

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

MINUTES

August 9, 2018
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 August 9, 2018 Board of Commissioners meeting to order at 6:32 p.m. Commissioner Steve Brown was absent.

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the audience and Board in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Randy Ognio moved to remove items #11, #12 and #14 from the agenda. Commissioner Charles Oddo seconded. The motion passed 4-0. Commissioner Brown was absent.

PROCLAMATION/RECOGNITION:

1. **Recognition of a partnership between the Fayette County Public Library and Southern Conservation Land Trust to set up a Picture Book Walk at the Lands Trust's Nature Ridge Area.**

Fayette County Public Library Director Chris Snell and Children's Librarian Ada Demlow explained the Picture Book Walk at Lands Trust's Nature Ridge. On September 22, 2018, the nature trail will have pages from the book, *Daniel Finds a Poem*. There will be programs held at the library connected to the book during the months of September and October.

PUBLIC HEARING:

2. **Consideration of staff's recommendation to approve a 2018 Retail Alcohol, Beer and Wine License (License # C18-00305) for Aziz Ali, doing business as, Marathon Food Mart located at 1499 SR 54 W, Fayetteville, GA 30214.**

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

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

Commissioner Oddo moved to approve a 2018 Retail Alcohol, Beer and Wine License (License # C18-00305) for Aziz Ali, doing business as, Marathon Food Mart located at 1499 SR 54 W, Fayetteville, GA 30214. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent.

- 3. Consideration of staff's recommendation to approve a new 2018, On-Premises Consumption, Beer/Wine and Distilled Spirits License for John B. Arie, doing business as, Fun Spot of Atlanta Inc. located at 1678 Hwy 85N, Fayetteville, GA 30214.**

Mr. John Arie stated that this request was part of Fun Spot's business model. He stated that the beer/wine and distilled spirits would be sold in the diner inside the arcade building. He stated that it would be retained within the park.

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

Vice Chairman Ognio moved to approve a new 2018, On-Premises Consumption, Beer/Wine and Distilled Spirits License for John B. Arie, doing business as, Fun Spot of Atlanta Inc. Located at 1678 Hwy 85N, Fayetteville, GA 30214. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Brown was absent.

CONSENT AGENDA:

Commissioner Charles Rousseau requested to have item #9 removed for discussion.

Commissioner Oddo moved to approve the Consent Agenda with the exception of item #9 for discussion. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent.

- 4. Approval to authorize staff to acquire all fee simple right-of-way and easements for the 2017 SPLOST; Stormwater; Category II, Tier I Project: 151 Patricia Lane Culvert Replacement.**
- 5. Approval of the Equitable Sharing Agreement and Annual Certification as required by the US Department of Justice and the US Department of the Treasury.**
- 6. Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh September 22, 2018.**
- 7. Approval of the Water Committee's recommendation to approve the request for Southeastern PANS/PANDAS Association awareness walk to be held at Lake McIntosh October 6, 2018.**
- 8. Approval of the Water Committee's recommendation to approve the request for the TRI PTC Sprint Triathlon to be held at Lake McIntosh September 15, 2018.**
- 9. Approval to use \$32,000 of residual funding from the Library Roof Replacement (Project 186AK) to rebuild two chillers at the Fayette County Library.**

Commissioner Rousseau stated that he would like to know the age of the chillers and the cost of replacing the chillers instead of refurbishing.

Mr. Rapson stated that staff was in the process of working up the numbers. He stated that this was to repair two of the chillers at \$32,000. He stated that he received an estimate to replace the chillers for approximately \$110,000. He stated that the Board could approve to get a repair and/or replacement and if we can get a replacement then we could work with the vendor to pay the

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.

\$49,000 up-front and make payments over two years. He stated that another option was to do the repairs and to set aside \$20,000 a year, for five years, to replace them.

Commissioner Rousseau moved to explore the options presented and to look at what it would cost to replace the chillers. Chairman Maxwell seconded.

Mr. Rapson stated that he would recommend having staff do a procurement based on the dollar amount and to bring something back to the Board in early September. He stated that based on that direction, staff would just bring back a new agenda item with the residual funds.

Commissioner Rousseau moved to explore the options presented and to look at what it would cost to replace the chillers.

Chairman Maxwell seconded. The motion passed 4-0. Commissioner Brown was absent.

Commissioner Oddo asked for clarification regarding item #8. He asked if the 600-yard swim was a permitted use.

Mr. Rapson stated that staff would have to test the water and that would be coordinated with Environmental Protection Division (EPD).

10. Approval of the July 26, 2018 Board of Commissioners Meeting Minutes.

OLD BUSINESS: None

NEW BUSINESS:

Chairman Maxwell stated that items #11 and #12 were removed at the beginning of the meeting at the request of the City of Fayetteville to withdraw the items.

No one spoke regarding items #11 and #12.

Mr. Rapson read the following letter sent from the City of Fayetteville City Manager Ray Gibson: "This notice is to confirm that the Annexation/Rezoning applications previously submitted to you on July 28, 2018 from Bob Rolader for Calloway Road and Donovan Gossett for S. Jeff Davis Drive, have been withdrawn. Please direct any comments or questions concerning this application to Jahnee Prince, Director of Community Development." He stated that it was his understanding that the city was in the process of looking at annexation requests and that the city requested that the developer withdraw this application. He stated that a decision by the City of Fayetteville was not made until 3:00 p.m. and staff notified the Board once it was received. He stated that if the annexations were not withdrawn and the Board was to vote on the items, and the vote was to deny, which was staff's recommendation, then it would start the arbitration process. Having the annexations withdrawn put this request back with the City of Fayetteville to look at the annexation.

Commissioner Rousseau stated that it was important to say that it was staff's recommendation to deny with conditions.

County Attorney Dennis Davenport confirmed that the letter from the City of Fayetteville, to withdraw the annexation request, made this item properly off the agenda.

- 11. Consideration of staff's recommendation to object to the Fayetteville annexation of 101 acres on Callaway Road and Holt Road, and the rezoning of said property from A-R to R-15 to develop 123 single-family lots.**
- 12. Consideration of staff's recommendation to object to the Fayetteville annexation of 20.2 acres on Helen Sams Pkwy and South Jeff Davis Drive, and the rezoning of said property from R-40 to R-15 to develop 46 single-family lots.**
- 13. Consideration of a request from Kenneth Banner to connect current septic tank system to the City of Fayetteville sewer system.**

Mr. Kenneth Banner stated that he was requesting to connect his property to the city sewer. He stated that the sewer ran through the back of his property. He stated that he was currently on a septic tank. He stated that he contacted the City of Fayetteville and was told that he had to bring it before the Board. He stated that he sent a letter to the Clerk to be placed on an agenda.

Mr. Rapson stated that the approval would be a conditional approval because he would have to go before the city council for approval as well.

Mr. Banner stated that he grew up next door to the property and when the city put in the sewer his parents connected to the sewer. He stated that his parents had a letter that gave them permission. He stated that when his parents gave the easement for the sewer, it was part of the arrangement that they could connect to the city sewer. He stated that he did not own this property at that time.

Mr. Rapson stated that the process had been for anyone in unincorporated Fayette who wanted to connect to the sewer system, would come before the Board and then go back to the particular city for the final approval.

Vice Chairman Ognio asked if there was confirmation that there was approval for his parents.

Mr. Rapson stated it was the first he had heard of that.

Mr. Banner stated that his parents did not have to come to the Board because they had the letter.

Commissioner Rousseau stated that he was not sure if having the letter did not still require Mr. Banner's parents to still come before the Board. He stated that he was stuck, because precedence appears to have been set, in an unorthodox way, because they did not have to come before the Board.

Mr. Davenport stated that from history, the precedence was to do what Mr. Banner was doing. He stated that it had happened on several occasions prior to 2007 to his personal knowledge. He stated that in 2006 there was a request from Heritage Church on Bernhard Road that requested to tie into Peachtree City sewer system. He stated that the request was denied by the Board of Commissioners.

Chairman Maxwell stated that situation was a little different because it was an existing structure with an existing sewer line. Mr. Davenport stated that was correct.

Chairman Maxwell stated that in this situation there was an existing house and the sewer line was there for a number of years and Mr. Banner was asking to connect.

Mr. Davenport stated that there were substantial differences in the examples and that he was only pointing it out as precedence of the most recent request that he could recall. He stated that historically the political jurisdictions have worked with each other to try to make decisions that are compatible to each other. He stated that the city position was that they did not let anyone tie into the sewer unless they annex the property. He stated that it was rare for the city to allow them to connect to the sewer system while remaining in unincorporated Fayette County. He stated that seemed to have ameliorate the domino effect because the city would want them to annex into the city.

Mr. Banner stated that a new subdivision was being developed up Highway 92 and it was being advertised as being on sewer. He stated that the city water department told him that most of the neighbors were on the sewer line. He stated that all the property was county. He stated that the property was served by city water. He stated that the septic system had not failed, but that it was 40 years old and near end of life.

Commissioner Oddo stated that this was not rare. He stated that he knew from personal experience.

Vice Chairman Ognio stated that it would set precedence and that it would start something that could not be stopped.

Commissioner Oddo stated that it had already been set.

Vice Chairman Ognio stated that the Board did not approve those connections.

Commissioner Oddo stated that there were other homes on sewer.

Vice Chairman Ognio stated that if the Board approved this connection it would set a new standard.

Chairman Maxwell moved to approve Kenneth Banner to connect the current septic tank system to the City of Fayetteville sewer system. Commissioner Oddo seconded.

Mr. Davenport stated that the county was involved in litigation over running a sewer line in 2004, when the Town of Tyrone was seeking to run a sewer line to connect to the City of Fairburn. The sewer line had to run through unincorporated county to connect. He stated that the county lost the litigation and the judge ruled and it was upheld, that although it was unincorporated county, the County could not stop the line from going through. He stated that he brought this up to say that there were some limitations to the Board's authority. He stated that once the sewer line ran through the county, it was not a lot that the Board could do.

Commissioner Rousseau asked if residents were permitted to tap on to the line.

Mr. Davenport that there were no residents between Tyrone and the county line that could tap on; it was mostly undeveloped land.

Commissioner Rousseau stated that if it did not pass and Mr. Banner decided to bring the item back before the Board, he would like to know who did connect and if there was a precedence.

Mr. Rapson stated that staff would request that information from the City of Fayetteville.

Commissioner Oddo stated that it was already being done. He stated that he lived in his house for 10 years and it was the exact same situation.

Chairman Maxwell moved to approve Kenneth Banner to connect the current septic tank system to the City of Fayetteville sewer system. Commissioner Oddo seconded. The motion failed 2-2. Vice Chairman Ognio and Commissioner Rousseau voted in opposition. Commissioner Brown was absent.

Mr. Rapson stated that staff would work with Mr. Banner and the City of Fayetteville and have this at the September 13 Board meeting.

14. Consideration of staff's recommendation to adopt Ordinance 2018-09 that amends Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection.

This item was withdrawn at the beginning of the meeting.

15. Consideration of staff's recommendation to develop plans to upgrade Longview Dam (2017 SPLOST Project 5509F) and bring the structure into compliance with the Georgia Safe Dams Program Category 1 standards.

Public Works Director Phil Mallon stated that in 2013 the Board gave staff direction to bring Longview dam into compliance by breaching or removing the structure. He stated that staff reviewed options to breach the dam and have been unable to come up with a plan that was satisfactory to the county, property owner and the Georgia State Dam Program. He continued that he was recommending that the Board reconsider and give staff direction to pursue the option of rebuilding the dam to bring it into compliance. He stated that the structure was considered a safety issue through the Georgia Safe Dams Program.

Commissioner Rousseau moved to approve staff's recommendation to develop plans to upgrade Longview Dam (2017 SPLOST Project 5509F) and bring the structure into compliance with the Georgia Safe Dams Program Category 1 standards. Vice Chairman Ognio seconded.

Mr. Mallon stated that the county paid roughly \$30,000 to \$35,000 for the plans for the dam. He stated that the plans were submitted to the state. He continued that the right-of-way acquisition stage was where things got complicated. He stated that Fayette was getting pressure from EPD to resolve this issue. He stated that the heavy rains created concerns and that a temporary repair was made for Graves Road.

Mr. Mallon stated that if the Board approved the recommendation, the next step would be for staff to solicit proposals for the cost to rebuild the dam. The Board would have the opportunity to review the design cost and concept. He stated that if the cost was more than expected then staff may reevaluate the options.

Commissioner Rousseau asked if EPD had given a timeline to accomplish some things.

Mr. Mallon stated yes, and the county was behind on the timeline.

Commissioner Rousseau stated that he understood that the procurement process could take time, but this was somewhat of an emergency situation and if there was a method in place for emergencies, that it be used in this case to expedite this project.

Mr. Rapson stated that under the emergency procurement policy and with the recommendation from the Public Works Director, staff could execute the emergency procurement protocols. He stated that he suggested that the Engineer that the county used for Emerald Lake, be used to expedite the design.

When asked, Mr. Davenport confirmed that Commissioner Rousseau's interpretation would withstand scrutiny.

Commissioner Rousseau amended the motion.

Commissioner Rousseau amended the motion to approve staff's recommendation to develop plans to upgrade Longview Dam (2017 SPLOST Project 5509F) and bring the structure into compliance with the Georgia Safe Dams Program Category 1 standards and that staff be permitted to move forward with this in an emergency framework. Vice Chairman Ognio amended the seconded. The motion passed 4-0. Commissioner Brown was absent.

16. Consideration of the Georgia Department of Transportation (GDOT), District 3's recommendation to signalize the RCUT intersection at SR 74 with Sandy Creek Road and Laurelmont Drive.

Mr. Mallon stated that it was not unusual to receive this form from the state. He stated that the form was committing Fayette to pay for the electricity cost to operate the signal and that the county supported that action. He continued that this was a non-traditional intersection, the RCUT was the only one of its kind in the county. He stated that the purpose was to create a safer intersection by eliminating left turns, but more so, it was focused on keeping the main traffic on SR74 flowing, north and south. He stated that the RCUT had been working well. He stated that it would remain a RCUT intersection with traffic signals to facilitate certain turning movements.

Commissioner Rousseau moved to approve Georgia Department of Transportation (GDOT), District 3's recommendation to signalize the RCUT intersection at SR 74 with Sandy Creek Road and Laurelmont Drive. Vice Chairman Ognio seconded.

Chairman Maxwell stated that he was at a meeting with Tyler Keith, and he made a comment about this RCUT. He stated that Mr. Keith explained to him that GDOT would subcontract with a provider to do the work and the county would be responsible for the electricity for the traffic lights. He stated that it was a relatively nominal amount. He stated that he knew there would be some complaints regarding this intersection. He asked if the traffic count had changed with the recent opening of Westbridge Road. He stated that he could only go on the professional's opinions. He stated that he was told that it was the uniform traffic design.

Mr. Mallon stated that the SR74 study covered a lot of things, but the main recommendation was this type of intersection control to expand up and down that corridor.

Vice Chairman Ognio stated that the complaints will come from the elimination of the acceleration lane and knowing that the right turn would be from the signal. He stated that the Transportation Committee reviewed this and voted to approve.

Commissioner Rousseau expressed his concern with the language. He stated that having witnessed what transpired on McDonough Road, where the county entered into an agreement with GDOT in perpetuity...He referenced the language "Fayette County would be responsible for full and entire", then it stated, "GDOT may request funding for signalization installation". He stated that if the county would do everything to avoid having to help GDOT do something on their state route, he would encourage to avoid incurring those cost.

Mr. Mallon stated that he did contact GDOT, knowing that the language would be questioned. He stated that GDOT informed him that right now they believe they have the funding in place for the projects. He stated that if the project scope cost increased, GDOT could not make a guarantee.

Commissioner Rousseau moved to approve Georgia Department of Transportation (GDOT), District 3's recommendation to signalize the RCUT intersection at SR 74 with Sandy Creek Road and Laurelmont Drive. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent.

17. Consideration of staff's recommendation for design of a roundabout at the intersection of Redwine Road, Peachtree Parkway and Bernhard Road and award of Task Order 10a to Croy Engineering for \$91,300.

Mr. Mallon stated that these were projects dealing with the 2017 Special Purpose Local Option Sales Tax (SPLOST) projects. He stated that Croy Engineer Program Manager Wayne McGary, was the primary contact for Croy and then it was subcontracted out to specialist. He stated that item #17 and item #18, was representative of the process that the Board wanted to see and seemed to work well with the Transportation Committee. He stated that in reference to the projects identified on the SPLOST list; a need and purpose was identified, then it was taken before the Transportation Committee and the Transportation Committee's comments are taken back to Croy for further review. He stated that county staff and the Transportation Committee were comfortable with the recommendations. He stated that he was requesting the Board's review of the recommended concept and possible approval and if approved, the request included the task order for Croy to take the project from concept to full design. He stated that if the Board was not comfortable with the process he would like to know. He stated that the issue with Redwine Road was a capacity issue. He offered some crash data. He stated that the recommendation was to proceed with a roundabout design and award Croy Engineering Task Order 10a for \$91,300. He stated that the preliminary cost estimate exceeded the budgeted amount from the SPLOST. He stated that the two reasons for that was because the roundabout would have more impact on the utility poles and the discussion with the Transportation Committee was that it would be appropriate to add multi-use paths on all four lanes of the intersection. He stated that the safest thing was to move the paths away from the roundabout and that would add an additional path. He stated that staff considered making this a potential federal aid project and Croy gave a separate cost and schedule. He stated that Croy, staff and the Transportation Committee did not think this would be a good federal aid project because the money was not guaranteed, and it would push the project out at least five years.

Commissioner Rousseau asked how much beyond the cost was it projected.

Mr. Mallon stated that the total budgeted in SPLOST was \$1.2 million and this project was \$1,648,000.

Mr. Rapson stated that there was also \$329,000 in contingency.

Mr. Mallon put the Board on notice that there were waterlines in the area.

Commissioner Oddo asked if there were any other alternatives for the project. He stated that Redwine Road was a major connector and he was trying to think of how to keep the road open to traffic.

Mr. Mallon stated that the only option he could think of would be a traffic signal. He stated that he did not know if the signal would meet the warrants.

Vice Chairman Ognio stated that he understood the cost for the project and that the county would have to figure out where the money was coming from because the amount of traffic at that intersection. He stated that there would be more traffic at the intersection. He stated that the county was doing the prudent thing by designing it and once it was designed, the county could research grants to help with the situation.

Mr. Rapson stated that he and the Chief Finance Officer had discussed the SPLOST and the plan was to come back to the Board at the end of the first quarter of next year and look at the projects that are actual with the revised budget and do a realignment of the projects to true things up. He stated that there were additional funds coming in from SPLOST and staff would make a recommendation on how the funds should be allocated. He stated that staff was keeping a running list of the projects that are over budget and the ones that are under budget. He stated that at some point he would bring a budget adjustment before the Board.

Commissioner Oddo stated that he would like to point out that staff had the foresight to add this to the SPLOST, because instead of \$300,000 it would be \$1.6 million needed for the project.

Vice Chairman Ognio moved to approve design of a roundabout at the intersection of Redwine Road, Peachtree Parkway and Bernhard Road and award of Task Order 10a to Croy Engineering for \$91,300. Commissioner Oddo seconded.

Lorraine O'Brien stated that she was with Heritage Christian Church. She stated that this project would impact the church and that they were excited about the roundabout. She stated that the brick sign at the church was probably going to be affected and she wanted to make sure that they could have conversations about the impact on their property.

Chairman Maxwell stated yes. He stated that he traveled the intersection on a regular basis. He stated that the intersection was backed up even beyond school traffic. He stated that he was fully supportive of the roundabout. He stated that he would love to have the projects designed and paved quickly.

Vice Chairman Ognio moved to approve design of a roundabout at the intersection of Redwine Road, Peachtree Parkway and Bernhard Road and award of Task Order 10a to Croy Engineering for \$91,300. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Brown was absent.

18. Consideration of staff's recommendation for design of a roundabout at the intersection of Brogdon Road and New Hope Road and award of Task Order 11 to Croy Engineering for \$77,500.

Mr. Mallon stated that Brogdon and New Hope was experiencing 5.8 crashes a year. He stated that 58% of the crashes had injuries. He stated that the concern was safety and crashes. He continued that it was an existing two-way and the suggestion was a four-way stop, but it did not get support. He stated that the roundabout would keep traffic moving and it met future travel. He stated that it was a good long-term solution. He stated that he was requesting Board approval for Task Order 11 be awarded to Croy Engineering for \$77,500. He stated that this project also had waterlines. He stated that it was a little less than what was budgeted in the SPLOST.

Commissioner Oddo moved to approve design of a roundabout at the intersection of Brogdon Road and New Hope Road and award of Task Order 11 to Croy Engineering for \$77,500. Vice Chairman Ognio seconded.

Derrick Johnson stated that where Brogdon and New Hope meet, his home was about four or five doors down. He stated that he was across from the church on the westside. He stated that he had an issue for a while with water drainage. He stated that he had been dealing with the county for the last five or seven years. He stated that the county told him at one point that they would address it and did not. He stated that it had affected his drive way and it was cracking again. He stated that the water flowed down to his property from the property across the street from him which was on higher ground. He stated that his concern was whether the roundabout would make the water flow to his property worse. He stated that he felt the wrecks were because there was no lighting at the intersection. He stated that he personally paid for the lighting across from his home and it should be a county issue. He asked if there would be lighting when the roundabout was put in place. He stated that he would hate to find out that the county was not addressing the water flow or the lighting issue.

Mr. Mallon stated that lighting would be installed at all roundabouts. He stated that regarding the drainage, he could not comment on it at the moment. He stated that if the driveway or drainage area was inside the project footprint, there was a chance that the situation would be made better. He stated that depending on where the house was located, it may be outside of the project footprint and have no impact.

Mr. Rapson stated that he would check with Environmental Management Director Vanessa Birrell.

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.

Mr. Johnson stated that she had been to the property and the response was that the county was not responsible for it, but she also said the county was responsible for 30 feet from the yellow line. He stated that his issue was 26 feet from the yellow line. He stated that was his issue with the situation.

Mr. Rapson stated that he would get with Ms. Birrell regarding Mr. Johnson's concerns.

Donna Thompson stated that she lived close to the intersection and she traveled Highway 92 across Brogdon and it was terrifying to the point that she did not go that way anymore. She stated that the lighting was bad, but the speed was the problem. She stated that she strongly encouraged the Board to approve this request.

Commissioner Rousseau asked if it was necessary to have a temporary measure in place while going through this process.

Mr. Mallon stated that, in regard to rumble strips, they could review the crash data to determine if drivers running the stop signs was the issue. He stated that he did not think it was. He stated that another solution would be to convert it to a temporary four way stop.

Commissioner Rousseau stated that if Mr. Mallon's evidence warrants a temporary measure he would like some feedback.

Mr. Mallon stated that he would work with Croy to determine what temporary measures are available.

Roy Bishop expressed his concerns about the county moving quickly to address drainage problems.

Commissioner Oddo moved to approve design of a roundabout at the intersection of Brogdon Road and New Hope Road and award of Task Order 11 to Croy Engineering for \$77,500. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent.

19. Consideration of staff's request to accept the proposal from K A Oldham Design, Inc for the architectural and engineering services for the design and specifications for Fire Station 2, not-to-exceed \$119,000 and to authorize signing of all related contractual documents.

Fire Chief David Scarbrough stated that last year the Board directed staff to consider combining the construction of Fire Station 4 with Fire Station 2 to possibly lower the cost. He stated that the request was to hire KA Oldham Design. He stated that the \$119,000 was \$55,000 savings over the current contract of Fire Station 4. He stated that this request would approve the architectural services to move forward to build both at the same time.

Commissioner Rousseau moved to accept the proposal from K A Oldham Design, Inc for the architectural and engineering services for the design and specifications for Fire Station 2, not-to-exceed \$119,000 and to authorize signing of all related contractual documents. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent.

PUBLIC COMMENT:

Yvonne Smith stated that she spoke with EPD and was told that they inspected all four wells. She stated that it was a lie because there are only three wells at Newton Plantation. She stated that she sent pictures to some of the commissioners to show that the area was corroded. She stated that her insurance went from \$1,400 a year to \$3,400 because she had no fire hydrant. She stated that something needed to be done. She stated that Commissioner Brown told her to be sure to ask what happened to the

report that the county did about the water system that was sent to Mr. Rapson. She stated that she sent Mr. Rapson an email and he responded that he did not know what she was referring to. She stated that she was asking for the Board's help. She stated that she was looking for a response regarding the report from EPD.

Danyelle Rus thanked the Board for the email after the last meeting to approve the agricultural burn. She stated that her concern was the fight it took to get it approved. She stated that she did an open records request and to say that a citizen was causing drama and to ask the fire chief to watch over her house for weeks to make sure she was doing what the county wanted her to do, even though state law said she was able to do an agricultural burn, was her biggest concern. She stated that she had four kids and to know someone was going to be watching her house was a concern. She stated that she wanted to know why it took 32 days to approve.

Julie Yokum stated that she wanted to thank the Board for approving agenda item #16 (RCUT intersection at Sandy Creek). She stated that her home was around the corner from the intersection of Sandy Creek and SR74. She continued that she had seen the change and experienced the increase in traffic. She stated that traffic and "fender benders" were getting worse.

ADMINISTRATOR'S REPORTS:

Public Comments Response:

Yvonne Smith: Mr. Rapson stated that there were only two reports that he was aware of that the county had any relationship to and one had to do with pressure readings. He stated that the county had not shared that report with EPD because owner approval was needed in order to release. He stated that it was requested, but the county had not gotten the owner's approval to release. He stated that EPD conducted a sanitary survey and staff requested a copy of the survey once it was released. He stated that the county had not received the survey yet.

Danyelle Rus: Mr. Rapson stated that she was referring to an email he sent stating that it was ongoing drama and it was not directed to Mrs. Rus. He stated that it was directed to fire and the legal department in regard to giving a final decision. He stated that the reason he directed the fire chief to watch the site was because the county had directed the resident not to burn and there were indications that they would burn despite being told not to. He stated that was done with anyone who was told not to burn because a citation would have to be ordered. He stated that the reason a response was turned around in a day was because he finally had all the information. He stated that from a county perspective, we go through the process of due diligence and if he had all the information on the front end it could have been resolved sooner. He apologized to Mrs. Rus.

Split Circuit Evaluation:

He stated that he received one email from one commissioner that requested to have a representative from all departments with budget responsibilities for judiciary, a representative from the Fayette Bar Association and staff recommended the HR Director and the CFO and perhaps Judge Sams be on the committee. He stated that if there was anyone else that the Board wanted he needed to know. He stated that there was no structure for the committee. He continued that once he received confirmation of who would be on the committee he would get with Mr. Davenport and create the structure. He stated that there should be structure on what the Board wanted the deliverables to be for the judicial circuit.

Chairman Maxwell stated that he would like to be a part of that and he could be ex-officio and not vote.

Mr. Rapson stated that he would also recommend Will Simmons be a part of the committee. He stated that he would work with Mr. Davenport and bring back what the scope would be and let the Board redline it.

Commissioner Rousseau asked Mr. Rapson to get with him regarding this topic.

Mr. Rapson stated that a draft would not be ready until the end September.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session Minutes for July 26, 2018.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Public Comment Response:

Yvonne Smith: Commissioner Rousseau stated that the Board received the letter outlining some of the questions and concerns that was discussed at the Water Committee meeting from EPD and he would make it available to her.

Vice Chairman Ognio:

Transportation Committee: Vice Chairman Ognio stated that a lot of things were accomplished at the last Transportation Committee meeting. He stated that they were moving forward with creating the priority list of projects.

Gun Ordinance: He stated that some citizens approached him about making amendments to the gun ordinance. He wanted to know if he needed to put it on an agenda for the attorney to review or if the Board would approve the attorney to review at this meeting. He stated that it was regarding the use on property and other safety issues.

Commissioner Oddo asked if it was different from the previous discussion.

Vice Chairman Ognio stated a little. He stated that some was the same and some was different. He stated that the citizens who approached him are specialist in the military and they saw holes in the existing ordinance. He had some concerns about the gun ranges as well. He stated that the emphasis was on safety.

Chairman Maxwell stated that he did not have an objection to Vice Chairman Ognio and Mr. Davenport trying to come up with something. He cautioned that it would be a "can of worms".

Commissioner Rousseau stated that if it was a revisit of the discussion that the Board reviewed in the past, he was not open to discussion. He stated that if it was an expansive or something different, then he would support the effort.

Commissioner Oddo stated that it was a tough decision to make when he had to make it the last time and that he was not anxious to do it again. He was open to discussion if it was new issues.

Mr. Rapson stated that he understood the direction to be that if it was something similar to what the Board had discussed before, then there are two commissioners not open to discussion. He stated that he and Mr. Davenport were not sure at this point if it was different, so he could not answer that question. He stated that they would review it and if it was not similar, then he assumed the Board's posture was that Vice Chairman Ognio would get with Mr. Davenport and they would draft an ordinance and bring it back to the Board for approval. He stated that if it looked like the same issue as before, then he would let the Board know that it was the same.

Mr. Davenport stated that if the deadline was today, that it could be put on the next agenda. He stated that way it could be discussed because he did not know what we were talking about.

Commissioner Oddo:

Transportation Committee: Commissioner Oddo stated the Transportation Committee meetings was where the county and cities come together, and it was truly representative of the community. He stated that everyone was coming to agreement on what the county should totally look like.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation and the review of the Executive Session Minutes for July 26, 2018.

One Item of Pending Litigation and Review of the Executive Session Minutes for July 26, 2018: Commissioner Oddo moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 4-0. Commissioner Brown was absent. moved

The Board recessed into Executive Session at 8:35 p.m. and returned to Official Session at 8:48 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 passed 4-0. Commissioner Brown was absent.

Approval of the July 26, 2018 Executive Session Minutes: Vice Chairman Ognio moved to approve the July 26, 2018 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Brown was absent.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the August 9, 2018 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Brown was absent.

The August 9, 2018 Board of Commissioners meeting adjourned at 8:48 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 23rd day of August 2018. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk