

## **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**

August 23, 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 August 23, 2018 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

### **Invocation and Pledge of Allegiance by Commissioner Steve Brown**

Commissioner Steve Brown gave the Invocation and led audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Vice Chairman Ognio moved to accept the agenda as written, with the addition of discussion of Resolution 2018-14 and resolution 2018-15. Commissioner Brown seconded. The motion passed 5-0.

### **PROCLAMATION/RECOGNITION:**

- 1. Recognition of Erik O. Brandt-Nielsen, for his Eagle Scout Service Project for the Fayette County Animal Shelter.**

Chairman Eric Maxwell recognized Erik O. Brandt-Nielsen, for his Eagle Scout Service Project for the Fayette County Animal Shelter. Commending his accomplishment of reaching the honorable rank of Eagle Scout which took dedication and effort devoted to learning and serving others.

### **PUBLIC HEARING:**

- 2. Consideration of Resolution 2018-12 adopting the 2018 Property Tax Millage Rates.**

Marry Parrott, Fayette County CFO provided a brief overview of the proposed the 2018 Property Tax Millage Rates.

Vice Chairman Ognio moved to approve Resolution 2018-12 adopting the 2018 Property Tax Millage Rates. Commissioner Brown seconded. The motion passed 5-0.

- 3. Consideration of Petition No. 1257-16, TSTT Investments, LLC, Owner, requests to rezone 212.832 acres from A-R and R-40 to PUD-PRD to develop a Single-Family Residential Subdivision with 91 lots; property located in Land Lots 4, 5, 28, 29, and 30 of the 7th District and fronts on Ebenezer Church Road and Davis Road.**

TSTT Investments, LLC representative Attorney Katherine Patterson recapped for the Board the evolution of Petition No. 1257-16, explaining the court ruling.

No citizens spoke out in favor, but several citizens spoke out in opposition.

Chairman Maxwell motioned to approve Petition No. 1257-16, TSTT Investments, LLC, Owner, requests to rezone 212.832 acres from A-R and R-40 to R-78 to develop a Single-Family Residential Subdivision with 91 lots; property located in Land Lots 4, 5, 28, 29, and 30 of the 7th District and fronts on Ebenezer Church Road and Davis Road, with the condition that the owner-developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. Commissioner Brown seconded. The motion passed 4-1, with Commissioner Oddo voting in opposition.

Chairman Maxwell recessed the May 10, 2018 Board of Commissioners Meeting at 8:34.

Chairman Maxwell reconvened the May 10, 2018 Board of Commissioners Meeting at 8:51.

- 4. Consideration of Petition No. 1276-18, Christine Thornton & Claudine Morris, Owners, and Trent Foster, Agent, request to rezone 18.172 acres from A-R to R-75 to develop a Single-Family Residential Subdivision consisting of six (6) lots; located in Land Lot 105 of the 7th District and fronts on Dogwood Trail.**

Trent Foster, Property Agent briefed the Board Petition No. 1276-18, request to rezone 18.172 acres from A-R to R-75 to develop a Single-Family Residential Subdivision consisting of six (6) lots; located in Land Lot 105 of the 7th District and fronts on Dogwood Trail.

No citizens spoke out in favor or oppositions.

Vice-Chairman Ognio moved to approve Petition No. 1276-18, Christine Thornton & Claudine Morris, Owners, and Trent Foster, Agent, request to rezone 18.172 acres from A-R to R-75 to develop a Single-Family Residential Subdivision consisting of six (6) lots; located in Land Lot 105 of the 7th District and fronts on Dogwood Trail. Motion failed for lack of second.

Vice Chairmen Ognio amended motion to approve Petition No. 1276-18, Christine Thornton & Claudine Morris, Owners, and Trent Foster, Agent, request to rezone 18.172 acres from A-R to R-75 to develop a Single-Family Residential Subdivision consisting of six (6) lots; located in Land Lot 105 of the 7th District and fronts on Dogwood Trail, with the condition that the six (6) lots shall be limited to three (3) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots. Commissioner Brown seconded. The motion passed 5-0.

- 5. Consideration of Petition No. 1277A-18, William Taylor III, Owner, request to rezone a total of 46.26 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 196 of the 13th District and fronts on Westbridge Road.**

William Taylor III, Property Owner briefed the Board on Petition No. 1277A-18, request to rezone a total of 46.26 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 196 of the 13th District and fronts on Westbridge Road.

No citizen spoke in opposition, but some citizens spoke in favor.

Vice Chairman Ognio moved to approve Petition No. 1277A-18, William Taylor III, Owner, request to rezone a total of 46.26 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 196 of the 13th District and fronts on Westbridge Road, with three (3) conditions: 1The owner/developer shall provide, at no cost to Fayette County, fifty (50) feet of right-of-way as measured from the centerline of Westbridge Road to create a total of 100 feet of right-of-way and said dedication area shall be shown on the Final Plat. 2. That the pavilion located on the eastern portion of the property be removed within 180 days from the effective date of this rezoning. 3. That the owner/developer rezone the one (1) proposed lot which contains the one (1) existing dwelling, to R-7- to address the issue of minimum house size within 18 months.

**6. Consideration of Petition No. 1277B-18, William Taylor III, Owner, request to rezone a total of 40 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 221 of the 13th District and fronts on Old Ford Road.**

William Taylor III, Property Ownerbriefed the Board onPetition No. 1277B-18,request to rezone a total of 40 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 221 of the 13th District and fronts on Old Ford Road.

No citizens spoke in favor or opposition

Vice Chairman Ognio moved to approvePetition No. 1277B-18, William Taylor III, Owner, request to rezone a total of 40 acres from A-R to R-70 to develop a Single-Family Residential Subdivision consisting 23 lots; located in Land Lot 221 of the 13th District and fronts on Old Ford Road, with three (3) conditions: 1The owner/developer shall provide, at no cost to Fayette County, fifty (40) feet of right-of-way as measured from the centerline of Old Ford Road to create a total of 80 feet of right-of-way and said dedication area shall be shown on the Final Plat. 2. That the pavilion located on the eastern portion of the property be removed within 180 days from the effective date of this rezoning. 3. That the owner/developer rezone the one (1) proposed lot which contains the one (1) existing dwelling, to R-7- to address the issue of minimum house size within 18 months. Commissioner Oddo seconded. The motion passed 5-0.

**7. Consideration of Resolution 2018-13 to amend the Future Land Use Plan map of the Fayette County Comprehensive Plan for the area generally north of Harp Road, south of Seay Road, south of Perry Creek and east of Redwine Road from Rural Residential 2 (1 unit/2 acres) to Low Density Residential (1 unit/ 1 acre).**

Vice Chairman Ognio recused himself from discussion regarding this topic.

Commissioner Brown moved to deny Resolution 2018-13 to amend the Future Land Use Plan map of the Fayette County Comprehensive Plan for the area generally north of Harp Road, south of Seay Road, south of Perry Creek and east of Redwine Road from Rural Residential 2 (1 unit/2 acres) to Low Density Residential (1 unit/ 1 acre). Commissioner Oddo seconded. The motion passed 4-0.

Vice Chairman Ognio returned to the BOC Meeting.

8. Consideration of staff's recommendation to approve new 2018 Retail Alcohol Beer and Wine License (C18-00363) for Qadeer Ullah, doing business as Kenwood BP, which is located at 1866 Hwy.85N, Fayetteville, Georgia 30214.

This item was tabled until the Septmeber 27, 2018 BOC Meeting. This motion passed 5-0.

#### CONSENT AGENDA:

Vice Chairman Ognio moved to approve the Consent Agenda as presented. Commissioner Brown seconded. The motion passed 5-0.

9. Approval of the project and budget approval in the amount of \$465 for the 5th Annual Scarecrow Competition.
10. Approval of staff's recommendations to liquidate asset #11455 (LeeBoy Patching Roller) on GovDeals to the highest bidder.
11. Approval to authorize the Purchasing Department to take necessary actions associated with the disposal of assets acquired through the Superior Court of Fayette County and the Sheriff's Office and to sell these assets to the highest bidder on GovDeals.
12. Approval of the August 9, 2018 Board of Commissioners Meeting Minutes.

#### OLD BUSINESS:

#### NEW BUSINESS:

13. Consideration of staff's recommendation to object to the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and LUR (Limited-Use Residential).

Jon Rorie, Peachtree City City Manager outlined for the Board the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and LUR (Limited-Use Residential).

Commissioner Rousseau motioned to object to object to the Peachtree City annexation of 30 properties totaling 105.45 acres on SR 54 and the rezoning of said properties from C-C, C-H and R-20 to GC (General Commercial) and LUR (Limited-Use Residential). Vice Chairman Ognio seconded. The motion passed 5-0.

Chairman Maxwell recessed the May 10, 2018 Board of Commissioners Meeting at 11:04.

Chairman Maxwell reconceived the May 10, 2018 Board of Commissioners Meeting at 11:11.

- 14. Consideration of the Water Committee recommendation to approve the Water System to partner with American Rivers on the Water Efficiency for Streamflow Restoration in Georgia's Upper Flint River System Project.**

Commissioner Rousseau moved to approve the Water Committee recommendation to approve the Water System to partner with American Rivers on the Water Efficiency for Streamflow Restoration in Georgia's Upper Flint River System Project. Commissioner Brown seconded. The motion passed 5-0.

- 15. Consideration of staff's recommendation to use 2017 SPLOST; Transportation; Infrastructure Preservation and Improvements; A.3 Paved Roads, Gravel Roads & Bridges to fund Dix-Lee-On Drive, Antioch Road, Buckeye Road, and county wide bridge maintenance projects for the estimated amount of \$1,082,690.**

Commissioner Ognio motioned to approve staff's recommendation to use 2017 SPLOST; Transportation; Infrastructure Preservation and Improvements; A.3 Paved Roads, Gravel Roads & Bridges to fund Dix-Lee-On Drive, Antioch Road, Buckeye Road, and county wide bridge maintenance projects for the estimated amount of \$1,082,690. Commissioner Brown seconded. The motion passed 5-0.

- 16. Consideration of Bid #1535-B to Atlanta Paving & Concrete Construction Inc. for Full Depth Reclamation (FDR) in the Dix-Lee-On Subdivision in the amount of \$89,795.00.**

Commissioner Brown moved to approve Bid #1535-B to Atlanta Paving & Concrete Construction Inc. for Full Depth Reclamation (FDR) in the Dix-Lee-On Subdivision in the amount of \$89,795.00. Vice Chairman Ognio seconded. The motion passed 5-0.

- 17. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Shelley Bamonte, for tax year 2017 in the amount of \$62.60.**

Commissioner Oddo motioned to approve of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Shelley Bamonte, for tax year 2017 in the amount of \$62.60. Commissioner Rousseau seconded. The motion passed 5-0.

- 18. Discussion of Vice Chairman Randy Ognio's request to have the county attorney review the county ordinance as it relates to discharge of firearms.**

Vice Chairman Ognio moved to approve request to have the county attorney review the county ordinance as it relates to discharge of firearms. Commissioner Brown seconded. The motion passed 5-0.

*Item #19 and #20 were added at the onset of the Board Meeting*

- 19. Approval of Resolution 2018-14 for updating and authorizing 911 charges on telephone services and wireless enhanced 911 charges other than prepaid wireless services.**

Vice Chairman Ognio moved to approve Resolution 2018-14 for updating and authorizing 911 charges on telephone services and wireless enhanced 911 charges other than prepaid wireless services. Commissioner Oddo seconded. The motion passed 5-0.

- 20. Approval of Resolution 2018-15 for updating and authorizing 911 charges on prepaid wireless services.**

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](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Vice Chairman Ognio moved to approve Resolution 2018-15 for updating and authorizing 911 charges on prepaid wireless services. Commissioner Brown seconded. The motion passed 5-0.

**PUBLIC COMMENT:** Arnie Geiger made public comments.

**ADMINISTRATOR'S REPORTS:**

A: Bid #1520-B: Animal Shelter Sewer Project

**Planning Commission selection committee:** Commissioner Brown moved to nominate Vice Chairman Ognio and Commissioner Oddo to sit on the Planning Commission selection committee. Commissioner Rousseau seconded. The motion passed 5-0.

**Zoning Board of Appeals selection committee:** Commissioner Brown moved to nominate Commissioner Rousseau and Commissioner Oddo to sit on the Zoning Board of Appeals selection committee. Vice Chairman Ognio seconded. The motion passed 5-0.

**Hospital Authority:** Need direction on how to proceed because we did not receive enough applications.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item involving pending litigation and the review of the Executive Session minutes for August 9, 2018.

**COMMISSIONERS' REPORTS:**

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

**EXECUTIVE SESSION:**

**One Item of Pending Litigation and Review of the August 9, 2018 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 11:49 p.m. and returned to Official Session at 11:52 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 Brown seconded the motion. The motion passed 5-0.

**Approval of the August 9, 2018 Executive Session Minutes:** Vice Chairman Ognio moved to approve the August 9, 2018 Executive Session Minutes. Commissioner Brown seconded. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the August 23, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded. The motion passed 5-0.

The August 23, 2018 Board of Commissioners meeting adjourned at 11:58 p.m.

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Marlena M. Edwards, Deputy County Clerk