

## BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman  
Randy Ognio, Vice Chairman  
Steve Brown  
Charles W. Oddo  
Charles D. Rousseau

## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. White, County Clerk



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

February 9, 2017  
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 Eric Maxwell called the February 9, 2017 Board of Commissioners meeting to order at approximately 7:03 p.m.

All members of the Board were present.

### Invocation by Commissioner Charles Oddo

Commissioner Oddo gave the Invocation.

### Pledge of Allegiance

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

### Acceptance of Agenda

Commissioner Oddo asked that agenda item #10 be moved to the first item on the agenda. Commissioner Steve Brown moved to accept the agenda with the change. Vice Chairman Randy Ognio seconded. The motion passed 5-0.

### 1a. Consideration of the approval of the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston.

Parks and Recreation Director Anita Godbee stated that at the July 14, 2016 Board of Commissioners meeting, the Board approved a donation from a group of private citizens, businesses and community leaders for the installation of a Kenwood Park Monument and Memorial Garden in honor of the late Commissioner Pota Estel Coston. She stated that as part of the approval the Board requested that the wording for the monument be brought back to the Board for final approval. She read the wording into the record:

"The Honorable Pota Estel Coston, Fayette County Board of Commissioners. 'A life well lived leaves behind a beautiful bouquet of memories.' Dedicated to the loving memory of Pota Estel Coston as a symbol of our gratitude for her enduring service to Fayette County, Georgia as a devoted member of the Fayette County Board of Commissioners. Her service to the Fayette County community, though short lived, was unparalleled. She was a true leader – a visionary, trailblazer, change agent, history maker – a leader who visualized opportunities for all Fayette County citizens. She was always optimistic and recognized the need to be inclusive in her desire to make the community better. We are truly blessed to be inspired by her generosity and her spirit of giving and serving."

Mrs. Godbee stated that the hyphen in "well-lived" would be removed.

Mr. Bernie Coston thanked the Board of Commissioners, especially Commissioner Rousseau and the citizens for remembering the memory of his wife. He stated that her vision for Fayette County continues to move on. He stated that she was smiling down from heaven at seeing all the advancement that the County was making and how the county was moving forward in growth and individually. He thanked everyone for all the hard work and effort put into making this possible.

Commissioner Rousseau moved to accept the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston as present with the change. Commissioner Brown seconded.

Commissioner Oddo stated that he had some suggested changes. He read the following:

“Dedicated to the loving memory of Pota Estel Coston as a symbol of our gratitude for her enduring service to Fayette County, Georgia (added a period). As (capitalize the word ‘As’) a devoted member of the Fayette County Board of Commissioners, and Civic Organizations (added Civic Organizations), her service to the Fayette County community, though short-lived, (added the hyphen) was unsurpassed (to replace unparalleled). She was a true leader – a visionary, trailblazer, change agent, history maker – a leader who visualized opportunities for all Fayette County citizens. She was always optimistic and recognized the need to be inclusive in her desire to make the community better. We are truly blessed to be inspired by her generosity and her spirit of giving and serving.”

Commissioner Rousseau amended his motion to accept the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston as present with the change as presented by Commissioner Oddo. Commissioner Brown amended his second. The motion passed 5-0. A copy of the request, identified as “Attachment 1a,” follows these minutes and is made an official part hereof.

#### **PROCLAMATION/RECOGNITION:**

**1. Proclamation honoring the 50th wedding anniversary of John and Brenda Lynch.**

Vice Chairman Ognio read the proclamation honoring the 50<sup>th</sup> wedding anniversary for Mr. and Mrs. John and Brenda Lynch. He and the Board congratulated the Lynch’s on their fifty years of marriage. Mr. Lynch thanked the Board for the recognition. A copy of the request, identified as “Attachment 1,” follows these minutes and is made an official part hereof.

**2. Proclamations in appreciation of the service of elected officials from Fayette County in honor of Black History Month.**

Commissioner Rousseau stated that he stood in recognition of what was known as Black History Month. He stated that in 1926, Dr. Carter G. Woodson, the second African American to graduate from Harvard University, felt it important to include the accomplishments of African Americans in the history books. He stated that he felt it important to recognize individuals who have dedicated themselves to the proposition of public service. Commissioner Rousseau and the Board presented the following elected officials and their families with proclamations in honor of Black History Month and their service and contributions to Fayette County citizens: Commissioner Pota Coston (posthumously), Judge Charles “Chuck” Floyd (posthumously), retired State Representative Ronnie Mabra, retired State Representative Virgil Fludd, State Representative Derrick Jackson, State Representative Debra Bazemore, City of Fayetteville Mayor Edward “Ed” Johnson, and State Senator Valencia Seay. Each honoree gave comments. Representative Bazemore was not present for the presentations but arrived later in the meeting. A copy of the request, identified as “Attachment 2,” follows these minutes and is made an official part hereof.

**3. Proclamations in appreciation of Georgia House Representatives John Yates and Matt Ramsey for their service and dedication to Fayette County.**

Commissioner Brown made comments about his interactions with Senator Seay and Judge Floyd. Representative Yates and Representative Ramsey were not present for the presentation. Commissioner Brown read the proclamations in their honor for

their contributions and service to Fayette County citizens. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

**4. Recognition of employees from 911/ Fire & Emergency Services for their efforts in the successful resuscitation of Mr. Lewis Harper from cardiac arrest.**

Fayette County 911 Director Bernard Brown, Fire Chief David Scarbrough, Assistant Fire Chief Tom Bartlett, Sheriff Major Brian Eubanks and the Board of Commissioners recognized staff members who played a role in the resuscitation of Mr. Lewis Harper who suffered a cardiac arrest on December 18, 2016. Mr. and Mrs. Harper were present. Mrs. Jane Harper was recognized with the "Citizen Life Saving Award". Staff that was recognized included: 911 Operator Heather Brown, Battalion Chief Mark McCall, Lieutenant Harold Mathis, Fire Fighter EMT Joseph Beshers, Fire Fighter FAO Rudolph Wilson, Fire Fighter FAO Jeffery Ramsey, Fire Fighter EMT Richard Johnson, Deputy Sheriff Eric Richards and Deputy Sheriff Josh Aikin. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

**PUBLIC HEARING:**

**CONSENT AGENDA:**

Commissioner Oddo moved to accept the Consent Agenda with the exception of items #6 and #9 to be removed for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

- 5. Approval of staff recommendation to accept a settlement in the amount of \$1,027.00 for property damage resulting from a motor vehicle collision that occurred on October 26, 2016 and to execute property damage release claim #16-31-05812.** A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.
- 6. Approval of a Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County for the right-of-way (ROW) acquisition phase of the Redwine Road Multi-Use Path Project (GDOT PI 0012624, ARC FA-352, County 5220B).**

Commissioner Oddo asked County Administrator Steve Rapson to give clarification on this item. Mr. Rapson stated that on page 25 of the agenda package the Memorandum of Understanding (MOU) references that this project would be included as a project on the 2017 Special Purpose Local Option Sales Tax (SPLOST) project list and that the local portion would be funded from the SPLOST. He stated that the memo was dated August 2016 and that this project was approved in the transportation SPLOST, as item D1 and it was funded at the level that was reflected in the agreement.

Commissioner Oddo moved to approve the Memorandum of Understanding (MOU) between the Georgia Department of Transportation (GDOT) and Fayette County for the right-of-way (ROW) acquisition phase of the Redwine Road Multi-Use Path Project (GDOT PI 0012624, ARC FA-352, County 5220B). Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

- 7. Approval of staff's recommendation to add River Park Phase II subdivision to Fayette County's Street Light Program.** A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.
- 8. Approval of staff's recommendation to award Contract #1221-P to CH2M Hill Engineers, Inc., to serve as Engineer of Record for the Water System for the period ending June 30, 2018, and with provisions for two one-year renewals, in amounts to be determined by each task order as assigned.** A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

**9. Approval of the January 26, 2017 Board of Commissioners Meeting Minutes.**

Commissioner Oddo made a correction to the minutes under his comments, to add the words “a happy anniversary” to complete the sentence.

Commissioner Oddo moved to approve the January 26, 2017 Board of Commissioners Meeting Minutes as amended. Commissioner Brown seconded. The motion passed 5-0.

**OLD BUSINESS:**

**10. Consideration of the approval of the wording for the monument at the Kenwood Park Monument and Memorial Garden Honoring Commissioner Pota Estel Coston.**

This item was moved to item #1a.

**11. Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357). This item was tabled at the January 12, 2017 Board of Commissioners meeting.**

Mayor Vanessa Fleisch spoke on behalf of the City of Peachtree Council in support of this contract. Mayor Fleisch stated that she had been a member of the Gateway Coalition since its inception and was present to speak in support of this contract. She stated that the Coalition had been working with the Town of Tyrone, the City of Fairburn, the South Fulton CID and the Atlanta Region Commission (ARC) to create guidelines for the 74 corridor, to not only make it aesthetically pleasing, but fully functioning for citizens. She stated that a third of citizens use that corridor to commute to work. She stated that she appreciates the Board’s consideration of this item.

Vice Chairman Ognio moved to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID paying their portion and that if South Fulton CID does not approve their portion that Fayette County moves forward with the project as a Fayette County project only. Commissioner Brown seconded. Discussion followed.

County Attorney Dennis Davenport confirmed that the wording for the motion was proper with the backup plan.

Commissioner Rousseau asked Mr. Davenport if the motion would cause issues with any MOU’s or agreements that are in place. Mr. Davenport stated that if the condition proceeding does not occur regarding the funding, then any MOU that obligates Fayette County to pay the complete portion would have to be revised to only reflect the portion within Fayette County limits. He stated that he was not aware of an MOU that had been executed as such, but it would have to be revised accordantly if there was one.

Commissioner Rousseau stated that would occur after approval of the change from the other entities. Mr. Davenport stated that it would be a two-step process. He stated that a change would only occur if South Fulton CID does not agree to pay their portion.

Commissioner Brown stated that he had worked on this from the beginning when Mayor Eric Dial come up with the idea. He stated that they were working on the aesthetics and trying to pull the City of Fairburn’s real estate on the County’s side of I-85 into compliance and to work on ways to build the efficiencies in the traffic flow. He stated that some properties have been developed in ways that was not discussed. He stated that the staff from the City of Fairburn that were a part of the discussions

are no longer with the City of Fairburn. He stated that development had taken place that was not “jiving” with the way originally anticipated. He stated that some of the zoning was still zoned for “big box” shopping centers and that was a concern for him. He stated that the corridor was vital to the entrance into the county. He stated that he spoke with Jodie Gray with the South Fulton CID, and she assured him that they would be a willing participant in the process.

Commissioner Oddo asked to amend the motion to not specifically say “South Fulton CID”, but accept payment from whoever pays. He stated that he would support the motion. He stated that there was a lot involved in the study being requested. He stated that it was not just zoning. He stated that a lot of the study had to do with safety. He stated that the study was vital to the entire county. He stated that he would support the full amount and that the study was important with or without the City of Fairburn.

Vice Chairman Ognio moved to amend the motion to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID and/or the City of Fairburn paying their portion and that if South Fulton CID and/or the City of Fairburn does not approve their portion that Fayette County moves forward with the project as a Fayette County project only. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that he was reviewing the proposal and wanted to know if there were any other entities being asked or required to contribute to the project. Mr. Rapson stated that they had spoken to Fulton, South Fulton CID and Fairburn. Commissioner Rousseau stated that his concern was that this project had taken 15 years. He stated that he was concerned that at this stage in the project there was only one entity that had been suggested to assist with the funding, as a partner, for the project. He stated that the County had to be careful not to give the impression that we are penalizing. He stated that South Fulton CID stepped up and offered to assist.

Mr. Rapson stated Fayette County, through the agreement with ARC, would be funding a local share and South Fulton CID would cover the rest of the local match. He stated that the study goes from Highway 29 to Highway 85 so any improvements would be paid for by the jurisdictional limits of that jurisdiction. Each jurisdiction would pay for their piece.

Commissioner Brown stated that he can say that no one wants Fairburn to succeed more than everyone on the corridor south of the city.

Commissioner Rousseau thanked Commissioner Brown, Commissioner Oddo, Mayor Fleisch and Mayor Dial for all their efforts on this project.

Vice Chairman Ognio thanked the City of Fairburn and South Fulton CID in advance of their approval.

Chairman Maxwell thanked the Board for tabling this item and allowing him to get up-to-speed on the project. He stated that he met with Jodie Gray and she committed \$17,000 to the project. He stated that resolved the issues he had regarding the funding. He stated that he was pleased with his conversations with South Fulton CID, the Mayors of Tyrone and Peachtree City and the Board.

Vice Chairman Ognio moved to amend the motion to approve the draft contract between the Georgia Department of Transportation and Fayette County for the SR 74 Corridor Study (GDOT PI # 0015076 / ARC Project No. FA-357) contingent on South Fulton CID and/or the City of Fairburn paying their portion and that if South Fulton CID and/or the City of Fairburn does not approve their portion that Fayette County moves forward with the project as a Fayette County project only.

Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

**12. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. This item was tabled at the December 8, 2016 Board of Commissioners meeting.**

Commissioner Brown stated that there was an initial proposal submitted and the wording on the County Agenda Request form was the same as the original, but that there had been things added in the background section of the agenda request. He stated that he would ask that if the Board submits something and there are significant changes that he would like to have someone confer with him about the changes. Mr. Rapson stated that was done in this case by the County Clerk. Commissioner Brown stated that he did not recall receiving the information. He briefed the Board on the nature of this request. He stated that there was not a parking lot near where the citizen at the center of this request resides. He stated that there was a county park near him. He stated that this citizen would walk to the park and catch the van pool to go to work. He stated that his request was to base the use of the parking lot on physical disability and to use ADA guidelines to define physical disability with the understanding that the county park parking lot would be used only if there was room at the park and if there was no private shopping center or church close to the citizen. He stated that he was doing this for those with physical disabilities because he did not want to open it up to everyone's van pool. He stated that he was concerned with the way the agenda request was worded because it does not specifically address the use for those with disability, which was his intent. He stated that he does not want to use park capacity unless necessary. He stated that he would like to table this item. Discussion followed.

Mr. Rapson stated that when the item was originally discussed it was angst with the Board members regarding ADA compliance and disability issues. He stated that the citizen who was making the request had some of those same concerns and that was why the request was being presented to the Board the way it was written. He stated that staff did not isolate the information to disabilities because of some of the concerns from the Board. He asked the Board for direction if the item was to be tabled.

Commissioner Brown stated that he would approve the request the way it was written if it would help the citizen get to his van pool and deal with any other van pools as they come. Mr. Rapson stated that staff had concerns with the fact that staff cannot validate the disabilities without violating HIPPA laws and asking those type questions. He stated that staff spoke with other jurisdiction and they do not allow van pools because of the liability involved.

Mr. Davenport stated that one of the comments he made during the last discussion was that although the focus may be to limit the use to disabilities, that does not mean that was what would happen because that may not be the type of restriction that can be enforced. He stated that the issues are the equalization of people with similar circumstances to be able to use the same facilities that are offered by the county. He stated that if it is truly a disability issue that was not consistently enforced by those with disabilities, then it becomes a more wide spread issue and that was why staff looked at the broader scope.

Commissioner Brown moved to approve the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents as written. The motion died for a lack of a second.

Commissioner Brown moved to table the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents to the February 23, 2017 Board of Commissioners meeting. Chairman Maxwell seconded. Discussion followed.

Commissioner Oddo stated that the focus seems to be changed to already having accepted some form of assistance. He stated that he did not believe tabling the item again would change anything.



Commissioner Brown moved to table the request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents to the February 23, 2017 Board of Commissioners meeting. Chairman Maxwell seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau in opposition. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

**NEW BUSINESS:**

**13. Consideration of approval of Resolution 2017-04; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.**

Mr. Davenport stated that this item was based upon the Special Purpose Local Option Sales Tax referendum for March 21, 2017. He stated that the way the SPLOST laws are structured this item cannot come before the Board any sooner than 30 days from the meeting that the County had with the Municipalities to discuss the SPLOST referendum. He stated that if approved by the Board it would be forwarded to the Board of Elections and they would take the necessary actions for the referendum to go forward. He stated that the projects are also included as part of the resolution.

Vice Chairman Ognio moved to approve Resolution 2017-04; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County. Commissioner Brown seconded. The motion passed 5-0. A copy of the request and Resolution 2017-04, identified as "Attachment 11," follows these minutes and is made an official part hereof.

**14. Presentation by Brandy Crawford, representing Mobilitie, concerning the placement of small cell facility towers in the County's right-of-way.** A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

Brandy Crawford and Christopher Brown representatives from Mobilitie, LLC made a presentation to the Board regarding the technology available to offer to Fayette County. Ms. Crawford discussed why small cell facility towers was important to Fayette County. She stated that they had surveyed Fayette County where there were data capacity issues in some areas. The areas being proposed to place poles are: Banks Road and Highway 54, Huiet Drive near Highway 54, Ginger Cake Road near Graves Road, Broken Bow Drive near Floyd Farr Parkway and Beckett Lane near West Fayetteville Road. She also discussed the permitting process if approved. She stated that she was before the Board to introduce the company and to see if there was an interest in having the small cells in the right-of-way to increase the data capacity and to figure out what the permitting process would consist of.

Mr. Brown and Ms. Crawford answered questions from the Board.

Mr. Rapson stated that staff would not be in favor of placing the poles in the county's right-of-way because the facilities are actually telecommunication transmission towers and would be governed under Section 110;115 Ordinance of Regulations. Commissioner Rousseau asked if the Board should revisit the policy given the advancement in technologies. Mr. Rapson stated that staff could review it.

Commissioner Rousseau stated that he would like a review internally to look at how to accommodate the administrative request, the review of the plan and what would be the obligation to the County. He asked Ms. Crawford about employment opportunities for residents. Mr. Brown stated that they use local contractors.

Mr. Rapson stated that staff would review this item and bring it to the Board in March with a recommendation.

No vote was made on this item.

**15. Consideration of a request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road.**

Public Works Director Phil Mallon briefed the Board regarding this item. He stated that this was a gravel road paving project. He stated that in the ten plus years the County had paved very few roads. He stated that the County later created a gravel road policy which came a little after the request to pave this road. He stated that there was a requirement that certain portions of the road in terms of right-of-way has to be either already owned by the county or donated by the property owners. He stated that the minimum value was 80% and this request exceeds that amount. He continued that another portion was for the engineering department to do a concept design and a cost estimate. He stated that both had been done and that the cost estimate was less than the budgeted amount for this project which was established some time ago. He stated that the majority of the property owners support the paving and others who do not support the paving. He stated that the reason for this project was citizen demand. He stated that the more paved roads that the County had the easier it was for the road department. He stated that he did not want to give the impression that this road was high maintenance for staff. He stated that there are other gravel roads that are very problematic and this was one of the better "behaved" gravel roads, however if he had a choice he would pave the road.

Commissioner Brown asked if any of the gravel roads more treacherous than any of the others. He asked why this road was on the radar in front of the other roads.

Mr. Mallon stated that for years the funds were not available to pave gravel roads. He stated that with the other roads there was either an even split or a small group of local citizens pushing to pave them.

Julie Yoakum stated that she was in opposition of this project. Ms. Yoakum stated that paving this road would increase traffic and with a gravel road people don't speed or travel them as much. She asked the Board to consider not paving the road.

Rob Schulton stated that he bought his home with the hopes that the road would be paved. He shared his concerns regarding safety and drainage on the road.

Tyrone Lecour stated that he was in favor of the paving of the road. He stated that he is a property owner at this location. He expressed safety concerns on the road.

Michael Wilson spoke in favor of the paving of the road. Mr. Wilson shared photos of safety concerns on the gravel road.

Cheryle Charles spoke in opposition of the paving of the road. Ms. Charles made comments regarding the additional easement that would be required from her property in order to pave the road and that giving up the additional property would give her less than two acres of land.

Dwayne and Dona Cox spoke in favor of paving the road. He thanked staff for their help with this project. He stated that this has been a nine year journey to get to this point. Mrs. Cox stated that when they purchased the home they were told that the gravel road would be paved. She expressed safety concerns about running in her neighborhood because the gravel road is not safe.

Cheryl Martin stated that she was in favor of paving the road. She stated that she has a daughter who was a new driver and she was concerned about her safety on the road. Ms. Martin provided photos of some of the safety issues.

Matt Brewer spoke in favor of paving the road. He stated that safety was also a big concern for him.

Thomas Hicks spoke in favor of paving the road. He stated that safety was a concern. He stated that he has two acres of land and his property would be affected by the change and he would lose property, but he did not mind because it would likely that his property value would increase by having the road paved.



Lisa Wilson spoke in favor of paving the road. She stated that safety was a concern and also having the gravel road causes increased car maintenance on her car.

Ted Vidourek spoke in opposition of paving the road. He stated that having a paved road would result in a cut through. He questioned that the County had the 80% needed to approve the paving of the road. He stated that he would rather see the money that would be spent on the paved road be spent in other areas. He stated that he has not known gravel roads to cause excess damage to cars.

State Representative Derrick Jackson spoke in favor of paving the road. He stated that there are two measures that he uses that he would suggest to the Board and they are safety and quality of life. He stated that most of the roads in Georgia are paved because that helps to mitigate the water and drainage.

Tom Waller stated that most of the properties on that road were very close to the two acre minimum. He stated if the Board approved the paving of the road and if that approval would cause the property owners to be below the minimum zoning requirement, then the Board should approve waivers for those who would be reduced below the minimum. He stated that the Board would be creating a situation where the property owners would have to request a variance.

Mr. Mallon stated that the way the road was designed none of the lots would be below the minimum zoning requirement. He stated that in regards to Ms. Charles' property, staff had done a redesigned and now there would not be an impact to her property at all. He noted that there would be a substantial amount of clearing of county owned land for the project.

Vice Chairman Ognio asked if there was commitment for all the right-of-way needed for the project. Mr. Mallon stated no. He stated that there are two lots who have not agreed to give up the right-of-way needed and that the county would have to acquire that property.

Commissioner Brown asked if the cost to acquire the property was included in the cost estimate. Mr. Mallon stated that it was not. Commissioner Brown stated that he would like for the County to get out of these type of designs with the roads. He asked if staff could talk to the developer to determine if they could shave some off the lower lots.

Mr. Mallon stated that staff intentionally kept the design speeds in the project with the hope of maintaining slower traffic.

Commissioner Brown stated that there was no doubt that this road would become a cut through. He stated that the speed will increase. He asked if the County would be creating nonconforming lots. Mr. Mallon stated that he was as sure as he could be in the conceptual stage of the project.

Chairman Maxwell stated that the 80% was of the linear and not 80% of the homeowners. Mr. Mallon stated that the 80% was the road frontage.

Mr. Davenport stated that regarding the lots being reduced to less than the requirement, there are times when that happens and Mr. Mallon has stated that this was not one of those projects. He stated that if it was, then the result would be that any lot reduced to less than the minimum size would be classified as a nonconforming lot and the County has regulations regarding nonconforming lots. He stated that the County speaks to the homeowners when there would be a case of minimizing the lot size, so the homeowner would be aware of what would happen. He stated that when it was time to do something with the lot and the regulations for nonconforming lots apply, the fact that the nonconforming was due to the actions of the County would work in the homeowners' favor.

Commissioner Brown moved to approve the request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road. Commissioner Rousseau seconded. Discussion followed.

Commissioner Oddo stated that he visited the road and noticed some of the dangers. He stated that there were a lot of pros and cons. He stated that he understood both sides.

Commissioner Brown asked why it would not be a condition of the developer to pave the road. Mr. Frisina stated that he controlled a small portion of the road. He stated that the developer did donate more than normal. Commissioner Brown asked if it was the same developer on the north and south of the road. Mr. Frisina stated that on the north side of the road the subdivision was developed ten years prior to the other side of the road. He stated that the developer did not own the property when he developed the north side.

Commissioner Brown moved to approve the request to pave a gravel section of Swanson Road (approximately 3,200 ft), located between Ellison Road and Adams Road. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

**16. Consideration of Commissioner Brown's request to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85.**

Commissioner stated that at Highway 85 near Starr's Mill there was a bridge that was going to be reconstructed. He stated that the flow of the stream was not adequate. He stated that there may be an opportunity for the County to take advantage of the reconstruction of the bridge. Commissioner Brown read Resolution 2017-05 into the record:

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**AN APPEAL ON BEHALF OF THE PEOPLE OF FAYETTE COUNTY TO PRESERVE THE HISTORICAL INTEGRITY OF ONE OF THE STATE'S MOST VISIBLE LANDMARKS, STARR'S MILL, RELATED TO BRIDGE CONSTRUCTION ON STATE ROUTE 85**

**WHEREAS**, Hananiah Gilcoat built a mill on the bank of Whitewater Creek in 1825, known as Starr's Mill, less than a mile from the boundary between Creek Indian lands and the State of Georgia, during the presidency of John Quincy Adams, recognized by the Georgia Historical Society; and

**WHEREAS**, the mill was fully operational until 1959, using a water-powered turbine to grind corn and operate a sawmill, also operating as a cotton gin and a dynamo that produced electricity for nearby City of Senoia; and

**WHEREAS**, Starr's Mill represents the dawn of agricultural commerce, the determined self-reliance of our forefathers and the American ingenuity and creativity that made the United States the most powerful country in the world; and

**WHEREAS**, The Fayette County Board of Commissioners owns the site, spends taxpayer dollars maintaining the site and has officially approved all necessary ordinances to protect and preserve the historical integrity of the Starr's Mill site for future generations of Georgians by placing restrictions on real estate development on the land surrounding the mill site, allowing only architecture and uses that will complement the historic structure; and

**WHEREAS**, the Starr's Mill historic site is one the most photographed historic sites in Georgia, appearing in countless books and calendars, a rare combination of natural and structural splendor, being such a source of local pride that the local high school is named after the mill; and

**WHEREAS**, the current Georgia Department of Transportation bridge structure on State Route 85, facing the Starr's Mill historic site is scheduled for replacement to improve both transportation utility and prevent flooding on the historic site; and

**WHEREAS**, protecting and preserving our historic heritage takes a unified effort of government, civic organizations and passionate individuals;

**BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby formally request that the Honorable Governor Nathan Deal and Fayette County's Honorable GDOT District 3 Board Member Sam Wellborn and the entire Georgia Board of Transportation support the Great Citizens of Fayette County and promote a bridge design that embellishes one of the most beautiful historical sites in the State of Georgia with the intention of melding the transportation infrastructure design with historical character of the adjoining mill.

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Commissioner Brown stated that the Atlanta Journal Constitution ran an article entitled "Vanishing Landmarks" that shows a picture of Starr's Mill. He stated that the article talks about old historical structures that are going to the way side either through decrepit conditions or by development that was overriding the site. He gave a PowerPoint presentation of photos with some ideas of how the bridge could be constructed.

Commissioner Brown moved to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation (GDOT) in terms of creating a conceptual design that would enhance the Starr's Mill historical site. Vice Chairman Ognio seconded. Discussion followed.

Chairman Maxwell stated that he would like to add the Commissioner of the Department of Transportation to the Resolution before sending.

Commissioner Brown amended his motion to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation in terms of creating a conceptual design that would enhance the Starr's Mill historical site and to add the Commissioner of the Department of Transportation to the Resolution. Vice Chairman Ognio amended the second. Discussion followed.

Vice Chairman Ognio stated that he was wondering what would be the cost. He asked if the County would have "skin" in this. He asked would the Board accept a bridge that was similar to what was currently there.

Commissioner Brown stated that the Board could send some of the photos, but that ultimately it was GDOT's project. He stated that he believes the County has a good shot at having it approved.

Mr. Rapson stated that the project was funded 100% by GDOT. He stated that any proposal would come back to the Board.

Commissioner Oddo stated that he did not think the Resolution had gone through legal first. He stated that he would like for all Resolutions to go through legal. He stated that the building was not the original building. He stated that it was still historic but not original and it was ironic that the Board omitted gas stations from the overlay when gas stations were a part of the historic nature of Starr's Mill. He asked why the Board would not just direct staff to speak to GDOT instead of sending a resolution.

Commissioner Brown stated because it would be an official act of the Board and they would take that seriously.

Commissioner Oddo stated that he was not sure why the resolution was needed. He stated that he would not want to feel like he was putting his hand in the pot to pull out the extra money to pay for a bridge that was already being built.

Chairman Maxwell asked Mr. Davenport if he had read the Resolution. Mr. Davenport stated that he did review the Resolution and he had no legal problems. Chairman Maxwell stated that he liked the form of the Resolution in asking GDOT to consider the request in the Resolution. He stated that he thinks that the Board should expand who would receive the Resolution.

Commissioner Brown amended his motion to approve Resolution 2017-05 to appeal on behalf of the people of Fayette County to preserve the historical integrity of Starr's Mill in relation to bridge construction on State Route 85 and to move forward with discussions with the Georgia Department of Transportation in terms of creating a conceptual design that would enhance the Starr's Mill historical site and to add the Commissioner of the Department of Transportation to the Resolution. Vice Chairman Ognio amended the second. The motion passed 4-1 with Chairman Oddo in opposition. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

No public comments.

**ADMINISTRATOR'S REPORTS:**

- A. Contract #1247-N: Security Cameras for McCurry Park-** A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

Mr. Rapson stated that there is a vacancy on the Public Arts Committee. He asked for a Selection Committee to appoint someone to the open position for the unexpired one year term. He stated that if the Board wanted to extend the term that could be done.

Vice Chairman Ognio moved to appoint Commissioner Brown and Commissioner Oddo to the Public Arts Committee Selection Committee. Commissioner Rousseau seconded. The motion passed 5-0.

Mr. Rapson stated that staff has been working with GDOT in regards to the rain and flood issues and received notification that the county would receive the \$185,000 of Local Maintenance Improvement Grant funds for that weather event.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated there were five items for Executive Session, two items involving Pending Litigation, one item involving Threaten Litigation, one item for Real Estate Acquisition and the Review of the January 26, 2017 Executive Session Minutes for consideration in Executive Session.

**COMMISSIONERS' REPORTS:**

**Commissioner Rousseau:**

Commissioner Rousseau stated that he wanted to remind everyone of the SPLOST tour to take place on February 25 at 10:00 a.m. He stated that it was a tour of selected areas of the county that will be included on the 2017 SPLOST ballot. He also encouraged citizens to attend the Blended Heritage celebration on February 24 at the Fayette County Library. He stated that the North Fayette Community Association meeting on February 18 at Liberty Baptist Church at 10:00 a.m. and then the Newton Plantation Homeowners' Association meeting at the same location at 11:00 a.m. The Westbridge Homeowners' Association meets on February 12. He also thanked staff for saving the life of a County resident. He thanked staff for the snack.

**Vice Chairman Ognio:**

Vice Chairman Ognio thanked staff for saving a life and that it was a good testament to the job that staff was doing. He stated that he would like to wish everyone a Happy Valentine's Day. He briefed everyone that at the Transportation Committee meeting GDOT was in attendance to discuss multi-use paths and that the committee re-appointed him as the Chairman of the committee.

**Commissioner Oddo:**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Commissioner Oddo stated that he would like to request staff to look at the way the Selections Committees are created. He stated that he would like for staff to create something formal to handle when someone is fulfilling an expiring term. He also would like to be able to select the Selection Committee after the applications have been received to eliminate any potential conflicts between the Commissioners and the applicants. He stated that there was also the possibility that two Commissioners would not agree on an applicant and there was no process for that.

Mr. Rapson stated that the policy was something that the Board approves and there was a policy in place for Board appointments. Commissioner Brown stated that he would caution not to get too restrictive. He stated that the Board can change the policy at any time.

There was no decision to make changes. The Board agreed that any request to make changes would need to be placed on an agenda.

**Commissioner Brown:**

Commissioner Brown stated that if staff was not at the point of hiring an assistant clerk, then he would like staff to hire a temporary person to help. Mr. Rapson stated that the Clerk would be making a selection on the following day and that the Clerk knows she can ask for assistance. Commissioner Brown stated that the Board was asking on her behalf. He congratulated the County Clerk on being on the cover of Fayette Woman. He continued that on February 23 there would be some GDOT topics on the agenda. He stated that the Transportation Committee was a great idea. He stated that GDOT was present at the meeting and they confirmed that the continuous flow interchange was really a low cost bandage for handling the interception at Highway 74 and 54 in Peachtree City. He stated that they have \$30 million to spend statewide and they have to spread it throughout the state and the county was only getting a small portion of the \$30 million. He stated that on February 23 the Board will discuss Highway 54 East and McDonough Road widening as well. He stated that he will provide documents for the Board to review.

**Chairman Maxwell:**

Chairman Maxwell thanked the Board for addressing the South Fulton CID issue. He stated that he spoke with ARC and Mayor Dial. He stated that he was able to resolve the issue and he appreciates that.

**EXECUTIVE SESSION:**

**Two Items of Pending Litigation, One Item of Threaten Litigation, One Item of Real Estate Acquisition and Review of the January 26, 2017 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:52 p.m. and returned to Official Session at 11:44 p.m.

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

**Approval of the January 26, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the January 26, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the February 9, 2017 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The February 9, 2017 Board of Commissioners meeting adjourned at 11:44 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>rd</sup> day of February 2017. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, County Clerk