

## 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

February 22, 2018  
6:30 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 6:30 p.m.

### Call to Order

Chairman Eric Maxwell called the February 22, 2018 Board of Commissioners meeting to order at 6:30 p.m.

### Invocation and Pledge of Allegiance by Chairman Eric Maxwell

Chairman Maxwell offered the Invocation and Pledge of Allegiance

### Acceptance of Agenda

Commissioner Oddo motioned to move Items #13, #14, #15, #16, #17, and #18 after Consent agenda before Old Business. Vice Chairman Ognio seconded. The motion passed 4-1, with Commissioner Brown in opposition.

Commissioner Brown motioned to move Item #12 directly following item #18 after Consent agenda before Old Business. Commissioner Rousseau seconded. The motion passed 5-0.

Commissioner Oddo motioned to accept the agenda with the modifications motioned to move Items #13, #14, #15, #16, #17, and #18 after Consent agenda before Old Business, and to move Item #12 directly following item #18. Commissioner Brown seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:** None

### **PUBLIC HEARING:**

1. Consideration of Petition No. 1270-17, Richard C. Dickson, Owner, request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition.

Community Development Director Pete Frisina read the Introduction to Public Hearings into the record and briefed the Board on Petitioner Richard C. Dickson request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision with condition of dedication of Right-of-Way; since the tabling of this item at a previous Board of

Commissioners Meeting the request has been revised, the Petitioner Richard C. Dickson has decreased the acreage amount to be rezoned from 11.862 acres to 1.824 acres.

Director Pete Frisina did note according to policy we can accommodate this request as long as we have a legal description, which we do.

Petitioner Richard C. Dickson explained why his request changed.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Oddo moved to approve Petition No. 1270-17, Richard C. Dickson, Owner, request to rezone 11.862 acres from A-R to R-45 to develop a single-family residential subdivision; property located in Land Lots 73 and 88 of the 5th District and fronts on Dixon Circle with one (1) condition. Vice Chair-man Ognio seconded. The motion passed 3-2, with Chairman Maxwell and Commissioner Brown in opposition.

2. **Consideration of Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45 & R-40 to R-45 to add to an existing .827 acre R-45 lot; property located in Land lot 250 of the 4th District and fronts on McBride Road and Antioch Road.**

Community Development Director Pete Frisina briefed the Board regarding Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45 & R-40 to R-45 to add to an existing .827 acre R-45 lot; property located in Land lot 250 of the 4th District and fronts on McBride Road and Antioch Road.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Brown moved to approve Petition No. 1271-18, Rebecca Boyd, Owner, and Randy Boyd, Agent, request to rezone .427 acres of abandoned right-of-way from R-45 & R-40 to R-45 to add to an existing .827 acre R-45 lot; property located in Land lot 250 of the 4th District and fronts on McBride Road and Antioch Road. Vice-Chairman Ognio seconded. The motion passed 5-0.

### **CONSENT AGENDA:**

Commissioner Rousseau requested to remove Consent Agenda item #4 for discussion. Vice-Chairman Ognio requested to remove Consent Agenda items #9 discussion.

Chairman Maxwell moved to approve Consent Agenda Items #3, #5, #6 and #7. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Brown moved to approve Consent Agenda Items #8. Commissioner Ognio seconded. The motion passed 5-0.

3. **Approval of Ordinance 2018-02 to update the Public Swimming Pool, Spa and Recreational Water Park regulations.**

4. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2019 which begins July 1, 2018 and ends June 30, 2019.**

Commissioner Rousseau advised the Board he'd like to include as a part of the Proposed Budget calendar two Budget Community Education Workshops to take our budget process to our citizens in addition of them being welcomed to come here; tentatively the Budget Community Education Workshops will be May 3<sup>rd</sup> and 8<sup>th</sup>.

Commissioner Rousseau moved to accept of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2019 which begins July 1, 2018 and ends June 30, 2019, with the modification that the two Budget Community Education Workshops be included in the calendar. Commissioner Brown seconded. The motion passed 5-0

5. **Approval of staff's request for approval to accept the Assistance to Firefighters Grant for a breathing air compressor in the amount of \$52,000 with the match amount of \$4,727.**
6. **Approval of staff's request to accept the donation of two Physio Control Lucas CPR compression devices from the Fayette Fire Foundation.**
7. **Consideration of staff's recommendation for Fayette County Fire and Emergency Services Department employment contract for Paramedic Training.**
8. **Approval of the January 31, 2018 Board of Commissioners Special Called Meeting Minutes.**
9. **Approval of the February 8, 2018 Board of Commissioners Meeting Minutes.**

Vice-Chairman Ognio moved to approve the February 8, 2018 Board of Commissioners Meeting Minutes, with a change made to page 252. Commissioner Brown seconded. The motion passed 4-0-1, Chairman Maxwell abstained.

#### **OLD BUSINESS:**

10. **Approval of the January 25, 2018 Board of Commissioners Meeting Minutes. This item was tabled from the February 8, 2018 meeting.**

Commissioner Rousseau moved to approve the January 25, 2018 Board of Commissioners Meeting Minutes, with modification made to complete a statement he made. Commissioner Brown seconded. The motion passed 4-0, Chairman Maxwell was absent

11. **Consideration of a proposal from Commissioner Brown for changes to the agenda deadline schedule. This item was tabled from the February 8, 2018 meeting.**

Commissioner Brown moved to change the agenda deadline schedule to: on the week of BOC Meeting the second and fourth weeks of the month agenda request be due by Friday at noon. Motion failed due to lack of second.

12. **Discussion and action related to the complaints and investigation of the working environment of the county's 911 Department. This item was tabled from the February 8, 2018 Board of Commissioners meeting.**

Commissioner Brown moved to hire an independent third party with prosecutor investigation experience to conduct investigation, to include active and former 911 employees and other active parties outside 911 such as County Administration, Human Resources, EAP, Marshall's Office and municipal law enforcement investigation report be given to Board for review and action. Commissioner Rousseau seconded.

Discussion followed

Vice-Chairman motioned to Call to Question, which ceases discussion. The motion passed 3-2, with Commissioner Brown and Commission Rousseau in opposition.

Commissioner Brown moved to hire an independent third party with prosecutor investigation experience to conduct investigation, to include active and former 911 employees and other active parties outside 911 such as County Administration, Human Resources, EAP, Marshall's Office and municipal law enforcement investigation report be given to Board for review and action. Commissioner Rousseau seconded. The motion failed 2-3, with Chairman Maxwell, Vice-Chairman Ognio, and Commissioner Oddo in opposition.

Commissioner Oddo motion to have Commissioner Brown have access to requested 911 records for review to determine which records he will need. Vice-Chairman seconded.

Discussion followed

Vice-Chairman motioned to Call to Question, which ceases discussion. The motion passed 5-0.

#### **NEW BUSINESS:**

- 13. Consideration of a disclosure of possible conflict of interests from the County Attorney regarding agreements between Fayette County and the Town of Tyrone for the inmate services, recreation services and road paving services agreements.**

Commissioner Brown moved to approve disclosure of possible conflict of interests from the County Attorney regarding agreements between Fayette County and the Town of Tyrone for the inmate services, recreation services and road paving services agreements. Vice- Chairman Ognio seconded. The motion passed 5-0

- 14. Consideration of the updated Inmate Intergovernmental Agreements (IGA) between;**
- a. Fayette County and City of Peachtree City**
  - b. Fayette County and City of Fayetteville**
  - c. Fayette County and Town of Tyrone**

Commissioner Brown moved to approve the updated Inmate Intergovernmental Agreements (IGA) between:Fayette County and City of Peachtree City; Fayette County and City of Fayetteville; and Fayette County and Town of Tyrone. Commissioner Oddo seconded. The motion passed 5-0.

- 15. Consideration of the updated Road Resurfacing Intergovernmental Agreements (IGA) between;**
- a. Fayette County and the City of Peachtree City**
  - b. Fayette County and City of Fayetteville**
  - c. Fayette County and Town of Tyrone**

Commissioner Brown moved to approve the updated Road Resurfacing Intergovernmental Agreements (IGA) between: Fayette County and City of Peachtree City; Fayette County and City of Fayetteville; and Fayette County and Town of Tyrone. Vice-Chairman Ognio seconded. The motion passed 5-0.

- 16. Consideration of the updated Recreation Intergovernmental Agreements (IGA) between;**
- a. Fayette County and the City of Peachtree City**
  - b. Fayette County and Town of Tyrone**

Commissioner Oddo moved to approve the updated Recreation Intergovernmental Agreements (IGA) between: Fayette County and City of Peachtree City; and Fayette County and Town of Tyrone. Vice-Chairman Ognio seconded. The motion passed 5-0.

- 17. Consideration of the updated Emergency Services Intergovernmental Agreements (IGA) between Fayette County and the City of Fayetteville.**

Vice-Chairman Ognio moved to approve the updated Emergency Services Intergovernmental Agreements (IGA) between Fayette County and the City of Fayetteville. Commissioner Oddo seconded. The motion passed 5-0.

- 18. Consideration of the Fayette County Service Delivery Strategy (SDS) submittal to the Georgia Department of Community Affairs for approval and authorization for the Chairman to sign all related documents.**

Commissioner Oddo moved to approve the Fayette County Service Delivery Strategy (SDS) submittal to the Georgia Department of Community Affairs for approval and authorization for the Chairman to sign all related documents. Commissioner Brown seconded. The motion passed 4-0, Commissioner Rousseau stepped out.

- 19. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Southmill Fayette Homeowners Association (HOA) for tax years 2015, 2016 and 2017 in the total amount of \$3,726.00.**

County Attorney Dennis Davenport explained the recommendation to approve the disposition of tax refunds, as requested by Southmill Fayette Homeowners Association (HOA), the streetlight fee was assessed and collected twice, by the lot owner and by the subdivision Southmill Fayette Homeowners Association (HOA). The lot owners are legally liable for the payment of these fees and have rendered payment in tax years at issue.

Commissioner Brown moved to approve the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Southmill Fayette Homeowners Association (HOA) for tax years 2015, 2016 and 2017 in the total amount of \$3,726.00. Commissioner Rousseau seconded. The motion passed 4-0, Chairman Maxwell was absent.

- 20. Discussion to insure that the Annual Retreat format includes all county departments and offices of the Constitution Officers and non-agencies, incorporating discussions related to policy, staffing programming, capital expenses and department goals, and to add an additional day if necessary, and that staff have the retreat books ready for distribution at least five days prior to the Annual Retreat.**

Commissioner Brown moved to approve Annual Retreat format as outlined on the FY 2019 Proposed Budget calendar which includes all county departments and offices of the Constitution Officers and non-agencies, incorporating discussions related to policy, staffing programming, capital expenses and department goals, and to add an additional

day if necessary, and that staff have the retreat books ready for distribution at least five days prior to the Annual Retreat, along with the two Budget Community Education Workshops proposed by Commissioner Rousseau; Commissioner Rousseau seconded. The motion passed 4-0. Chairman Maxwell was absent.

**PUBLIC COMMENT:** Several citizens made public comments.

**ADMINISTRATOR'S REPORTS:**

**Kenwood Road** pipe failing, temporary repair work is schedule for February 23, 2017 with permeant repairs in the future as a result of this is being a SPLOST project.

**McIntosh Trail Appointment** still open, will resend a secondary notice out to qualified candidates.

**Public Arts Committee** two positions are open, we will repost position to public and maintain active selection committee.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were one items involving threatening litigation, and the review of the Executive Session minutes for January 25, 2018.

**COMMISSIONERS' REPORTS:**

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

**EXECUTIVE SESSION:**

**One Items of Threatening Litigation, and Review of the January 25, 2018 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 3-0.

The Board recessed into Executive Session at 10:37 a.m. and returned to Official Session at 10:47p.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 3-0.

Attorney Dennis Davenport briefed the Board on a pending Workers' Compensation claim on employee C. Singletary totaling \$1500, Mr. Davenport requesting Board direction on how to proceed with claim and execution of settlement agreement and applicable documentation

Vice Chairman Ognio moved to approve settlement agreement as describe by County Attorney. Commissioner Brown seconded.. The motion passed 3-0, Chairman Maxwell and Commissioner Rousseau were absent.

**Approval of the January 25, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the January 25, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 3-0, Chairman Maxwell and Commissioner Rousseau were absent.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the February 22, 2018 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

The February 22, 2018 Board of Commissioners meeting adjourned at 10:48 p.m.

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Marlena M. Edwards, Deputy County Clerk