

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Vacant, Vice Chair
David Barlow
Steve Brown
Randy Ognio



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Patrick Stough, Assistant County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

July 23, 2015
7:00 p.m.

Call to Order

Chairman Oddo called the July 23, 2015 Board of County Commissioners meeting to order at 7:01 p.m.

Invocation by Commissioner Randy Ognio

Commissioner Ognio asked Associate Pastor Al Meade of New Hope Baptist Church to offer the Invocation. Pastor Meade offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed 4-0.

PROCLAMATION/RECOGNITION:

1) Recognition of Dr. William M. Strain, M.D. for his 24 years of service on the Fayette County Board of Health.

Commissioner Barlow and the Fayette County Board of Health recognized Dr. Strain for his service. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2) Recognition of McIntosh Trail Community Service Board and its opening of the new Pine Woods Behavioral Health Crisis Center.

Commissioner Barlow and the Board recognized McIntosh Trail Community Service Board and its opening the new Pine Woods Behavioral Health Crisis Center. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3) Recognition of the Fayette County's Water System and the 911 Communications Department that were instrumental in the Insurance Services Office (ISO) awarding the City of Peachtree City its new Class 1 Public Protection Classification.

Peachtree City Fire Chief Joe O'Connor recognized Fayette County's Board of Commissioners, Water System and 911 Communications Department, on behalf of the Mayor and citizens of Peachtree City, for being instrumental in the Insurance Services Office awarding the City of Peachtree City its new Class 1 Public Protection Classification. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings* into the record. A copy of *Introduction to Public Hearings*, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4) Public Hearing of Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition.

Community Development Director Pete Frisina stated that both staff and the Planning Commission unanimously approved the petition with one condition.

Ms. Tchavkov briefed the Board on the petition. No one else spoke in favor of or in opposition to Petition 1247-15.

Frank Gardner: Mr. Gardner stated he neither supported nor opposed the petition, but he questioned why the Board was allowing one-acre zoned properties. He also spoke about the size of Fayette County's Zoning Ordinance and he concluded that if a person wrote their petition correctly they could be rezoned for anything. He asked the Board to reconsider the Zoning Ordinances.

Commissioner Brown asked Ms. Tchavkov what the intent of the owner was with the existing structure, and Ms. Tchavkov stated that the owner intended to remove the existing structure.

Commissioner Barlow moved to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition. Commissioner Ognio seconded the motion.

Commissioner Brown pointed out that the lot is currently 1.96 A-R non-conforming that the applicant wants to rezone to R-70 so it was still non-conforming, and he asked if the applicant would ask for a variance. Mr. Frisina replied that the ordinance allows the county to rezone non-conforming lots, especially if non-conformance is due to county action. He explained that the property was non-conforming prior to the county taking action and he said this petition would bring the property as near as possible to conformance. Mr. Frisina explained that in 1980 the county was entirely rezoned and that A-R Zoning with five-acre lots was instituted at that time. He said the subject property, at that time, was only three acres so it was considered a legal, grandfathered, non-conforming A-R lot. Mr. Frisina stated that the play equipment would be placed within the new setbacks as long as they remove the existing structure.

Chairman Oddo asked Ms. Tchavkov if the applicant would agree to the one stated condition and Ms. Tchavkov replied that the applicant agreed to abide by the condition.

The motion to approve Petition No. 1247-15, Askey Estate, Owner, and George Tchavkov, Agent, request to rezone 1.96 acres from A-R to R-70 for Single-Family Residential with said property being located in Land Lot 57 of the 7th District and fronting on Flat Creek Trail, with one (1) condition passed 4-0. Copies of the request, Ordinance 1247-15, and Resolution 1247-15, identified as "Attachment 5," follow these minutes and are made an official part hereof.

5) **Public Hearing of Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive.**

Community Development Director Pete Frisina introduced Petition No. 1248-15 to the Board. He stated that both the staff and the Planning Commission recommended approval. He said it was an existing minor subdivision plat so the property has to be rezoned and then permission has to be given to add two lots.

Chad Hayes: Mr. Hayes, representing the applicant, provided a letter to the Board providing additional information on the request. He stated that the letter included a concept plan for four lots on two-acres each. He stated that the houses would be roughly 3,000 to 4,000 square feet and it would be a very nice development.

Chairman Brown asked if there was a way to have a main entrance to the four lots instead of four curb cuts. Mr. Frisina replied that there were only a certain number of situations where a curb cut could share two lots and he said the request met the site distance requirements. Mr. Hayes concluded stated that this request was consistent with the comprehensive Land Use Plan for the area.

No one spoke in favor of the petition.

Frank Love: Mr. Love, developer of Jeff Davis Plantation, spoke in opposition to Petition No. 1248-15. He asked for certain restrictions to be applied and put into official record, namely, that the subdivision abide by the same covenants governing Jeff Davis Plantation. He stated that there is a hill on the road that presents safety issues, although the current request somewhat mitigated that concern. Mr. Love added that removing the trees from the subject property would create mud and runoff that would affect nearby residents who live downstream, and he asked that the trees be kept to provide a buffer. Mr. Love concluded that he hoped the Board would keep the subject property as two five-acre lots.

Matthew Bennett: Mr. Bennett spoke in opposition to Petition 1248-15 saying his main concern is safety in the area. He stated that allowing four lots in the subject location would be unsafe. He stated that he lives in the area and that over the past year there have been four significant car accidents outside of his subdivision. He suggested that adding four additional houses would increase the number of accidents since it involves a curve, limited sights, speeders and other factors. He said he favored development but that it needed to be done safely.

Jacqueline Bennett: Mrs. Bennett spoke in opposition to Petition No. 1248-15. She stated that at the August 28, 2014 meeting, the land owner proposed building eight homes on the subject property, but the proposal was not approved due to safety concerns. She said that a week after that meeting there was a three car accident in that area and, following that accident, there have been three additional accidents. She stated that she is not opposed to two homes being built into the area, but she was concerned about the runoff created by the additional homes that would affect her property.

Ed Christian: Mr. Christian spoke in opposition to Petition No. 1248-15. Mr. Christian said he lives across the street from the subject property, and he said the area was far more dangerous than most people realize since drivers are constantly speeding on the South Jeff Davis. He said these lots would be the first A-R lots on South Jeff Davis and he hoped a curb cut would be required to help people get in and out of their homes.

County Administrator Steve Rapson clarified that the Planning Commission's minutes reflected that Mr. Knight was open to limiting the curb cuts to two curb cuts. Commissioner Brown pointed out that the two curb cuts were not a condition recommended by the Planning Commission, and Mr. Rapson agreed with Commissioner Brown.

Jay Knight: Mr. Knight rebutted those in the opposition saying his business would not build the homes if they created dangerous conditions. He said he did not doubt that there was a concern with the hill since he had driven the hill, so he was not opposed to limiting the curb cuts so long as Public Works Director Phil Mallon gave direction on the curb cuts. He stated that he was willing to provide a 50-foot non-disturb buffer between the properties although it would not alleviate the concerns with runoff. He said he would only remove the amount of trees necessary to build the homes and install the septic systems. He closed speaking about the quality of the homes and agreeing to record the same minimal standards as those for Jeff Davis Plantation.

Commissioner Brown moved to deny Petition No. 1248-15, Max Fuller, Owner, and John P. Knight, Jr. Agent, request to rezone 10.56 acres from A-R to R-75 to develop a Single-Family Residential Subdivision with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive. Commissioner Ognio seconded the motion.

Commissioner Brown said the request was much better than last year's request but that he was worried about several things including the possibility of four curb cuts that create a safety concern. He was concerned about the topography of the area since the neighbors are already being impacted by runoff so he was worried about how the new development of impervious surfaces would impact the properties downstream. He appreciated Mr. Knight offering to build buffers but he was not sure if it was enough to satisfy the downstream concerns.

Commissioner Barlow asked Mr. Mallon to address the Board on this request. Mr. Mallon stated that the best solution would be to take the option proposed by Mr. Knight to use a shared driveway for two lots. He said the advantage is that it would double the road frontage and he felt confident that by using a shared driveway the sight distance requirements would be exceeded. He asked for the flexibility to work with the developer to have one driveway to serve two adjacent lots. Mr. Mallon and Mr. Knight then answered questions from the Board about how practical shared driveways are between neighbors.

Mr. Rapson suggested that the Board should table the petition so staff could get with the applicant and address the issues that have been addressed.

Commissioner Brown modified his motion to table Petition No. 1248-15 to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the modified motion. No discussion followed. The motion passed 4-0.

Commissioner Brown stated that the decision was no reflection on the quality of the houses but only on the safety concerns. Mr. Rapson asked the people to email him with other concerns that were not addressed and he would provide them to Mr. Mallon for review. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

6) Public Hearing of Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive.

Commissioner Ognio moved to table Petition No. RP-056-15, Max Fuller, Owner, and John P. Knight, Jr. Agent request to add two (2) lots to the Minor Subdivision Plat for Max Fuller with said property being located in Land Lot 87 of the 5th District and fronting on South Jeff Davis Drive to the August 27, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

- 7) **Approval of staff's recommendation to approve a Change Order with Southeastern Pressure Grouting, Inc. in the amount of \$28,000.00 for additional grout-fill of the Lake Peachtree Spillway, and authorization for the County Administrator to sign the Change Order and any related documents. Copies of the request and Change Order, identified as "Attachment 8," follow these minutes and are made an official part hereof.**
- 8) **Approval of the July 9, 2015 Board of Commissioners Meeting Minutes and the July 15, 2015 Board of Commissioners Special Called Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

- 9) **Consideration of the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016.**

Chairman Oddo and Commissioner Ognio commended Mr. Culbreth and spoke highly of his qualifications for the position.

Chairman Oddo moved to approve the Selection Committee's recommendation to appoint Mr. John H. Culbreth, Sr. to Fayette County's Planning Commission to fill an unexpired term that will begin immediately and will expire on December 31, 2016. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

- 10) **Consideration of Resolution 2015-11 requesting that the Georgia Department of Transportation cease the widening project for McDonough Road and State Route 54 East.**

Commissioner Brown read Resolution 2015-11 into the record. Resolution 2015-11 follows:

County of Fayette;

State of Georgia

RESOLUTION 2015-11

A RESOLUTION REQUESTING THAT GDOT CEASE THE WIDENING PROJECT FOR MCDONOUGH ROAD AND STATE ROUTE 54-EAST

WHEREAS, Fayette County strives to plan and implement transportation projects that will enhance the quality of life for our citizens in future years; and

- WHEREAS,** Transportation funds are limited at all levels and must be used in the most productive and efficient manner possible; and
- WHEREAS,** The Georgia Department of Transportation (GDOT) has introduced the widening project for McDonough Road and State Route 54-East, taking the project out of the control of Fayette County's GDOT District 3 and assigning the project within our county to a neighboring GDOT district; and
- WHEREAS,** There is no citizen demand for the McDonough Road and State Route 54 projects in Fayette County and no desire for implementation from the Board of Commissioners; and
- WHEREAS,** The road project would have a significant negative community and financial impact on the Water System headquarters, the Public Works facility and the largest recreation area in the county in addition the county utility movement cost; and
- WHEREAS,** The 2007 Regional Strategic Transportation System (RSTS), looking at capacity expansion of strategic arterial facilities, established the realization that capacity is heavily restricted on SR 85 and SR 54 in historic downtown Fayetteville and that creating more traffic flow through increased capacity into that area would create future traffic issues; and
- WHEREAS,** The Board of Commissioners does not want to ruin the rural feel and entice large scale development to the valued rural southern portion of Fayette County; so

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request that the Georgia Department of Transportation withdraw any plans to widen McDonough Road and State Route 54-East within the boundaries of Fayette County and that the funds be used for projects affecting a greater number of Fayette commuters such as the interchange at SR 74 and I-85. **Be it further resolved,** Fayette County withdraws any county funds for utilities committed to this project.

So resolved this 23th day of July 2015, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Commissioner Brown stated that there was early feedback on this topic saying he was trying to take money from one side of the county and "throw it into another part of Fulton County," but he clarified that he had no problem with wherever the money goes so long as it goes to a project that benefits the commute and traffic levels for Fayette's citizens. Commissioner Brown had a map displayed before explaining that there has always been "clamoring" to create an outer loop. He said the outer loop is cost prohibitive since buying right-of-way will cost billions of dollars. He said the alternative was to take existing state routes that could be widened and made into a "super state route" that is faster and carries more traffic as an alternative to the proposed outer loop. He pointed out that super state route project currently terminates in downtown Fayetteville just outside Fayette County's Administrative Complex. He said the reason it ends in downtown Fayetteville is because there is no way to add capacity to State Route 54 since it is surrounded by historic buildings, a church, and a bank. He explained that there would be a massive instrument that would move traffic around Atlanta only to have it pile up in downtown Fayetteville, which would be "incredibly detrimental to Fayette County." Commissioner Brown stated that the "Regional Government" already acknowledges that there is a problem expanding capacity on State Routes 54 and 85, but he added that "the last thing anyone

needs is to increase the capacity that would increase the traffic volume while exasperating the current problem.” Commissioner Brown stated that increased traffic would negatively impact local businesses by making it impossible to commuters get to stores; negatively impacting the County’s sales tax revenues. He commented that the Georgia Department of Transportation’s (GDOT’s) project would create multi-faceted problems for Fayette County. Commissioner Brown stated that GDOT has already begun this project in sections albeit with another name. Commissioner Brown emphasized that traffic volume meets capacity. He stated that there is neighboring GDOT District that is piloting this project and wants it “really bad.” He stated that, as one who has gone to GDOT and solicited for funds, it is an absolute battle to get funding, and he concluded that funds are not easily provided for the goodwill and prosperity of Fayette County.

Chairman Oddo replied that he understood Commissioner Brown’s desire to maintain the county and its quality of life. He stated the County is already “choking” and has been choking on State Route 54 and McDonough Road. He explained that the rule-of-thumb is when the traffic count exceeds 12,000 cars per day it is to start considering four-laning the road, and he added that the roads began exceeding 12,000 cars a day approximately 25 years ago. Chairman Oddo countered the resolution’s claim that GDOT had taken the project out of the control of Fayette County’s GDOT District 3 and assigned the project to a neighboring GDOT district by saying he met with GDOT and learned that Fayette County was not abandoned by any district. Chairman Oddo asked how it was determined that there was no citizen demand for the widening of the roads since he was unaware of what survey or data supported that claim and since the people he had spoken with want to see the roads widened. He asked if Commissioner Brown had consulted with other commissioners, mayors, councils, other elected officials, or engineers for their input. Commissioner Oddo stated that both of the projects have been identified as necessary in the County’s Transportation Plan since at least 2003; meaning there was previous agreement that work needs to be done. He stated that there are 30,000 to 35,000 people who use the roads and may want to see the road widened. Commissioner Oddo stated that the roads have to be addressed and he acknowledged that there would be an impact. He stated that the budget includes \$100,000.00 to address the impact for the Fayette County Water System. Chairman Oddo reported that his last conversation with GDOT indicated that the State was aware of the problems facing Fayette County, but that GDOT is not far enough along in the process to discuss mitigating the problems. Chairman Oddo stated that State Route 54 and McDonough Road were not being built in a vacuum since there are plans on the books to build the East Fayetteville Bypass, which is intended to reduce traffic in downtown Fayetteville. He stated that there would be mitigating roads and the County has to look and plan for the future, which includes its road system. Chairman Oddo added that the County has zoning requirements to maintain the look and feel of the County, and that it is up to the Board of Commissioners to make sure that the zoning governs what the county looks like. He suggested that preventing efficient control of traffic through Fayette County would stifle the County and drive people away, and he added that the answer is not to stifle traffic but figure out how to make it flow efficiently. Chairman Oddo mentioned that the COLA was removed from the recently approved budget on the premise that there may be unknown expenses. He said at the July 9, 2015 Board of Commissioners meeting, the County had the ability to fund a roundabout instead of a tunnel and in doing so save approximately \$750,000.00 that could have been used to mitigate other traffic problems in the County. He stated that now the Board is faced with asking the state to stop work on two major thoroughfares, at the tune of approximately \$60 million dollars based on estimated numbers provided by the state, and, should that happen, the State of Georgia might take the funds out of the Fayette County altogether. He stated that everyone was paying taxes and, given the current process, this is the way to get the tax money back while alleviating Fayette County’s traffic. He concluded that he did not see a reason to support Resolution 2015-11.

Commissioner Barlow asked Public Works Director a series of questions concerning his professional employment with Fayette County, his working relationship with GDOT, if he had ever seen GDOT refused to bring large projects into a county, and, if it was his sole decision, would he support GDOT’s widening projects. Mr. Mallon answered the questions, stated that he could not recall a time in his almost ten years of experience with GDOT that a large project was refused by a County, and replied that he personally thought both projects were in the best interest of Fayette County.

Commissioner Brown asked Mr. Mallon if GDOT solicits local opinion and will avoid doing a project if the local jurisdiction is not in favor of it. He also asked if McDonough Road was owned by Fayette County or a state route. He also asked for the purpose of the East Fayetteville Bypass. Mr. Mallon replied that GDOT does solicit local opinion with a goal to have all parties

support the project, that McDonough Road was a temporary state route although he had heard rumors it would be made a permanent state route, and that the East Fayetteville Bypass was intended to provide north-south connectivity in Fayette County. Commissioner Brown acknowledged that the East Fayetteville Bypass would capture some traffic on McDonough Road but that the remaining traffic would come into downtown Fayetteville and that there is no ability to widen any of the infrastructures in the downtown area. Mr. Mallon suggested that there were other options to improve capacity around downtown Fayetteville, but Chairman Brown replied that he had studied the issue for twenty years and not found an option that works. Mr. Mallon stated that downtown Fayetteville will be overwhelmed whether or not the widening project occurs, and he added that if the widening project was rejected then the Board would guarantee three problems; namely, State Route 54, McDonough Road, and downtown Fayetteville, instead of only one problem in downtown Fayetteville. Commissioner Brown asked if traffic volume follows capacity on state route and Mr. Mallon replied that it did. Commissioner Brown spoke about how capacity was increased on Jimmy Carter Boulevard, Memorial Drive, and Barrett Parkway, how traffic volume increased on each of those roads, and of the detrimental results that occurred along those roads. He repeated that traffic volume always follows capacity and that from what he knows and has seen he would not expand State Route 54 or McDonough Road since the results would be "disastrous."

Commissioner Ognio stated that it is the wrong time to widen State Route 54 and McDonough Road, but that it would be nice to have GDOT help with constructing the bypass around Fayetteville instead of making traffic come through the downtown. He added that he was concerned that GDOT came to the Board of Commissioners on September 26, 2013 where discussion was had about what the financial impacts to Fayette County would be if the roads were widened, and yet GDOT had not yet replied to the County about its concerns. He said he did not want to wait for GDOT to start the widening projects before they addressed those concerns. Commissioner Ognio then spoke about the difficulties citizens would have leaving McCurry Park since the widening project would force everyone to make right hand turns towards Clayton County. He agreed with Commissioner Brown's assessment that downtown Fayetteville would take the brunt of the widening project and that it would be a disaster. He concluded that there needed to be a lot of traffic planning in order to address the county's roads and how to mitigate traffic in downtown Fayetteville and at the intersection of State Routes 54 and 74.

Commissioner Brown moved to approve Resolution 2015-11. Commissioner Ognio seconded the motion.

Carolene Thames: Ms. Thames, a resident along McDonough Road, spoke about the increasing traffic volume on McDonough Road and the danger it presents. She stated that McDonough Road needs to be four-laned. She stated that people were already coming into Fayette County via McDonough Road and she asked the Board to help the residents with safety on the road. She stated that the East Fayetteville Bypass would come through her property and she did not want it through her property. She closed asking the Board to not approve Resolution 2015-11.

Warren Oddo: Mr. Oddo stated that his Atlanta office is surrounded by traffic so he knows what it is. He suggested that "super state route" project could be looked at differently since he saw the "green line" as starting in Fayette County and not necessarily ending in Fayette County while providing easy access to many areas around Atlanta. He suggested if things are looked at from a different perspective then it may be seen differently.

Ronald Braley: Mr. Braley said he lives in Tomoro Estates. He said he heard that the plans were to make McDonough Road a freeway with paved paths for bikes and pedestrians. He spoke about the problems that would be experienced in his subdivision by widening McDonough Road, and he suggested that the widening project would involve removing some homes in his neighborhood. He said he did not think it was worth it to widen McDonough Road, that the traffic was not that bad, and that there were other ways to mitigate traffic.

George Wingate: Mr. Wingate stated that he lives in a house that Mr. Braley indicated would be taken. He said he understood the traffic concerns and the congestion problem. He agreed that capacity brings traffic volume but that it would also bring crime into the area. He said his biggest concern was what happened when people moved from Atlanta to College

Park and now the roads would be opened to bring the same elements into Fayette County. He said the bad elements would cause a referendum to bring in public bussing in Fayette County. He concluded that it did not make since to widen the road and that there had to be another solution to the problem.

Aaron Wright: Mr. Wright thanked the Board for the wisdom he had heard in the discussion. He pointed out that the widening of McDonough Road was part of the TSPLOST initiative that was voted down in 2012. He also pointed out that Mr. Jeremy Busby, the Project Manager of the GDOT in charge of the widening project, had stated that public opinion on the widening of McDonough Road, in this manner and at this time, was opposed by people on a more than 2-to-1 basis.

Angela Bean: Ms. Bean thanked the Board for all the thought on all sides of the issue. She said she has lived in Fayetteville for 32 years and traveled all the major roads in Fayette County, but that McDonough Road never "hit her radar" as a road where she wished someone would do something about the traffic on the road. She stated that the downtown Fayetteville intersection receives constant complaints, and she appreciated Commissioner Brown and Commissioner Ognio for pointing out that the extra widening of McDonough Road would increase commuter traffic. She reminded the Board that the citizens recently learned that they would have to put up with two or three years of road construction for construction of two roundabouts on State Route 92, not to mention another roundabout project for Hood Avenue. She suggested that the widening of Highway 54 and McDonough Road during the same timeframe as the other construction projects seemed overwhelming and too much for the commuters in the community. She appreciated Commissioner Ognio's suggestion to postpone the project since it was not needed in Fayette County at this time. She concluded that she was concerned about McCurry Park and the relocation of waterlines associated with the widening projects and stated she would support Resolution 2015-11 as written.

Chairman Oddo said he recently met with GDOT who asked for a Board-approved list of items that need to be mitigated, and he reported that GDOT is still working on potential issues and has asked for Fayette County's input. He added that capacity on the roads will continue to increase, regardless of what Fayette County does, because Georgia is a growing state. He agreed that the widening projects would alleviate two problems, and he pointed out that the County cannot widen state roads and it does not have the necessary funding. He stated that the roads would be nice and would add to the character of Fayette County. He concluded that he did not see a reason to withdraw support of the widening projects and repeated that Fayette County has the authority to control its appearance through its zoning ordinances.

Commissioner Brown replied that the September 26, 2013 Minutes showed 2-to-1 opposition to widening State Route 54 and McDonough Road. He reminded the Board that GDOT Board Member Dana Lemon and Project Manager Jeremy Busby were present at the meeting and heard the Board's concerns, but they had not addressed those concerns. Commissioner Brown spoke about the difficulties the Public Works Department would have turning left onto McDonough Road or making U-turns on a median highway with a large truck towing heavy machinery. He asked who would pay for the Water System's parking lot, and he suggested that there would be "anarchy" once the citizens who utilize McCurry Park and are "blissfully ignorant" of the situation find access is cut off from the park. Commissioner Brown commended the City of Milton for fighting its look and feel that has resulted in the highest property values in northern Fulton County, and he hoped Fayette County would continue to fight as well. He then spoke about how much money was spent widening State Route 54 to solve Peachtree City's traffic problems, but how it resulted in Coweta County building big-box stores and a theater across the county line. He also spoke about the increased traffic in Peachtree City and how the promise of increasing capacity would solve traffic problems was not panning out. He encouraged everyone to think long-term since increasing capacity would not solve traffic problems. He closed by addressing Ms. Thames and saying the East Fayetteville Bypass was going to happen since traffic coming from other counties would have to be routed out.

Chairman Oddo repeated that GDOT asked for a Board-approved list and they know they have to work with the County on it. He said there are safety issues involved and that Fayette County cannot stop people from moving to the area. He said the County needed to manage the growth with a road system that can handle the growth. Commissioner Brown replied that leverage at the state and regional governments is everything. He said if the widening project occurs and then there are

problems there would be no leverage or incentive for the state to do anything. He said the County's leverage was that GDOT needs the projects and to get the projects GDOT needs to do something to mitigate the circumstances. He reiterated that a list was provided to GDOT in 2013 and GDOT has done nothing with it. Chairman Oddo responded that GDOT is not at the point where they can address the issues and that GDOT does not even know where the road will specifically be. Chairman Oddo stated it was only an opinion that GDOT has done nothing, but that GDOT is saying they are doing something. Commissioner Brown stated that the path for the roadway was discussed in a public hearing.

Ogechi Oparah: Ms. Oparah said she was curious about what Commissioner Brown meant by "citizen input." She said she did not know who attended the meeting in 2013, but she doubted that the people who were able to make the meeting necessarily represented the whole community. She said the concept of the community being represented was skewed since the meeting may be populated by people "who you want to come to the meeting." She said it sounded like only Commissioner Brown was speaking and saying what he wants and that he has the support of the people he brought with him. She suggested that it was not true representation and that a better job could be made surveying the community to determine what the people really want. She asked if there was a survey that actually happened apart from what is in the minutes and where to get the information. Commissioner Brown replied that the citizens are listed in the GDOT log, that the meeting was publically advertised, and the people who attended lived in the general area.

The motion to approve Resolution 2015-11 failed 2-2 with Chairman Oddo and Commissioner Barlow voting in opposition. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Irene Cheyne: Mrs. Cheyne said she attended the July 9, 2015 Board of Commissioners Meeting and the July 14, 2015 Elections Board Meeting but there was no decision made at either meeting for at-large voting in District 5. She asked who had decided on at-large voting and she speculated that the discussion or decision was made during the July 9, 2015 Executive Session Meeting. She read O.C.G.A. 50-14-3 and suggested that discussion on how to fill Vice Chair Coston's seat was required to be held in public. Mrs. Cheyne stated that if at-large voting was discussed or decided during Executive Session then it appeared the meeting was held illegally since it could be a direct violation of the State of Georgia's Meeting Act of 2012.

Larry Mapp: Mr. Mapp thanked Ms. Cheyne for her comments. He submitted to the Commissioners and the attorneys that there is someone in the room who may be the victim of bad legal advice.

Bonnie Williamson: Ms. Williamson stated she attended the July 9, 2015 Board of Commissioners Meeting and the July 14, 2015 Board of Elections meeting and she found it very interesting that the County Attorney reported that he had taken his advice from the other County Attorney. She said it was interesting since lawyers come up with whatever interpretation of the law suits them, and that it is in the county's lawyers' best interest to advise for at-large voting, given the likelihood of an injunction being filed, resulting in more work and money for the lawyers.

Alice Jones: Mrs. Jones thanked Public Works Director Phil Mallon for completing the repair of her street while mitigating the flooding of her street. She also thanked County Administrator Steve Rapson for discussing the 2016 Budget with her for approximately two hours. She said in the meeting she learned that during Vice Chair Coston's time on the Board of Commissioners there were some accomplishments made in the northern part of Fayette County including appropriation of funds that had been deprived in previous years. She noted that Phase II of Kenwood Park has been approved and she pleaded with the Board to put \$300,000.00 back in the budget for Kenwood Park. She said community development and families make Fayette County and that people move to Fayette County for its schools and family. She reminded the Board that it needs to make sure everything remains operating in a smooth and conducive fashion for health and safety reasons. She asked the Board to do the right thing and to serve the entire county in an equitable way, to generate monies for all the parks, and to serve the entire county so that all citizens who pay taxes can benefit.

Frank Gardner: Mr. Gardner said he listened to the discussion about how to mitigate traffic in Fayette County while at the same time dividing the county into smaller lots that results in bringing in more people. He said many people moved to the area from College Park and bought many acres but now they see a fast way to make money. He stated that the Zoning Ordinances are thick and ridiculous and he asked how many Commissioners have actually read the Zoning Ordinance. He said the County is debating how to mitigate traffic while also debating how to bring people into the County. He pointed out that South Jeff Davis is just south of McDonough Road and now the traffic from McDonough Road will go down South Jeff Davis. He said it was getting ridiculous.

Warren Oddo: Mr. Oddo stated the Board was in a tough position. He asked to revisit the discussion held on July 9, 2015 regarding the tunnel since he came to an exact opposite conclusion to the decision that was reached. He stated that it seems like the City of Fayetteville came to Fayette County and said it wanted the Pinewood land in its tax base, and that Fayette County stated "that's fine but before we give it to you we will build a tunnel at taxpayer's expense," so the city said, "Okay." Mr. Oddo then asked a series of rhetorical questions that shaped his conclusion that the tunnel on Veterans Parkway near Pinewood Studios was unnecessary. He also asked if other jurisdictions could request a tunnel, if changes would be made to future agreements in order to prevent taxpayers from paying unknown costs, and if there are other agreements in the works that commit taxpayers to spending an unknown amount of money.

John E. Jones: Mr. Jones said he wanted to keep the memory of Vice Chair Pota Coston alive. He said some 5,000 people voted for her and put her into office and that currently those people do not have a voice. He said her campaign literature stated: "Let's work together for Fayette County." He said that was what he was doing and that is what those who voted for her are doing. He prayed that the Board would not dishonor her memory by continuing to make the attempt to revert to at-large voting. He knew the Board was tired of hearing it and that he was tired of saying it. He said too many people died on the road to the Voter's Rights Act, and that the people were just trying to get justice and a piece of the action. He said when he Googled the name Pota he found that her acronym is "Piece Of The Action." He said they wanted representation and would not just sit on the sidelines.

ADMINISTRATOR'S REPORTS:

Selection Committee for the Recreation Commission: County Administrator Steve Rapson stated that a Selection Committee needed to be formed for Recreation Commission. Commissioner Barlow and Commissioner Brown were appointed to the Selection Committee.

Selection Committee for the McIntosh Trail Community Service Board: County Administrator Steve Rapson stated that a Selection Committee needed to be formed for the McIntosh Trail Community Service Board due to Mr. Culbreth's appointment to the Planning Commission. Commissioner Barlow and Commissioner Ognio were appointed to the Selection Committee.

Notification of Three Approved Contracts: County Administrator Steve Rapson reported that he approved three contracts that were between \$50,000.00 and \$200,000.00, and he stated that the contracts were posted online. He reported that the first contract was a renewal with Jacobs Engineering in the amount of \$55,520.00 for Solid Waste Renewal #1 for methane monitoring, and he added that the previous year's contract was in the amount of \$63,770.00. Mr. Rapson reported that the second contract was a renewal to T&T Uniforms South in the amount of \$55,600.00 for Fire- Emergency Services Uniforms with an available budget of \$66,600.00. Mr. Rapson reported that the third contract was with Quality Management Consultants, LLC, and Cumberland Landscape Group for grass mowing for Kiwanis, McCurry, and Kenwood Parks and for the Justice Center in the amount of \$64,651.80. Copies of each contract, identified as "Attachment 11," follow these minutes and are made an official part hereof.

Intern Jess Lassetter: County Administrator Steve Rapson stated that Friday was Intern Jess Lassetter's last day at Fayette County. He said Mr. Lassetter was the intern for the County Clerk's Office and that he would graduate college on Saturday.

Response to Warren Oddo's Public Comments: County Administrator Steve Rapson responded to Mr. Warren Oddo's public comments by stating that the tunnel would be constructed by Fayette County since it is in the Intergovernmental Agreement as approved by the Board of Commissioners. He added that it is not standard procedure to commit taxpayers to unknown costs. He stated that there are no other open-ended contracts or agreements entered into by Fayette County that have such an open-ended cost.

ATTORNEY'S REPORTS:

Notice of Executive Session: Assistant County Attorney Patrick Stough notified the Board that one item of Pending Litigation, one item of Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes needed consideration in Executive Session.

Response to Mrs. Cheyne's Public Comments: Assistant County Attorney Patrick Stough replied to some of the concerns expressed by Ms. Cheyne during Public Comment. He stated that the conduct of elections is governed by the County's enabling legislation that requires at-large voting. He stated that there was a district map that was adopted by the federal court, but that the district map was overturned by the 11th Circuit Court of Appeal meaning the County was returning to the 2012 map. He added that there was Executive Session on July 9, 2015 for Threatened Litigation. He closed saying the Code that was read by Mrs. Cheyne pertained to Executive Session for personnel matters, which was not held.

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio stated that the County followed the law and that it did not take a vote concerning the Special Election. He understood that there's been a challenge to the action but that is the law. He said if the Board had not followed the law and there was a challenge then the Board would be in a really bad position. He repeated that the Board followed the law. Commissioner Ognio stated that he wished there was a committee that would study the roads and come up with what road to build first he has never seen the roof built before the foundation. He stated that his daughter was at the meeting and that it is always nice to see her.

Commissioner Barlow: Commissioner Barlow stated that he had a video he wanted to play during the July 9, 2015 Board of Commissioners meeting but that he did not have it played during that meeting since he did not want to interfere with the respect being shown to Commissioner Coston. He then had the video played. Commissioner Barlow reminded everyone that freedom is not free and that there are veterans who are owed respect and love.

Commissioner Brown: Commissioner Brown congratulated Intern Jess Lassetter saying he was an extraordinary intern who brought a lot of energy to the office. He said Mr. Lassetter worked like a full-time employee and that the county was fortunate to get him. He wished Mr. Lassetter all the best and said it was an honor to get to know him. Commissioner Brown mentioned that Mrs. Truett Cathy passed away earlier in the morning and he asked everyone to keep the Cathy family in their thoughts. He stated that all of the Commissioners were quoted in the newspapers saying the Board would do what Georgia law requires. He stated that all of the Kenwood Park projects are fully funded. Commissioner Brown stated that the Board needs to look at South Jeff Davis and to limit the curb cuts on busy streets since they are very big hazards that need attention. He stated that there would be more traffic on McDonough Road and he wish people the best. Commissioner Brown responded to Mr. Oddo's public comments saying the developer has to build the roundabout so there was never really a choice. He said the City of Fayetteville gave Fayette County the option to build a roundabout using developer money for its design. He stated that the regional government, through a process called Development Regional Impact (DRI), stated that the developer had to build a roundabout or provide some other way to mitigate traffic at the intersection. Commissioner Brown stated that the tunnel was decided in an Intergovernmental Agreement, and it was known that there would be a lot of pedestrian-type traffic. He stated that the largest bicycle parking lot in Fayette County, and possibly in all of south Atlanta, is on the set of Pinewood Studios and that they use bicycles to travel everywhere they go. Commissioner Brown stated that it was known that bicycles would be used since they are using them now. He noticed that on Sandy Creek Drive, between the old elementary school and the entrance to the studio, Fayetteville had to put in a crosswalk to slow people down since people are crossing the road all the time. Commissioner Brown stated that Pinewood Forrest would be a very dense development from a residential standpoint and it would have golf carts. He added that pedestrian traffic would come from the film academy located across the street

from Pinewood at the corner of Veterans Parkway and Sandy Creek Road. Commissioner Brown stated that the engineers agreed at the preliminary meetings that the safest, long-term route removing all of the elements was a tunnel under the street. He stated that the developer would provide \$60,000.00 for the tunnel and was providing the right-of-way at a cost of \$60,000.00 or \$70,000.00 for the tunnel; meaning the developer is paying something. He agreed that the City of Fayetteville was "kind of getting away scot-free." He said the developers got twenty-year tax abatement on both the studio and the school and that the taxpayers were foregoing a lot of money so that they could do the development. He said the County expected their full cooperation on future projects in trying to enhance the area, and as the third-phase comes in there will be more landscaping. He thought the people would be pleased with the development since it is going above and beyond. He stated that Georgia Military College would also enhance its landscaping above and beyond what the County's ordinances require. Commissioner Brown concluded his remarks saying that the tunnel would help move pedestrian traffic and that the 2-2 vote actually assured that the tunnel agreement was still in place while making them complete the intersection mitigation.

Chairman Oddo: Chairman Oddo said he does not agree with the tunnel since the money could be used better elsewhere. He stated that the Cathy family was a legacy that Fayette County would have for a long time to come. He complimented Jess Lassetter and said he could not wait to see County Clerk Floyd Jones after the internship is over since he was getting nervous just thinking about losing his intern. Chairman Oddo agreed that it was a good idea for a committee to study the roads and he asked Commissioner Ognio to be involved with that potential committee. Chairman Oddo closed his comments in Spanish by addressing his brother-in-law and sister-in-law who recently arrived from Columbia. "Brothers, welcome to the United States and Fayetteville. We are happy to have you hear."

EXECUTIVE SESSION:

Pending Litigation, Real Estate Acquisition, and Review of the July 9, 2015 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioners Barlow and Ognio seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 10:03 p.m. and returned to Official Session at 10:54 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to approve the Executive Session Affidavit. Commissioner Brown seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 12," follows these minutes and is made an official part hereof.

Approval of the July 9, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the July 9, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the July 23, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-0.

The July 23, 2015 Board of Commissioners meeting was adjourned at 10:54 p.m.

Floyd L. Jones, County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 13th day of August 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk