



Action Agenda

Board of Commissioners
July 25, 2013
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on July 25, 2013 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty
Commissioner Absent:	Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca White, Deputy Clerk Dennis Davenport, Interim County Attorney

Call to Order, Invocation, Pledge of Allegiance

Chairman Brown called the July 25, 2013 Board of Commissioners meeting to order at 7:01 p.m. Permits and Inspections Director Joe Scarborough offered the invocation. Commissioner McCarty led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda and to add two additional items to the Agenda: Item 17– Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2013, and Item 18– nine-acre annexation request from the City of Fayetteville for the address of 183 South Sandy Creek Road. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

PRESENTATION / RECOGNITION:

Chairman Brown introduced Intern Kyra Parks. He explained that Ms. Parks attends Whitewater High School, and he told everyone that she recently received a scholarship from the Governor's Office before he asked for the audience to give her a big hand. He concluded the introduction by saying the Board was very proud of Ms. Parks.

1. Recognition by Mr. Christopher Dunn, editor of Fayette Game Day Youth Sports Magazine, of Mr. Brad Hort and Ms. Gabby Seiler as Fayette County's Athletes of the Year.

Mr. Christopher Dunn, editor of *Fayette Game Day Youth Sports Magazine*, said it was good to honor the best individual athletes among Fayette County's high schools. He explained that every high school in Fayette County nominated their top male and female athletes of the year, and that the top male and female athletes were selected from those nominations. He said this year, both athletes attended McIntosh High School, namely, Ms. Gabby Seiler and Mr. Brad Hort. Mr. Dunn explained why Ms. Seiler was selected as Fayette County's Female Athlete saying she was a star in both basketball and soccer, and he told of her individual accomplishments. Coach Charles Buckle then spoke about Mr. Hort, explaining that he was a phenomenal athlete who is the best distance runner that he has ever coached at McIntosh High School. Coach Buckle also spoke about Mr. Hort's individual achievements.

PUBLIC HEARING:

2. Consideration of staff's request to approve a new beer and wine package sales license for Amir Shahzad operating as BP Kenwood at 1866 GA Hwy. 85 N., Fayetteville, Georgia 30214.

No one spoke in favor of or in opposition to this request.

Commissioner Barlow moved to accept staff request to approve a new beer and wine package sales license for Amir Shahzad operating at BP Kenwood at 1866 GA Hwy. 85 N., Fayetteville, Georgia 30214. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

3. Consideration of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres.

Ms. Donna Black, representing Ballard's Terrace Subdivision, confirmed that they were requesting a change to the development plan, and she explained the purpose for the request.

No one else spoke in favor of or in opposition to this request.

Commissioner Oddo moved to accept Public Hearing Item 3 consideration of Petition RDP-010-13 requesting approval of the Revised Development Plan for Ballard's Terrace Subdivision to change the proposed Community Clubhouse containing a pool and cabana to a Landscaped Park consisting of 1.62 acres. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

4. Consideration of Ordinance 2013-05, consisting of either Option 1 or Option 2, adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding building height.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-05, and he spoke about the differences and concerns related to Option 1 and Option 2 as presented. Mr. Frisina then answered questions from the Board.

Donald Fowler: Mr. Donald Fowler said he wanted to see lighting restrictions incorporated into the ordinance. He suggested that if a building was going to be constructed that was 65-feet tall that it would have spotlights and floodlights up that high as well. He thought that the lighting restrictions should be added into the ordinance in order to protect the neighbors. He concluded his comments saying it was bad enough to have a 65-foot building in front of his home and his neighbors' homes, but that there would be a problem if floodlights were shining down on them all night.

David Brill: Mr. David Brill, President of the North Fayette Community Association (NFCA), reported that the NFCA held several meetings, which included Mr. Alvin Williams who is the owner of the studio that he intends to put in on State Route 138. He reported that all in all, there was no negative feedback from the members of the NFCA, save for one member who is opposed from any studios going in based on her experience living in Los Angeles. He informed the Board that apart from the one person in opposition, he had not run across anyone in the NFCA membership who has raised any negative comments about this issue. He informed the Board that while there was no vote held by the NFCA (meaning he was speaking on his own behalf); his sense was that Option Two was favored over Option One.

Tom Waller: Mr. Tom Waller expressed concerns about the berms in the area, and if raising the height of the buildings would require the berms to be higher. He asked if the developer would accept higher berms since every time soil had to be moved it would cost a lot of money. He suggested that the height of the berms needed to be reconsidered due to the height of the buildings, since "you can't go higher and higher without increasing the height of the berms."

No one else spoke in favor of or in opposition to this request.

Commissioner Barlow moved to accept Ordinance 2013-05, consisting of Option 2, adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III, Definitions and Article VI, Sec. 6-26., G-B General Business District regarding building height. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

5. Consideration of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-06.

No one spoke in favor of or in opposition to the request.

Commissioner Oddo moved to accept Public Hearing Item 5 consideration of Ordinance 2013-06 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinances, Article V, Sec. 5-16., regarding church or place of worship structures permitted above the height limit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

6. Consideration of Ordinance 2013-07 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-20., regarding accessory structure size in residential zoning districts.

Chairman Brown informed the audience that the Board had an additional item on the dais. He said it was the coding "that was in the book with new language". He said the page was titled "#6 New Language Ordinance 2013-07". He said the County Clerk could provide a copy of the information following the meeting.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-07.

Dennis Chase: Mr. Dennis Chase said he had a question as much as anything else about certain definitions. He thought the proposals should specify what could and could not be done. He suggested that the clarity may already be in the ordinance, but he wanted more clarity on the definition of accessories.

Larry Bush: Mr. Larry Bush stated that he submitted paperwork on two different occasions to enlarge accessory structures. He commented that there is a problem when people buy ten-acre lots thinking they have plenty of room to make enlargements, only to find out later that rules are set in place, regardless of how much paperwork is submitted, that prevent people from building. He alluded that it leads to a lot of people not coming to the county and a lot of unused land. He said he had spoken to Chairman Brown about the issue, said that the answers were still unclear, and asked how to make changes. Mr. Bush suggested that this effort would not make any real changes, and the reasons that are being given are the same reasons that were given in the past.

No one else spoke in favor of or in opposition to this request.

Mr. Frisina spoke about the accessory structures definition and clarified its intent. Chairman Brown spoke about how Fayette County had large agricultural lots, and how the county did not allow for the lots to be used for anything other than agricultural uses. He said the times have changed, and Fayette County has a number of people living in it who have the ability to add accessory structures. He suggested that the ability to add accessory structures would work to the welfare of everyone in Fayette County. He then reported that there was a change in the proposed language with respect to the floodplain. He then read the following changes into the record that would be included in addition to the minimum of five (5) acres that would be required:

- Section C(1)(a) "and a minimum contiguous area of two (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind."
- Section C(1)(c) "and a minimum contiguous area of two acres (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind, not to exceed 3,600 square feet of floor area."

Chairman Brown moved to approve Ordinance 2013-07 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article V, Sec. 5-20., regarding accessory structure size in residential zoning districts as amended in the document on the dais the title "New Language", and to add the following statement in two section: a minimum contiguous area of two (2) acres clear of zoning setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, 100 year floodplain area, and easements of any kind, added to Section C (1)(a) and(c). Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

7. Consideration of Ordinance 2013-08 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding church and / or other place of worship and existing residential structures that do not meet the Conditional Use setbacks and / or buffers.

Community Development Director Pete Frisina addressed the Board concerning Ordinance 2013-08.

Tim Perrin: Mr. Tim Perrin, representing the Building Committee for All Saints Anglican Church, said that the church was interested in building church offices. He explained some of the building projects at the church, and he said the church was in agreement with the proposed changes.

No one else spoke in favor of or in opposition to this request.

Interim County Attorney Dennis Davenport pointed out that the agenda item reads to consider changes in setbacks and / or buffers, but that Mr. Frisina was saying that the County does not want to allow any type of reduction in the buffers. He said the language that he was looking at for the proposed amendment only addresses setbacks. He emphasized that the issue was only a relaxation of the setbacks for the existing structure, and not the buffers.

Commissioner Barlow moved to approve Ordinance 2013-08 adopting proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article VII, Sec. 7-1., regarding church and / or other place of worship and existing residential structures that do not meet the Conditional Use setbacks. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

PUBLIC COMMENT:

Tom Waller: Mr. Tom Waller spoke about the proposed Stormwater Special Purpose Local Option Sales Tax (SPLOST), saying it should not be called SPLOST since what the Board plans to spend the money for is for things that should have been taken care of a long time ago. He suggested that the Stormwater SPLOST should be called the Failure Tax, since former Commissioners Herb Frady, Jack Smith, and other predecessors did not count on paying for what a normal mortgage company counts on paying it for. He mentioned that when a person pays their mortgage, there is an escrow account established for the taxes that are going to be due. He said Fayette County knew that the culverts would have to be taken care of, but instead it did not reserve money for the repairs. He said the County now has a backlog of essential maintenance requirements that has continued to grow and has reached a size where something has to be done. He suggested that the Board would not cut County government, that the tax should be called the Failure Tax since it is due to the failure of the preceding commissioners. Secondly, Mr. Waller cautioned the Board by saying each member was selected because they are individuals. He counseled them not to be swayed by the strength of a personality into agreeing to something in a closed conference that they have not asked their constituents about. He said the Board was blessed with strong personalities, but each Commissioner was selected because they are individuals.

Frank Gardner: Mr. Frank Gardner reminded the Board that at the last meeting, Commissioner McCarty commented about annexation. He said he had been thinking of a way to encourage keeping the County's green spaces. He suggested that if the County could encourage horse owners that they would have places for their houses that it may work to keep green spaces in Fayette County. He hoped the County would consider promoting such an effort.

CONSENT AGENDA:

Chairman Brown noted that the Board had an item on the dais for Consent Agenda Item #14 that includes the associated Agenda Request Form, a form from the federal government entitled "Equitable Sharing Agreement Certification", and another form entitled "Equitable Sharing Agreement" with a list of terms and definitions, and an affidavit that reads "Existing Participant" at the top of the page.

Chairman Brown noted that the Board had an additional document on the dais, that Consent Agenda Item 17 had been added to the Agenda at the beginning of the meeting, and that the document was from the Elections Department related to the Town of Brooks Intergovernmental Agreement for the Fayette County Elections Department to conduct the town's municipal elections for 2013. He said there were a series of documents associated with the request including one dated July 20, 2013 and the other being an Intergovernmental Agreement for Conducting Municipal Elections; a contract between Fayette County and the Town of Brooks.

Chairman Brown stated that Consent Agenda Item #18 was added to the Agenda and that there were additional documents on the dais related to the request. He said the first document was an email from County Administrator Steve Rapson to the Commissioners entitled "Annexation", and that there was another document dated July 22, 2013 for the Board of Commissioners from Community Development Director Pete Frisina related to annexation for property at 183 South Sandy Creek Road in Fayetteville, and that quit claim deeds and letter from the City of Fayetteville are attached, along with ordinance data.

Commissioner Oddo asked to remove Consent Agenda Item #8 and #18 for consideration.

Chairman Brown moved to approve the Consent Agenda as written with the exception of Consent Agenda Item #8 and Consent Agenda Item #18. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

8. Consideration of the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City Zoning), and to enter into an Annexation Consent Agreement between all parties.

Commissioner Oddo acknowledged that annexation is peculiar because the county really has no power over the issue; if the city wants the property the city can basically have it. He said the Board can make objections in an effort to express concerns. He said he would not vote against the annexation request, but he wanted the city to consider that they are requesting a large area of land. He cautioned that no one really knows what is coming, and that while everyone is excited about the fact that Pinewood Studios is coming, one of the reasons they chose the area was because they were enamored with the rural atmosphere and laid-back nature of Fayette County. He thought it would behoove the city to try, as much as possible, to guide the annexation in keeping with the quality of life that everyone likes. He said it seemed like there were three major chunks to the annexation with Pinewood in the center and an eastern and a western section. He cautioned that if the western section of the annexation was not needed, since he had not heard an explanation of why it was needed, that it would be better not to annex that portion of the land. He suggested that if the western section was not annexed into to city at this point, that the city would have better control later when the issue of annexation does come up. He closed by repeating that he had not heard the reason for annexing the western portion of the annexation, that he does not like to do something without having a reason, even though the county is very limited in what it can do with this annexation

request. He hoped the city would look at their request and reconsider how it would pull the annexed property into their jurisdiction.

Chairman Brown moved to approve the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City Zoning), and to enter into an Annexation Consent Agreement between all parties. Commissioner McCarty seconded the motion. Discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

9. **Consideration of staff's recommendation to enter into a Permitting and Inspection Services Agreement between the City of Fayetteville and Fayette County, for the purpose of the County providing building inspection services to the City, and for other purposes.**
10. **Approval of staff's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement.**
11. **Approval of staff's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement.**
12. **Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone, and authorization for the Chairman to sign said Intergovernmental Agreement.**
13. **Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement.**
14. **Approval of the Sheriff's request to authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of the Treasury.**
15. **Approval of staff's request to approve and submit both a pre-application and an application to Georgia Emergency Management Agency- Homeland Security in order to receive the 2013 Emergency Management Performance Grant Response and Recovery Award, and authorization for County Administrator Steve Rapson to sign as the authorized agent.**
16. **Approval of the July 9, 2013 City of Fayetteville / Fayette County Joint Meeting Minutes and the July 9, 2013 Board of Commissioners Meeting Minutes.**

17. **Approval of staff's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2013, and authorization for the Chairman to sign said Intergovernmental Agreement.**
18. **Consideration of the City of Fayetteville's request to annex approximately nine (9) acres located at 183 South Sandy Creek Road, Fayetteville, Georgia 30214, and to rezone said acreage from Office-Institutional (County Zoning) to Office-Institutional (City Zoning).**

Commissioner Oddo said this issue was presented at last minute due to a timing issue, otherwise it would not come to the Board for consideration so quickly. He said he discussed this issue with the County Administrator earlier in the day, and he wanted to ensure that this annexation request falls into the Intergovernmental Agreement as well. He said he did not want this annexation to not be a part of the overall agreement.

County Administrator Steve Rapson replied that the Intergovernmental Agreement with Fayetteville "is defined in the PCD area" and that this annexation request is not in that area since it is southeast of the area. He said the annexed property would encompass all of the areas that staff wrote in the documents before the Board on the dais. He said the annexation has been accounted for by Public Safety and all the different areas associated with it in the recommendation by staff.

Chairman Brown moved to approve the annexation request for the City of Fayetteville for the nine-acre site located at 183 South Sandy Creek Road. Commissioner Oddo seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

OLD BUSINESS:

There were no Old Business Items for consideration.

NEW BUSINESS:

There were no New Business Items for consideration.

ADMINISTRATOR'S REPORTS:

August 2013 Board of Commissioners Meeting Schedule: County Administrator Steve Rapson reported that the August meeting schedule of the Board of Commissioners is a little different than the typical meeting schedule. He explained that the Board typically meets on the second and fourth Thursdays of each month, but the schedule was shifted in August to meet on the third and fifth Thursday. He said the August meeting dates were August 15 and August 29, and that the meeting dates have already been published.

Special Called Meeting to be held on Thursday, September 5, 2013: County Administrator Steve Rapson informed the Board that the Special Purpose Local Option Sales Tax (SPLOST) project meeting will be held on Thursday, August 29, 2013 and that the Board would adopt its project list at that time. He continued reporting that the cities were to provide the Board with their project lists by August 30, 2013. He then told the Board that the County has called for a Special Called Meeting on Thursday, September 5, 2013, and that the Board would actually take its final vote for actual SPLOST projects as defined at the County.

Board of Commissioners to Travel to Alabama for Former County Commission Chairman Harold Bost's Induction into the Air Force Hall of Fame: County Administrator Steve Rapson publically notified everyone that the Board of Commissioners will be traveling together, jointly in a charter bus, to Montgomery, Alabama to participate in a social event with former County Commission Chairman Harold Bost, who will be inducted into the Air Force Hall of Fame. He said this travel arrangement has been advertised as well, but he wanted to make sure the word was out publically.

Updated Audio / Visual System: County Administrator Steve Rapson publically thanked County Clerk Floyd Jones, Deputy Clerk Tameca White, Chief Information Officer Russell Prince, and all others who have help bring the technology to life that is currently being shown right now. He said there was a representative from Show Business at the meeting to ensure everything is working. He acknowledged that there were still a few kinks in the system, but it seems to be working as intended, and it was nice to be in the 21st century.

ATTORNEY'S REPORTS:

There was no Attorney's Report given.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said he was working at the Fayette Market Day, and while there Mr. Tom Waller came to him and asked, "What do you Commissioners do anyway? You really don't do anything, do you?" Commissioner Barlow said he thought about that question, and he decided to answer the questions by reviewing his past nine days. Commissioner Barlow then gave a PowerPoint presentation of his past nine days and his work as a Commissioner. He concluded his report by saying that for the next three and a half years he will continue serving the citizens of Fayette County.

Commissioner McCarty: Commissioner McCarty announced an event that would be held on Sunday, July 28, 2013 called "Right on Target". He said the event would celebrate American's 2nd Amendment right to keep and bear arms. He said the event would occur from 3 p.m. until 5 p.m. at Autry's Armory, that there would be free admission, that he would cook the hotdogs, and that there would be food and fun for the whole family. He said there would be free kid's activities such as face painting and a jump house. He added that the Fayette County Sheriff would participate at the event, and that people would be able to compete with the Sheriff by shooting against him. He said the winner would receive a plaque reading "I Outshot the Sheriff".

Commissioner Oddo: Commissioner Oddo said he was admiring the big screen, and that he could see things out there that he could not see before. He congratulated everyone who had a hand in putting the system into place.

Chairman Brown: Chairman Brown said the Board was getting input from the Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST) Stormwater projects, and that a press release was sent out last week concerning the projects. He said if anyone had any questions, comments, concerns, or opinions related to stormwater, the email address is: stormwaterinput@fayettecountyga.gov. He said the County would try to respond to inquiries as quickly as possible, and that some of the questions and answers are being sent to the news media as they come in.

ADJOURNMENT:

Commissioner Barlow moved to adjourn the July 25, 2013 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed 4-0-1 with Commissioner Ognio being absent from the meeting.

The Board of Commissioners adjourned the July 25, 2013 meeting at 8:27 p.m.

Floyd L. Jones, County Clerk