



Action Agenda

Board of Commissioners

April 23, 2015

7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on April 23, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:

Charles Oddo, Chairman
Pota Coston, Vice Chair
David Barlow
Steve Brown
Randy Ognio

Staff Present:

Steve Rapson, County Administrator
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk
Dennis Davenport, County Attorney

Call to Order

Chairman Oddo called the April 23, 2015 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Chairman Oddo

Chairman Oddo offered the Invocation.

Pledge of Allegiance

Commissioner Brown led the audience in the Pledge of Allegiance.

Acceptance of Agenda

The Board, staff, and audience sang "Happy Birthday" to Vice Chair Coston.

Commissioner Brown moved to accept the Agenda as presented. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

PROCLAMATION /RECOGNITION:

1. Proclamation of the month of April as "National Alcohol Awareness Month" in Fayette County.

Vice Chair Coston and the Board proclaimed the month of April as "National Alcohol Awareness Month" in Fayette County. Mr. Michael Mumper, representing AVPride, briefly spoke to the Board and the audience about the dangers of alcoholism and the need for alcohol awareness.

2. Proclamation of May 4, 2015 as "Water Professionals Appreciation Day."

Commissioner Barlow and the Board proclaimed May 4, 2015 as "Water Professionals Appreciation Day." Water System Director Lee Pope spoke about the importance of water professionals and told about how all jobs are dependent on the clean, available water.

3. Presentation of award to Firefighter/EMT Joshua Frasier for "Firefighter of the Year."

Fire Chief David Barlow and the Board presented an award to Firefighter/EMT Joshua Frasier.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction of Public Hearings* into the record and introduced Public Hearing #4 to the Board.

4. Public Hearing on staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License from Msuleman Gillani to Mansoor Bhamani, doing business as One Stop Amoco/BP, which is located at 2950 SR 138, Fayetteville, Georgia.

Community Development Director Pete Frisina reported that the application was vetted by the Code Enforcement Officer, that the license was in good standing, and that Mr. Bhamani is in good standing.

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

Commissioner Brown moved to approve the transfer of an existing 2014 Retail Alcohol, Beer and Wine License from Msuleman Gillani to Mansoor Bhamani, doing business as One Stop Amoco/BP, which is located at 2950 SR 138, Fayetteville, Georgia. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

5. Public Hearing of Petition No. 1243-15, Fland Land, LLC, Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lots 49, 79 & 80 of the 7th District, and fronting on Lees Lake Road and Coastline Road, with one (1) recommended condition.

Community Development Director Pete Frisina reminded the Board that this petition had come before the Board on March 23, 2015 at which time staff discovered a material error with the yield plan. He said the petition was returned to the Planning Commission and that the Planning Commission gave unanimous approval with one condition.

Agent Donna Black, representing Fland Land, LLC, spoke on behalf and in favor of Petition No. 1243-15. No one else spoke in favor of Petition 1243-15. No one spoke in opposition to Petition 1243.15.

Commissioner Brown moved to approve Petition No. 1243-15, Fland Land, LLC, Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lots 49, 79 & 80 of the 7th District, and fronting on Lees Lake Road and Coastline Road, with one (1) recommended condition. Vice Chair Coston and Commissioner Barlow seconded the motion. Discussion followed.

The Board asked Ms. Black if the applicant was agreeable to the one condition listed and Ms. Black replied that the applicant was agreeable to the condition.

The motion to approve Petition No. 1243-15, Fland Land, LLC, Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lots 49, 79 & 80 of the 7th District, and fronting on Lees Lake Road and Coastline Road, with one (1) recommended condition passed 4-1 with Commissioner Ognio voting in opposition.

CONSENT AGENDA:

Commissioner Brown asked to remove Item #10 from the Consent Agenda. Chairman Oddo asked to remove Item #11 from the Consent Agenda.

Commissioner Coston moved to approve Consent Agenda Items 6 through 9. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

- 6. Approval of a request from the Fayette County Juvenile Court for authorization for file a grant application with the Criminal Justice Coordination Council, on behalf of the Fayette County Board of Commissioners, in the amount of \$76,432.00, and authorization for the Chairman to execute said application.**
- 7. Approval of Resolution 2015-05 adopting the "Fayette County 2014 Annual Report on Fire Services Impact Fees (FY2014), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2015-FY2019)", and authorization to transmit the resolution to the Atlanta Regional Commission.**
- 8. Approval of staff's recommendation to add Stillbrook Estates Phase II to Fayette County's Street Light Program.**

9. Approval of staff's recommendation to add the Rocky Fork subdivision to Fayette County's Street Light Program.

10. Approval of the April 3, 2015 Board of Commissioners Retreat Minutes.

Commissioner Brown moved to table the April 3, 2015 Board of Commissioners Retreat Minutes to the May 14, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed unanimously.

11. Approval of the April 9, 2015 Board of Commissioners Meeting Minutes.

Chairman Oddo moved to deny the April 9, 2015 Board of Commissioners Meeting Minutes. Commissioner Barlow seconded the motion. Discussion followed.

Chairman Oddo withdrew his motion to deny the April 9, 2015 Board of Commissioners Meeting Minutes. Commissioner Barlow indicated his approval to withdraw the motion.

Chairman Oddo moved to table the April 9, 2015 Board of Commissioners to the May 14, 2015 Board of Commissioners meeting and to ask County Clerk Floyd Jones to provide the policy concerning minutes prior to the May 14, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. Discussion followed.

The motion to table the April 9, 2015 Board of Commissioners to the May 14, 2015 Board of Commissioners meeting and to ask County Clerk Floyd Jones to provide the policy concerning minutes prior to the May 14, 2015 Board of Commissioners meeting passed 3-1-1 with Commissioner Brown voting in opposition and Commissioner Ognio abstaining from the vote.

OLD BUSINESS:

12. Consideration of the March 26, 2015 Board of Commissioners Meeting Minutes. These minutes were tabled at the April 9, 2015 Board of Commissioners meeting.

Commissioner Brown noted that there was a document on the dais with a small change indicated for the March 26, 2015 Board of Commissioners meeting.

Commissioner Brown moved to approve the March 26, 2015 Board of Commissioners Meeting Minutes with the change as indicated on the dais document. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS:

13. **Consideration of staff's request to adopt Ordinance 2015-07 Floodplain Management, by deleting Article IV, pertaining to "Floodplain Management," from Chapter 104, in its entirety, and by replacing it with a new Article IV in Chapter 104.**

Environmental Management Director Vanessa Birrell briefed the Board on staff's request to adopt Ordinance 2015-07 Floodplain Management.

Commissioner Brown moved to adopt Ordinance 2015-07 Floodplain Management, by deleting Article IV, pertaining to "Floodplain Management," from Chapter 104, in its entirety, and by replacing it with a new Article IV in Chapter 104. Vice Chair Coston and Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

14. **Consideration of staff's request to award Preliminary Engineering Services for the Redwine Road Multi-Use Path (RFP # 930-P) to Heath & Lineback Engineers, Inc., with a maximum allowable cost of \$113,980.48, and authorization for the Chairman to sign all relevant documents associated with this request.**

Public Works Director Phil Mallon briefed the Board on staff's request to award Preliminary Engineering Services for the Redwine Road Multi-Use Path to Heath & Lineback Engineers, Incorporated.

Commissioner Barlow moved to award Preliminary Engineering Services for the Redwine Road Multi-Use Path (RFP # 930-P) to Heath & Lineback Engineers, Inc., with a maximum allowable cost of \$113,980.48, and to authorize the Chairman to sign all relevant documents associated with this request. Vice Chair Coston seconded the motion. No discussion followed. The motion passed unanimously.

15. **Consideration of Commissioner Brown's proposal to allow employees of local corporations to use Lake McIntosh Park.**

County Administrator Steve Rapson provided background on how this agenda request came to be.

Commissioner Brown asked to have the ability to read the material presented for his agenda item before a motion could be made. Chairman Oddo agreed to let Commissioner Brown read his material that he submitted into the record.

Commissioner Brown moved to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of the county will have to pay a \$10.00 out of county fee as is the norm. The corporation will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling the stickers to the corporations. Commissioner Ognio seconded the motion. Discussion followed.

Commissioner Brown amended his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of county will have to pay a \$5.00 out of county fee. The corporations will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling the stickers to the corporations. The County is to determine at what date the stickers will expire and reissue them, including the ability to purchase a \$50.00 annual pass. Commissioner Ognio seconded the amended motion. Discussion continued.

Commissioner Brown made a second amendment to his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of county will have to pay a \$5.00 out of county fee. The corporations will be responsible for purchasing the decals at cost from the County and will be in charge of distributing the stickers to all employees leaving the County with little administrative duties other than selling the stickers to the corporations. The County is to determine at what date the stickers will expire and reissue them, including the ability to purchase a \$50.00 annual pass. Commissioner Ognio seconded the second amendment to the motion.

Commissioner Brown made a third amendment to his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of the county will have to pay a \$5.00 out of county fee. The corporations will be responsible for purchasing the decal at cost from the County and will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling stickers to the corporations. The decal is good for two years. The County will include the ability to purchase a \$50.00 annual pass. Commissioner Ognio seconded the third amendment to the motion.

Greg Detwiler: Mr. Detwiler, representing the Fayette County Chamber of Commerce, said this discussion goes beyond just the businesses since it involves the people who go to the businesses. He said most of his board members did not understand why there was a charge to go to the park. He asked if Fayette County portrays itself as a welcoming community by charging people to attend the parks. He pointed out that large businesses like Panasonic have "weird" shifts with businesses on the other side of the world, and they would like to go to the park at 8:00 p.m. while there is still daylight. He stated that there are single proprietors of businesses who operate a business in Fayette County while they live outside of the county, yet they are being charged a fee to go to the park. He said this issue involves customers like those who patronize the performing arts company. He said the customers are drawing people from all over the region, but if they go to Lake McIntosh they have to pay a fee or get fined just to use the park while the kids are utilizing the businesses in Fayette County. Mr. Detwiler said Panasonic employees want to use the park during off-hours. He said his point was to ask "What kind of welcoming are we doing?" He suggested that families and business owners and potential homeowners should be attracted to use the recreational facilities, and he asked if the County was being helped out through charging the people. He said the Fayette Chamber of Commerce thought that the wrong message was being sent to the community, and he

said the Chamber supported removing the residency requirements and removing all fees for Fayette County's parks.

Frank Gardner: Mr. Gardner said this was a subject that started two years ago after he stood at the podium and complained about fees at the parks. He stated that Mr. Detwiler had good comments and he added that the Director of the Water System that he spoke to two years ago brought up something that was important and has not been mentioned. Specifically, he said there needed to be consideration about people having picnics and similar activities at any of the parks since that could be a problem. He clarified that parking would not be a problem, but that the problem would be with cleaning up the park around the gazebos. Mr. Gardner said he was in support of free parking for people who want to fish at the parks. He said the problem will be with out of county people who bring large groups. He asked what would happen when more than one group show up at the gazebo at the same time. He asked who would pay the Sheriff's to go to the park and settle the matter. Mr. Gardner asked the Board to put this consideration on hold until the Recreation Department, the Administration Department, and the Board of Commissioners get together and think about all the details. He concluded that there needed to be control with the gazebos at the park.

Bob Ross: Mr. Ross said he did not realize how complicated this issue could be. He stated that Mr. Gardner had good points for managing the park facilities. Mr. Ross stated that during the visioning process about \$110,000.00 was raised with about 75% of the raised funds coming from businesses. He said he did not want to cover fiscal responsibilities just within the county while forgetting that others are also making positive contributions outside of the County's Administrative Complex. He pointed out that Panasonic donated \$10,000.00 to fund a robotics center in the school, and that donation is not reflected in the county's budget. He said Fayette County has a welcoming environment and so a number of kids in the school systems were beneficiaries. Mr. Ross said in 2004 the Board of Education spent \$25 million that went down the drain in excess school, and he was told that the reason the Board of Education spent the money was because it understood the student population was increasing. He said the Board of Education could have come to the Board of Commissioners and looked at the comprehensive plan that showed how the student population would flatten out in the coming years. Mr. Ross asked the Commissioners to look at the bigger picture, not just internal responsibilities, and he thought the County clearly needed to play ball with the businesses. He said the businesses have the County's best interests at heart, and the County is expecting them to do a lot more. He said one of the primary committees that has been organized focuses on education with an increasing utilization of internships that require businesses. Mr. Ross again agreed with Mr. Gardner's recommendation, and he thought it was appropriate that the Board set fee schedules for parks instead of the fee schedules being set in committees.

Brian Ullem: Mr. Ullem, representing Panasonic, said \$75,000 was provided to Fayette County but it is not the brunt of what it provides. He said Panasonic is one of the largest and oldest employers in Peachtree City, and all it wants is access to primarily Lake McIntosh. He said the objective was to be able to park free of charge. Mr. Ullem said there was talk about paying for a floating dock, that the Panasonic Charities Committee considered it, but that it was voted down. He said the employees will want to know the situation tomorrow morning and that it would be great to enjoy the park.

The Commissioners responded to some of the comments provided by the citizens.

The motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government, and for those who decide to come to the park on weekends from out of county to pay a \$5.00 out of county fee, with corporations to be responsible for purchasing the decals at cost from the County and distributing the stickers to all the employees, with said decal being good for two years, and for the County to include the ability to purchase a \$50.00 annual pass was unanimously approved.

PUBLIC COMMENT:

Donald Fowler: Mr. Fowler read a letter to the Board in which he asked the Commissioners to help preserve a small token of the rural character of Hood Road from the “small city” that Pinewood Studios is planning and that will front on Veterans Parkway and Hood Road. Mr. Fowler also read and provided a signed petition to the Board that was signed by residents of Hood Road requesting the Commissioners to use whatever means possible to prevent the City of Fayetteville or Pinewood Forrest from obtaining curb cuts into Hood Road. The Board asked Mr. Fowler to provide the signed petition to County Administrator Steve Rapson, and Mr. Fowler did so.

Denise Ognio: Mrs. Ognio spoke about the recently concluded Association of County Commissioners Georgia (ACCG) Annual Convention in Savannah. She thanked Chief Deputy Clerk Tameca White for arranging for the Commissioners to attend Savannah. She said the tax dollars paid for rooms while the Board went to the ACCG to train. She sent kudos to her husband, Commissioner Randy Ognio, for receiving his Certificate of Training and she said it meant a lot for him to get the certificate. Mrs. Ognio said she expected her tax money to be spent wisely. She said the Commissioners were given the ability to learn through the sessions prepared for them, and she thanked the Commissioners who attended the sessions so they can better attend to the County’s needs. She said she looked forward to seeing them utilize what they have learned, and she challenged the people to ask the Commissioners what meeting they attended and what they learned, and to ask them whom they voted for in the General Session. She closed thanking the Commissioners for what they did in Savannah.

ADMINISTRATOR’S REPORTS:

Selection Committee for Board of Health: County Administrator Steve Rapson stated that there needed to be a Selection Committee for the Board of Health due to the recent resignation of Dr. Michael Strain. Chairman Oddo appointed Vice Chair Coston, Commissioner Barlow, and Dr. Obasanjo to the Selection Committee for the Board of Health.

Selection Committee for the Region Six Mental Health Planning Board: County Administrator Steve Rapson stated that there needed to be a Selection Committee for the Region Six Mental Health Planning Board due to the recent resignation of Ms. Sharon Herbert. Chairman Oddo appointed Vice Chair Coston and Commissioner Barlow to the Selection Committee for the Region Six Mental Health Planning Board.

Selection Committee for the Recreation Commission: County Administrator Steve Rapson asked for a Selection Committee to be appointed for the Recreation Commission due to Mr. Shane Jones' expired term. Chairman Oddo appointed Vice Chair Coston and Commissioner Brown to the Selection Committee for the Recreation Commission.

Confederate Memorial Day: County Administrator Steve Rapson reported that Confederate Memorial Day will be held on Sunday, April 26, 2015. He stated that 150 years ago Confederate General Robert E. Lee surrendered to Union General Ulysses S. Grant.

Lake Peachtree Dredging: County Administrator Steve Rapson stated that the night hauling for Lake Peachtree dredging would begin this night.

Commissioner Ognio recognized as Certified Commissioner: County Administrator Steve Rapson stated that Commissioner Ognio had received his Commissioners Certification from the Association of County Commissioners Georgia while in Savannah.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had Pending Litigation and the Review of the April 9, 2015 Executive Session Minutes for Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio replied to Mr. Fowler saying he did not know how much authority the Board will have to reject the curb cut on Hood Road. He asked the City of Fayetteville, including Mayor Clifton who was sitting in the audience, to pay attention to the concern and address them at Fayetteville's city council. He reminded everyone that on April 28, 2015 there will be an Open House meeting concerning the State Route 92 and Antioch Road intersection. He said the meeting would take place at Harp's Crossing Baptist Church from 4:00 p.m. until 7:00 p.m. He said it was not a meeting, but rather an open house where citizens can express their thoughts about the subject. Commissioner Ognio stated he learned a lot while in Savannah and needs to apply the knowledge for the County.

Vice Chair Coston: Vice Chair Coston encouraged the people to attend the April 28, 2015 meeting at Harp's Crossing Baptist Church. She stated that the County has received a number of emails and phone calls concerning the roundabouts and she encouraged everyone to go to the meeting and get informed. She congratulated Commissioner Ognio for obtaining his certification.

Commissioner Barlow: Commissioner Barlow gave a shout-out to Covenant Presbyterian Church saying April 2-4, 2015 was the National Christian Forensic and Communications Association Conference. He said it involved Christian homeschoolers and the conference was held at First Baptist Jonesboro. He said the Konos School, which is housed at Covenant Presbyterian Church, had the majority of students representing Fayette County. He spoke about having to judge the debates. He said he was left with the impression that the students were future Christian leaders. Commissioner Barlow stated that he attended Georgia Public Health Association in Atlanta, and that he

was unanimously elected as Vice Chairman of the association. Commissioner Barlow then mentioned that he traveled to Savannah for the ACCG Conference, and he thanked Fayette County for giving him the opportunity to serve.

Commissioner Brown: Commissioner Brown responded to Mr. Fowler's comments saying Fayetteville has a lot of work ahead of it. He said there need to be a good look at the access on Hood Road to make it as good as possible for the people on Hood Road. He said the Board was willing to work with the City to make sure the residents continue to have something similar to what they currently have. Commissioner Brown wished Vice Chair Coston a Happy Birthday and he congratulated Commissioner Ognio for earning his certification and the hard work it involves. Commissioner Brown stated that over the past two years he really tried over the past two years to make sure everything was as fair as he could possibly make it, and that he strived to give everybody as much time as they need to speak and to allow anybody to put what they want on an agenda. He stated that there were times when he wrote the agenda forms just to get the process up to where it could be put on an agenda. He hoped that the Board would work in that vein this year. He thought the situation with the minutes was uncalled for and he hoped the Board could get over some of the concerns. Commissioner Brown said he did not agree with everybody on the Atlanta Regional Commission (ARC) Board, but there was a civil and cordial relationship that was respectful irrespective of how the votes came. He hoped the Board of Commissioners could obtain the same type of relationship. Commissioner Brown mentioned that this is the 20th anniversary of the Oklahoma City bombing, and he was ashamed of how he forgot so much of what occurred in Oklahoma City.

Chairman Oddo: Chairman Oddo stated that it should be understood that there are five individuals on the Board who have different ways of looking at things, and that there was nothing directed at anyone. He added that the Board members have a right to understand what is going on to the best of their abilities, and he thought that while the discussion was at times tense it was civil. He said there will not be agreement on everything but the issues are being handled civically and professionally. Chairman Oddo said he thought the County was limited to Mr. Fowler's concern, but that the county could encourage the City of Fayetteville's mayor and council to change. Chairman Oddo congratulated Commissioner Ognio for obtaining his certification, and he commented on the classes that the Commissioners take in training. He pointed out that Hopeful Primitive Baptist Church will have their grand opening on May 2, 2015, and he commented on the restoration and remodeling of the church. Chairman Oddo said he had the honor of giving the keynote speech at the Citizens' Ceremony held at the Library, and he said 75 people from 37 countries were officially recognized as citizens.

EXECUTIVE SESSION:

Pending Litigation and Review of the April 9, 2015 Executive Session Minutes: Commissioner Brown moved to enter into Executive Session. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:33 p.m. and returned to Official Session at 10:19 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

Approval of the April 9, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the April 9, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the April 23, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The April 23, 2015 Board of Commissioners meeting was adjourned at 10:20 p.m.

Floyd L. Jones, County Clerk

