

BOARD OF COUNTY COMMISSIONERS

Eric K. 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

ACTION AGENDA

April 25, 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 April 25, 2017 Board of Commissioners meeting to order at 7:02 p.m. A quorum of the board was present.

Invocation and Pledge of Allegiance by Commissioner Steve Brown

Commissioner Steve Brown offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the agenda with the change of moving item #5 after item #3. Vice Chairman Randy Ognio seconded. The motion passed 4-1 with Commissioner Charles Oddo voting in opposition.

PROCLAMATION/RECOGNITION:

1. Proclamation honoring April as "National Donate Life Month".
2. Recognition of the Fayette County Master Gardener Extension Volunteers.
3. Proclamation of May 1, 2017 as "Water Professionals Appreciation Day."

PUBLIC HEARING:

4. Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition.

This item was discussed after item #5 due to the motion at the Acceptance of the Agenda.

Chairman Maxwell recused himself from the discussion and vote because it involved someone he had done business with in the past.

Mr. Newton Galloway spoke in favor of this item.
Mr. David Cavender spoke in favor of this item.
Mr. Keith Larson spoke in favor of this item.

No one spoke in opposition.

Commissioner Brown moved to table the Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion failed 1-3-1 with Commissioners Oddo, Ognio and Rousseau voting in opposition. Chairman Maxwell abstained.

The discussion continued.

Commissioner Oddo moved to Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion passed 3-1-1 with Commissioner Brown voting in opposition. Chairman Maxwell abstained.

5. **Consideration of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.**

This item was discussed prior to item #4 due to the motion at the Acceptance of the Agenda.

Commissioner Brown moved to approve the Fayette County Comprehensive Plan 2017-2040 as submitted by staff using the Steering Committee plan and going to low density residential. Vice Chairman Ognio seconded. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Rousseau seconded. Vice Chairman Ognio mentioned that a new chart was included on the dais for item #6. Commissioner Brown amended the motion to include the new chart. Commissioner Rousseau amended the second. The motion passed 5-0.

6. **Approval of Resolution 2017-07 to adopt the Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.)**
7. **Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356).**
8. **Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00.**
9. **Approval of the April 13, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

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.

- 10. Consideration of staff's recommendation to approve Ordinance 2017-07 to repeal the Stormwater Utility. This item was tabled from the April 13, 2017 Board of Commissioners meeting.**

Vice Chairman Ognio moved to approve Ordinance 2017-07 to repeal the Stormwater Utility as presented. Commissioner Oddo seconded. The motion passed 5-0.

NEW BUSINESS:

- 11. Consideration of the award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357).**

Commissioner Rousseau moved to approve award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357). Vice Chairman Ognio seconded. The motion passed 5-0.

- 12. Consideration of the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional).**

Commissioner Oddo moved to not object to the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional). Commissioner Brown seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out of the meeting.

- 13. Consideration of the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial).**

Commissioner Oddo moved to not object to the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial) and that the City of Fayetteville consider adding the privacy fence to the residential property. Commissioner Brown seconded. The motion passed 5-0

- 14. Consideration of the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road.**

Vice Chairman Ognio moved to not object to the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road. Commissioner Brown seconded. The motion passed 5-0.

- 15. Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections.**

Chairman Maxwell stated that he would recuse himself from the discussion and vote on this item. He stated that he currently represents Marilyn Watts on a case and that he had known her for 25 years. He stated that he had also represented Lane Watts, the son of Marilyn Watts, about a year ago.

The Board recessed at 8:59 p.m.

The Board reconvened at 9:06 p.m.

Commissioner Brown moved to refrain from any movement from receiving legal fees and “chalk it up” to protecting the liberties and openness of the system and telling the citizens that they do have a right, without threat, of petitioning their local government. The motion died for lack of second. The original decision stands.

PUBLIC COMMENT:

Public Arts Committee Chair Donna Thompson made comments regarding Vice Chairman Ognio’s comments from the April 13, 2017 Board of Commissioners meeting regarding Martin birdhouses and the birdhouse project, Easter projects and the using of gift cards for prizes for the Public Arts Committee.

Roy Bishop made comments regarding the West Fayetteville Bypass and the mowing on the county roads in the north end of the county and near his home.

Board of Election Member Aaron Wright thanked the Board members who attended the Board of Elections meeting. He stated that the Board of Elections had gone through an overhaul and the Board of Elections are in the process of rebuilding the public’s trust in the office. He stated that they were proud of Elections Supervisor Floyd Jones and that he was doing a phenomenal job as well as the rest of the staff. He stated that the Board of Elections are continuing to look at redrawing the precinct lines and they would keep the Board informed.

ADMINISTRATOR’S REPORTS:

County Administrator Steve Rapson stated that he needed a Selection Committee for the Planning Commission. Commissioner Rousseau moved to appoint Commissioner Brown and Chairman Maxwell to the Planning Commission Selection Committee. Commissioner Oddo seconded. The motion 5-0.

Mr. Rapson stated that he needed a Selection Committee for the Board of Assessors. Commissioner Brown moved to appoint Commissioner Rousseau and Chairman Maxwell to the Board of Assessors Selection Committee. Vice Chairman Ognio seconded. The motion passed 5-0.

Commissioner Rousseau moved authorize the Chairman to execute the contract for the purchase of the mowing equipment that was approved at the April 13, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

ATTORNEY’S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation and for review of the Executive Session minutes for April 13, 2017.

COMMISSIONERS’ REPORTS:

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EXECUTIVE SESSION:

One Item of Pending Litigation and Review of the April 13, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:41 p.m. and returned to Official Session at 10:53 p.m. Chairman Maxwell was absent following Executive Session.

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 4-0-1 with Chairman Maxwell absent.

Approval of the April 13, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the April 13, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

ADJOURNMENT:

Commissioner Brown moved to adjourn the April 25, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

The April 25, 2017 Board of Commissioners meeting adjourned at 10:53 p.m.

Tameca P. White, County Clerk