Consent Agenda #9

Minutes

Board of Commissioners
July 24, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on July 24, 2014 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty Randy Ognio
Staff Present:	Steve Rapson, County Administrator Tameca P. White, Deputy Clerk Dennis Davenport, County Attorney
Staff Absent:	Floyd L. Jones, County Clerk

Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the July 24, 2014 Board of Commissioners meeting to order at 7:02 p.m.

Commissioner David Barlow introduced Imam Ahmed Jafari of the Islamic Community Center of Atlanta and he spoke of the work at the Center work. He then asked Imam Jafari to offer the invocation and Imam Jafari did so.

Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda as published. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously.

PRESENTATION /RECOGNITION:

1. Recognition of the 2014 All-County Boys Soccer Team.

Chairman Brown introduced Mr. Christopher Dunn of the *Fayette Daily News* who helped in recognizing members of the 2014 All-County Boys Soccer Team. The following team members were in the audience and were recognized by the Board: Chris Dognazzi, Matt Dognazzi, Spencer Wrobleski, Aaron Brewer, and Brandon Bernard. Mr. Adam Sheikali, who was not present, was recognized at the 2014 All-County Boys Soccer Player of the Year. Mr. Bunky Colvin was recognized as the 2014 All-County Boys Soccer Coach of

the Year. Coach Colvin introduced other unnamed members of the team and he also introduced Athletic Director Stacey Smith to the Board before he briefly commented on the team's success. Copies of the request and recognitions, identified as "Attachment 1," follow these minutes and are made an official part hereof.

2. Recognition of Eagle Scout Jason Girolami.

Chairman Steve Brown recognized Eagle Scout Jason Girolami for earning the rank of Eagle Scout. Mr. Girolami spoke to the Board about his Eagle Scout project and gave a PowerPoint presentation about the project. The Board congratulated Mr. Girolami for achieving the Eagle rank. Copies of the request and the PowerPoint presentation, identified as "Attachment 2," follow these minutes and are made an official part hereof.

PUBLIC HEARING:

3. Consideration of Petition No. 1235-14, Max Fuller, Owner, and Moore Bass Consulting, Inc., Agent, request to rezone 10.56 acres from A-R to R-45, with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Road.

Community Development Director Pete Frisina informed the Board that the County had received a letter from the applicant asking the Board to table Petition No. 1235-14 and Petition No. RP-052-14 (Public Hearings 3 and 4) until the August 28, 2014 Board of Commissioners meeting. He explained that the applicant wanted to work with the Public Works Department and particularly with Public Works Director Phil Mallon on this matter, but that there was not enough time and Mr. Mallon was not present at this meeting. Mr. Frisina stated that tabling these two public hearings would provide more time for the applicant and staff.

Chairman Brown moved to table Public Hearings #3 and #4 until the August 28, 2014 Board of Commissioners meeting. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Consideration of Petition No. RP-052-14, Max Fuller, Owner, and Moore Bass Consulting, Inc., Agent, request to add six (6) lots to the Minor Subdivision Plat for Max Fuller, with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Road.

This item was tabled until the August 28, 2014 Board of Commissioners meetings pursuant to the vote taken for Public Hearing #3. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. Consideration of Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-40, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition.

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 Rezoning of Property*, identified as "Attachment 5," follows these minutes and is made an official part hereof.

Mr. Brian McCreary, Agent, briefed the Board on Petition No. 1236-14. He stated that he was speaking on behalf of Mr. Danny Reid who sold two acres to the D'Souza family, and he explained that the D'Souza family was trying to expand their property along Dogwood Trail from two acres to three acres. He said he has worked with Zoning Administrator Dennis Dutton in order to find something that would comply with the land lot use, and he asked the Board to vote in favor of Petition 1236-14.

Chad Heath: Mr. Heath, the D'Souza's realtor, spoke in favor of approving Petition No. 1236-14 on behalf of the D'Souza family. He stated that both Walter and Angela D'Souza came to him with the intention to purchase the two lots that Mr. McCreary referred to so they could build homes for their kids. He stated that there would only be two houses, or just one house on each lot. He added that he has been working with Mr. Reid and Mr. McCreary in order to get the intention accomplished in the best way possible for everyone involved.

No one else spoke in favor of Petition 1236-14.

Eric Maxwell: Mr. Maxwell spoke for approximately twenty-one minutes in opposition to Petition No. 1236-14. The following is a verbatim transcript of Mr. Maxwell's comments as requested by Mr. Maxwell and agreed to by the Board. The transcript begins at 7:28:24 and ends at 7:49:25 of the audio recording of the meeting:

Eric Maxwell: *My name is Eric Maxwell, and I've lived in Fayette County since 1972. I live at 1585 Redwine Road, just south of here. Before I start my presentation, I want to say how sorry I am about our loss of John Munford. Obviously y'all know that I worked in this building and in this chamber for four years, he was my reporter, and I was sad to learn of his passing. Before I get started with my presentation, I want to, and I will address the Board because I heard what Mr. Frisina said, but some of them are actually directed to individuals. Mr. Chairman, if you will give me some latitude, I will get to my point.*

Chairman Steve Brown: *Yes, sir.*

Maxwell: *Mr. Chairman, you and I have known each other for at least ten years. I only recall having one conversation with you, other than today, and that was when I was elected judge of the City of Peachtree City. You swore me in. It was a four-to-one vote. I wish it had been a five-to-"o" vote, but you saw otherwise. And I served my years there. You didn't interfere with the court, and I appreciated the opportunity to serve Peachtree City when you were mayor. That being said, I've been adverse to a lot of your positions. And, suffice it to say, you and I don't agree even though we don't talk with each other. And that's probably the best way for you and I to deal with each other. And that's fine with me.*

Brown: *Absolutely. We can agree to disagree.*

Maxwell: *We can agree to disagree, and that's what we do. This is America, and just like the presentation at the beginning, we are all Americans and we're Fayette Countians. That being said, you know that I've dedicated a lot of money to other campaigns with candidates against you. I've also been very vocal during your races by writing letters to the editor. In fact, I coined the term "Goat Man," and during that election, and I still hear from time to time folks refer to you as that. And I'm not trying to bring up old memories, but I'm just reminding you of the history that you and I have had; although we do it at an arm's length transaction. There has been a series of letters that I've written and I've certainly got opinions. But I will say this, when I left this chamber two-and-a-half years ago, I said, from Commissioner Barlow's seat, "I do not*

plan to return to this chamber and to give this Commission a hard time," because during the four times that I was Commissioner that is what I dealt with. You've dealt with folks like that during your career as well. But every commission meeting that I had I had a former Commissioner come and tell me why I was doing things wrong. And I made a commitment, and I even called Mr. Rapson before he was appointed, I said "I have no plans to come to this chamber and give this chamber, this Board of Commissioners, a hard time." That doesn't mean I don't have an opinion about some of the things that y'all do, but I've not vocalized it, I've not written letters to the editor, I've not come here to talk about any of those various issues. But this one is personal to me. So this is why I am here. Because of that, Mr. Chairman, I am asking that you recuse yourself from the vote when we finally get there. That will be a decision you have to make . . .

Brown: *I understand.*

Maxwell: *And I would just hope that you give the D'Souza's the fairness, you give the Reid's the fairness, but you will also give Eric Maxwell the fairness, as well as giving the citizens of Fayette County the fairness. Mr. Barlow, I believe that I've shaken your hand one time before tonight. It was down at a County Commission debate, we shook hands, we had a pleasant conversation. Other than that, I don't have any other recollection of ever speaking with you. However, I did write an email about you, and I coined the term "Double-Bankruptcy Barlow." That term is offensive. I think it put you to ridicule. Because of that, I'm asking that you recuse yourself from this vote. That will be a fairness issue that you have got to decide whether you can sit in judgment of this. I want you to be fair to the D'Souza's, the Reid's, to myself, and the citizens of Fayette County. Mr. Ognio, Commissioner Ognio, I don't recall ever talking to you until tonight. Maybe I did, but I don't remember. We shook hands tonight. I wrote a letter to* The Citizen. *It was published. It put you to ridicule. I coined the term "Road Rage Randy." And some folks still refer to you as that, at least in my circles. I also sued you personally. I sued your wife. And I sued your son, Rocky. And in fact, today, your attorney called me and I filed the final document in that lawsuit to end the litigation with the court today. I've got a copy of it if you'd like it. Because of the history that I've had with you, not you personally because I don't remember ever talking to you, I did talk to Denise one time, it's the same debate that we had down in south Fayette County all those years ago. But I ask that you also recuse yourself. That's a decision that you'll have to make on whether you can be fair in this decision for the Reid's, for the D'Souza's, for myself, and for the citizens of Fayette County. Commissioner McCarty, you and I have probably the closest relationship of all the commissioners that are currently on the Board of Commissioners. You ran against me. Congratulations, and I hope you've enjoyed this position. I also sued you personally. I didn't give you a nickname; that was before my nicknaming days, I guess, had started.*

Brown: *Lucky Allen . . .*

Maxwell: *And that case was eventually dismissed, I dismissed it, but I subjected you also to ridicule in the front page of the newspaper by exposing that you had not paid your taxes in a timely manner. I ask you also to recuse yourself from this. That will be a decision you'll have to make on whether you can be fair to the D'Souza's, to the Reid's, to myself, and to the citizens of Fayette County. Vice-Chairman Oddo, I don't recall ever talking to you. I don't think that I've ever written a letter about you. I've never sued you. I've never, as far as I know, publicly said anything about you one way or the other. I don't have the same concerns that I have with the other four members of the Board of Commissioners. I preface those remarks just to remind you of your duty and the fairness that you've got, as you sit there today, that if it's political payback that you make this decision, you may not even known that I was involved in this issue. You do now. If you read your minutes, not your minutes, if you read your preparation material, some of you may have picked up my name was in that package. It was not conspicuous, you have to hunt for it, but it's in*

there. I've come to talk to you today about a rezoning of the Dogwood property because it's contiguous to a piece of property that I own down there. This is the second time that this has occurred since y'all have been a Board of Commissioners. I told you I live on Redwine Road. When Zac Brown was doing his rezoning, folks contacted me and asked me to voice an opinion. I had no objection to that. I did not voice an opinion. I did not come here in support of Mr. Brown's rezoning or in opposition, even though we've got contiguous boundary lines. On this one, on Tuesday, I had to go see my CPA in Tyrone, and I happened to drive past this house. I do not live there. I bought this house from my paralegal who worked for me for seventeen years, he had recently divorced, it was an opportunity, and I own about a 2,200 acre, 2,200 square foot house on two acres that's on the south side of the property [that is presented] for the rezoning. It's a wooded lot, and I assume that y'all have read your materials that were provided to you before the meeting. I always read mine, but I will tell you my experience when I was on the Board of Commissioners is that I could tell sometimes my fellow Commissioners had not read their preparatory materials, because if they read it they wouldn't have asked some of the stupid questions that they asked because the answer was right there in their face. But this property that you're requested for the rezoning, they are requesting rezoning from Agriculture A-R and R-70 to an R-40. And let me tell you the significance of that request. The significance of that request is all the difference in the world. I talked to Dennis yesterday, and unfortunately Pete was out of the office, I didn't get to talk to Pete, but I talked to Dennis and I said, "Would you please have a presentation that we could make that we could show the platted lots that are around this property." And you've got that in your material. Unfortunately, you've got a real tight view in your material, and I came prepared because we used to have the camera overhead with a little-bit bigger one, but let me tell you a little bit about this area. Its south of Tyrone, west of Tyrone, east of Tyrone, it's the property that's in between Tyrone and Peachtree City. And so when you look at this area . . .

Brown: *I'll tell you what, if we can, we will bring it up, if you want to correct our . . .*

Maxwell: *I think it's, I think it's it is Exhibit 19, is the one that is in your material. That doesn't give you a real good idea of what, and that's it, and the property . . .*

Brown: *Can we take the "Public Hearing," yeah, thank you.*

Maxwell: *On the bottom yellow, in the middle where it says "R-70," that's my house or that's my property. Dogwood Trail, your newly elected State Senator is in the A-R, this is his house. That's thirty-one acres; I believe that's 31-acres. The A-R over here, that's about 30-acres. This is the large tract, the Reid tract, is 31-acres.*

Brown: *The red one there.*

Maxwell: *The Reid tract is 31-acres. My tract is two. This is two. This is a father-son. This property, if you could see it, actually comes way down and way back up, but twenty-something acres. This is the large. Now, you have two anomalies here. And that's a half-acre lot and that's a one-acre lot. There's a house on this property; this is a vacant lot. When you drive past it you don't see a line there; it's all one lot. And then, but, as I said, that property is large. If you had a larger view of this, you would see an R-70, R-70, R-70. If you had a larger view of this that not only on the property you're trying to rezone are there no R-40s, but every property surrounding the properties that I just pointed out are not R-40 or R-70; [they are A-R]. So, what you are being asked to do is spot zone. There is no way other than to say it. It's a spot zone to put an AR-40 in there. Well what's the significance between an AR-40, or an R-40, and an R-70? An R-70 is a minimum two-acre lot. I have no objection to this Board rezoning to R-70. I have a strong objection to*

this Board rezoning to an R-40 because that is a one-acre lot. And what you would be doing, if you put a one-acre lot, if you zone this, even though this is shown as two acres, if you zone that Residential 40, then what you've done is you've completely busted this entire area. Not just this property, you will have busted this entire property. And interestingly, in the minutes of the Planning and Zoning, and this is from Mr. Dutton, and these aren't verbatim minutes and they've not been approved because the meeting was just in early January, early July. And I don't know what page this is on your notes, but its page ten of the minutes . . .

Brown: *Okay.*

Maxwell: *From the Planning and Zoning. And Mr. Dutton is reported to have made the comment something like this, and I'm gonna want to read the entire thing. The only way to make Dennis Dutton; errors in it, and I'm gonna add a couple words to make it make some sense.*

Brown: *Can you tell us what paragraph you're on?*

Maxwell: *It's the third paragraph, the Dennis Dutton paragraph, on page ten. Starting about two sentences or two lines down:* "The only way to make the lot big was to go with an R-40, and the property owner is trying to maintain 300 of frontage on the large A-R lot so," *and this is where you've got to add some words because it's not accurate, "*so if needed be it can be subdivided in the future*." That's the plan that is being presented to you, is that, I don't know where the exhibit . . .*

Brown: *Can you put that back up please, Tameca?*

Maxwell: *What we're talking about is this property right here. You put an AR-40 here, Mr. Reid then gets to subdivide this entire, and this property goes way, if you have the scale, it would go all the way down to the floor, and back up. It's 31-acres; twenty-five of it is in pasture. You've got an overhead in your materials where you can see, and twenty-five of it is not in the flood zone. So you've got twenty-five acres to put R-40 there. It's a domino effect. Once you do this on R-40, then this one is going to come along. They are not asking for this big tract to go to an R-40 today, but I guarantee you at some time down the future that's what's going to happen. And then what happens with this one happens with this one, happens to this one, happens to this one, won't happen to this one. This one right here is another large tract right here. And so it's a domino effect. Once this floodgate is opened, you set the precedent in that area. Now when I was Commissioner I had these kind of issues come up. My standard, and it's not a legal standard, but Eric Maxwell's standard, was I looked at every property that was contiguous to the subject property, and did it fit, was there another piece of property that was similarly situated that was contiguous. The answer is no. You go outside the ring; again, there is no other outside the ring that is contiguous to R-40. I asked Dennis, and now, Pete, I don't know if you are prepared to answer, where is the closest R-40 property located to the subject property. I don't know where it's at in Fayette County. Now you got smaller tracts that are in obviously in Tyrone, and you've got smaller tracts that are in Peachtree City, but this is Fayette County, this isn't the two cities. I want to remind you guys, I don't remember verbatim what was in your campaign literature or what you said or anything like that, but each one of you committed to the Fayette County Land Use Plan. A vote for this is a vote against the Land Use Plan. If you want to do this project with R-40, what you need to do is, you need to change your Land Use Plan; you don't need to do a rezoning. Look at the stipulations that have been put on this property by the Zoning Board, or the Planning and Zoning. They recognize there's a problem with this, and in fact in the minutes, on that same page number ten, they talk about. Doug Powell, the last sentence on page ten: "*Doug Powell said I think you are creating a bigger problem with R-40 in this area*." And no truer statement could have been made. Now the Planning and Zoning voted four-to-one; he was the only one who voted against it. But that is an accurate statement that*

you are going to open the floodgates if you rezone to R-40. I have no objection to R-70. Now when I was on the Board, I asked the question, the applicant has asked for R-40, was the decision that I could make, was I limited to making the decision either to leave it alone or go to R-40, but I choose something other than that. I didn't know. When I was in office we only rezoned one-hundred acres. Y'all had an opportunity to do some more things because it's the way the economy hit. But I asked that question: Am I locked in between what is existing, is it a "yes" or "no?" And the answer is it is not a "yes" or "no." You can ask Mr. Davenport, it's not a "yes" or "no." Even though they've not asked for 70, y'all can rezone it seventy. Once he's opened the door, it's up to y'all to make the decision. I'm asking you to make the decision for R-70. You could just deny it; I'm not asking to completely deny it. I've never met the D'Souza's; I've never met Mr. Reid as far as I know. I've never met the realtor, Mr. Heath. There's some argument that back in 2001, when this property was initially rezoned, that there was an error by the County Commission. I don't know what that error was, and in the materials you were provided you were not provided any notes from the 2001 rezoning request by Mr. Reid. I didn't have enough time to go do that, I found out about it on a Tuesday, I guarantee I would have gone to Planning and Zoning it if I had known about it sooner. If I had more time I would have spent a little bit more time preparing this, but, like a lot of things, we have a limited number of hours in a day and I still run a full-time practice as well. But I don't know what the problem was back in 2001, but how come all of a sudden in 2014, thirteen years later, is the first time that it's recognized that there's a problem. There is no problem out there. What the problem is is to create a situation that put a R-40 in this area, and put the R-40, and let that property go to R-40 and one-acre lots. I'm going to close with that. I'm more than happy to take questions from whoever. I've not walked the property; didn't go out there. I've driven every road around it. There is not a road out there, there's not a property out there that is a small, other than the nonconforming property that evidently was there in existence before that, you know, the zoning ordinance came in. So I'm asking that you deny R-40. I have no problem with R-70 ***[End of Transcript]****.*

Frank Gardner: Mr. Gardner spoke in opposition of Petition 1236-14 saying property needed to be utilized for encouraging businesses to come to Fayette County, and that if Fayette County should begin encouraging one-acre lots then it would be defeating the long-term stance that the county has historically taken. He asked the Board members to set aside their past histories and to focus on what is best for the Fayette County community. He further suggested that the lots in the subject area appeared to have been zoned through "backroom politicking."

No one else spoke in opposition to Petition No. 1236-14.

The Board asked Mr. McCreary if he wanted to respond to those who spoke in opposition to Petition No. 1236-14, and Mr. McCreary did so by saying there was not enough room in the proposed property to cut one-acre lots. Mr. Heath also responded to those who spoke in opposition saying the D'Souza family did not have a problem with the property being rezoned to R-70, but that the R-40 zoning was requested in order to keep all parties happy. He explained that the D'Souza's intentions were to have two nice houses on four acres next to each other for their family. He added that Mr. Reid had been working with the D'Souza's since he wanted to consummate the sale of the property as quickly as possible.

Chairman Brown asked Mr. Frisina to tell the Board of the Planning Commission's vote and why Mr. Doug Powell voted in opposition to the recommendation before the Board. Mr. Frisina replied that the Planning Commission determined that zoning to R-40 would be compliant with the Land Use Plan since the Land Use Plan allows for one-acre and two-acre lots in the area. He stated that Mr. Powell's concerns were basically those expressed by Mr. Maxwell, namely, that there is no other one-acre zoning in the immediate

area. Mr. Frisina stated that his opinion was that a lack of one-acre zoning in an area does not preclude the area for being zoned to one-acre since there was a time in Fayette County when no land was zoned to one-acre properties. He further informed the Board that when he looks at properties that are petitioned for rezoning that he looks at a much larger area than the subject property. He stated that for properties that are petitioned for potentially one-acre lots he looks for certain criteria such as good roads and infrastructure such as public water. He stated that the subject property under consideration meets the criteria since it is sandwiched between Peachtree City and the Town of Tyrone. Mr. Frisina agreed that there are large tracts of A-R zoned properties as well as R-70 zoned properties in the area, but that the area did not have an unpaved road or any part that was unable to handle traffic. He concluded that in the larger sense, the subject area was "Land Used" for one-acre, two-acres, and A-R properties, and that was the feeling of the Planning Commission.

Mr. Frisina stated that one condition was recommended should the property be rezoned, but that the condition included three options that the applicant could choose from. He stated that the condition had been revised, but he explained that the only revision was that a six-month time period was added to each of the three options; meaning one option chosen by the petitioner has to be met within six months. Mr. Frisina then read the following condition with its three options into the record:

That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:

a. Obtain a variance by the Zoning Board of Appeals, to reduce the minimum floor area requirement; or

b. Remove the nonconforming single-family residence; or

c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

Mr. Frisina repeated that the condition had to be met within 180-days, regardless of which option the petitioner chose to accept.

Commissioner Ognio asked why R-70 was not being considered. Mr. Frisina replied that R-70 zoning had been considered but that it would not work on the subject property because of the lot-width problems. He said "you would have to go up to R-75 or R-78 to make it work," but he added that the house sizes would be increased to either 2,500 square feet or 3,000 square feet with either of those zoning options.

Commissioner Oddo asked Mr. Frisina what the difference between R-40 and R-70 based on house size. Mr. Frisina replied that R-40 is 1,500 square feet and that R-70 is 1,500 square feet. Commissioner Oddo noted that the zonings required the same square footage for houses.

Commissioner Ognio asked if the lot was zoned for two different zonings, and Mr. Frisina replied that it was split-zoned into both R-70 and A-R zonings. He stated that he included a final plat in the agenda package that was approved in 2001, and he suggested that was the error Mr. Maxwell had referred to during his comments.

Chairman Brown stated that Mr. Maxwell had suggested that approving R-40 zoning, as requested, was spot-zoning since it would embed one-acre lots into the middle of "non-one-acre lots." He asked if the Land Use Plan called for the use of one-acre lots in the area. Mr. Frisina replied that the Land Use Plan makes an allowance for one-unit for one-to-two acres, and that the low end would be one unit for one acre. Chairman Brown pointed out that Mr. McCreary had stated in his rebuttal that the land could not be subdivided in order to build multiple lots, and he asked Mr. Frisina to comment on that matter. Mr. Frisina replied that the petitioners were not trying to build a subdivision with a road. He explained that the petitioners were trying to maintain enough frontage on the road since each lot in Fayette County is required to have a minimum 100 feet of frontage for each road. He told the Board that the only way to get around that requirement is to build a public road going into the cut lots. Chairman Brown asked if building a public road into the cut lots was feasible, and Mr. Frisina replied that it probably was feasible given enough time and money.

Commissioner Oddo asked if property that is rezoned with conditions would lead to additional rezoning to the surrounding properties without those conditions. Mr. Frisina replied that the reason this request is conditioned is because the conditions are required by ordinance, and he said the reason the requirements are listed as conditions is because it gets the requirements into the open. Commissioner Oddo clarified that the Land Use Plan is the plan for properties in the area and that, generally, it calls for low-density residential zoning. Mr. Frisina agreed with Commissioner Oddo while reiterating that R-40 zoning is in compliance with the Land Use Plan.

Commissioner Ognio clarified that the majority of properties in the subject area were zoned A-R, and Mr. Frisina agreed that was the case. Commissioner Ognio asked how it would work if the Board wanted to rezone to a classification that was not requested by the petitioner. Mr. Frisina replied that if the Board's intention was to change density in the area then the Board should change the Land Use Plan. County Attorney Dennis Davenport added that, if the petitioner asks for a particular zoning district, then Board has the ability to rezone the property to a less-intense district than what the petitioner requested. He restated that the Board was not limited to what the petitioner asks for since the Board can approve a different zoning district, so long as it is not more intense than what was originally requested. Commissioner Ognio asked if the petitioner had to agree to R-70; should the Board decide to rezone the subject property to R-70. Mr. Davenport replied that once the petitioner files for a property to be rezoned and if the information leads to the conclusion that there is a zoning district that is more suitable for the property, then the Board has the ability to rezone the property to that more suitable zoning district.

Chairman Brown asked the petitioners if they had a problem with rezoning the subject property to R-70. Mr. Heath replied that Mr. D'Souza's had no problem rezoning to R-70. Commissioner Ognio stated that the rezoning might have to be R-75. Mr. Heath replied that rezoning the property to R-75 could present a problem for the D'Souza's. Mr. Frisina reminded the Board that there were problems with rezoning the subject property to R-70, and that in order to maintain two-acre properties the next option would be rezoning to R-75. Mr. Heath repeated that he did not think rezoning the properties to R-75 would work for the D'Souza's.

Chairman Brown asked Mr. McCreary, as Agent for Danny Ray Reid, if the conditions that were read into the record and that were to be completed within 180 days were acceptable. Mr. McCreary answered that he was in agreement and that there was agreement to meet the conditions within 180 days as stipulated by the Board of Commissioners.

Mr. Davenport informed the Board that one of the three options asked for a variance for a house size because the existing house does not currently meet the minimum house size. He reminded the Board that if the reason it did not want to look strongly to R-75 or R-78 was due to house size; then the house does not meet house size anyway. He explained that if the petitioner's motivation was to seek a variance because the house size is smaller than the minimum that is required for the district it is getting, then a variance would still be needed even if the subject property was rezoned to R-75 zoning.

Commissioner Oddo moved to accept consideration of Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-40, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition with the additional six-month time limit. The motion failed for a lack of a second.

Commissioner Ognio moved to accept Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-75, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition with the additional six-month time limit. Commissioner Barlow seconded the motion.

Commissioners Ognio, Brown, Barlow and McCarty briefly responded to Mr. Maxwell's request for each of them to recuse themselves. Commissioner McCarty added that he would abstain from voting on the motion since he did not like the direction this consideration was going.

Chairman Brown asked the applicant to return to the podium, clarified that the motion was to rezone the property from A-R and R-70 to R-75, and asked if that was acceptable to the applicant. He also asked Mr. Heath if this action would be acceptable to the D'Souza's. Mr. McCreary, representing Mr. Danny Reid, stated this matter was moving too fast and he was not prepared for rezoning the property R-75, and he asked Mr. Frisina to explain the differences between R-70 and R-75. Mr. Frisina briefly explained the differences. Mr. Heath, representing the D'Souza family, informed the Board that the family was not ready to commit to putting a 2,500 square foot house on the property. He said the D'Souza's had the first right of refusal any time that Mr. Reid wanted to sell the property, and that the D'Souza's did everything they could to build two additional houses. Mr. Heath added that it is a lot to ask the D'Souza's to spend about $75,000 in additional expenses on a house at this point, and he reiterated that the R-75 zoning would not work for the D'Souza's. Discussion followed.

The motion to accept Petition No. 1236-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to rezone 2.00 acres from A-R and R-70 to R-75, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail, with one condition with the additional six-month time limit passed 3-1-1 with Chairman Brown voting in opposition and Commissioner McCarty abstaining from the vote. Copies of the request, Ordinance 1236-14, and Resolution 1236-14, identified as "Attachment 6," follow these minutes and are made an official part hereof.

6. Consideration of Petition No. RP-053-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to add one (1) lot to the Final Plat of Reid Estate, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail.

Chairman Brown asked how Petition No. RP-053-14 was impacted since the subject properties had been rezoned to R-75 with the last vote. Community Development Director Pete Frisina answered that the last Board had just voted to rezone the subject property to R-75 from a property that had been split-zoned. He explained that for a lot to be created, the Final Plat had to be revised since it is part of the Subdivision Regulations. He summarized that Petition RP-053-14 would give staff permission to revise the Final Plat.

Mr. McCreary, standing as Agent for Mr. Danny Ray Reid, said he was not familiar with what was being done so he was not prepared to speak about it. He said he would get with Zoning Administrator Dennis Dutton to try to work something out.

No one spoke in favor of or in opposition to this request.

Mr. Eric Maxwell asked for the Board to adopt the verbatim comments that he made in opposition of Petition 1236-14 if it was acceptable to the Board. Chairman Brown replied that the Board would adopt the verbatim comments given by Mr. Maxwell.

Chairman Brown informed the Board that he did not like having a petitioner come to the podium saying he did not know what was being voted on, and he asked if this item should be tabled. Community Development Director Pete Frisina replied that this vote was procedural based on the vote that took place under Public Hearing #5. Discussion followed.

Chairman Brown moved to approve Petition No. RP-053-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to add one (1) lot to the Final Plat of Reid Estate, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail. Commissioner Ognio seconded the motion. Discussion followed.

Chairman Brown repeated that he did not like voting on something when the petitioner comes to the podium and says he does not understand, but he added that since the vote passed on Public Hearing #5 that the matter would go forward.

Commissioner Oddo asked, should the conditions discussed during Public Hearing #5 not be met, would the rezoned property revert back to its original zoning. County Attorney Dennis Davenport replied that the property would not revert back to its original zoning, even if the conditions were not met, since the property had just been rezoned. He said if the conditions are not met then the Board could take action for rezoning.

The motion to approve Petition No. RP-053-14, Danny Ray Reid, Owner, and Brian McCreary, Inc., Agent, request to add one (1) lot to the Final Plat of Reid Estate, with said property being located in Land Lots 72 and 89 of the 7th District and fronting on Dogwood Trail passed unanimously. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

There were no items on the Consent Agenda.

OLD BUSINESS:

There were no items of Old Business.

NEW BUSINESS:

7. Consideration of the Selection Committee's recommendation to appoint Mr. Don Wellman, County Administrator Steve Rapson, and Commissioner Randy Ognio to the Fayette County Public Facilities Authority for one-year terms beginning immediately and expiring July 23, 2015.

Commissioner Barlow moved to accept the Selection Committee's recommendation to appoint Mr. Don Wellman, County Administrator Steve Rapson, and Commissioner Randy Ognio to the Fayette County Public Facilities Authority for one-year terms beginning immediately and expiring July 23, 2015. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio abstaining from the vote. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

8. Consideration of Resolution 2014-17 entitled "Resolution Authorizing Fayette County as a Pilot Site in Metropolitan Atlanta for Autonomous Vehicle Design, Development, and Testing."

Chairman Brown had staff show two YouTube videos on autonomous vehicles and gave a brief summary of his resolution. He stated that the concept for autonomous vehicles had been around since the 1950s and 1960s but until recent times there had not been sufficient technological advancements to achieve the goal. He explained that the technology now exists and that Google has already run autonomous vehicles for more than 800,000 miles on California's highways. He stated that there are already four states in the United States that allow for testing autonomous vehicles, and he thought this technology was so vital that it would become a multibillion dollar industry. Chairman Brown suggested that by adopting the resolution, Fayette County would embrace the ability to bring high-paying manufacturing jobs and technology jobs to Fayette County that would build the components and software for the autonomous vehicles. He added that currently there are virtually no regulations on autonomous vehicles, so Fayette County could provide the testing laboratory that would not only test and refine the technology but would implement the regulations. Chairman Brown also mentioned benefits associated with autonomous vehicles such as lower insurance rates, lower traffic accidents, and the utilization of 30% of the current transportation infrastructure on Georgia's roads, highways, and interstates. He further suggested that it would virtually eliminate the need for paratransit, a high-cost transportation component needed for transporting the elderly and those unable to drive. He stated that should the resolution be adopted that the State of Georgia would still have to give approval and issue guidelines to test the autonomous vehicles in Fayette County.

Commissioner Barlow asked Chairman Brown if this concept had been discussed with either the Fayette County Development Authority or the Fayette County Public Works Department. Chairman Brown replied that he had spoken to Public Works Director Phil Mallon about this concept. He stated that he also spoke with Georgia State Representative Ed Setzler who serves as Chairman of the Technology Committee about a month ago on this matter. Chairman Brown reminded the Board that metropolitan Atlanta had missed an opportunity when the internet industry came into being, and he urged Fayette County to provide an opening for metropolitan Atlanta and Georgia to become the launching ground for autonomous vehicles. Commissioner Barlow replied that the resolution seemed innocuous, that it did not create harm, and that it would allow companies to collaborate with Fayette County to test and develop autonomous vehicles and their associated regulations.

Commissioner Oddo said this autonomous vehicle technology would tend to keep everybody independent since everybody liked to drive their own vehicles. He said he did not want to get cooped up on more and more traffic, and that this technology was attractive since it would help maintain that independence.

Commissioner Ognio agreed that getting in on the front-end of policy setting for autonomous vehicles would be good for Fayette County. He said he could see a lot of issues already such as could a person operate one without a license, how old would a person have to be to operate an autonomous vehicle, and other issues. Chairman Brown reiterated that passing the resolution was just the first step, but that the State of Georgia would have to give an exemption from current laws and would have to create criteria under which this is done. He said if the legislature does not give an exemption, then this entire matter would end. He stated that passing this resolution would open the door for the State's consideration.

Denise Ognio: Mrs. Ognio spoke in opposition to Resolution 2014-17 saying she was scared to death. She asked how much would it cost to reduce traffic congestion while saving the state and local governments money. She suggested that autonomous vehicles would cost more to manufacture, and they would have some higher sales cost. She stated that regulations would come from the state and federal governments and questioned just how much influence Fayette County would have in setting regulations. Mrs. Ognio also expressed concerns about state and federal governments being involved since she had never seen a government give something for free since they always want something back. Chairman Brown and Commissioner Ognio replied to Mrs. Ognio's comments.

Angela Bean: Ms. Bean commented to Resolution 2014-17 saying she was not opposed to it so long as the County remained cautious with its implementation. She stated that she was addicted to her smart phone even though the National Security Agency was listening to everything she said. She reminded the Board that technology is good but can be abused, and she stated that when the federal government is involved that is "where we find the evil creeps in." She suggested that the technology is already present to control vehicles by remote control, and that the control is done by entities that regulate themselves the ability to control individuals' lives. She was concerned that this new technology would be controlled by a federal government that could tell people when, where, how far, and how often they could move about. She cautioned the Board about public-private partnerships saying it opens the door to crony capitalism. She also suggested that Fayette County, as well as all counties, could push back on the federal government, as written about in the book *Restoring America: Starting One County at a Time.* She summarized her remarks by saying she was not opposed to the resolution, that she appreciated the clarification that was given at the meeting, and that the county needs to have less federal government intrusion in this matter. Chairman Brown replied to some of Ms. Bean's comments.

Commissioner Barlow moved to adopt Resolution 2014-17 entitled "Resolution Authorizing Fayette County as a Pilot Site in Metropolitan Atlanta for Autonomous Vehicle Design, Development, and Testing." Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-17, identified as "Attachment 9," follow these minutes and is made an official part hereof.

9. Approval of the July 10, 2014 Board of Commissioners Meeting Minutes. Commissioner Barlow was not present for this meeting.

Commissioner McCarty moved to approve the July 10, 2014 Board of Commissioners Meeting Minutes. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Barlow abstaining from the vote.

PUBLIC COMMENT:

Roy Bishop: Mr. Bishop suggested that when a contractor is cutting into the water main that a Water System employee should be present. He stated that the fire hydrants in front of his house have been moved twice in the past two weeks since they had to cut the pipes in front of his house.

Frank Gardner: Mr. Gardner stated he wanted to remember a coach at North Clayton High School, and he spoke in remembrance of the coach. He then stated that he thought Verizon would be interested in the autonomous vehicle endeavor in Fayette County. He said that Fayette County would continue to grow so long as it has people of vision involved in it. He spoke about how radio signals are good but limited due to trees, but he asked that the land not be clear cut in order to accommodate radio signals.

ADMINISTRATOR'S REPORTS:

Emergency Purchase Order and Request for Proposal: County Administrator Steve Rapson reported that the County is currently finishing up its evaluation of water tanks as part of the analysis prescribed by the Consent Order. He stated that the evaluation had focused on the County's two water plants but that it was now branching out through the distribution system. He said part of what the County has received from the preliminary report is that there are five above-ground tanks and three ground-level tanks. He stated that the County had to take one of the tanks out of service for repairs, and he said he ordered an emergency Purchase Order for its repair. He added that the County is issuing a Request for Proposal (RFP) for maintenance for the remaining tanks. He stated that the RFP and the official approval to move funds for the emergency Purchase Order would be brought to the Board during the August 28, 2014 Board of Commissioners meeting.

ATTORNEY'S REPORTS:

Real Estate and Approval of the June 26, 2014 Executive Session Minutes: County Attorney Dennis Davenport stated that he had one item of Real Estate and the review of the June 26, 2014 Executive Session Minutes to be discussed in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow introduced his wife, Cherie, to the Board. He also spoke in memory of Reporter John Munford, of *The Citizen*, who passed away unexpectedly on Monday, July 21, 2014. He spoke about the friendship he had with Mr. Munford and spoke about how Mr. Munford was a great family man who will be missed. He showed several photos as he spoke in remembrance of Mr. Munford.

Commissioner McCarty: Commissioner McCarty stated that he has lost three friends this year including John Munford. He stated that while life will go on, John Munford would be missed.

Commissioner Ognio: Commissioner Ognio said he was shocked to hear of John Munford's death. He stated that Mr. Munford was more than fair in his reporting. He added that if a person talked to Mr. Munford that what was said could likely find its way into an article. He said John was always fair in his reporting and that he would be missed.

Commissioner Oddo: Commissioner Oddo said while nothing more remained to be said after Commissioner Barlow's comments; it still did not seem real that John Munford has passed away. He said there was something wrong with looking into the audience and not seeing John. He mentioned that John was always smiling, that he was a good guy, and that he took his job very seriously. He added that this has been a very tough year for many people that he knows, and that John's death just makes it a lot tougher. He extended his and his wife's condolences to the Munford family.

Chairman Brown: Chairman Brown told a story about John Munford during the time when he was serving as mayor of Peachtree City and Steve Rapson was a council member. He stated that John Munford was in the audience during a time when a controversial item was being discussed, and that he was writing during the discussion. Chairman Brown related that Mr. Munford was obviously getting worked up about what was being said, and he stopped being the reporter, ran up to the microphone, and began to speak passionately to the council. He said the

council was so amazed that he would actually become so passionate on the topic, and that afterwards he asked Mr. Munford if he was actually writing the news or trying to make the news. He said John was an interesting person, that he was loved by all, that he has a great family, and that the community looked forward to helping them all. He told the audience that Mr. Terry Garlock was taking donations on behalf of the Munford family. Chairman Brown pointed out that interns Kyra Parks and Vanessa Johnson were in the audience. He added that Ms. Parks was put into action after County Clerk Floyd Jones was called away on an emergency. Chairman Brown stated that Ms. Parks and Ms. Johnson were going to make a presentation during the August 14, 2014 meeting, and he encouraged everyone to come to the meeting.

EXECUTIVE SESSION:

One Real Estate Item and Review of June 26, 2014 Executive Session Minutes: Chairman Brown moved to retire to Executive Session. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The Board of Commissioners recessed into Executive Session at 9:15 p.m. and returned to Official Session at 9:25 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return into Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 10," follows these minutes and is made an official part hereof.

Sale of Fire Station #7 Located in Woolsey, Georgia: Chairman Brown moved to approve the sale for Bid #905, Parcel ID# 0443-016, that is located at 273 Hampton Road, Fayetteville, Georgia, for the amount of $83,760.00, with the winning bidder being Mr. Kenneth N. Wright of CFI, Incorporated. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the June 26, 2014 Board of Commissioners Executive Session Minutes: Chairman Brown moved to approve the June 26, 2014 Executive Session Minutes. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Chairman Brown moved to adjourn the July 24, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

The July 24, 2014 Board of Commissioners meeting was adjourned at 9:26 p.m.

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Tameca P. White, Deputy County Clerk Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14th day of August 2014.

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Tameca P. White, Deputy County Clerk