

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
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

July 27, 2017
6:30 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 6:30 p.m.

Call to Order

Chairman Eric Maxwell called the July 27, 2017 Board of Commissioners meeting to order at 6:31 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Randy Ognio

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

Acceptance of Agenda

Chairman Maxwell moved to remove Item #7 from the agenda and to have the County Administrator give an update on the water main break in Peachtree City. Vice Chairman Ognio seconded. The motion passed 5-0.

County Administrator Steve Rapson briefed the Board that a Georgia Department of Transportation (GDOT) crew broke through a 10" water main that impacted 19 businesses. All the businesses were notified of the "boil notice" due to the break. No residential properties were impacted. The water was back online around 2:30 p.m.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

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

- 1. Consideration of Petition No. 1267-17, Jet Food Stores, Owner, request to rezone 2.928 acres from R-72 to R-40 to develop a Residential Subdivision consisting of two (2) lots located in Land Lot 58 of the 5th District and fronting on Hilo Road and State Route 92 with two (2) conditions.**

Mr. Frisina briefed the Board that the two conditions included, no driveway access to the subject property allowed on State Route (SR) 92 and that the subject property shall be limited to one shared driveway on Hilo Road to serve the two proposed lots.

Ron Godwin, Agent for the petitioner, stated that the owner wanted the property zoned the same as the surrounding properties. Commissioner Steve Brown asked for the total acreage. The total acreage was 2.928 acres. Mr. Godwin stated that they suggested R-40 instead of R-45 because the building lines were different. He stated that one of the lots fronts on SR 92 and the building lines were further away. He stated that he agreed to the two conditions.

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

Vice Chairman Ognio asked what size homes would be built. Mr. Godwin stated that he was not certain.

Commissioner Brown moved to approve Petition No. 1267-17, Jet Food Stores, Owner, request to rezone 2.928 acres from R-72 to R-40 to develop a Residential Subdivision consisting of two (2) lots located in Land Lot 58 of the 5th District and fronting on Hilo Road and State Route 92 with two (2) conditions. Commissioner Charles Rousseau seconded. The motion passed 5-0.

2. Consideration of Petition No. RP-062-17, Benjamin D. Shermer, Owner, and Randy Boyd, Agent, request to add two (2) lots to Lot 1 of the Minor Subdivision Plat of Betty J. Adams located in Land Lot 75 of the 7th District and fronting on Ellison Road and Sun Road.

Mr. Frisina stated that both staff and the Planning Commission recommended approval.

No one spoke in favor or opposition of this petition.

Commissioner Brown stated that there was a 3-2 vote by the Planning Commission because the applicant was not present. Mr. Frisina stated that the two Planning Commission members wanted the petition brought back so that the petitioner could be present. Commissioner Brown asked if the Planning Commission had concerns. Mr. Frisina stated no concerns were voiced, just that they wanted the petitioner present.

Commissioner Brown asked if anything was being done related to the driveways. Mr. Frisina stated that as a requirement of the county ordinance, each one would have an individual driveway. There are only two instances when the driveway can be shared and that was if the County Engineer determines there was a safety issue or if there was less environmental impact by sharing driveways. Commissioner Brown asked was there any existing structures on the lot. Mr. Frisina stated not on lot one.

Commissioner Rousseau asked if it presented a problem to staff or the Planning Commission when applicants do not show up and there was no interchange between the applicant and the Commission. Mr. Frisina stated normally no. He stated that he felt the two Planning Commission members would rather have the applicant present before voting. In response to Commissioner Rousseau he stated that he did not see a problem when the applicant was not present because the petitioner still had to go through the subdivision process.

Vice Chairman Ognio asked if all the right-a-way that was needed, obtained. Mr. Frisina stated that would have been acquired upfront.

Commissioner Brown moved to approve Petition No. RP-062-17, Benjamin D. Shermer, Owner, and Randy Boyd, Agent, request to add two (2) lots to Lot 1 of the Minor Subdivision Plat of Betty J. Adams located in Land Lot 75 of the 7th District and fronting on Ellison Road and Sun Road. Commissioner Charles Oddo seconded. The motion passed 5-0.

CONSENT AGENDA:

Consent Item #7 was removed at the start of the meeting.

Commissioner Brown requested to remove items #5 and #6.

Commissioner Brown moved to approve Consent Agenda Items #3 and #4 as written. Vice Chairman Ognio seconded.

Commissioner Brown asked Public Works Director Phil Mallon, regarding the Spalding County inmate agreement, if a matrix was created for the inmates to determine the amount of work being done. Mr. Rapson stated that there were two inmate contracts and the County terminated the contract with Coweta County because staff was unsatisfied by the lack of work. Staff was happy with the work being done by Spalding County. Commissioner Brown stated that it was the better of the worse and he wanted to ensure that staff was keeping track with what was being done. He asked staff to give a report on the work being done. Mr. Rapson stated that Road Department Director Steve Hoffman was currently keeping track of that information. Commissioner Brown stated that he followed the Coweta contract and the County could contract a private company and they would do a faster job than the inmates. He asked if staff had to be present while the work was being done under this contract. Mr. Mallon stated that it was not required, but that staff was typically present. Commissioner Brown stated that he wanted staff to keep track and to make sure that the amount being paid was worth the work being done.

Commissioner Brown moved to approve Consent Agenda Items #3 and #4 as written. Vice Chairman Ognio seconded. The motion passed 5-0.

3. **Approval of staff's recommendation to enter into Contract #1360-A with Microsoft Corporation, which is a three-year Microsoft Enterprise Agreement (EA) to provide "Software as a Service" (Office 365 with Email) and enterprise volume software licensing with software assurance at a cost of \$267,057.78, and authorization for the Chairman to sign any related documents.**
4. **Approval of staff's request to enter into an agreement with Spalding County for use of inmate work details throughout the county.**
5. **Acknowledgment of Sheriff Barry H. Babb's decision to trade three (3) vehicles in the purchase of new comparable replacement vehicles with Equitable Sharing Funds.**

Commissioner Brown led the discussion. He inquired about placing the vehicles on GovDeals for the trade-in value to see if the Sheriff's office would receive more money for the vehicles. He stated that if they received more money that would be great and if not, then they would have at least received the minimum value of the trade. Mr. Rapson stated that the County does use GovDeals for vehicles. He stated that the three vehicles on the agenda are from the Equitable Sharing Funds which was the seizure money that the Sheriff was responsible for. He stated that the Sheriff had the same option to use GovDeals, but that it was at his discretion to do so. Major Michelle Walker stated that the Sheriff's office does not typically do GovDeals for this type project because the vehicles are purchased from the Equitable Sharing Fund. Mr. Rapson stated that both options are available and that staff would work with the Sheriff office. Commissioner Brown stated that he was encouraging the use of GovDeals.

Commissioner Rousseau stated that there are reports of the Ford Explorers releasing carbon monoxide into the vehicles. Major Walker stated that staff was aware of this issue and the Sheriff's office had already taken steps to address the issue. Commissioner Rousseau wanted to ensure that the Sheriff's office was aware of the situation and that the Public Works department was aware and for staff to report back.

Commissioner Oddo moved to approve Sheriff Barry H. Babb's decision to trade three (3) vehicles in the purchase of new comparable replacement vehicles with Equitable Sharing Funds. Vice Chairman Ognio seconded. The motion passed 5-0.

6. Approval of the July 13, 2017 Board of Commissioners Meeting Minutes.

Commissioner Brown stated that he was not able to review the minutes because he was out of the country. He stated that there were some word changes, additions and that some people from the audience who would like to have their comments accentuated.

Commissioner Brown moved to table the July 13, 2017 Board of Commissioners Meeting Minutes until the August 10, 2017 Board of Commissioners meeting to allow him the opportunity to review and make changes to the minutes. Commissioner Rousseau seconded.

Leah Thomson stated that she noticed the minutes did not include Vice Chairman Ognio's comment regarding the 50% capacity at the shelter. Commissioner Brown stated that was one of the comments that he received and that he would make sure it was noted in the minutes.

Commissioner Brown moved to table the July 13, 2017 Board of Commissioners Meeting Minutes until the August 10, 2017 Board of Commissioners meeting to allow him the opportunity to review and make changes to the minutes. Commissioner Rousseau seconded. The motion passed 5-0.

OLD BUSINESS:

7. Staff update on the proposed GDOT roundabout projects on SR 92 at Antioch Road and Seay Road (GDOT PI 009971 and 009972) and consideration of GDOT's request for Fayette County to enter into a Local Government Lighting Agreement and Landscaping Maintenance Agreement for the projects. This item was tabled at the July 13, 2017 Board of Commissioners meeting.

This item was removed at the acceptance of the agenda.

NEW BUSINESS:

8. Consideration of a recommendation from the Selection Committee, comprised of Chairman Eric Maxwell and Commissioner Steve Brown, to appoint Danny England to the Fayette County Planning Commission for an unexpired term beginning immediately and expiring December 31, 2017 to include a subsequent three-year term from January 1, 2018 to December 31, 2020.

Commissioner Brown stated that there was a fabulous selection of applicants. The Selection Committee recommended Danny England, who was very qualified and involved in the community. Mr. England stated that he was looking forward to being more involved in the county and using his professional experience to help guide what happens in the county. He thanked the Selection Committee for the recommendation. Chairman Maxwell stated that Mr. England was a graduate from a Fayette school.

Danny England replaces Arnold Martin who resigned from the position in May 2017 because of work obligations.

Commissioner Brown moved to approve the recommendation from the Selection Committee, comprised of Chairman Eric Maxwell and Commissioner Steve Brown, to appoint Danny England to the Fayette County Planning Commission for an unexpired term beginning immediately and expiring December 31, 2017 to include a subsequent three-year term from January 1, 2018 to December 31, 2020. Commissioner Oddo seconded. The motion passed 5-0.

9. Consideration of staff's request to authorize staff to acquire all fee simple right-of-way and easements for SR 92 at Westbridge Road / Veterans Parkway intersection (SPLOST No. R-5F).

Mr. Mallon stated that this was a 2005 Special Purpose Local Option Sales Tax project. The construction of the project was awarded on May 25, 2017 by the Board. A vicinity map was provided as part of the presentation. The project would operate as a two-way stop and would easily expand to a traffic signal when warranted. The purpose of the request was to authorize staff to acquire all fee simple right-of-way and easement needed for the project.

Commissioner Oddo moved to approve staff's request to authorize staff to acquire all fee simple right-of-way and easements for SR 92 at Westbridge Road / Veterans Parkway intersection (SPLOST No. R-5F). Commissioner Rousseau seconded.

Commissioner Brown requested that staff send the material to the North Fayette Homeowner's Association leadership so that they can pass it on to the membership. Commissioner Rousseau stated that he would suggest the same. He stated that there may be some disappointment that it was initially starting as a two-way stop, but that it was good to know that the intersection could be expanded. He stated that he would advocate to speed it up as quickly as possible.

Chairman Maxwell asked if the motion covered all thirteen of the properties. County Attorney Dennis Davenport stated that it did.

Commissioner Oddo moved to approve staff's request to authorize staff to acquire all fee simple right-of-way and easements for SR 92 at Westbridge Road / Veterans Parkway intersection (SPLOST No. R-5F). Commissioner Rousseau seconded. The motion passed 5-0.

10. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Steve's A-1 Lawn and Garden for tax years 2015 and 2016 in the aggregate amount of \$1,526.39.

Mr. Davenport briefed the Board that this tax refund request was an issue of personal property paid on a piece of equipment. It was paid by both the lessor and the lessee and the recommendation was to approve the tax refund for 2015 and 2016 in the amount of \$1,526.39

No one present to represent Steve's A-1 Lawn and Garden.

Commissioner Brown moved to approve the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Steve's A-1 Lawn and Garden for tax years 2015 and 2016 in the aggregate amount of \$1,526.39. Commissioner Oddo seconded. The motion passed 5-0.

PUBLIC COMMENT:

The following made public comments regarding the animal shelter:

Gerald Gillet, Leah Thomson, Linda Conley, Stephanie Cohran, Judi Wilson, Lynn Lasher, Serenity Richardson, Jennifer Alvarez, Cindi O'Connor and Susan Griffith.

The following made public comments:

Roy Bishop and Tom Waller.

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

ADMINISTRATOR'S REPORTS: None

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation and four items of threatening litigation and the review of the Executive Session minutes for July 13, 2017.

COMMISSIONERS' REPORTS:

Commissioners Rousseau, Oddo, Brown and Ognio made comments.

EXECUTIVE SESSION:

One Item of Pending Litigation, Four Items of Threatening Litigation and Review of the July 27, 2017 Executive Session Minutes: Commissioner Rousseau moved to go into Executive Session. Commissioner Brown seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:52 p.m. and returned to Official Session at 8:32 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 5-0.

Approval of the July 13, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the July 13, 2017 Executive Session Minutes with the correction of the spelling of Commissioner Oddo's name. Commissioner Brown seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the July 27, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The July 27, 2017 Board of Commissioners meeting adjourned at 8:33 p.m.

Tameca P. White, County Clerk