BOARD OF COUNTY COMMISSIONERS

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



ACTION AGENDA

February 23, 2017 7:00 p.m.

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

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 Eric Maxwell called the February 23, 2017 Board of Commissioners meeting to order at 7:02 p.m. All members of the Board were present.

Invocation by Vice Chairman Randy Ognio

Vice Chairman Randy Ognio introduced Pastor Wayne Turner from the Fayette Bible Church to offer the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Vice Chairman Ognio moved to accept the agenda. Commissioner Brown seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamations in appreciation of U.S. Congressman Lynn Westmoreland and Georgia House Representatives John Yates for their service and dedication to Fayette County.

Chairman Maxwell stated that former Representative Lynn Westmoreland was unable to attend. Commissioner Charles Oddo presented former Representative John Yates with a proclamation on behalf of the Board and the citizens of Fayette County. Mr. Yates gave comments and thanked the Board and the citizens for the honor.

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property.

- 2. Consideration of Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.
 - Mr. Frisina briefed the Board regarding this petition. He stated that this petition was a companion to item #3 on the agenda. He stated that both petitions were recommended for approval by staff and the Planning Commission.
 - Mr. Randy Boyd, agent for the petitioners, stated that this property was on the south side of Seay Road and approximately a fourth of a mile from the intersection of Seay Road, Harp and Highway 92. He stated that the property

was split back in the summer of last year. He stated that the request was to take the one lot from A-R to R-80 to develop four lots that would include the existing home. He stated that the owners are brother and sister and the plan was to build houses for her children. He stated that this was an area of the Comprehensive Land Use Plan that was designated for low density residential and their density was 3.6 acres and within the Comprehensive Plan. He asked that the Board would approve this request.

No one spoke in favor or in opposition of this petition.

Vice Chairman disclosed that his parents lived on this road, but that there was no relationship, financial or any kind, to this petition.

Commissioner Brown moved to approve Petition No. 1262-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to rezone 14.39 acres from A- R to R-80 to develop a Single-Family Residential Subdivision on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. Vice Chairman Ognio seconded. The motion passed 5-0.

3. Consideration of Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road.

No one spoke in favor or in opposition of this petition.

Commissioner Oddo moved to approve Petition No. RP-061-17, Mahmoud J. Amercani & Hadia Youssef, Owner, and Randy M. Boyd, Agent, request to add 4 lots to the Minor Subdivision Plat of J.K. Singletary and Patricia A. Singletary on property located in Land Lot(s) 26 & 39 of the 5th District and fronting on Seay Road. Commissioner Brown seconded. The motion passed 5-0.

4. Consideration of staff's request to adopt Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.

Mr. Frisina stated that this was the annual report that was due to Atlanta Regional Commission (ARC) and to the Department of Community Affairs (DCA) for Regional and state review of the impact fees. He thanked the Finance Department for the financial information and Chief Scarborough who helped to get things on track.

Commissioner Brown moved to approve Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Oddo seconded. Discussion followed.

Commissioner Brown stated that the impact fees are fees that are levied on new construction. He stated that the fees go to infrastructure and in this case it goes to Fire and EMS.

Commissioner Rousseau noted a change to be made to the dollar amount. He stated that the comma was in the wrong place. Staff noted the change.

Commissioner Brown moved to approve Resolution 2017-03 pertaining to the "Fayette County 2016 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2017- FY2021)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Oddo seconded. The motion passed 5-0.

CONSENT AGENDA:

Vice Chairman Ognio requested to remove Item #5 and Commissioner Rousseau requested to remove Item #8. Commissioner Oddo moved to approve the Consent Agenda with the exception of items #5 and #8 for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

5. Approval of staff's recommendation to make enhancements to the Heritage Park Water fountain at a cost of \$60,000.

Director of Building and Grounds Carlos Christian briefed the Board on options listed for this agenda item. He stated that the fountain was built by Building and Grounds staff in 1996 and that staff had tried to maintain the water fountain over the years. He stated that the granite stone had been cracking and when the granite becomes slippery when wet. He stated that repairs are difficult because of the way it was designed. He stated that staff was proposing a medium grade granite and to include a rough finish to the granite to provide a safer surface for anyone who stands or sits on it. He stated that one of the options included a capstone façade with a trim and base and the second option was the brick inlay façade and the capstone trim and base. He stated that staff's preferred option was Option #1. He stated that staff would do the work on this project. He staff that the project would also include resetting and leveling the brick pavers around the fountain. He stated that the other part would be the installation of the LED lights inside the water fountain.

County Administrator Steve Rapson stated that both projects have capstone so for clarification, staff's recommendation was Option #1. He stated that the funding for the project has already been established at \$125,000 so there was not additional funding being requested. He asked the Board to give staff latitude on this project because there may be other repairs to be made once staff begins.

Commissioner Brown stated that he would like to see skateboard deterrent installed on the edge of the fountain to prevent skateboards from riding along the edge of the fountain. He stated that he would rather not use granite on the fountain because of the difficulty in maintaining it. He also spoke of his concern of having the annual Christmas tree placed on top of the fountain. He stated that part of the wear and tear comes from placing that metal tree bottom on the fountain. He stated that the pre-cast would be maintenance free and would eliminate having to replace the granite later.

Mr. Christian stated that the cost for the skateboard deterrents would be approximately \$1,000. He stated that he kept the granite finish because choosing a different material would change the look of the water fountain and require more cost.

Vice Chairman Ognio stated that if granite was used he would like to see the overhang of the fountain reduced. He stated that it overhangs quite a bit and that he believes that was one of the problems with it breaking off. He stated that he worries about the skateboard deterrents being a trip hazard when there are events where people walk along the

fountain. He stated that the LED lighting might be underpriced in the proposal. He stated that he was concerned with the wiring associated with getting the LED lights to work.

Mr. Christian stated that staff considered that. He stated that was one reason for the façade and he stated that staff proposed that the lip of the fountain be reduced in the proposal submitted.

Mr. Rapson stated that staff can look into the skateboard deterrents and that staff had not asked City of Fayetteville to move the Christmas tree.

Commissioner Oddo moved to approve staff's recommendation, Option #1, to make enhancements to the Heritage Park Water fountain at a cost of \$60,000 and to have staff evaluate the skateboard deterrents and include if needed. Vice Chairman Ognio seconded.

Discussion followed.

Commissioner Oddo amended the motion to approve staff's recommendation, Option #1, to make enhancements to the Heritage Park Water fountain at a cost of \$65,000 and to have staff evaluate the skateboard deterrents and include, if needed. Vice Chairman amended second. The motion passed 5-0.

- 6. Approval of staff's recommendation for a.) Board execution of the Construction Agreement between GDOT and Fayette County for PI #0012623 for the resurfacing of 85 Connector, Ebenezer Road and Brook Woolsey Road; b) BOC approval of GDOT oversight; and c.) BOC to approve the low bid from C.W. Matthews Co, Inc. for Bid #1236-B Resurface Three Roads in the amount of \$1,076,040.76.
- 7. Approval of staff's recommended mid-year budget amendments to the fiscal year 2017 budget.
- 8. Approval of a recommendation from the Water Committee to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants.

Commissioner Rousseau asked staff if there was a number of attendance to this event in the past years. Mr. Rapson stated that the first year was basically the participants and the second year there was about 12-15 patrons to show up. He stated that staff was anticipating the number of attendants to be closer to 30 to 35 this year. Commissioner Rousseau stated that seeing that the information stated that people from "around the world" attend, it raised an antenna for him.

Commissioner Rousseau moved to approve the request from the Radio Controlled Sailboat Club for the use of Lake McIntosh Park on October 26 through October 28, 2017 and for the parking fee to be waived for the participants. Commissioner Brown seconded. The motion passed 5-0.

- 9. Approval of a recommendation from the Water Committee to approve the request from Peachtree City Rowing Club to close Lake McIntosh Park for the scrimmage on March 11, 2017.
- 10. Approval of the February 9, 2017 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

11. 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 February 9, 2017 Board of Commissioners meeting.

Commissioner Brown moved to table this item to the March 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Oddo stated that he voted in opposition the last time this was on the agenda and he will be voting in opposition again.

Commissioner Brown moved to table this item to the March 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 4-1 with Commissioner Oddo voting in opposition.

NEW BUSINESS:

12. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017.

Commissioner Oddo stated that he and Commissioner Brown met some wonderfully talented artist. He stated that he would like to make a motion to have her serve a full term to expire May 31, 2019.

County Attorney Dennis Davenport stated that this was a two year term and that the Board has not had this type of motion before. He stated that the policy had been to evaluate every term for the person sitting in the seat as well as any new applicants. He stated that to approve this motion would be a departure of evaluating every seat when the term is up.

Commissioner Brown stated that these are all unexpired terms for the committee. He stated that it was advertised as fulfilling an unexpired term and it should stay that way.

Mr. Davenport stated that the Board created the seats to serve staggered terms and this should not be an issue once the unexpired terms have been served.

Commissioner Oddo stated that this was one of the items that he brought up last meeting that he wanted staff to review. He stated that it makes little sense to have someone for three months and then advertise it again.

Commissioner Brown stated that generally all it would take was for the Board to reappoint the person.

Commissioner Oddo stated that he issue was re-advertising and having people take the time to come interview knowing that the Selection Committee would reappoint the person.

Chairman Maxwell stated that the issue was that this was advertised as an unexpired term.

Further discussion followed.

Commissioner Oddo moved to appoint Jennifer Johnson to the Fayette County Public Arts Committee to serve an unexpired one (1) year term beginning immediately and expiring May 31, 2017. Commissioner Brown seconded. The motion passed 5-0.

13. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

Commissioner Oddo moved to appoint Martha Aikin to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. Vice Chairman Ognio seconded. The motion passed 5-0.

14. Consideration of a recommendation from the Selection Committee, comprised of Commissioner Charles Oddo and Commissioner Steve Brown to nominate Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018.

Commissioner Oddo moved to appoint Kate LaFoy to the Fayette County Public Arts Committee to serve an unexpired two (2) year term beginning immediately and expiring May 31, 2018. Commissioner Brown seconded. The motion passed 5-0.

15. Consideration of staff's recommendation to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event.

Parks and Recreation Director Anita Godbee briefed the Board about the Relay for Life Event. She stated that the components of the Relay for Life consist of the Open Ceremonies, Survivors Lap, Caregivers Lap, Illuminating Ceremony and Closing Ceremony. Volunteers for the Relay for Life made comments regarding the event.

Commissioner Oddo moved to approve to extend the hours of the McCurry Park football complex on May 5, 2017 to facilitate the Fayette County Relay for Life Event. Vice Chairman Ognio seconded. The motion passed 5-0.

16. Consideration of staff recommendations for maintenance and repair of the Fayette County Administrative Building's parking lot.

Public Works Director Phil Mallon briefed the Board regarding the Administrative Building's parking lot and the staff parking lot behind the building. He stated that there are two options and that both options include the removal of some trees. Mr. Mallon presented the proposed options to the Board.

Discussion followed.

Commissioner Brown moved to try to adhere to the plans in Option #1 with the provision that the islands are enlarged, that staff removes the tree closes to Highway 54 and attempts to save the existing tree canopy, and that the funds come from the Project Contingency fund. Commissioner Oddo seconded. The motion passed 5-0.

17. Consideration of staff recommendation to complete maintenance and repair work to Fayette County's Administrative Building (CIP 6565B).

Mr. Christian stated that there was an approved Capital Improvement Project (CIP) for maintenance and repair work for the Administrative Building. He stated that staff has worked to keep the scope as originally submitted with the CIP. He stated that it was discovered that there are structural issues in the rear catwalk and front handrails that had to be

addressed. He stated that additional monies had to be spent to keep those repairs. He stated that staff was doing the repairs in-house. He stated that staff would like to move forward with pressure washing the building, painting the exterior and replacing some of the awnings and replacing the signs around the building to bring uniformity to the signs.

Mr. Rapson stated that it would also include the light poles being sanded and repainted and the leveling of the brick on the sidewalks.

Discussion followed.

Commissioner Brown moved to approve Capital Improvement Project 6565B as budgeted for \$264,400 for the maintenance and repair work to the Fayette County's Administrative Building from the CIP fund. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown moved to approve Capital Improvement Project 6565B as budgeted for \$264,400 for the maintenance and repair work to the Fayette County's Administrative Building from the CIP fund. Vice Chairman Ognio seconded. The motion passed 5-0.

18. Consideration of staff's recommendation to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road.

Transportation Engineer Joseph Robison introduced himself as a new employee and briefed the Board. He stated that the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank helps local communities complete projects. He stated that the Town of Tyrone and Newnan are two that have taken advantage of this grant. He stated that the Engineering Department came up with projects that would fit with the criteria of the program. He stated that the \$400,000 grant represents roughly 25% of the construction cost. He stated asked for Board approval on this project.

Vice Chairman Ognio welcomed Mr. Robison aboard and that it would be great to get the grant to help with the project.

Vice Chairman Ognio moved to approve to submit an application for a \$400,000 grant available from the State Road and Tollway Authority's Georgia Transportation Infrastructure Bank (GTIB) for Fayette County SPLOST Project R-5F, the intersection of State Route 92 and Veteran's Parkway/Westbridge Road. Commissioner Brown seconded. The motion passed 5-0.

19. Consideration of staff's recommendation to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund.

Road Department Director Steve Hoffman briefed the Board regarding this item. He stated that staff was seeking approval to surplus eight pieces of equipment and three vehicles. He stated that the funds would be returned to the Vehicle Replacement Fund.

Vice Chairman Ognio asked would they be placed on GovDeals with a minimum price. Mr. Hoffman stated yes.

Vice Chairman Ognio moved to approve to declare eight (8) pieces of Road Department equipment and three (3) vehicles as not serviceable, to advertise these pieces of equipment & vehicles for sale on GovDeals with the estimated values set as a reserve and for all proceeds to be returned to Vehicle Replacement Fund. Commissioner Brown seconded. The motion passed 5-0.

20. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43.

Mr. Davenport stated that this tax refund request had to do with the square footage of a residence being substantially less than what was on the property tax card which yielded an error in the assessment of the value. He stated that the error in 2014 was \$2,155.95 and in 2015 it was \$2,118.48 for a total of \$4,274.43. He stated that the request was made for 2013 but that the request for 2013 was beyond the three year statue with regard to tax refund request.

Commissioner Oddo moved to approve disposition of tax refunds, as requested by John Stevens, Jr. for tax years 2014 and 2015 in the aggregated amount of \$4,274.43. Vice Chairman Ognio seconded. The motion passed 5-0.

21. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71.

Mr. Davenport stated that the tract of the property was 2.88 acres and there was a substantial amount of the property condemned to be used by the Georgia Department of Transportation. He stated that when a government authority such as GDOT condemns property and goes through the court hearing process and gets an order of condemnation, the only way the taxing authority was made aware was for the order to be filed with the deed records to show that the property was removed from the taxpayers' deed. He stated that process did not occur. He stated that the tax bills were sent with the same acreage of 2.88 acres to the taxpayer who dutifully paid the bills even though a good bit of the property was owned by GDOT. He stated that the request was to seek refunds for 2009 to 2015. He stated that consistent with the last recommendation, anything beyond 2014 was an excess of the three year window for statute of limitations for tax refund request. He stated that he requested recommended approval was a total of \$234.71.

Mr. Buddy Hand stated that he was just trying to help his father request the refund.

Chairman Maxwell asked if he understood the recommendation from the County Attorney. He asked Mr. Davenport to further explain.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Richard Hand for tax years 2014 and 2015 of this request in the aggregated amount of \$234.71 with denial of all other years. Vice Chairman Ognio seconded. The motion passed 5-0.

22. Discussion regarding the approval of the Standard Utility Agreement for a water line relocation for the State Route 54 Road (PI 721440) project.

Commissioner Brown made a presentation regarding the discussion on State Route 54 East widening and McDonough Road widening. He stated that the Board had asked questions of GDOT since 2013 and the Board had received very little in the way of answers. He stated that the County was asked to sign paperwork regarding the movement of utilities in the excess of \$1 million related to the Hwy 54 widening project. He stated that he asked to have this contract placed on the agenda. He shared his concerns regarding this project.

There was further discussion between the Board members regarding this item.

Commissioner Brown moved to request that the Chairman not sign the document pending further information from the Georgia Department of Transportation on how we are to respond to the increasing numbers of traffic volume that would follow after the widening Highway 54 East and to have a vote after that information was received. Vice Chairman Ognio seconded. Discussion followed.

Commissioner Brown moved to request that the Chairman not sign the document pending further information from the Georgia Department of Transportation on how we are to respond to the increasing numbers of traffic volume that would follow after the widening Highway 54 East and to have a vote after that information was received. Vice Chairman Ognio seconded. The motion failed 2-3 with Chairman Maxwell, Commissioner Rousseau and Commissioner Oddo voting in opposition.

Chairman asked Commissioner Brown to work on a letter to be sent to GDOT regarding Highway 54 and McDonough Road. Commissioner Brown stated that he did not have a problem with that request.

PUBLIC COMMENT:

Roy Bishop stated that he had questions about the Veterans Parkway and Westbridge Road intersection. He stated that Mr. Rapson gave him a schedule and he would like an update because it was behind schedule. He asked if the right-of-way had been secured and if so, did the County have to condemn the property.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that there was a schedule provided that was developed by Mr. Mallon. He stated that he checks with Mr. Mallon weekly to be sure the County was on schedule and so far we have been on schedule. He stated that he would not discuss property acquisition because that was in discussed in Executive Session. He stated that this was a lead project and the County was working hard to complete the project.

Mr. Rapson asked for a Selection Committee for the Public Arts Committee.

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

Mr. Rapson spoke regarding the Blended Heritage event, the installation of the playground equipment, the Georgia Department of Audits findings for 2016 and the Sanitary Surveys for the Water Treatment plants.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were five items for Executive Session, five items involving Threaten Litigation and the Review of the February 9, 2017 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Oddo, Commissioner Brown, Vice Chairman Ognio, Commissioner Rousseau and Chairman Maxwell made comments.

Action Agenda February 23, 2017 Page Number 10

EXECUTIVE SESSION:

Five Items of Threaten Litigation and Review of the February 9, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:25 p.m. and returned to Official Session at 10:38 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 Rousseau seconded the motion. The motion passed 5-0.

Approval of the February 9, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the February 9, 2017 Executive Session Minutes. Commissioner Rousseau seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the February 23, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

| The February 23, 2017 Board of Commissioners meeting adjourned at 10:39 p.m. | |
|--|--|
| | |
| | |
| Tameca P. White, County Clerk | |