

## 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  
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## ACTION AGENDA

March 22, 2018

6:30 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

### Call to Order

Chairman Eric Maxwell called the March 22, 2018 Board of Commissioners meeting to order at 6:35 p.m. A quorum of the board was present

### Invocation and Pledge of Allegiance

Commissioner Steve Brown offered the Invocation and Pledge of Allegiance.

### Acceptance of Agenda

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

**PROCLAMATION/RECOGNITION:** None

### **PUBLIC HEARING:**

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

1. **Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43; property located in land lot 63 of the 5th District and fronts on Brookshire Drive. The applicant requested to withdraw Petition RP-067-18.**

No one spoke in favor or opposition of the withdrawal of Petition RP-067-18.

Commissioner Steve Brown moved to accept applicant requested to withdraw Petition RP-067-18. Vice Chairman seconded. The motion passed. 5-0

2. **Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Tuner Estates Subdivision; property located in land lot 72 of the 7th District.**

No one spoke in favor or opposition of Petition No. 1272-18.

Commissioner Charles Oddo motioned to approve Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Turner Estates Subdivision; property located in land lot 72 of the 7th District. Commissioner Brown seconded. The motion passed. 5-0.

- 3. Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail.**

No one spoke in favor or opposition of Petition No. RP-066-18.

Commissioner Oddo motioned to approve No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Turner Estates Subdivision to add 20.033 acres; property located in land lot 72 of the 7th District and fronts on Dogwood Trail. Commissioner Brown seconded. The motion passed. 5-0.

- 4. Consideration of Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses.**

Vice Chairman Ognio motioned to send Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Section 110-3. – Definitions and Section 110-79. - Accessory Structures and Uses back to Fayette County Planning Commission for discussion, review, and rewriting. Commissioner Rousseau seconded. The motion passed 5-0

- 5. Consideration of Ordinance 2018-04, amendments to Article XV.- Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.**

Vice Chairman Ognio motioned to send Ordinance 2018-04, amendments to Article XV. - Subdivision Regulations, regarding Section 104-593. - Definitions and Section 104-603. -Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot back to Fayette County Planning Commission for discussion, review, and rewriting. Commissioner Oddo seconded. The motion passed 5-0.

#### **CONSENT AGENDA:**

Vice-Chairman Ognio requested to move items #7 and #13 for discussion.

Commissioner Steve Brown moved to accept the Consent Agenda with the exception of items #7 and #13 for discussion. Commissioner Oddo seconded. The motion passed 5-0.

- 6. Approval of staff's recommendation to include "Addendum 1" of added events to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.**
- 7. Approval for the Board of Commissioners to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV).**

Vice Chairman Ognio noted a drawing placed on the dais for Commissioners review and wanted to verify if that this was the final design.

Environmental Management Director Vanessa Birrell verified that this was the final drawing for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV).

Vice Chairman Ognio moved to authorize staff to acquire all fee simple right-of-way, easements and appraisals for the 547 Kenwood Road culvert replacement project (2017 SPLOST No. 17SAV). Commissioner Rousseau seconded. The motion passed 5-0.

8. **Approval of staff's request to accept Hazard Mitigation Grant Program Award from the Federal Emergency Management Agency through Georgia Emergency Management Agency (GEMA) and to update the plan.**
9. **Approval of staff's recommendation to award RFP #1431-P, Public Works' Transportation Engineer of Record to Croy Engineering, LLC for a 15-month contract (approximate) expiring on June 30, 2019 and with provisions for two 12-month extensions.**
10. **Approval of Water Committee recommendation to provide the authority to do the Star Gazing Nights as outlined for Lake Horton on Friday June 22, 2018, 9:00 p.m. to midnight and July 27, 2018, 9:00 p.m. to midnight, to advertise accordingly and notify the Marshal.**
11. **Approval of a single bid received from Middle Georgia Paving, Inc. for RFQ #1460-A Chip Seal service in the amount of \$114,125.00.**
12. **Approval of the responsive bid from Pavement Technology in the amount of \$82,249.60 for Road Departments bid #1461-A Asphalt Rejuvenator.**
13. **Approval of the February 22, 2018 Board of Commissioners Meeting Minutes.**

Vice Chairman Ognio noted in the February 22, 2018 Board of Commissioners Meeting Minutes on page 135 a minor change in a statement he made.

Vice Chairman Ognio moved to approve the February 22, 2018 Board of Commissioners Meeting Minutes, with minor change made. Commissioner Brown second. The motion passed 5-0.

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

14. **Consideration of Vice Chairman Randy Ognio's recommendation that it be the board's position to not post any employee file information on any published documents, agenda item or website.**

Vice Chairman Ognio open the discussion stating that he recommends that it be the board's position to not post any employee file information on any published documents, agenda item or website. This in no way takes away from any Commissioner right or taxpayer right, for that matter; from receiving any requested open record document (in accords to

open records law). He highlighted concerns that he fears that could result from publishing such documents: lowered employee retention, negative "current" employee morale, potential lawsuits, etc...

Discussion followed.

Vice Chairman Ognio motioned to recommend that it be the board's position to not post any employee file information on any published documents, agenda item or website. Commissioner Rousseau seconded. The motion passed 4-1.

**15. Consideration of staff's request to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne.**

911 Director Bernard Brown briefed the Board on the request to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne.

Carbyne Representative answered various questions from the Board of Commissioners.

Vice Chairman Ognio moved to approve the allocating of \$192,000 from the 911 Fund for the implementation of the Advanced NG911 Technology: Carbyne; and for the County Attorney to develop contract for said allocation and to bring contract back to the board for review. Commissioner Oddo seconded. The motion passed 5-0.

**Commissioner Brown moved to move the discussion of item #20 after the discussion of item # 16.  
Commissioner Rousseau seconded. The motion passed 5-0**

**16. Consideration of Resolution 2018-07 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road.**

Commissioner Brown moved to table this item until the May 10, 2018 BOC Meeting. The motion passed 5-0.

**17. Consideration of whether to object to the Tyrone annexation of property on Farr Road and Dogwood Trail, and the rezoning of said property from A-R (Agricultural-Residential) to R-20.**

Commissioner Brown moved to not object to the Tyrone annexation of property on Farr Road and Dogwood Trail, and the rezoning of said property from A-R (Agricultural-Residential) to R-20. Commissioner Rousseau seconded. The motion passed. 4-0. Chairman Maxwell was absent.

**18. Consideration of Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant.**

Commissioner Rousseau moved to approve Ordinance 2018-05, amendments to Article VI. - Tourist Accommodations to remove the requirement that a Tourist Accommodation permit must be granted annually by the Board of Commissioners in a hearing and instead allow the permit to be issued administratively by Code Enforcement when all the requirements are met by the applicant. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

**19. Consideration of staff's recommendation to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections.**

Commissioner Brown motion to approve staff's recommendation to adopt Ordinance 2018-06 that amends Fayette County Code, Chapter 104 - Development Regulations, Article XIII, Illicit Discharge and Illegal Connections. Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

**20. Consideration of the Water Committee's recommendation to consider the Private Water System Emergency**  
**A. Ordinance 2018-07**  
**B. Resolution 2018-06 and related Fee Schedule.**

Members of the Public made public comment.

Commissioner Rousseau moved to approve Water Committee's recommendation to consider the Private Water System Emergency Ordinance 2018-07 and Resolution 2018-06 and related Fee Schedule. Commissioner Brown seconded. The motion passed 5-0.

**21. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location.**

Commissioner Rousseau motion to deny the disposition of tax refunds, as requested by PetSmart for tax year 2016 in the amount of \$25.44 for the Peachtree City location and \$322.69 for the Fayetteville location. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

**PUBLIC COMMENT:** Ted Kirk made a Public Comments

**ADMINISTRATOR'S REPORTS:**

**Selection Committee-Recreation Committee**

Commissioner Rousseau moved to appoint Commissioner Rousseau and Chairman Maxwell to the Selection Committee for the Recreation Committee. Vice Chairman Ognio seconded. The motion passed 4-0. Chairman Maxwell was absent.

**McIntosh Trail Community Service Board**

A qualified candidate Kathleen Brewer has volunteered to serve on the McIntosh Trail Community Service Board.

Commissioner Brown moved to approve Kathleen Brewer to serve on the McIntosh Trail Community Service Board. Commissioner Oddo seconded. The motion passed 4-0.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was two items involving pending litigation and for the review of the Executive Session minutes for March 8, 2018.

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

**COMMISSIONERS' REPORTS:** Commissioner Oddo, Vice Chairman Ognio, Commissioner Brown, and Commissioner Rousseau made comments.

**EXECUTIVE SESSION:**

**Two Items of Pending Litigation and Review of the March 8, 2018 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 4-0. Maxwell was absent.

The Board recessed into Executive Session at 11:00 p.m. and returned to Official Session at 11:26 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 4-0. Maxwell was absent.

**Approval of the March 8, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the April 25, 2017 Executive Session Minutes. Commissioner Brown seconded. The motion passed 4-0. Chairman Maxwell was absent.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the March 8, 2018 Board of Commissioners Meeting. Commissioner Oddo seconded. The motion passed 4-0. Chairman Maxwell was absent.

The March 8, 2018 Board of Commissioners meeting adjourned at 11:27 p.m.

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Marlena M. Edwards, Deputy County Clerk