to keep the Board as it was currently with him, Mr. Tom Waller and Mr. Blanks serving. He stated that over the 33 years he heard many request for variances, special exceptions and with him and Mr. Blanks that was over 50 years of experience, training and knowledge. He stated that over that period of time he did not know of any law suit that was ever lost and no ethics complaints to ever been filed. He stated that they have saved the county a lot of money and he feels ZBA should remain the same.

Chairman Maxwell stated that he had a lengthy conversation with Mr. Therol Brown and he does not know how the vote will turn out. He thanked Mr. Mahon for the work he had done for the county. He stated that this was not an easy board to replace someone and especially not two people with 50 years total experience.

Mr. Tom Waller stated that he was proud to have served on the ZBA for the past three years. He stated that he would like to emphasis civic and service documented by previous efforts of the individual was very important. He stated that the Board should look to see if the person had worked in a volunteer capacity or shown a desire to serve. He stated that this was not the position to put a new person in for the County. He stated that the Board should look at the track record.

Vice Chairman Ognio stated that the Board chose two Commissioners to do the interviews and to bring back their recommendations. He stated that at some point the Board needs to trust what the Selection Committee was doing. He stated that he agreed that it might be hard replacing two long term members at the same time, but that the Selection Committee had their reasons and he would support it.

Commissioner Oddo stated that about six months ago he asked staff to look at the selection process. He stated that he was not good with the process. He stated that these were important positions that would change. He stated that his comments are not personal to the applicants. He stated that he wanted to point out that the Commissioners come and go and that rezoning and zonings are an important part of what the Board decides. He stated that the county had succeeded in part due to the zoning rules and regulations and it was part of the reason people want to come here. He stated that replacing the members would be giving up knowledge of past decisions. He stated that he understands the idea of having fresh ideas on committees, but that the Board should be selective about which committees. He stated that he could not in good conscience make a change with no reason to change.

Commissioner Brown stated that no one from the federal level all the way to the states and counties, should be of the opinion that they are irreplaceable. He stated that he appreciated the tenure of service from Mr. Mahon and Mr. Blanks but he did not support life time appointments. He stated that the County needs to diversify and add new people from time to time to serve. He stated that during the interview Mr. Mahon stated there would be no "hard feelings" if the Selection Committee selected someone else. He stated that he had a document with the approvals and denials made by the ZBA and that there were more approvals than denials and that worries him. He stated that if the way to stay out of a law suit was by approving variances that do not adhere to the law and that was rejected by the Planning Commission, then he had a problem with that.

Commissioner Rousseau stated that for the record this was not a rejection of the service, qualifications or abilities of Mr. Mahon or Mr. Blanks. He stated that was not the issue. He stated that the issue before the Selection Committee was to find qualified individuals who desired to serve the community in this capacity. He stated that he knows from experience the critical nature that zoning boards can generate. He stated that while institutional knowledge was extremely important in some instances, the Board needed to be careful not to send the signal that the individuals selected could not perform

the duties. He stated that he would venture to say that the current individuals did not have the experience when first appointed. He stated that he did not know any of the candidates before interviewing them except for Mr. Waller because he attends the meetings and demonstrates his engagement in the governance process. He stated that he had no preconceived notions and he made his recommendation without fear or favor. He stated that he also had the records pulled and there had been, on average, about five cases a year. He stated that he had confidence in Mr. Frisina to get the new applicants up to speed.

Commissioner Brown moved to appoint John Tate to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Oddo voting in opposition. A copy of the request identified as "Attachment 12," follows these minutes and is made an official part hereof.

14. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.

Mr. Therol Brown stated that whether he was selected or not that it was an honor to be considered for the position. He stated that he was a native of Fayette County and he cared about the county. He stated that he had served on some boards and been active when time allowed. He stated that when he retired he took care of his elderly mother who was 108 years old and was buried earlier today. He stated that he would be honored to serve and any decision would be fine with him.

Commissioner Rousseau moved to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Brown seconded.

Commissioner Brown stated that Mr. Brown was being very humble in his assessment of himself. He stated that Mr. Brown had served in a wide range of active volunteer capacity and was one of the top officials at the Georgia Department of Transportation and had a stellar career. He stated that he and Mr. Brown were related.

Commissioner Rousseau offered condolences to Mr. Brown for the loss of his mother on behalf of the Board.

Commissioner Rousseau moved to appoint Therol Brown to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Brown seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Oddo in opposition. A copy of the request identified as "Attachment 13," follows these minutes and is made an official part hereof.

15. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Steve Brown and Commissioner Charles Rousseau, to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019.

Commissioner Brown stated that Mr. Waller would be serving a second term and that he does keep current with the happenings in Fayette County and attends the Board meetings.

Commissioner Brown moved to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau seconded.

Mr. Waller thanked the Board for the opportunity to serve on the ZBA for the last three years. He stated that being a volunteer was important.

Commissioner Brown moved to re-appoint Thomas "Tom" Waller to the Fayette County Zoning Board of Appeals for a three-year term beginning January 1, 2017 and expiring December 31, 2019. Commissioner Rousseau 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.

16. Consideration of the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial) to GR-14 (General Residential).

Community Development Director Pete Frisina stated that this was an annexation for a piece of property located on State Route 54 that contains areas of Peachtree Assisted Living facility and was zoned in 1990 and land use was Community Commercial. He stated that in April of 2016 the Board gave permission for this facility to connect to the sewer system in Peachtree City because the septic systems were failing. He stated that at that time the applicant stated that annexation would be imminent because Peachtree City wanted to offer sewer where the system was failing. He stated that the city was placing this property in a General Residential 14 which was a multi-family district. He stated that it was his understanding that it would allow for a facility like assisted living. He stated that staff recommended that the Board does not object to this annexation.

Vice Chairman Ognio asked Mr. Frisina to let the citizens know why the one area was not creating an island.

Mr. Frisina stated because it contiguous to the unincorporated area across the road.

Commissioner Brown stated that there was no room for the septic system and there was no secondary field to put in a septic system. He stated that when he saw the medical facility that was being put there he wondered where the boundary line would be because they would need parking. He asked how to prevent this from happening in the future.

Mr. Frisina stated that the first facility had approval for a septic system, but half way through they realized they could not get what they wanted and so they asked for the annexation. He stated that the other facility was built many years ago and had two systems.

Commissioner Brown stated that there was a lot being asked of the septic system. He stated that it may mean a conversation with Environmental Health to determine what can be done. He stated that if there was a regulation in place that does not allow secondary fields that would be something worth exploring.

Commissioner Brown moved to approve the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial) to GR-14 (General Residential). Vice Chairman Ognio seconded.

Commissioner Oddo asked if the better motion would be "not to object". County Attorney Dennis Davenport stated that technically speaking the Board was not objecting if approving.

Commissioner Brown amended the motion to "not to object" the Peachtree City annexation of 3.5 acres containing the Heritage of Peachtree City Assisted Living Facility, and the rezoning of said property from C-C (Community Commercial)

to GR-14 (General Residential). Vice Chairman Ognio amended the second. The motion passed 5-0. A copy of the request identified as "Attachment 15," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

- A. **Contract #940-P. Public Works Engineer of Record: Task Order #17, Culvert Design and Bid Services for Broome Boulevard. A copy of the request identified as "Attachment 16," follows these minutes and is made an official part thereof.**

County Administrator Steve Rapson stated that the mentioned contract was one of the projects in the category one stormwater projects that had damage from the 2015 rainfall. He stated that he wanted to brief the public regarding the refurbishing of the Stonewall Administrative Complex parking lot. He stated that early voting ends March 17 and the election was March 21 and currently there are 1,618 votes cast.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of real estate acquisition and the review of the Executive Session minutes for February 23, 2017.

COMMISSIONERS' REPORTS:

Commissioners Oddo:

Commissioner Oddo stated that there will be a memorial dedication for the late Pota Coston at Kenwood Park. He stated that she was a valuable member of the Board during her short time on the Board. He stated that those not aware of the Special Purpose Local Option Sales Tax should take the time to look at it. He stated that it was a critical piece for the future of the County whether it was approved or not. He stated that people should vote with knowledge of the SPLOST.

Commissioner Brown:

Commissioner Brown stated that the Water Guardians program would be starting back up and the next one would be in April at Lake McIntosh in Peachtree City and he would like to have anyone who would like to join in cleaning the reservoirs to come out. He stated that citizens can vote at the county in the Public Meeting Room, in Peachtree City and at the Town of Tyrone during the SPLOST election. He asked citizens to exercise the right to vote. He also offered condolences to Mr. Therol Brown for the loss of his mother at 108 years old. He stated that one can only image the history she witnessed. He stated that he appreciated her life and dedication to Fayette County.

Vice Chairman Ognio:

Vice Chairman Ognio thanked Mr. Sam Wellborn from Georgia Department of Transportation for attending the Fayette County Transportation Committee meeting. He stated that the committee and those in attendant was able to discuss some of the concerns and the interest of the county and about some of the projects on GDOT's radar and not on GDOT's radar. He stated that it was a very good meeting. He stated that Mr. Wellborn asked that the committee promote their "Drive Alert, Arrive Alive. #arriveallivega".

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Commissioner Rousseau:

Commissioner Rousseau thanked the Sheriff's department for the quick response at the Kroger incident which highlights the responsiveness and vigilance of the men and women in public safety. He stated that he would like to thank Sheriff Barry Babb and the Major Anthony Rhodes for attending a called meeting with some constitutional officers to look at some critical issues and being able to keep families whole. He stated that part of the discussion dealt with mental health issues and how to get those individuals treatment. He thanked staff for giving up their Saturdays for the SPLOST tour and addressing the concerns at Newton Plantation. He commended staff for the Blended Heritage event at the library and stated that it was an excellent job by staff. He stated that the mundane issue in most minds, but that speaks to the quality of life in the community was the illegal parking of big rigs and trash being dumped. He stated that those are the little things that citizens pay attention to when the County responses. He stated that whether citizens vote yes or no on the SPLOST it was critical that the Board hears the voice of the citizens.

EXECUTIVE SESSION:

One Item of Real Estate Acquisition and Review of the February 23, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:03 p.m. and returned to Official Session at 8:34 p.m.

Return to Official Session and Approval 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 Brown seconded the motion. The motion passed 5-0.

Approval of the February 23, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the February 23, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 9, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The March 9, 2017 Board of Commissioners meeting adjourned at 8:34 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23rd day of March 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk