

BOARD OF COUNTY COMMISSIONERS

Eric K. 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

ACTION AGENDA

March 23, 2017
7:00 p.m.

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

Call to Order

Chairman Eric Maxwell called the March 23, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the Board was present. Commissioner Brown was absent.

Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Chairman Maxwell gave the Invocation and led the Board and the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Randy Ognio moved to accept the agenda as presented. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette Senior Services' Meals On Wheels program and its volunteers.

Commissioner Charles Rousseau recognized the Meals On Wheels program and its volunteers for the services provided in the County. Nancy Meaders, President and CEO of Fayette Senior Services and Natalie Hynson, Meals on Wheels Coordinator were present to accept the recognition.

PUBLIC HEARING:

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

2. Consideration of Ordinance 2017-03, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

Mr. Frisina stated that this was a new zoning district being recommended for approval. He stated that it was a mixed use that allows for residential and associated business uses. He stated that the difference was that home occupations are allowed, but do not allow an outside structure or detached structure as the basis for the business; this zoning would allow such use. He stated that it also allows customers to come to the site which was also allowed under home occupation, but also allows limited employees to come to the site. He stated that the consideration before the Board was

if this was a scenario that would be useful in Fayette County or not. He stated that part of the recommendation was to create a large tract of land that would be used for the PUD with lot requirements of at least 15 acres to have enough room for the structure behind the home. He stated that the business had to be conducted in that building and solely within the building and it had to be placed behind the home with sizable setbacks, interior and around the peripheral development that would require a 100 foot buffer. He stated that by requiring larger lots this ordinance would maintain the rural character of the county. He stated that the PUD was open and flexible for the developer and gives them the opportunity to create their own design and dimensional requirements. He stated that this was covered in the Summary of Intent that would be turned in with a Planned Unit Development (PUD) and would be part of what would be approved; Summary of Intent and development plan. He stated that the vehicle size allowed was already in the home occupation requirements and also stipulations on the number of employees that could be present, the distance from the home structure and the building structure and the architectural requirements are all included as part of the requirements.

The following spoke in favor of Ordinance 2017-03:
Jim Fulton and Debbie Lowe

The following spoke in opposition of Ordinance 2017-03:
Tiffany Hankson, a female resident of River Oaks Subdivision (name inaudible), Tim Arnold, Lillian Smith, Brian Gray, Derrick Jackson, James Spray, Tonya Miller, Tommy Hukan, John Reep and Cason Mekeal,

Vice Chairman Randy Ognio stated that he would like to go over what was being proposed because he got the impression that the citizens had not seen the information provided on the website. He stated that there was a lot of information to restrict but that this ordinance was not to propose a commercial lot. He stated that this would be a residential lot to allow the homeowner to operate a business behind their home. He stated that the Planning Commission had done a good job in defining the requirements. He stated that the building being in sight would be an issue for him unless it would look like a barn or something of that nature. He stated that he understands the concerns expressed and he was sorry that the citizens had not realized that they could visit the website to see the information presented to get a better understanding of what was being proposed. He stated that he was leaning in favor of the ordinance. He stated that one thing that he would like to clear up under item K that talks about "owned and operated" by the occupant of the property. He stated that he would like to see the minimum house size spelled out and yet he would not want a situation where there was an older house that would have to be torn down to meet the minimum house size because he would like to maintain the character of the area. He stated that he would like to look at the driveways and if they are too close together can there be a shared driveway.

Commissioner Rousseau stated that what the Board was attempting to do was to create an ordinance where one does not exist and to set parameters in place that would protect the integrity as well as the quality of life that was mentioned by the citizens. He stated that since this was a new ordinance many might not know the definitions of PUD's and how they are shaped, conditional use permits and others. He stated that it was important to create more opportunities for residents and potential developer to have dialogue so that the fear factor of the unknown can be addressed. He commended the Planning Commission and Mr. Frisina for outlining and going through deep discussions about this ordinance. He encouraged residents to get a copy of the meeting package. He asked Mr. Frisina to explain what is included in a PUD.

Mr. Frisina explained the PUD to the audience. Further discussion followed.

Commissioner Rousseau stated that he would like to encourage the applicants, staff and citizens to have a work session about the definition to create the proposal. He stated that he would like to propose that there be dialogue with the community as a whole to understand what is being proposed in the ordinance.

Commissioner Charles Oddo stated that this was a new zoning classification and not a business. He stated that the zoning classification would be used throughout the county. He stated that this proposed ordinance gives the county the opportunity to control the growth due to the large tracts of land. He stated that without this there was the potential to build a lot of homes; 50 to 60 homes. He stated that this was not for retail business, but very low key businesses. He stated that he would like something included to control the drive access to the main road. He stated that he was prepared to vote.

Chairman Maxwell stated that this topic goes back to September 15, 2016. He stated that it had to go through stages before coming before the Board. He stated that it was approved by the Planning Commission with a 4-1 vote. He stated that he would agree with Commissioner Rousseau's suggestion to hold discussions. He stated that half of the comments made was that most spoke on the opposed side, but were not necessarily opposed to the ordinance they were just unsure of what was being proposed. Commissioner Maxwell mentioned that Commissioner Brown did have comments that he had left on the dais.

Further discussion followed.

County Attorney Dennis Davenport explained options for a motion.

Commissioner Rousseau moved to send Ordinance 2017-03 back to the Planning Commission with the specific intent to allow more citizen education and awareness regarding the Ordinance. Commissioner Oddo seconded. Further discussion followed.

Commissioner Rousseau amended the motion to send Ordinance 2017-03 back to the Planning Commission meeting to be held on April 20, 2017 at a to-be-determined location with the specific intent to allow more citizen education and awareness regarding the Ordinance. Commissioner Oddo amended the second. The motion passed 4-0-1 with Commissioner Brown absent.

3. Consideration of Ordinance 2017-04, amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.- Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.- O-I, Office-Institutional District, Sec. 110-144. - C-H, Highway- Commercial District, and Sec. 110-169.-Conditional Use Approval, concerning A-R Bed And Breakfast Inn use.

Mr. Frisina stated that staff has been looking at the A-R district and have come up with some uses which included the wedding facility and the deer processing facility. He stated that this ordinance was another business to be added to the A-R district. He stated that this would allow for an A-R Bed and Breakfast. He stated that this requires a minimum 10 acres and it would be a conditional use. He stated that it limits the bed and breakfast to no more than 5 guest rooms and no more than 10 occupants. He stated that he has to go through the Environmental Health and Fire Marshal approvals and would give ability to control parking and they would have to be a registered tourist accommodations. He stated that the bed and breakfast would only be able to serve to those who stay at the facility.

Further discussion followed.

The following spoke in favor of Ordinance 2017-04:

Ingrid Moore Barnes

The following spoke in opposition of Ordinance 2017-04:
Derrick Jackson

Further discussion followed.

Vice Chairman Ognio moved to approve Ordinance 2017-04 amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3.-Definitions., Sec. 110-125. - A-R, Agricultural-Residential District., Sec. 110-142.- O-I, Office-Institutional District, Sec. 110-144. - C-H, Highway- Commercial District, and Sec. 110-169.-Conditional Use Approval, concerning A-R Bed And Breakfast Inn use with the change to the A-R Sec. 110-169 2F3 only to be "owner/operator". Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent.

4. Consideration of Ordinance 2017-05, amendments to Chapter 22, Article III.-Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use.

Mr. Frisina stated that this was a housekeeping measure so that the ordinance will be consistent.

No one spoke in favor or in opposition.

Vice Chairman Ognio moved to approve Ordinance 2017-05, amendments to Chapter 22, Article III.-Hotel/Motel Excise Tax of the County Code concerning A-R Bed and Breakfast Inn use. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent.

5. Consideration of Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use.

Mr. Frisina stated that this was a housekeeping measure so that the ordinance will be consistent.

No one spoke in favor or in opposition.

Commissioner Oddo moved to approve Ordinance 2017-06, amendments to Chapter 8, Article VI.-Tourist Accommodations of the County Code concerning A-R Bed and Breakfast Inn use. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

CONSENT AGENDA:

Commissioner Rousseau moved to approve the Consent Agenda as presented. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

6. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

7. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all

elections held in Fayetteville in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.

8. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.
9. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.
10. Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2017, and authorization for the Chairman to sign said Intergovernmental Agreement.
11. Approval of staff's recommendation to approve Contract #940-P, Public Works Engineer of Record: Task Order #18 – Construction Management for Lee's Mill and Rising Star Culvert Replacements in the not-to-exceed amount of \$96,920 and to authorize the Chairman to sign the related documents.
12. Approval of the March 7, 2017 Board of Commissioners Special Called Meeting Minutes.
13. Approval of the March 9, 2017 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

14. 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 23, 2017 Board of Commissioners meeting.

Vice Chairman Ognio stated that Commissioner Brown was absent and that he requested to have this item tabled to the April 13, 2017 Board of Commissioner meeting. Chairman Maxwell seconded. The motion passed 3-1-1 with Commissioner Oddo in opposition and Commissioner Brown absent.

NEW BUSINESS:

15. Consideration of a recommendation from the Selection Committee, comprised of Commissioners Steve Brown and Charles D. Rousseau, to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.

Commissioner Rousseau moved to approve to appoint Nancy Holland to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

16. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Ognio and Commissioner Charles W. Oddo, to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022.

Commissioner Oddo stated that he and Vice Chairman Ognio were recommending Cath Berggren to be re-appointed to the Department of Family and Children Services Board. He stated that this was one of the hardest decisions and that the Selection Committee had to reconvene to discuss further.

Commissioner Oddo moved to approve to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Oddo moved to approve to re-appoint Cathy Berggren to the Fayette County Department of Family and Children Services Board for a term beginning January 24, 2017 and expiring June 30, 2022. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

17. Consideration of the County Attorney's recommendation to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87.

Mr. Davenport briefed the Board that the tax refund involving property of a tax abatement program through the Development Authority of Fayette County. He stated that in this particular program with Calpis American Inc. it was scheduled to start in 2015; however the documentation reviewed by the tax assessor office showed that that the transfer of the real property from the company to the Development Authority occurred in late 2013, meaning as of January 1, 2014, the tax assessor started that as year one for the tax abatement program which lasts for ten years. He stated that the year one language for the lease agreement was the beneficial occupancy; in other words whenever the company received the C.O. to move into the premises it was in 2015. He stated that he spoke with Mr. Glen Thompson who represents Calpis America, who pointed out that year one should have been 2015 and not 2014. He stated that he presented some case law authority and that he agreed with that position. He stated that the abatement would go forward from 2014 for the next ten years. He stated that an itemized list of numbers; for the real property for 2015 and 2016 totaling \$18,828.83 and for the personal property for 2014, 2015 and 2016 totaling \$10,624.04 for a total of \$29,452.87. He stated that the reason 2015 and 2016 are listed is because when the original program was started in 2014, 2015 would have been 20%, 2016 would have been 30% and so on. He stated that when it should have started in 2015 that meant a partial refund for that year as well as 2016.

Chairman Maxwell asked if Mr. Thompson was in agreement. Mr. Davenport stated that he spoke with Mr. Thompson and even shared the memo with him to make sure that if he had any issues he could bring them up and his only question was if he was required to be present at the meeting. He stated that he stated that he was not required to be present, but that he was welcome to attend.

Commissioner Oddo moved to approve a tax refund of personal and real property taxes to Calpis America Inc. for tax years 2014, 2015 and 2016 in the aggregated amount of \$29,452.87. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown absent.

18. Consideration of the approval to execute a property deed to swap approximately 0.12 acres of right of way to Mr. Michael Becker in exchange for the transfer of 0.14 acres needed to pave a turn-around to provide access for Fayette County safety vehicles.

Mr. Davenport briefed the Board that this item had to do with real property located on Brown Road. He stated that Brown Road was a prescriptive easement that runs off of Redwine Road just south of Ebenezer Church Road. He stated that Mr. Becker lives at the end of Brown Road. He stated that the reason Mr. Becker was conveying the property to the centerline of Brown Road was because with a prescriptive easement all the county owns was an easement and the underlying property owner which was Mr. Becker owns rights over and above that easement. He stated that in return there was another gray strip across the front of Mr. Becker's property and that was the centerline plus the 30 feet of the prescriptive easement that the county owns. He stated that the county was not going to pave the road past that proposed cul-de-sac because immediately to the left was another subdivision which was developed and so the road would not go through. Mr. Becker had asked for him to convey the property to the county which allow the county to construct a cul-de-sac for easier travel he would like to receive that portion of the prescriptive easement west of that the proposed cul-de-sac from centerline of Brown Road into his property by 30 feet. He stated that this item would require two motions. Mr. Becker signed the deed to convey the property to the county as shown on the plat and if the Board accepted the deed, the next step would be to authorize the Chairman to sign the deed and the Board would vote to convey the property west of the proposed cul-de-sac which was the remainder of the permanent easement.

Vice Chairman Ognio moved to approve for the Chairman to sign the deed to transfer 0.14 acres from the county to Mr. Becker. Commissioner Oddo seconded. Further discussion followed.

Vice Chairman Ognio moved to approve for the Chairman to sign the deed to transfer 0.14 acres from the county to Mr. Becker. Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio questioned the acres that were presented in the document. Further discussion followed.

Vice Chairman Ognio moved to amend the prior motion to approve for the Chairman to sign the deed to transfer property from the county to Mr. Becker as indicated in the deed. Commissioner Oddo amended the second. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio moved to approve to accept the deed conveying property from Mr. Becker to the county as indicated in the deed. Commissioner Oddo seconded. The motion passed 4-0-1 with Commissioner Brown absent.

PUBLIC COMMENT:

Marilyn Watts expressed her gratitude to the Board, County Attorney and County Administrator for their support during the lawsuit against her. She stated that the county would be reimbursed \$30,000 from the plaintiffs in the case that was against her. She also thanked the Board for moving forward with the widening of Highway 54.

Roy Bishop stated that he would like to congratulate the county on passing the SPLOST and good luck on the many projects. He asked Mr. Rapson for an update on the West Fayetteville Bypass.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the County was on the same time table regarding the West Fayetteville Bypass.

He asked Mr. Hoffman to give an update on the parking lot upgrades. Road Department Director Steve Hoffman gave an update.

Mr. Rapson stated that he needs a Selection Committee for the Transportation Committee and the McIntosh Trail Community Service Board.

Vice Chairman Ognio moved to appoint Chairman Maxwell and Commissioner Brown to the Transportation Committee Selection Committee. Commissioner Rousseau seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Vice Chairman Ognio moved to appoint Commissioner Rousseau and Commissioner Oddo to the McIntosh Trail Selection Committee. Chairman Maxwell seconded. The motion passed 4-0-1 with Commissioner Brown absent.

Mr. Rapson gave an update on the SPLOST election.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were three items of real estate acquisition, one pending litigation and for review of the Executive Session minutes for March 9, 2017.

COMMISSIONERS' REPORTS:

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

EXECUTIVE SESSION:

Three Items of Real Estate Acquisition, One Item of Pending Litigation and Review of the March 9, 2017 Executive Session Minutes: Commissioner Oddo moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 4-0-1 with Commissioner Brown.

The Board recessed into Executive Session at 9:38 p.m. and returned to Official Session at 9:56 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 Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown.

Approval of the March 9, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the March 9, 2017 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown absent.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the March 23, 2017 Board of Commissioners meeting. Commissioner Oddo seconded the motion. The motion passed 4-0-1 with Commissioner Brown absent.

The March 23, 2017 Board of Commissioners meeting adjourned at 9:57 p.m.

Tameca P. White, County Clerk