

BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman
Charles W. Oddo, Vice Chairman
Edward Gibbons
Eric K. Maxwell
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

August 8, 2019

6:30 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 6:30 p.m.

Call to Order

Chairman Randy Ognio called the August 8, 2019 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Eric Maxwell was absent from the Board Meeting.

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Commissioner Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Charles Oddo moved to remove item #2 from the agenda and then to accept the agenda. Commissioner Edward Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

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

- 1. Consideration of Petition No. 1257-16, TSTT Investments, LLC, Owner, request to rezone 212.832 acres from R-78 to PUD-PRD to develop a Single-Family Residential Subdivision with 91 lots; property located in Land Lots 4, 5, 28, 29, and 30 of the 7th District and fronts on Ebenezer Church Road and Davis Road with one (1) condition.**

Pete Frisina, Community Development Director, stated that this Petition was approved by staff and the Planning Commission with one condition. Mr. Frisina stated that the one condition was that the owner/developer would provide, at no cost to Fayette County, a quit-claim deed of 40 feet of right-of-way along Davis Road. Mr. Frisina also stated that as a result of not having a full Board, the applicant had the option of tabling this public hearing until the next public hearing meeting.

Chris Balch, Fayette County Litigation Counsel, stated that Petition No. 1257-16 was back before the Board for the third time, pursuant to an order from Fayette County Superior Court, who also requested certain action from the Board. Mr. Balch also advised that he had spoken with Mr. Web, representative for the applicant, who stated that the applicant had agreed to proceed with less than a full Board. Mr. Balch stated that the purpose of the Hearing was to comply with the court's order and address any lingering issues and conclude the proceedings.

No one spoke in favor.

The following citizens spoke in opposition to Petition No. 1257-16 involving TSTT Investments, LLC, and expressed concerns reading the request: Jack Smith, Norm Nolde, Amanda Patterson, Larry Dove, Timothy Gwin, Sylvia Nolde, Lou Jean McKnight.

Mr. Balch provided final remarks to the Board stating that the order received from Superior Court made specific findings a fact. He added that the County attempted to have the order reviewed by the Court of Appeals, however that request was denied. He stated that as a result of the court's findings the decision was final and binding.

Chairman Ognio stated that the Board "fought the fight".

Commissioner Gibbons asked if the Board denied the Petition what would happen.

Fayette County Attorney Dennis Davenport stated, "Nothing good". He added that the Board was up for contempt and that the last time this Petition was denied, the contempt charge was forestalled. Attorney Davenport stated that if this goes back before the Judge he would find it hard to believe that there would be a fourth attempt along with other negative consequences that would not change the outcome.

Commissioner Rousseau asked if the applicant would be amiable to not using Davis Road as a route for construction traffic.

Mr. Webb applicant representative denied this condition. He did however agree to the one (1) condition to donate right-of way along Davis Road.

Vice Chairman Oddo motioned to approve Petition No. 1257-16, TSTT Investments, LLC, Owner, request to rezone 212.832 acres from R-78 to PUD-PRD to develop a Single-Family Residential Subdivision with 91 lots; property located in Land Lots 4, 5, 28, 29, and 30 of the 7th District and fronts on Ebenezer Church Road and Davis Road with one (1) condition to donate right-of-way along Davis Road. Commissioner Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

CONSENT AGENDA:

Vice Chairman Oddo moved to accept the Consent Agenda with the exception of item #3. Commissioner Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

- 2. Approval to accept donation by Drug Free Fayette of a tree and plaque for Kiwanis Park in remembrance for all the loved ones lost to overdose in Fayette County.**

Item #2 was removed from the Agenda at the beginning of the Board Meeting.

- 3. Approval to award RFQ #1681-A to LODGINGRevs in the amount of \$8,400 for the first year and \$6,000 for subsequent years to provide ownership identification and monitoring of short-term rentals/tourist accommodations in unincorporated Fayette County, with the associated budget transfer from Planning & Zoning to Code Enforcement.**

Commissioner Rousseau asked for clarification on how this process worked and what steps the County would take once the information was received.

Chief Marshall Harold Myers explained that LODGINGRevs would provide ownership identification and monitoring of short-term rentals/tourist accommodations in unincorporated Fayette County. The County would then notify the property owners that a permit was required to operate tourist accommodations. He stated that if the owner was in violation they would be notified and given a timeframe per the ordinance. If the owner continued to advertise on the website, the County would move to enforcement.

Commissioner Rousseau stated that if the owner denied "it" would there have to be any investigation. Chief Myers stated that staff would present evidence of violation if it was in question.

Commissioner Rousseau asked if this process would require the Marshals Office to have any additional resources. Chief Myers stated, "No, he did not anticipate that."

Commissioner Gibbons asked when the contract would be awarded.

Mr. Rapson stated if approved, it would be sent to LODGINGRevs to sign and that he would execute the contract.

Commissioner Gibbons moved to approve to award RFQ #1681-A to LODGINGRevs in the amount of \$8,400 for the first year and \$6,000 for subsequent years to provide ownership identification and monitoring of short-term rentals/tourist accommodations in unincorporated Fayette County; to transfer \$4,000.00 from Planning and Zoning and \$4,400.00 from General Fund Balance to Code Enforcement for this purpose. Vice Chairman Oddo seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

4. **Approval of an intergovernmental agreement between Spalding County and Fayette County for the use of inmate work details.**
5. **Approval of the Equitable Sharing Agreement and Annual Certification as required by the U.S. Department of Justice and the U.S. Department of the Treasury.**
6. **Approval of the July 25, 2019 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

7. **Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Takiyah Claytor to the Public Arts Committee to serve an unexpired term beginning immediately and extending the term to expire May 31, 2022 per County Policy.**

Vice Chairman Oddo moved to approve Parks and Recreation Selection Committee's recommendation to appoint Takiyah Claytor to the Public Arts Committee to serve an unexpired term beginning immediately and extending the term to expire May 31, 2022 per County Policy. Commissioner Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

8. **Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Eric Simonsen to the Public Arts Committee for a term beginning June 1, 2019 and expiring May 31, 2021.**

Commissioner Gibbons moved to approve Parks and Recreation Selection Committee's recommendation to appoint Eric Simonsen to the Public Arts Committee for a term beginning June 1, 2019 and expiring May 31, 2021. Vice Chairman Oddo seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

9. Consideration of the Parks and Recreation Selection Committee's recommendation to appoint Brian Nichols to the Public Arts Committee for a term beginning June 1, 2019 and expiring May 31, 2021.

Vice Chairman Oddo moved to approve Parks and Recreation Selection Committee's recommendation to appoint Brian Nichols to the Public Arts Committee for a term beginning June 1, 2019 and expiring May 31, 2021. Commissioner Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

PUBLIC COMMENT:

Mr. Jeff Hayes expressed his concerns regarding potholes and sinkholes on various County roads and the need to have them appropriately fixed.

Mr. Roy Bishop asked when did Fayette County start approving one (1) acre lots.

ADMINISTRATOR'S REPORTS:

A. Contract #1221-P: Water System Engineer of Record Task Order #FC-20-01: Fiscal Year 2020 Landfill Compliance Monitoring

Mr. Rapson stated in response to Mr. Hayes' comments that the roads he mentioned were most likely within the city limits of the City of Fayetteville. He added that the County would coordinate with the City of Fayetteville and have those roads reviewed and addressed, if needed. In response to Mr. Bishop, Mr. Rapson stated that one acre lots had been allowed in unincorporated Fayette County for decades and was included on the land use maps. He reminded the Board that on Sunday, August 11, 2019, the Historical Society was having an event presenting Mr. Lynch as the County Historian. He concluded statements by officially introduced Vanessa Birrell as the new Fayette County Water Systems Director.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there was one item involving Pending Litigation and the Review of the July 25, 2019 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Gibbons stated in reference to the Public Hearing, that the Boards' hands were tied. He added that increased density within unincorporated Fayette County was not the vision he had for the County.

Vice-Chairman Oddo stated that he wanted to thank those citizens who applied for the open positions on the Public Arts Committee, he also expressed he appreciation for Donna Thompson and Heather Cap for their contributions to the Public Arts Committee.

Chairman Ognio responded to Mr. Hayes comments. He stated he also noticed the dip in the road near Dairy Queen and noted that it was in the City of Fayetteville city limits. Chairman Ognio stated that at the recent Transportation Committee Meeting, Georgia Department of Transportation (GDOT) provided updates regarding several roads to include I-85 and SR74 which was on track to be completed in the summer of 2021. Highway 92 and Antioch Road was on scheduled to be completed late summer 2021. GDOT was in the process of conducting utility relocation.

EXECUTIVE SESSION:

One item involving Pending Litigation and the Review of the July 25, 2019 Executive Session Minutes for consideration in Executive Session. Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 4-0. Commissioner Eric Maxwell was absent.

The Board recessed into Executive Session at 7:28 p.m. and returned to Official Session at 7:46 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. Vice-Chairman Oddo seconded the motion. The motion passed 4-0. Commissioner Eric Maxwell was absent.

Approval of the July 25, 2019 Executive Session Minutes: Chairman Ognio moved to approve the July 25, 2019 Executive Session Minutes. Vice Chairman Oddo seconded the motion. The motion passed 4-0. Commissioner Eric Maxwell was absent.

ADJOURNMENT:

Vice Chairman Oddo moved to adjourn the August 8, 2019 Board of Commissioners meeting. Commissioner Gibbons seconded the motion. The motion passed 4-0. Commissioner Eric Maxwell was absent.

The August 8, 2019 Board of Commissioners meeting adjourned at 7:46 p.m.

Marlena Edwards, Deputy County Clerk

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22nd day of August 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk