

## **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

## **ACTION AGENDA**

September 22, 2016  
7:00 p.m.

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

### **Call to Order**

Chairman Charles Oddo called the September 22, 2016 Board of Commissioners meeting to order at 7:00 p.m.

### **Invocation by Commissioner Steve Brown**

Commissioner Steve Brown offered the Invocation.

### **Pledge of Allegiance**

Chairman Charles Oddo led the audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Chairman Oddo moved to accept the agenda, with a change to move Item #4 up to Item #2 on the agenda. Commissioner Brown seconded. The motion passed 5-0.

### **PROCLAMATION/RECOGNITION:**

#### **1. Proclamation of October 2016 as "Dysautonomia Awareness Month in Fayette County."**

Chairman Oddo read the proclamation and Dana Bradberry from Dysautonomia International spoke regarding Dysautonomia and introduced her family and friends who were also present to receive the proclamation.

#### **2. Representatives from Georgia Emergency Management /Homeland Security Agency will present four checks in the aggregate amount of \$346,782.00 for public assistance toward recovery efforts from the declared disaster of December 2015.**

Chief David Scarbrough introduced Emergency Management Agency Director Captain Mike Singleton and Georgia Federal Emergency Management Agency Director of Operations Mr. Charlie Dawson to make the presentation.

**3. Presentation by Outreach Coordinator Megan Hepker, representing the Southern Crescent Habitat for Humanity, concerning Poverty in Fayette County.**

Outreach Coordinator Megan Hepker with the Southern Crescent Habitat for Humanity was introduced by Commissioner Barlow. Ms. Hepker thanked the Board for allowing her to come to share information about the services offered through Habitat for Humanity in regards to Fayette County and the affordable housing needs.

**4. Presentation from the Fayette Chamber to update the Board of Commissioners on the county-wide branding campaign initiative.**

President of the Fayette County Chamber of Commerce Carlotta Ungaro briefed the Board regarding the county-wide branding campaign initiative. She informed the Board that the Branding Task Force has selected four firms, which three made presentations to the Task Force. She stated that the bid was awarded to a firm named DCI located in New York City.

**PUBLIC HEARING:**

**5. Public Hearing of Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition.**

Community Development Director Pete Frisina read the Introduction to Public Hearings into the record and stated that staff recommends approval with one condition and that the Planning Commission recommends approval with one condition. He stated that the condition has to do with multi-use paths and easement. Pediatrician Dr. Megan Almond spoke regarding her intent for the property. She shared a plan for a children's medical facility, walking trail, golf cart path and playground for the grounds of the facility. Dr. Almond stated that she was in agreement with the conditions. Mr. Gary Moore spoke on behalf of property owner Mr. Ballea and in objection to the r-cut.

The following spoke in favor of this petition: Kevin Murphy, John Chunieuski, Jimmy Pace, Jeff Thompson, Jeff Terrell, Ginger Sak and Chris Lester. Each speaker spoke in opposition to the suggested r-cut and not in opposition to the rezoning for Dr. Almond's petition.

No one spoke in opposition of the petition.

Commissioner Brown moved to approve Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition and the Board officially requests that Georgia Department of Transportation withhold the r-cut modification to the median. Commissioner Barlow seconded. Discussion followed.

Commissioner Barlow called for the vote. Commissioner Rousseau seconded. The motion to call the vote passed 5-0.

Commissioner Brown moved to approve Petition No. 1260-16. Guerry Ballea, Owner Megan Almond, Agent request to rezone 8.5 acres from A-R to O-I to develop a Medical Office located in Land Lots 7 and 17 of the 6th District and fronting on State Route 74 South with one condition and the Board officially requests that Georgia Department of Transportation withhold the r-cut modification to the median. Commissioner Barlow seconded. The motion passed 5-0.

**6. Public Hearing of Petition No. RP-060-16, George and Anne Cocolos, Owner, request to revise the Minor Subdivision Plat for Woodbridge Farms Subdivision to increase the number of platted lots by subdividing Lot 6 into two (2) separate lots located in Land Lot 133 of the 4th District and fronting on Rising Star Road with two conditions.**

Community Development Director Pete Frisina introduced this petition before the Board. He stated that staff and the Planning Commission approved the petition with two condition. He stated that the two conditions have to do with when the property is subdivided there would be a detached garage on the lot which is not allowed to be on the lot without a principle structure, therefore there are options to remove the structure, add a variance or to obtain a permit to build a house on the lot. He stated that there is a 180 day window, as with any approval. He stated that it would be after the final plat is approved.

Mr. George Cocolos, Owner spoke regarding his request for this petition. Mr. Cocolos stated that he was in agreement with the conditions.

No one spoke in favor of this petition.

No one spoke in opposition of this petition.

Vice Chairman Ognio moved to approve Petition No. RP-060-16, George and Anne Cocolos, Owner, request to revise the Minor Subdivision Plat for Woodbridge Farms Subdivision to increase the number of platted lots by subdividing Lot 6 into two (2) separate lots located in Land Lot 133 of the 4th District and fronting on Rising Star Road with two conditions. Commissioner Barlow seconded. Discussion followed. The motion passed 5-0.

**CONSENT AGENDA:**

County Administrator Steve Rapson requested that Item #10 be removed from the Consent Agenda due to a modification of the agreement per legal.

Vice Chairman Ognio moved to approve the Consent Agenda Items #7, #8, #9 and #11. Commissioner Barlow seconded. The motion passed 5-0.

**7. Approval of staff's request to adopt three additional annexes to the Emergency Management Emergency Operations Plan, specifically the Commodities Point of Distribution Plan, the Disaster Awareness Program, and the Volunteer Management.**

Commissioner Brown stated that the Point of Distribution Plan includes a lot of faith-based and non-profit organizations and the county owes them a debt of gratitude for participating in these programs. He stated that in a time of disaster those organizations are a vital resource in helping to aid citizens.

**8. Approval of staff's recommendation to adopt a final supplemental budget adjustment for the fiscal year ended June 30, 2016, and authorization to adjust and close completed Capital Improvement Projects within the Capital Improvement Projects program moving those remaining funds to project contingency.**

**9. Approval of staff's recommendation to award Bid #1176-B for \$785,966 to Fireline, Inc., for the purchase of two Pumper Tankers; to transfer \$44,070 for equipment and to transfer an additional \$34,396 augmenting the current \$751,570 budget utilizing the Vehicle Replacement Fund, in an aggregate amount of \$830,036; and to declare Vehicle #93251 as surplus to be sold through GovDeals.com.**

**10. Approval of staff's recommendation to enter into a Mutual Aid & Automatic Aid Agreement with Coweta County Fire Department.**

Mr. Rapson asked that the Board insert the language that reads: "Any dispute or litigation arising under the provisions of this Agreement or related to this Agreement shall be submitted to the State or Superior Courts of Coweta County, Georgia or Fayette County, Georgia."

Mr. Rapson stated that if it is approved with the new language it would be sent back to Coweta to be ratify the change.

Commissioner Brown moved to approve staff's recommendation to enter into a Mutual Aid & Automatic Aid Agreement with Coweta County Fire Department and to substitute the language to read: "Any dispute or litigation arising under the provisions of this Agreement or related to this Agreement shall be submitted to the State or Superior Courts of Coweta County, Georgia or Fayette County, Georgia.", as found on paragraph 18.0 of the agreement. Commissioner Barlow seconded. The motion passed 5-0.

**11. Approval of the September 8, 2016 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**12. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks.**

Commissioner Brown moved to table his request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks to the October 13, 2016 Board of Commissioners meeting. Commissioner Barlow seconded. The motion passed 5-0.

**NEW BUSINESS:**

**13. Consideration of staff's request to adopt Ordinance 2016-18- License Transfers and in so doing amending the Code of Ordinances for Fayette County by revising provisions pertaining to transfers of alcoholic beverage licenses.**

Mr. Rapson stated that this item was to eliminate the transferability of the licenses. He stated that the revenue impact to the county over the last three years was short of approximately \$14,000.

Commissioner Brown moved to adopt Ordinance 2016-18- License Transfers and in so doing amending the Code of Ordinances for Fayette County by revising provisions pertaining to transfers of alcoholic beverage licenses. Commissioner Barlow seconded. The motion passed 5-0.

**14. Consideration of Commissioner Ognio's recommendation to revise County Policy 100.19 to state an individual shall not be appointed by the Board of Commissioners to more than one Authority, Board, Commission, Committee, and similarly established bodies at the same time, except to the extent expressly permitted/provided by state or local law.**

Vice Chairman Ognio stated that on August 11 he made a request to modify Policy 100.19 to add wording to limit citizens to one committee. He stated that the item was pulled from the agenda at the August 17 pre-agenda meeting because the County Attorney did not have time to review the request. He stated that it was again at the next pre-agenda meeting because of the question of how the item should be changed; whether it should be an ordinance or a redlined policy change. He stated

that he realized he wanted to make an additional change and was told at the August 30 pre-agenda meeting that he would have to make the request for the change from the dais because it was not submitted in time and the item was postponed again. He continued that at the September 14 pre-agenda meeting, the item was on the agenda but the additional wording was not included because he was told that the additional wording had not been introduced at the Commissioners' meeting. He stated that he was bringing it before the Board.

Discussion followed.

Vice Chairman Ognio moved to approve the revision of County Policy 100.19 to state that the Board of Commissioners will make every effort not to appoint more than one Authority, Board, Commission, Committee, and similarly established bodies at the same time, except to the extent expressly permitted/provided by state or local law and to change that it is not the Chairman, but the Commissioners who appoints the two Commissioners to the Selection Committees. Commissioner Brown seconded. Discussion followed. The motion passed 4-1 with Chairman Oddo voting in opposition.

**15. Consideration of the Transportation Committee's recommendation to approve County Transportation Projects to be included in the March 2017 Special Purpose Local Option Sales Tax (SPLOST) Referendum.**

Public Works Director Phil Mallon presented a PowerPoint presentation of draft list of proposed transportation projects for the 2017 SPLOST referendum. He stated that the projected tax, if approved would be approximately \$141,000,000 and of that amount the portion for unincorporated Fayette County would be \$64.6 million and of that \$19.5 million to be used for transportation projects.

Discussion followed.

The following spoke regarding this item: Frank Gardner spoke regarding his desire to have Davis Road included.

Commissioner Brown moved to approve the County Transportation Projects to be included in the March 2017 Special Purpose Local Option Sales Tax (SPLOST) Referendum. Commissioner Barlow seconded. Discussion followed. The motion passed 5-0.

**PUBLIC COMMENT:**

The following spoke during Public Comments:

Frank Gardner and Dennis Chase

**ADMINISTRATOR'S REPORTS:**

**A. Request for Proposals #1082-P, Change Order #1: Road Pavement Consulting Services**

Mr. Rapson briefed the Board regarding Change Order #1 for the road pavement consulting services. He also stated that Sunday, September 25, 2016 at 3:00 p.m. is the Historical Society meeting at Starr's Mill. He also addressed some of the issues mentioned during public comments.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport notified the Board that he had two items of Pending Litigation, one involving Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes for consideration in Executive Session.

## **COMMISSIONERS' REPORTS:**

Each Commissioner stated their reports.

Commissioner spoke regarding the upcoming Water Guardian event and concerns about the floating dock at Lake McIntosh.

Vice Chairman Ognio spoke regarding concerns with Harp Road and Highway 85, Iman Farms event and his desire to change Policy 100.03 and the Ordinance regarding the responsibilities and authorities of the Chairman and Vice Chairman. He also shared comments regarding a denial that the Board made for a tax rebate that was submitted by a veteran of the county.

Commissioner Rousseau congratulated the local participants of the Summer Olympic Games. He spoke of Christian Taylor's accomplishments, the appointments to the Board, and he expressed that he would like to get with the County Administrator to ensure that the list of stakeholders for the Comprehensive Plan are being contacted. He also thanked the Development Authority for sharing the things that they are doing. He also discussed his desire to look into cost analysis in having staff complete some of the things he discussed.

Commissioner Barlow thanked Mr. Gardner for his comments. He stated that he will be a member of the Piedmont Hospital Advisory Board so he will be involved with the health of the community. He spoke of his involvement with Grandparents and Kins Raising Grandchildren and the Truett Foundation. He also shared comments that a citizen sent him regarding a letter published in the newspaper by Commissioner Brown.

Commissioner Brown stated that for the record, he is not the blogger that Commissioner Barlow says he is.

Chairman Oddo thanked staff for a great job and he thanked the citizens for coming to the meeting.

## **EXECUTIVE SESSION:**

**Two Items of Pending Litigation, One Item of Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 10:08 p.m. and returned to Official Session at 10:52 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

Mr. Davenport stated that there was a correction of the number of items for Executive Session. He stated that there were **Three Items of Pending Litigation, One Item of Real Estate Acquisition and Review of the August 25, 2016 Executive Session Minutes.**

Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

### **Item of Pending Litigation**

Mr. Davenport briefed the Board that in regards to a potential EEOC claim with a former employee, Waldrop. He stated the claim was resolved with terms and conditions as follows. He stated that for consideration of \$7,500 paid by the County to Jessica Waldrop and she has agreed to waive and release all potential claims that she may have and to execute a covenant not to sue, acknowledging that there are no other injuries or claims to bring against the County. He stated that part of the agreement is for her to keep this information confidential and for both sides not to disparage the other.

Vice Chairman Ognio moved to agree to the settlement as presented by the County Attorney. Commissioner Brown seconded the motion. The motion passed 5-0.

**August 25, 2016 Executive Session Minutes:** Commissioner Ognio moved to approve the August 25, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

### **ADJOURNMENT:**

Commissioner Ognio moved to adjourn the September 22, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 5-0.

The September 22, 2016 Board of Commissioners meeting adjourned at 10:54 p.m.

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Tameca P. White, Chief Deputy County Clerk