

## **BOARD OF COUNTY COMMISSIONERS**

Charles W. Oddo, Chairman  
Vacant, Vice Chair  
David Barlow  
Steve Brown  
Randy Ognio



## **FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Patrick Stough, Assistant County Attorney  
Floyd L. Jones, County Clerk  
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West,  
Public Meeting Room  
Fayetteville, GA 30214

## **ACTION AGENDA**

July 23, 2015  
7:00 p.m.

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### **Call to Order**

Chairman Oddo called the July 23, 2015 Board of County Commissioners meeting to order at 7:01 p.m.

### **Invocation by Commissioner Randy Ognio**

Commissioner Ognio asked Associate Pastor Al Meade of New Hope Baptist Church to offer the Invocation. Pastor Meade offered the Invocation.

### **Pledge of Allegiance**

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Commissioner Brown moved to accept the Agenda. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 4-0.

### **PROCLAMATION/RECOGNITION:**

#### **1) Recognition of Dr. William M. Strain, M.D. for his 24 years of service on the Fayette County Board of Health.**

Commissioner Barlow and the Fayette County Board of Health recognized Dr. Strain for his service.

#### **2) Recognition of McIntosh Trail Community Service Board and its opening of the new Pine Woods Behavioral Health Crisis Center.**

Commissioner Barlow and the Board recognized McIntosh Trail Community Service Board and its opening of the new Pine Woods Behavioral Health Crisis Center.

**3) Recognition of the Fayette County's Water System and the 911 Communications Department that were instrumental in the Insurance Services Office (ISO) awarding the City of Peachtree City its new Class 1 Public Protection Classification.**

Peachtree City Fire Chief Joe O'Connor recognized Fayette County's Board of Commissioners, Water System and 911 Communications Department, on behalf of the Mayor and citizens of Peachtree City, for being instrumental in the Insurance Services Office awarding the City of Peachtree City its new Class 1 Public Protection Classification.

**PUBLIC HEARING:**

Community Development Director Pete Frisina read the *Introduction to Public Hearings* into the record.

**4) Public Hearing of Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7<sup>th</sup> District and fronting on Flat Creek Trail, with one (1) condition.**

Community Development Director Pete Frisina stated that both staff and the Planning Commission unanimously approved the petition with one condition.

Ms. Tchavkov briefed the Board on the Petition. No one else spoke in favor of or in opposition to Petition 1247-15.

**Frank Gardner:** Mr. Gardner commented on Petition 1247-15, but he did not speak in favor or in opposition to the petition.

Commissioner Barlow moved to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7<sup>th</sup> District and fronting on Flat Creek Trail, with one (1) condition. Commissioner Ognio seconded the motion. Discussion followed.

Chairman Oddo asked Ms. Tchavkov if the applicant would agree to the stated condition, and Ms. Tchavkov stated that the applicant agreed to abide by the condition.

The motion to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7<sup>th</sup> District and fronting on Flat Creek Trail, with one (1) condition passed 4-0.

**5) Public Hearing of Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5<sup>th</sup> District and fronting on South Jeff Davis Drive.**

Community Development Director Pete Frisina introduced Petition No. 1248-15 to the Board. He stated that both the staff and the Planning Commission recommended approval. He said it was an existing minor subdivision plat so the property has to be rezoned and then permission has to be given to add two lots.

Mr. Chris Hayes, representing the applicant, provided a letter to the Board providing additional information on the request. He stated the letter included a concept plan for four lots at two-acres each. He stated that the houses would be roughly 3,000 to 4,000 square feet and it would be a very nice development with nice homes. Mr. Hayes then answered questions from Commissioner Brown.

No one spoke in favor of the petition.

Mr. Frank Love, Mr. Matthew Bennett, Mrs. Jaqueline Bennett, and Mr. Ed Christian spoke in opposition to Petition 1248-15.

Mr. Jay Knight responded in opposition to the rebuttal.

Commissioner Brown moved to deny Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5<sup>th</sup> District and fronting on South Jeff Davis Drive. Commissioner Ognio seconded the motion. Extensive discussion followed.

Mr. Rapson suggested that the Board should table the petition so staff could get with the applicant and address the issues that have been addressed.

Commissioner Brown modified his motion to table Petition No. 1248-15 to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the modified motion. No discussion followed. The motion passed 4-0.

Commissioner Brown stated that the Board was not reflecting on the quality of the houses but only had safety concerns. Mr. Rapson asked the people to email him with other concerns that were not addressed and he would provide them to Mr. Mallon for review.

**6) Public Hearing of Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5<sup>th</sup> District and fronting on South Jeff Davis Drive.**

Commissioner Ognio moved to table Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5<sup>th</sup> District and fronting on South Jeff Davis Drive to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**CONSENT AGENDA:**

Commissioner Brown moved to approve the Consent Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**7) Approval of staff's recommendation to approve a Change Order with Southeastern Pressure Grouting, Inc. in the amount of \$28,000.00 for additional grout-fill of the Lake Peachtree Spillway, and authorization for the County Administrator to sign the Change Order and any related documents.**

**8) Approval of the July 9, 2015 Board of Commissioners Meeting Minutes and the July 15, 2015 Board of Commissioners Special Called Meeting Minutes.**

**OLD BUSINESS:**

There were no Old Business items on the Agenda.

**NEW BUSINESS:**

- 9) **Consideration of the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016.**

Chairman Oddo and Commissioner Ognio commended Mr. Culbreth and spoke highly of his qualifications for the position.

Chairman Oddo moved to approve the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

- 10) **Consideration of Resolution 2015-11 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road and State Route 54 East.**

Commissioner Brown read Resolution 2015-11 into the record and spoke to the Board about the reasons for his request. Chairman Oddo replied to Commissioner Brown providing reasons for opposing Resolution 2015-11. Commissioners Barlow and Brown questioned Public Works Director Phil Mallon on his understanding and recommendation concerning the resolution.

Commissioner Brown moved to approve Resolution 2015-11. Commissioner Ognio seconded the motion.

Seven citizens spoke expressing both their support and opposition to the resolution. Extensive discussion followed.

The motion to approve Resolution 2015-11 failed 2-2 with Chairman Oddo and Commissioner Barlow voting in opposition.

**PUBLIC COMMENT:**

**Irene Cheyne:** Mrs. Cheyne expressed concerns about when at-large voting was decided upon and her concerns that the July 9, 2015 Executive Session meeting was held illegally.

**Larry Mapp:** Mr. Mapp thanked Ms. Cheyne for her comments. He submitted to the Commissioners and the attorneys that there is someone in the room who may be the victim of bad legal advice.

**Bonnie Williamson:** Ms. Williamson stated she attended the July 9 Board of Commissioners Meeting and the July 14 Board of Elections meeting, and she found it very interesting that the County Attorney reported that he had taken his advice from the other County Attorney. She said it was interesting since lawyers come up with whatever interpretation suits them, and that it is in the county's lawyers' best interest to advise for at-large voting given the likelihood of an injunction being filed resulting in more work and money for the lawyers.

**Alice Jones:** Mrs. Jones thanked Public Works Director Phil Mallon for completing the repair of her street and for stopping the flooding of the street. She also thanked County Administrator Steve Rapson for discussing the 2016 Budget with her for approximately two hours. She said in the meeting she learned that during Vice Chair Coston's time on the Board of Commissioners, there were some accomplishments made in the northern part of Fayette County. She asked the Board to do the right thing and to serve the entire county in an equitable way, to generate monies for all the parks, and to serve the entire county so that all citizens who pay taxes can benefit.

**Frank Gardner:** Mr. Gardner said he listened to the discussion about how to mitigate traffic in Fayette County while at the same time dividing the county into smaller lots, bringing in more people. He said many people moved to the area from College Park and bought many acres, and now they see a fast way to make money. He stated that the Zoning Ordinances are thick and ridiculous, and he asked how many Commissioners have actually read the Zoning Ordinance. He said the County is debating how to mitigate traffic while also debating how to bring people into the County. He pointed out that South Jeff Davis is south of McDonough Road and now the traffic will go down South Jeff Davis. He said it was getting ridiculous.

**Warren Oddo:** Mr. Oddo asked several questions of the Board concerning the tunnel that was extensively discussed at the July 9, 2015 Board of Commissioners meeting.

**John E. Jones:** Mr. Jones said he wanted to keep the memory of Vice Chair Pota Coston alive. He said some 5,000 people voted for her and put her into office and that currently those people do not have a voice. He said her campaign literature stated: "Let's work together for Fayette County." He said that was what he was doing and that is what those who voted for her are doing. He prayed that the Board would not dishonor her memory by continuing to make the attempt to revert to at-large voting. He knew the Board was tired of hearing it and that he was tired of saying it. He said too many people died on the road to the Voters Right Act, and that the people were just trying to get justice and a piece of the action. He said when he Googled Pota he found her acronym is Piece Of The Action. He said they wanted representation and would not sit on the sidelines.

#### **ADMINISTRATOR'S REPORTS:**

**Selection Committee for the Recreation Commission:** County Administrator Steve Rapson stated that a Selection Committee needed to be formed for Recreation Commission. Commissioner Barlow and Commissioner Brown were appointed to the Selection Committee.

**Selection Committee for the McIntosh Trail Community Service Board:** County Administrator Steve Rapson stated that a Selection Committee needed to be formed for the McIntosh Trail Community Service Board due to Mr. Culbreth's appointment to the Planning Commission. Commissioner Barlow and Commissioner Ognio were appointed to the Selection Committee.

**Notification of Three Approved Contracts:** County Administrator Steve Rapson reported that he approved three contracts that were between \$50,000.00 and \$200,000.00, and he stated that the contracts were posted online. He stated the first contract was a renewal with Jacobs Engineering in the amount of \$55,520.00 for Solid Waste Renewal #1 for methane monitoring. He stated that the previous contract was in the amount of \$63,770.00. Mr. Rapson reported that the second contract was a renewal to T&T Uniforms South in the amount of \$55,600.00 for Fire- Emergency Services Uniforms with an available budget of \$66,600.00. Mr. Rapson reported that the third contract was with Quality Management Consultants, LLC, and Cumberland Landscape Group for grass mowing for Kiwanis, McCurry, and Kenwood Parks and for the Justice Center in the amount of \$64,651.80.

**Intern Jess Lassetter:** County Administrator Steve Rapson stated that Friday was Intern Jess Lassetter's last day at Fayette County. He said Mr. Lassetter was the intern for the County Clerk's Office and that he would graduate college on Saturday.

**Response to Warren Oddo's Public Comments:** County Administrator Steve Rapson stated that the tunnel was being handled by Fayette County since it is in the Intergovernmental Agreement as approved by the Board of Commissioners. He stated that if other jurisdictions ask for tunnels then the request would be handled at that time. He added that it is not standard procedure to commit taxpayers to unknown costs. He stated that there are no other open-ended contracts or agreements entered into by Fayette County.

#### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** Assistant County Attorney Patrick Stough notified the Board that one item of Pending Litigation, one item of Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes needed consideration in Executive Session.

**Response to Ms. Cheyne's Public Comments:** Assistant County Attorney Patrick Stough replied to some of the concerns expressed by Ms. Cheyne during Public Comment.

### **COMMISSIONERS' REPORTS:**

**Commissioner Ognio:** Commissioner Ognio thought the County followed the law and that it did not take a vote concerning the special election. He understood that there's been a challenge to the action but that is the law. He said if the board had not followed the law and there was a challenge then the Board would be in a really bad position. He repeated that the Board followed the law. Commissioner Ognio stated that he wished there was a committee that would study the roads and come up with what road to build first he has never seen the road built before the foundation. He stated that his daughter was at the meeting and that it is always nice to see her.

**Commissioner Barlow:** Commissioner Barlow stated that out of his love and respect for Vice Chair Coston, he had a video he wanted to play on her behalf. He then had the video played in honor of Commissioner Coston. Commissioner Barlow reminded everyone that freedom is not free and that there are veterans who are owed respect and love.

**Commissioner Brown:** Commissioner Brown congratulated Intern Jess Lassetter saying he was an extraordinary intern who brought a lot of energy to the office. He said Mr. Lassetter worked like a full-time employee and that the county was fortunate to get him. He wished Mr. Lassetter all the best and said it was an honor to get to know him. Commissioner Brown mentioned that Mrs. Truett Cathy passed away earlier in the morning and he asked everyone to keep the Cathy family in their thoughts. He stated that all of the Commissioners were quoted in the papers saying the Board would do what Georgia law requires. He stated that all of the Kenwood Park projects are funded. Commissioner Brown stated that the Board needed to look at South Jeff Davis and to limit the curb cuts on busy streets. He said curb cuts are very big hazards that need attention. He stated that there would be more traffic on McDonough Road and he wish people the best. Commissioner Brown concluded his remarks by answering the questions posed by Mr. Oddo.

**Chairman Oddo:** Chairman Oddo said he does not agree with the tunnel since the money could be used better elsewhere. He stated that the Cathy family was a legacy that Fayette County would have for a long time to come. He complimented Jess Lassetter and said he could not wait to see County Clerk Floyd Jones after the internship is over since he was getting nervous just thinking about losing his intern. Chairman Oddo agreed that there needed to be a committee to study the roads and he asked Commissioner Ognio to be involved with that committee. Chairman Oddo closed his comments in Spanish by addressing his brother-in-law and sister-in-law who recently arrived from Columbia.

### **EXECUTIVE SESSION:**

**Pending Litigation, Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes:** Commissioner Brown moved to recess into Executive Session. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:03 p.m. and returned to Official Session at 10:54 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to return to Official Session and to approve the Executive Session Affidavit. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously.

**Approval of the July 9, 2015 Executive Session Minutes:** Commissioner Ognio moved to approve the July 9, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the July 23, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The July 23, 2015 Board of Commissioners meeting was adjourned at 10:54 p.m.

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Floyd L. Jones, County Clerk