

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 24, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the March 24, 2016 Board of Commissioners meeting to order at 7:05 p.m.
County Administrator Steve Rapson and County Clerk Floyd Jones were absent from the meeting.

Invocation by Vice Chairman Ognio

Vice Chairman Ognio introduced- Associate Pastor Steven Chambers who is the Associate Pastor of Sunday School, Discipleship and Children's Ministry at Woolsey Baptist Church. Pastor Chambers offered the Invocation.

Pledge of Allegiance

Vice Chairman Ognio led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Ognio moved to accept the Agenda as presented. Commissioner Barlow seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

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

Commissioner Barlow read the proclamation on behalf of the Board declaring April as "National Alcohol Awareness Month" in Fayette County. Pam Reed and Michael Mumper, representatives from AVPride were present to accept the proclamation. Ms. Reed and Mr. Mumper gave thanks to the Board for passing the Social Host Ordinance last year and shared with the audience a three minute public service announcement video featuring Sheriff Barry Babb and other law enforcement officers from the municipalities. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Chairman Oddo informed that there were additional documents on the dais. The documents were part of the agenda package. He stated that one of the items was the signed document for Public Hearing #4 and the other item was larger copies of the maps that accompanied- Public Hearing items #3 and #4.

2. Public Hearing of staff's recommendation to transfer an existing 2016 Retail Alcohol, Beer and Wine License (License #C15-00628) from Nouman Chaudhry to Sajan Paul Chiraulil and Abraham M. Kalathil, doing business as St. Mary's BP, LLC, which is located at 1866 SR 85 North, Fayetteville, Georgia.

Community Development Director Pete Frisina read the rules for public hearings into the record. A copy of the rules for public hearing, identified as "Attachment 2," follows these minutes and is made an official part hereof.

Mr. Frisina briefed the Board that the Code Enforcement officers have looked at this request and the applicants have met all the requirements.

There were no public comments in favor of or in opposition to- this item.

Commissioner Rousseau made a motion to approve staff's recommendation to transfer an existing 2016 Retail Alcohol, Beer and Wine License (License #C15-00628) from Nouman Chaudhry to Sajan Paul Chiraulil and Abraham M. Kalathil, doing business as St. Mary's BP, LLC, which is located at 1866 SR 85 North, Fayetteville, Georgia. Commissioner Barlow seconded the motion. Discussion followed.

Commissioner Ognio referenced the supporting document and questioned that there were "a lot of check marks missing" from the documents. Mr. Frisina stated that since this is a transfer, the information would be in the original license. Commissioner Ognio stated that he understood but that the way the information was presented it looks like the information is missing. Mr. Frisina stated that in the future he will make sure that the Board is provided that information. Commissioner Rousseau asked if it was proper to approve this item pending verification that the "missing check marks" are filled in. Attorney Dennis Davenport stated that it was appropriate.

Commissioner Rousseau amended the motion to approve staff's recommendation to transfer an existing 2016 Retail Alcohol, Beer and Wine License (License #C15-00628) from Nouman Chaudhry to Sajan Paul Chiraulil and Abraham M. Kalathil, doing business as St. Mary's BP, LLC, which is located at 1866 SR 85 North, Fayetteville, Georgia and to also include verification of the items not checked off on the documentation. Commissioner Barlow amended his second. There was no further discussion. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

3. Public Hearing of the request of Petition No. 1254-16, Gary and Kaora Sloan, Owner, and Mark Whitley, Agent, to rezone 1.50 acres from A-R to O-I to develop an Office Building with said property located in Land Lot 7 of the 6th District and fronting on S.R. 74 South.

Mr. Mark Whitley with Whitley Engineering presented this item to the Board. He stated that the request is to take 1.5 acres off the front side of the property to be used to build a home inspection business and for the remaining back part of the property to be used for future plans of building a home for Mr. Sloan.

Commissioner Brown asked if the duplex format would be used for the building. Mr. Whitley stated that this would not be set up as a duplex.

Chairman Oddo asked if there would be parking in the rear. Mr. Whitley stated that it was discussed that the parking would be moved to either the side or the back. He confirmed that it would change. He stated that there would only be one shared driveway to be used by both parcels. He verified that it would be the 1.5 acre track that is being cut out for the commercial use and the remaining remnant which is approximately 6.2 acres to build the house.

There were no public comments in favor of or in opposition to this item.

Commissioner Barlow stated that he is a good acquaintance of Mr. Sloan and recused himself from voting on this item.

Commissioner Brown made a motion to approve Petition No. 1254-16, Gary and Kaora Sloan, Owner, and Mark Whitley, Agent, to rezone 1.50 acres from A-R to O-I to develop an Office Building with said property located in Land Lot 7 of the 6th District and fronting on S.R. 74 South. Commissioner Rousseau seconded the motion. Discussion followed.

Commissioner Brown inquired about the language on page thirteen of the agenda package. He stated that under the Recommendations section it states, "Continuation of sidewalks on both sides of Highway 74 would be a requirement for the office development." He asked if that is by ordinance or if it needs to be listed as a condition. Mr. Frisina stated that section is an insert from the actual ordinance. He stated that the Land Use Plan is a recommending document and that the recommendation is that the sidewalk be there and in the next section, on page five, it is listed as a requirement, which is taken from the Zoning Ordinance.

Commissioner Ognio asked if it was just a requirement for O-I zoning or would the sidewalk go across the entire strip. Mr. Frisina stated that it is only for the property that is being rezoned. Commissioner Ognio asked if a condition could be added to include extra sidewalk so that there will not be a piece of the sidewalk missing. Mr. Frisina stated that the other part of the property is not part of the rezoning. Commissioner Ognio stated that he did not think that the county thought this area would be broken down into an O-I and a residential, but since it will be both, the sidewalk gap needs to be addressed.

Mr. Martin stated it is understood that the sidewalk would have to be placed in front of the property being rezoned, but that the decision would be left to Mr. Sloan if he would be willing to include the extra sidewalk. Mr. Sloan agreed to include the extra sidewalk.

Commissioner Brown amended the motion to approve Petition No. 1254-16, Gary and Kaora Sloan, Owner, and Mark Whitley, Agent, to rezone 1.50 acres from A-R to O-I to develop an Office Building with said property located in Land Lot 7 of the 6th District and fronting on S.R. 74 South and to extend the continuation of the sidewalk along both parcels. Commissioner Rousseau amended the second. The motion passed 4-0 with Commissioner Barlow abstaining from the vote. Copies of the request, Rezoning Ordinance 1254-16, and Rezoning Resolution 1254-16, identified as "Attachment 4," follow these minutes and are made an official part hereof.

4. Public Hearing of the request of Petition No. 1255-16, Morris E. Lewis Jr., Owner, rezone 2.15 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with said property located in Land Lot(s) 224 & 225 of the 13th District and fronting on Wagon Wheel Trail with one (1) condition.

Mr. Frisina stated that both the Planning Commission and staff recommend approval with the one recommended condition. He added that it is in compliance with the Land Use Plan and that the condition deals with the dedication of right-of-way along Wagon Wheel Trail.

Mr. Lewis briefed the Board that he promised his wife a dream house and in order to keep his promise to his wife he will need to take a portion of the property and sell it to help pay to build the new dream home.

There were no public comments in favor of or in opposition to this item.

Commissioner Brown made a motion to approve Petition No. 1255-16, Morris E. Lewis Jr., Owner, rezone 2.15 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with said property located in Land Lot(s) 224 & 225 of the 13th District and fronting on Wagon Wheel Trail with one (1) condition. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown asked Mr. Frisina to read the condition for the record. Mr. Frisina stated that the condition is "that the owner/developer would provide at no cost to Fayette County a quit claim deed for thirty feet of right-of-way as measured from the centerline of Wagon Wheel Trail prior to the approval of the final plat and said dedication area shall be shown on the final plat."

The motion to approve Petition No. 1255-16, Morris E. Lewis Jr., Owner, rezone 2.15 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with said property located in Land Lot(s) 224 & 225 of the 13th District and fronting on Wagon Wheel Trail with one (1) condition. Commissioner Barlow seconded. The motion passed 5-0. Copies of the request, Rezoning Ordinance 1255-16, and Rezoning Resolution 1255-16, identified as "Attachment 5," follow these minutes and are made an official part hereof.

CONSENT AGENDA:

Commissioner Rousseau asked to remove Consent Agenda Item #6 for discussion.

Commissioner Brown made a motion to approve the Consent Agenda with the removal of item six for discussion. Commissioner Ognio seconded. The motion passed 5-0.

5. **Approval to continue the agreement between Fayette County and Georgia Emergency Management-Homeland Security as outlined in the Statewide Mutual Aid and Assistance Agreement, and to authorize the Chairman to sign the agreement.** Copies of the request and agreement, identified as "Attachment 6," follow these minutes and are made an official part hereof.
6. **Approval of staff's recommendation to enter into an Independent Contractor Agreement with Peter D. Nelms to provide grant management services as outlined in the agreement, and to authorize the Chairman to sign the agreement and any related documents.**

Commissioner Rousseau stated that he spoke with staff and one issue that needs clarity pertained to Chief Scarbrough and the Fire Department. He understood the responsibilities and that contractor Pete Nelms would be housed in the Finance Department. He explained that the contractor's pay would come from the Finance budget and that it will be the Finance Department's responsibility to oversee Mr. Nelms' work. Commissioner Rousseau asked for the Board's consideration to make the motion to properly reflect that the monies are coming from Finance and that the position will be in Finance as well.

Attorney Davenport stated that in paragraph two, the date should be changed from June 31 to June 30. Chairman Oddo asked that the exact term of the contract be read.

Mr. Davenport read: "The initial term of this agreement shall commence on April 1, 2016 and extend to June 30, 2016. Thereafter this agreement may be renewed by the County for two additional one year renewal terms, which renewal shall be by letter or other written correspondence to the County or contractor sixty days prior to the expiration of the initial term or the then current renewal term."

Chairman Oddo asked if the expiration date June 30, 2016 or 2017. Mr. Davenport stated that the expiration is 2016 for the first term so that it aligns with the budget year.

Commissioner Rousseau referenced page 66, Section 5.3, second line. He read, "Contractor represents that he will not bring with 'her' to the County." He stated that it should read "him" and that for future reference maybe the contract should read "him or her".

Commissioner Rousseau made a motion to approve to enter into an Independent Contractor Agreement with Peter D. Nelms to provide grant management services as outlined in the agreement, with the proposed amendments to reflect that the dollars and the position will be authorized through the Finance Department, to include the change of date from June 31 to June 30, to change the word "her" to "him" in Section 5.3 and to correct the addresses on page 69 for the County Administration Office, and to authorize the Chairman to sign the agreement and any related documents. Commissioner Barlow seconded. The motion passed 5-0. Copies of the request and contract, identified as "Attachment 7," follow these minutes and are made an official part hereof.

7. **Approval of the Water Committee's recommendation to reimburse Mr. Liston Garland \$1,076.00 landscaping on his property, due to damage from a water main break and delegate the authority for the Water System Director to settle damage related claims against the Water System up to \$2,000 with the Water Committee's approval.** A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

8. **Approval of the March 10, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There was no Old Business on the Agenda.

NEW BUSINESS:

There was no New Business on the Agenda.

PUBLIC COMMENT:

Bonnie Williamson: Mrs. Williamson spoke regarding a comment on a public social media site that referred to an ethnic group in Fayette County. She stated that a public official made the comment. She stated that she would like to see the county continue the relationship that it has between ethnic groups and not to split them apart. She urged others not to stereotype groups.

Dr. Shirley Kilgore: Dr. Kilgore, President of the Country Lake Homeowners Association, spoke regarding an appeal for assistance from the county. She gave some background regarding an issue with a sink hole at the property's community center/clubhouse. She stated that she was told that the sinkhole emanated from the storm drain pipe on the street. She described the sinkhole as spreading from a few feet to being able to now put a bus in the hole and it is continuing to spread. She stated that the cost to repair the sinkhole is "absorbent" and the association is looking at means to make the repair. She stated that the association is also appealing to county to consider any assistance that can be provided and to evaluate if this would be a county matter.

Lee Hearn: Mr. Hearn stated that he is candidate for District 2 Commissioner. He appreciated the opportunity to say "hello" to those viewing from home and that are in the audience.

ADMINISTRATOR'S REPORTS:

Development Authority request to extend position posting: Chairman Oddo briefed the Board that a request was received from the Development Authority to extend the date for accepting applications for the Development Authority. The County currently has one position posted and there is now another position open. The request was to extend the time so that the other position could be filled as well. He stated that there are currently six received applications. The deadline for making application is Friday, March 25, 2016.

The Board agreed to end the application submission on Friday as scheduled with no extension.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had one item of Threatened Litigation and review of the March 10, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Chairman Oddo:

Lake Peachtree dredging completion: Chairman Oddo announced that rain is in the forecast and that the dredging was completed at Lake Peachtree earlier in the day. He stated that there is still work to be done, but not in the lake. He stated that drain valves have been closed and the lake is filling up.

Weather advisory: Chairman Oddo shared that there is a weather advisory for the evening.

Commissioner Brown:

Announcement of two events in Fayette County: Commissioner Brown announced that the Beer Festival will take place on April 16 at 11:00 a.m. in the Fayetteville Downtown Square and that all the proceeds will go to charity. He stated that it is hosted by the Kiwanis Club and that there will be live music and a lot of wine and beer choices. He stated that this year there are products from all over Southeastern United States. He also announced that April 23 at 9:30 a.m. the County will host the first ever Water Guardians project. He stated there will be local kayakers and canoers to clean out the water reservoirs. He stated that this first event will take place at Lake Kedron, and he said anyone with a kayak or canoe is invited to volunteer.

Commissioner Ognio:

Happy Easter: Commissioner Ognio wished everyone that is traveling for Easter to have safe travels.

Lake Peachtree dredging: Commissioner Ognio stated that it is good that the lake is complete.

Election Season: Commissioner Ognio shared that election season is "high" and he reminded the citizens that there is another primary that has to do with county officials, state officials and even some federal officials. He urged the citizens to do their "homework" on the candidates and get out to vote on May 24.

Commissioner Rousseau:

Brussel, Belgium tragedy: Commissioner Rousseau asked everyone to continue to lift up and recognize those that have suffered loss from the tragedy in Brussel. He hoped that as people think of each other's personal safety, that it would bring healing to the situation as opposed to driving wedges. He mentioned the comments made by Mrs. Williamson and said that he joined in her sentiment.

Response to Ms. Kilgore's comments: Commissioner Rousseau stated that he has visited Country Lake on several occasions and the county is aware of the situation and will continue to work on a reasonable dealing of the issue. He appreciated the subdivision's efforts of moving forward.

Kudos to the staff: Commissioner Rousseau stated that when citizens want to see tax dollars at work, the county does not put up fancy signs, but a drive through the neighborhoods would show the citizens some road pavings that is taking place. He commended staff for its work and use of the resources in the various communities.

Happy Resurrection Sunday: Commissioner Rousseau wished everyone a Happy Resurrection Sunday / Happy Easter.

Commissioner Barlow:

Easter meaning: Commissioner Barlow thanked everyone for attending. He stated that today he was reflecting on Easter and what it stands for in the Christian community; specifically, the crucifixion, - burial and resurrection of the Lord Jesus Christ. He mentioned a song by the Hoppers entitled "Yahweh". He stated that it was very pleasant to listen to and he encouraged others to listen to the song.

Belgium tragedy: Commissioner Barlow stated that he continues to lift up the individuals in Belgium during this tragedy. He stated there are attacks against innocent people and his prayer is that somehow there is a grip made on the rampant evil throughout the world and that it is brought under control.

Lake Peachtree dredging: Commissioner Barlow stated that he drove by the lake and prayed for rain. He thanked God for the rain to come.

Recipient of the Fred Angel Award: Commissioner Barlow announced that he was selected by the Board of Health to receive the Fred Angel Award for Governance. He stated that he had received the award and as the Chairman of the Fayette County Board of Health, he was selected from 159 nominees. A photo and press release will be sent to the media. He stated that Fayette County is ranked number one in the State for access to quality healthcare. He stated that the county ranked about fifth or sixth for transporting people there. He stated that the Board of Health is working to be accredited. He added that there are eighteen districts in the state of Georgia made up of twelve counties that will be able to apply for more grant funds if accredited. He stated that the lack in personnel is in the Environmental Health, which are those who issue inspections and permits to restaurants and for septic systems. He stated that essentially everything is effected by Public Health.

EXECUTIVE SESSION:

Threatened Litigation and Review of the March 10, 2016 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 8:01 p.m. and returned to Official Session at 8:23 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 9," follows these minutes and is made an official part hereof.

Approval of the March 10, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the March 10, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 24, 2016 Board of Commissioners meeting. Commissioners Ognio seconded the motion. The motion passed 5-0.

The March 24, 2016 Board of Commissioners meeting was adjourned at 8:24 p.m.

Tameca P. White, Chief Deputy County Clerk

Charles W. Oddo, 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 April 2016. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, Chief Deputy County Clerk