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

September 27, 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 September 27, 2016 Board of Commissioners meeting to order at 6:32 p.m. A quorum of the Board was present. All members were present.

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

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

Acceptance of Agenda

Vice-Chairman Ognio moved to accept the agenda, with a change to remove Item #2 from the agenda. Commissioner Brown seconded. The motion passed 5-0.

Chairman Maxwell stated that item #2 would be moved to the October 25, 2018 BOC Meeting.

PROCLAMATION/RECOGNITION:

- 1. Recognition of Samuel H. Snyder, for his Eagle Scout Service Project for the Fayette County Animal Shelter. Animal Shelter Director Jerry Collins, on behalf of the Board, recognized Samuel H. Snyder for his Eagle Scout Service Project for the Fayette County Animal Shelter. The project was to build a 20 foot by 24 foot covered pavilion on the property that could be used to place dogs in while cleaning the shelter. Samuel accepted the challenge and brought plans and got the necessary permits with the assistance of a contractor and started the project. The project took 10 months to complete with countless man hours in the project. Mr. Collins thanked Samuel for his service on the project and for something that can be used by the shelter for many years to come.
- 2. Recognition of the leadership role of Marie Washburn who served on the Fayette County Public Library Board of Trustees.

Removed from the agenda

3. Recognition of Sharia Richelle Baker for reading 1,000 books as part of the "1,000 Books Before Kindergarten" program.

Fayette County Library Assistant Charlotte Stargell, on behalf of the Board, recognized Sharia Richelle Baker for reading 1,000 books as part of the "1,000 Books Before Kindergarten" program. Sharia has an intense love for reading. Her

grandmother, Mimi Phillips registered her for the early Literacy initiative 1,000 Books Before Kindergarten in 2015 and every book read to Sharia by her parents and grandparents' was recorded on the program-sheet. She received her certificate of completion on June 11, 2018.

PUBLIC HEARING:

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

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

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record. He continued that this request came from the Code Enforcement Department and that Qadeer Ullah had met all the requirements and was in good standing.

Community Development Director Pete Frisina introduced this petition before the Board.

No one spoke in favor of this application.

No one spoke in opposition of this application.

Commissioner Oddo moved to approve staff's recommendation to approve a new 2018 Retail Alcohol Beer and Wine License (C18-00363) for Qadeer Ullah, doing business as Kenwood BP, which is located at 1866 Highway 85N, Fayetteville, Georgia. Commissioner Rousseau seconded. The motion passed 5-0.

- 5. Consideration of Petition No. 1278-18, Betty Shubert, Owner, and Trent Foster, Agent, request to rezone 48.943 acres from A-R to R-50 to develop a residential subdivision consisting of 36 lots; located in Land Lot 104 of the 7th District and fronts on Dogwood Trail.
 - Mr. Trent Foster, agent for Betty Shubert stated that the request to rezone 48.943 acres from A-R to R-50 was to develop a residential subdivision consisting of 36 lots; located in Land Lot 104 of the 7th District and fronting on Dogwood Trail to the Board.
 - Mr. Foster stated that the request for R-50 was asked for intentionally, he is currently under construction developing a subdivision- Stone Crest Preserve, where homes range from \$500,000-\$600,000 and vary between 3000sqft. -3500sqft. The reason for the request of R-50 was to offer potential buyers a lower price point. He added that the future land use for this petition was one (1) unit per one (1) acre.
 - Mr. Foster stated that they had thoroughly vetted the property and investigated sight distances and noted no issues. Mr. Foster stated that there was very little wet-land and floodplain issues on the property.
 - Mr. Foster stated that he agreed with the one condition of a buffer between Kedron Hills and the retention pond at the lowest elevation of the property recommended by the Planning and Zoning Commission.
 - Ms. Linda Howard, on behalf of Mr. and Mrs. Owens, a neighbor to the Petitioner, read a letter in support of the rezoning.

Mr. Charles McMichen, brother to the Petitioner, stated that she has been a loyal citizens of the County, and expressed the long history of service and support his family had contributed to Fayette County. Mr. McMichen stated he was in support of the rezoning and it would help his sister.

Commissioner Brown asked Mr. Frisina about any floodplains issues on the property in reviewing the sight plans layout.

Mr. Frisina noted that the floodplains reside mainly around the lake. He noted that the lake was not a detention area, just a lake with a common area surrounding it.

Commissioner Brown asked about the two (2) lots closet to Kedron Hills and if it fit a 20ft. buffer in those lots.

Mr. Frisina clarified were the buffer was required for the storm water facility.

Mr. Rapson noted that a copy of all the zoning classifications were placed on the dais as a point of reference.

Commissioner Oddo moved to approve Petition No. 1278-18, Betty Shubert, Owner, and Trent Foster, Agent, request to rezone 48.943 acres from A-R to R-50 to develop a residential subdivision consisting of 36 lots; located in Land Lot 104 of the 7th District and fronts on Dogwood Trail, with one condition that a 20-foot buffer shall be established along the southern boundary of the stormwater detention facility adjacent to Peachtree City to screen it from existing residential lots in Peachtree City, and that said buffer should be undisturbed to preserve existing vegetation and where existing vegetation was disturbed or was insufficient to create a screen, said buffer shall be planted per Article V Nonresidential Development. Commissioner Brown seconded.

Mr. Foster the applicant accepted the one (1) condition- that a 20 foot buffer shall be established along the southern boundary of the stormwater detention facility adjacent to Peachtree City to screen it from existing residential lots in Peachtree City, and that said buffer should be undisturbed to preserve existing vegetation and where existing vegetation is disturbed or is insufficient to create a screen, said buffer shall be planted per Article V Nonresidential Development.

Commissioner Rousseau stated that he had received a number of calls related to traffic in the area. He stated that combining that with the Pinewood Forrest and truck traffic, the challenges would increase.

Commissioner Rousseau asked if the stipulation noted in the application regarding the existing structure removal should be added as a condition to the rezoning approval, or was the letter from the applicant and verbal consent enough.

Mr. Frisina stated that the final plat would not be approved until the existing structures were removed.

Mr. Davenport confirmed that the letter and verbal agreement was sufficient.

Commissioner Oddo moved to approve Petition No. 1278-18, Betty Shubert, Owner, and Trent Foster, Agent, request to rezone 48.943 acres from A-R to R-50 to develop a residential subdivision consisting of 36 lots; located in Land Lot 104 of the 7th District and fronts on Dogwood Trail, with one condition that a 20 foot buffer shall be established along the southern boundary of the stormwater detention facility adjacent to Peachtree City to screen it from existing residential lots in Peachtree City. Said buffer should be undisturbed to preserve existing vegetation and where existing vegetation is

disturbed or is insufficient to create a screen, said buffer shall be planted per Article V Nonresidential Development. Commissioner Brown seconded. The motion passed 5-0.

Commissioner Rousseau recused himself from the discussion of items #6 and #7, due to the support he received from the applicant.

6. Consideration of Petition No. 1279B-18, John Richard Halbert, Owner, request to rezone a total of 18.34 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279A-18; located in Land Lot 228 of the 4th District and fronts on Goza Road.

John Richard Halbert, Owner, briefed the Board regarding this petition.

Mr. Halbert stated that he did follow the Comprehensive Land Plan and was agreeable to the two conditions.

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

Chairman Maxwell asked, if the lake would be filled in?

Mr. Halbert stated, "No they are not filling in the lake."

Chairman Maxwell asked why the rezoning classification of R-80 and not R-85?

Mr. Halbert stated that the rezoning classification was a safety net, he stated that because they are unsure of the market for this area. Mr. Halbert stated that the goal was 3000sqft lots or above, which would mean the lots would sale at a higher price; however with market variables 2500sqft. lot was an option.

Commissioner Brown moved to approve Petition No. 1279B-18, John Richard Halbert, Owner, request to rezone a total of 18.34 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279A-18; located in Land Lot 228 of the 4th District and fronts on Goza Road, with one (1) condition the owner/developer shall provide, at no cost to Fayette County, ten (10) feet of right-of-way on Goza Road and said dedication area shall be shown on the Final Plat. Commissioner Oddo seconded. The motion passed 4-0-1, with Commissioner Rousseau recusing himself.

7. Consideration of Petition No. 1279A-18, John Richard Halbert, Owner, request to rezone a total of 0.29 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279B-18; located in Land Lot 228 of the 4th District and fronts on SR 85 South.

John Richard Halbert, Owner, briefed the Board on Petition No. 1279A-18 request to rezone a total of 0.29 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279B-18; located in Land Lot 228 of the 4th District and fronts on SR 85 South, with one (1) condition There shall be no driveway access to the parcel(s) from SR 85.

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

Commissioner Brown moved to approve Petition No. 1279A-18, John Richard Halbert, Owner, request to rezone a total of 0.29 acres from A-R to R-80 to develop a Single-Family Residential Subdivision consisting six (6) lots in conjunction with Petition No. 1279B-18; located in Land Lot 228 of the 4th District and fronts on SR 85 South, with one (1) condition

that shall be no driveway access to the parcel(s) from SR 85. Commissioner Oddo seconded. The motion passed 4-0-1, with Commissioner Rousseau recusing himself.

Commissioner Rousseau returned to the Board Meeting.

8. Consideration Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zones and Commercial Development Standards.

Community Development Director Pete Frisina stated the evolution of the requested Ordinance amendment began a year ago with a letter from Bill Beckwith former Chairman of the Zoning Board of Appeals.

Mr. Frisina stated that the letter noted that they had been receiving several variance requests for lots, corner lots, flag lots, and a lot of A-R lots; with that in mind when a multitude of variances come in it's a good time to look at your ordinances and figure out if there are some changes that need to be made. Mr. Frisina stated that the initial changes had been presented to the Board in March of 2018, upon review the Board provided suggested and recommended further review. As a result this the updated Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zones and Commercial Development Standards. Along with various updated Mr. Frisina noted there are some housekeeping measures.

Mr. Frisina stated that in reviewing this Ordinance they made some housekeeping measures to include updating the terminology, and the addition of a new definition of the term flag lot, an amendment to the lot width definition and principle structure front definition. He explained that there had been some confusion in the ordinance when using the terms "setback" and "yard". A clarification was made to make usage of each term consistent. The definitions for primary front yard, secondary front yard although already in the ordinance, now the definitions are included. He stated that section 110-73 had been in the ordinance since its inception but no one know what it meant so it was being removed. In section 110-77 the aspects of what a lot width meant and how was measured have been added. In section 110-79 the title was changed to residential accessory structures and uses. Mr. Frisina stated that accessory structures fall into two categories, those that are found on residential lots which included: detached garages, tool sheds, pools, tennis courts, pool homes etc.; and those that fall into the A-R section, such as green house, barns, and axillary buildings. Both are accessory structures but the goal was to make a differentiation. Mr. Frisina stated that in this section for those type of accessory structures that were specific to residential areas, they would be outlined in this section and any terminology and references dealing with A-R type accessory structures have been moved to the A-R section. Mr. Frisina noted that there was a lot of housekeeping efforts to add residential before accessory within this section. Mr. Frisina stated that a paragraph was added that talked about accessory structures that would be allowed in the front yard which were wellhouses and it discussed how corner lots would be handled. There were some differences when a property was zoned A-R. Mr. Frisina stated that the limitation of 900sqft for detached garages in the front yard was being removed. Mr. Frisina displayed various layouts of structures in the primary front yard and secondary front yards and how the rules relay to differing lot types.

Commissioner Brown stated that working with home builders and developers on the front end in determining where to place a house on a lot would save the County and future home owners in the long run. He stated it would help alleviate the need for requests for variance when they desire to add whatever type of residential accessory structures.

Mr. Frisina stated that section 110-106 was a new section which discussed the breakdown of flag lots and non-conforming land locked lots.

- Mr. Frisina outlined additional minor housekeeping measures.
- Mr. Frisina stated in reference to section 110-132, that in 2016 there was a review of the uses that were listed and noticed there was one missed dealing with buffers, so it was updated.
- Mr. Beckwith stated that this ordinance needed to be reviewed, it needed some clarifications and updating. He stated that the citizens had not been served well with this section of the ordinance. He stated that the ordinance should be clearly defined so that the homeowners are not confused about what they can and cannot do on their property.

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

Commissioner Oddo moved to approve Ordinance 2018-03, Amendments to Chapter 110. Zoning Ordinance, Regarding Article I. – In General, Article III. – General Provisions. Article IV. – District Use Requirements and Article V. – Conditional Uses, Nonconformances, Transportation Corridor Overlay Zones and Commercial Development Standards. Vice-Chairman Ognio seconded. The motion passed 5-0.

CONSENT AGENDA:

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

- 9. Approval to authorize staff to acquire all fee simple right-of-way and easements for the 2017 SPLOST; Stormwater; Category II, Tier I Project: 175 Silver Leaf Drive Culvert Replacement.
- 10. Approval to establish a capital project with funding provided from Environmental Management's Field Equipment budget of \$5,250 and \$10,200 from General Fund contingency project for the purchase of an HD pole camera in the amount \$15,450.
- 11. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1545-B HA 5, High Density Mineral Bond in the amount of \$194,317.21.
- 12. Approval of the Water Committee's recommendation to approve request from the Flint River Astronomy Club for November 2, 2018 and February 8, 2019 to keep Lake Horton Park open from 6:30 p.m. to 10:00 p.m. and April 12, 2019 from 7:30 p.m. to 11:00 p.m. for the Star Gazing event.
- 13. Approval of staff's recommendation to include "Addendum 6-Gospel Under the Stars Festival and Fayette Kindness Rock Project" as an added event to the Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of county owned property.
- 14. Approval of the September 13, 2018 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

NEW BUSINESS:

15. Consideration of a recommendation of the Selection Committee, composed of Commissioner Steve Brown and Commissioner Charles Rousseau, to appoint James McCarten to the Region Six Mental Health, Developmental

Disabilities, and Addictive Diseases Regional Advisory Council for a term beginning March 1, 2018 and expiring February 28, 2021.

Commissioner Steve Brown moved to approve recommendation from the Selection Committee, comprised of Commissioner Charles D. Rousseau and Commissioner Steve Brown, to appoint James McCarten to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Advisory Council for a term beginning March 1, 2018 and expiring February 28, 2021.Commissioner Rousseau seconded. The motion passed 5-0.

16. Consideration of Agreement #1569-S between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$312,500.00 from October 1, 2018 through September 30, 2019.

Water System Director Lee Pope stated that the Agreement #1569-S between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) was the annual contract which helped the County Water System maintain the monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring of the water as it entered, passed through, and exited the County. It also kept the County Water System in compliance with the required releases at all of the reservoirs; as well as monitoring requirements for the Metropolitan Planning District.

Mr. Roy Bishop asked about rumors regarding water pollution in Morning Creek.

Mr. Pope stated that he did not have any reports noting any issues with water quality, but would investigate.

Commissioner Rousseau moved to approve Agreement #1569-S between Fayette County and the U. S. Department of the Interior Geological Survey (USGS) that provides for the required monitoring of water flow, stream monitoring data for quality, and CFS flow monitoring in the amount of \$312,500.00 from October 1, 2018 through September 30, 2019. Commissioner Brown seconded. The motion passed 5-0.

17. Consideration of the proposed 2019 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.

Public Works Director Phil Mallon stated that the Georgia Department of Transportation had offered local county government money for improvements and maintenance for roads and bridges. This year, Georgia Department of Transportation offered Fayette County \$837,185.81. He that the funds would be used on the list of roads identified in the agenda package. He noted that the list was about double the grant amount which gave the County flexibility in programing in case more monies became available.

Vice Chairman stated that this grant did require a 30% local match.

Commissioner Brown moved to approve the proposed 2019 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. Vice-Chairman Ognio seconded. The motion passed 5-0.

18. Consideration of staff's recommendation to award Bid #1536-B, Stonewall Roof Replacement Project (# 3565A), to Dusty Greer Roofing, Inc. in the amount of \$218,000.

Mr. Mallon stated that this item was for the repairs for the roof of the Stonewall building. This project went through a diligent investigation and bidding process and received about eight different companies. He stated that the contractors and the material supplier have an extensive working relationship. The supplier of the material would come out and oversee the installation and when completed there would be a final inspection.

Mr. Rapson noted that the contractor was certified to install the material.

Commissioner Brown asked about a warranty.

Mr. Mallon confirmed that they have the bonds that are needed and had a 15 year warranty.

Commissioner Oddo moved to approve staff's recommendation to award Bid #1536-B, Stonewall Roof Replacement Project (# 3565A), to Dusty Greer Roofing, Inc. in the amount of \$218,000. Vice-Chairman Ognio seconded. The motion passed 5-0.

PUBLIC COMMENT: None

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson briefly the Board on recently executed contracts.

- A. Contract #1564-S: Design & Specifications for Fire Station 2
- B. Contract #1431-P: Transportation Engineer of Record Task Order #9: East Fayetteville Bypass Bridge Design
- C. Contract #1221-P: Water System Engineer of Record Task Order #FC-19-06: Waterline Construction Drawings-Veterans Parkway

Mr. Rapson stated that the water fountain was about 96.5% completed. He stated that this project was completed primarily in house.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there was one item for Executive Session, one item of pending litigation, and the Review of the September 13, 2018 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Brown

<u>Sanitary Survey Newton Plantation Water System</u>- Commissioner Brown stated he had placed a copy of the Sanitary Survey for Newton Plantation Water System for review. He noted that the citizens had some legitimate complaints, which were recognized by EPD in the survey. He stated that hopefully this would a catalyst for change of that water system.

Vice Chairman Ognio

<u>Transportation Committee</u>- Vice Chairman Ognio stated that the upcoming Transportation Committee meeting was going to be held in Peachtree City at City Hall, he goal was to advise the Pubic to ensure everyone was aware of the meeting location change.

Commissioner Oddo.

<u>Tax Session</u>- Commissioner Oddo stated that tax season ends next month October 15, 2018.

Commissioner Rousseau

<u>Newton Planation</u> -Commissioner Rousseau stated in regards to the Newton Plantation water system issues, that he was going to write a letter to EPA asking for follow-up from the water system owner, he noted that EPA had given a deadline and Commissioner Rousseau wanted to get an update as to what the response from the owner was. He wanted to advise the Board as a professional curtesy and if they like to support by signing it he'd welcome the support.

Chairman Maxwell

<u>Newton Plantation</u>- Chairman Maxwell asked Commissioner Rousseau for clarification on who the letter was going to and what the letter was go into entail.

Commissioner Rousseau explained that the letter would go to EPA, asking for an update from the water system owner.

Chairman Maxwell stated he had no problem joining in on the letter and asked that it be sent to the residents of Newton Plantation.

<u>Emergency water connection</u>- Chairman Maxwell asked about an emergency water connection, in reference to Newton Planation water issues. He stated now that we know there is an issues we may need to be prepared.

County Attorney David Davenport advised that as a part of the ordinance we have put the system owners on notice. If we are needed they would have to let the County know in writing, if our assistance is needed.

Chairman Maxwell stated that based on the proposed October 9, 2018 agenda, the BOC meeting would be fairly light; this is also the meeting that had the time changed to 4:00pm due to attendance of several of the County's leadership staff at the Legislative Leadership Conference in Jekyll Island.

Chairman Maxwell motioned to cancel the October 9, 2018 Board of Commissioners meeting, Commissioner Brown seconded. The motion passed 5-0.

Chairman Eric Maxwell moved to cancel the October 9, 2018 Fayette County Board of Commissioner Meeting. Commissioner Brown seconded. The motion passed 5-0.

EXECUTIVE SESSION:

One Item of Pending Litigation and Review of the September 13, 2018 Executive Session Minutes: Vice-Chairman Ognio moved to go into Executive Session. Commissioner Brown seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:31 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 Brown seconded the motion. The motion passed 5-0.

Attorney Davenport advised Board of a workers' compensation settlement agreement between the County and Ms. Holly Joyner in the amount of \$84,500, Ms. Holly Joyner agreed to the term

Commissioner Brown moved to sign off on the Settlement Agreement for Ms. Holly Joyner. Vice Chairman Ognio seconded. The motion passed 5-0.

Approval of the September 14, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the September 13, 2018 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 28, 2018 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The September 27, 2018 Board of Commissioners meeting adjourned at 8:40 p.m.	
Marlena Edwards, Deputy County Clerk	Eric K. Maxwell, Chairman
The foregoing minutes were duly approved at an official mee on the 25th day of October 2018. Referenced attachments a	eting of the Board of Commissioners of Fayette County, Georgia, held are available upon request at the County Clerk's Office.
Marlena Edwards, County Clerk	