Minutes

Board of Commissioners
April 23, 2015
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on April 23, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Charles Oddo, Chairman Pota Coston, Vice Chair David Barlow Steve Brown Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Chief Deputy County Clerk Dennis Davenport, County Attorney

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Call to Order

Chairman Oddo called the April 23, 2015 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Chairman Oddo

Chairman Oddo offered the Invocation.

Pledge of Allegiance

Commissioner Brown led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda as presented. Commissioner Barlow seconded the motion. No discussion followed. The motion was approved 5-0.

PROCLAMATION /RECOGNITION:

1. Proclamation of the month of April as "National Alcohol Awareness Month" in Fayette County.

Vice Chair Coston and the Board proclaimed the month of April as "National Alcohol Awareness Month" in Fayette County. Mr. Michael Mumper, representing AVPride, briefly spoke to the Board and the audience. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Proclamation of May 4, 2015 as "Water Professionals Appreciation Day."

Commissioner Barlow and the Board proclaimed May 4, 2015 as "Water Professionals Appreciation Day." Water System Director Lee Pope spoke about the importance of water professionals. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Presentation of award to Firefighter/EMT Joshua Frasier for "Firefighter of the Year."

Fire Chief David Scarbrough and the Board presented an award to Firefighter/EMT Joshua Frasier. 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 of Public Hearings* into the record and introduced Public Hearing #4 to the Board. A copy of the Introduction of Public Hearings, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4. Public Hearing on staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License from Msuleman Gillani to Mansoor Bhamani, doing business as One Stop Amoco/BP, which is located at 2950 SR 138, Fayetteville, Georgia.

Community Development Director Pete Frisina reported that the application was vetted by the Code Enforcement Officer, that the license was in good standing, and that Mr. Bhamani is in good standing.

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

Commissioner Brown moved to approve the transfer of an existing 2014 Retail Alcohol, Beer and Wine License from Msuleman Gillani to Mansoor Bhamani, doing business as One Stop Amoco/BP, which is located at 2950 SR 138, Fayetteville, Georgia. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

5. Public Hearing of Petition No. 1243-15, Fland Land, LLC, Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lots 49, 79 & 80 of the 7th District, and fronting on Lees Lake Road and Coastline Road, with one (1) recommended condition.

Community Development Director Pete Frisina reminded the Board that this petition had come before the Board on March 23, 2015, was returned to the Planning Commission for reconsideration, and was coming back to the Board of Commissioners with unanimous approval from the Planning Commission.

Agent Donna Black, representing Fland Land, LLC, spoke on behalf and in favor of Petition No. 1243-15. No one else spoke in favor of or in opposition to Petition 1243-15.

Commissioner Brown moved to approve Petition No. 1243-15, Fland Land, LLC, Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lots 49, 79 & 80 of the 7th District, and fronting on Lees Lake Road and Coastline Road, with one (1) recommended condition. Vice Chair Coston and Commissioner Barlow seconded the motion. Discussion followed.

The Board asked Ms. Black if the applicant was agreeable to the one condition listed and Ms. Black replied that the applicant was agreeable to the condition.

The motion passed 4-1 with Commissioner Ognio voting in opposition. Copies of the request, Rezoning Ordinance 1243-15, and Resolution 1243-15, identified as "Attachment 6," follow these minutes and are made an official part hereof.

CONSENT AGENDA:

Commissioner Brown asked to remove Item #10 from the Consent Agenda. Chairman Oddo asked to remove Item #11 from the Consent Agenda.

Commissioner Coston moved to approve Consent Agenda Items 6 through 9. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

6. Approval of a request from the Fayette County Juvenile Court for authorization for file a grant application with the Criminal Justice Coordination Council, on behalf of the Fayette County Board of Commissioners, in the amount of $76,432.00, and authorization for the Chairman to execute said application. Copies of the request and application, identified as "Attachment 7," follow these minutes and are made an official part hereof.

7. Approval of Resolution 2015-05 adopting the "Fayette County 2014 Annual Report on Fire Services Impact Fees (FY2014), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2015-FY2019"), and authorization to transmit the resolution to the Atlanta Regional Commission. Copies of the request and Resolution 2015-05, identified as "Attachment 8," follow these minutes and are made an official part hereof.

8. Approval of staff's recommendation to add Stillbrook Estates Phase II to Fayette County's Street Light Program. A copy of the request, identified as "Attachment 9," follow these minutes and is made an official part hereof.

9. Approval of staff's recommendation to add the Rocky Fork subdivision to Fayette County's Street Light Program. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

10. Approval of the April 3, 2015 Board of Commissioners Retreat Minutes.

Commissioner Brown stated there were some items that needed to be fleshed out in the minutes that Commissioner Ognio had brought up in an email. He said the Board had been out of town and did not have time to review the minutes so it did not have time to offer suggestions.

Commissioner Brown moved to table the April 3, 2015 Board of Commissioners Retreat Minutes to the May 14, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed unanimously.

11. Approval of the April 9, 2015 Board of Commissioners Meeting Minutes.

Chairman Oddo moved to deny the April 9, 2015 Board of Commissioners Meeting Minutes. Commissioner Barlow seconded the motion. Extensive discussion followed.

Chairman Oddo withdrew his motion to deny the April 9, 2015 Board of Commissioners Meeting Minutes.

Chairman Oddo moved to table the April 9, 2015 Board of Commissioners Minutes to the May 14, 2015 Board of Commissioners meeting and to ask County Clerk Floyd Jones to provide the policy concerning minutes prior to the May 14, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. Discussion continued. The motion passed 3-1-1 with Commissioner Brown voting in opposition and Commissioner Ognio abstaining from the vote.

OLD BUSINESS:

12. Consideration of the March 26, 2015 Board of Commissioners Meeting Minutes. These minutes were tabled at the April 9, 2015 Board of Commissioners meeting.

Commissioner Brown noted that there was a small change to the March 26, 2015 Minutes as provided on the dais.

Commissioner Brown moved to approve the March 26, 2015 Board of Commissioners Meeting Minutes with the change as indicated on the dais document. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

NEW BUSINESS:

13. Consideration of staff's request to adopt Ordinance 2015-07 Floodplain Management, by deleting Article IV, pertaining to "Floodplain Management," from Chapter 104, in its entirety, and by replacing it with a new Article IV in Chapter 104.

Discussion began on clarifying the rules of procedure.

Environmental Management Director Vanessa Birrell briefed the Board on staff's request to adopt Ordinance 2015-07 Floodplain Management. Mrs. Birrell explained that the amendments were made by the Metropolitan North Georgia Watershed Planning District (MNGWPD.) She stated that the MNGWPD has recently updated its requirements and the updates are reflected in Ordinance 2015-07. Mrs. Birrell then briefly explained the changes to the Board.

Commissioner Brown moved to adopt Ordinance 2015-07 Floodplain Management, by deleting Article IV, pertaining to "Floodplain Management," from Chapter 104, in its entirety, and by replacing it with a new Article IV in Chapter 104. Vice Chair Coston and Commissioner Barlow seconded the motion. Discussion followed. The motion passed 5-0. Copies of the request and Ordinance 2015-07, identified as "Attachment 11," follow these minutes and are made an official part hereof.

14. Consideration of staff's request to award Preliminary Engineering Services for the Redwine Road Multi-Use Path (RFP # 930-P) to Heath & Lineback Engineers, Inc., with a maximum allowable cost of $113,980.48, and authorization for the Chairman to sign all relevant documents associated with this request.

Public Works Director Phil Mallon briefed the Board on staff's request to award Preliminary Engineering Services for the Redwine Road Multi-Use Path to Heath & Lineback Engineers, Incorporated. Mr. Mallon said this contract involved a federal aid project that was submitted in 2012 and officially approved by the Board of Commissioners in October 2014. He mentioned that this request pertained to the federally-funded portion of the Redwine Road Multi-Use Path and he estimated that once notice to proceed is given then the project would be completed in approximately nine to ten months. Discussion followed.

Commissioner Barlow moved to award Preliminary Engineering Services for the Redwine Road Multi-Use Path (RFP # 930-P) to Heath & Lineback Engineers, Inc., with a maximum allowable cost of $113,980.48, and to authorize the Chairman to sign all relevant documents associated with this request. Vice Chair Coston seconded the motion. No discussion followed. The motion passed 5-0. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.

15. Consideration of Commissioner Brown's proposal to allow employees of local corporations to use Lake McIntosh Park.

This consideration began with extensive conversation about the manner and reason this request was placed on the Agenda. Commissioner Brown requested to have the ability to read the material presented for his agenda item before a motion could be made. Chairman Oddo agreed to let Commissioner Brown read his email that he submitted into the record.

Commissioner Brown moved to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of the county will have to pay a $10.00 out of county fee as is the norm. The corporation will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling the stickers to the corporations. Commissioner Ognio seconded the motion.

Discussion followed concerning the amount of money being charged to enjoy Lake McIntosh Park and the need to charge a fee for going to the park.

Commissioner Brown amended his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of county will have to pay a $5.00 out of county fee. The corporations will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling the stickers to the corporations. The County is to determine at what date the stickers will expire and reissue them, including the ability to purchase a $50.00 annual pass. Commissioner Ognio seconded the amended motion.

Discussion continued in an effort to clarify the implications of the motion.

Commissioner Brown made a second amendment to his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of county will have to pay a $5.00 out of county fee. The corporations will be responsible for purchasing the decals at cost from the County and will be in charge of distributing the stickers to all employees leaving the County with little administrative duties other than selling the stickers to the corporations. The County is to determine at what date the stickers will expire and reissue them, including the ability to purchase a $50.00 annual pass. Commissioner Ognio seconded the second amendment to the motion.

Discussion followed about how Fayette County needs to create an incentive to draw businesses and a younger demographic.

Chairman Oddo suggested tabling the matter to give staff time to study, but Commissioner Barlow stated that he was not in favor of tabling the issue. No other Commissioner indicated agreement to tabling the issue.

Commissioner Brown made a third amendment to his motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government. Those who decide to come to the park on weekends from out of the county will have to pay a $5.00 out of county fee. The corporations will be responsible for purchasing the decal at cost from the County and will be in charge of distributing the stickers to all the employees; leaving the County with little administrative duties other than selling stickers to the corporations. The decal is good for two years. The County will include the ability to purchase a $50.00 annual pass. Commissioner Ognio seconded the third amendment to the motion.

Greg Detwiler: Mr. Detwiler said he did not understand why there was a charge to go to the park, and he suggested that Fayette County could portray itself as a welcoming community by not charging park fees. He stated that the Fayette Chamber of Commerce thought that the wrong message was being sent to the community, and he said the Chamber supported removing the residency requirements and removing all fees for Fayette County's parks.

Frank Gardner: Mr. Gardner stated he had complained about fees at parks for years, but he saw problems with having unfettered access to picnic tables and similar amenities since it would require cleanup.

Bob Ross: Mr. Bob Ross spoke about the various contributions businesses make through various positive contributions and he suggested that the County needed to play ball with the businesses, since the businesses have Fayette County's best interests at heart, and that the County is expecting them to do much more.

Brian Ullem: Mr. Ullem, representing Panasonic, said $75,000 was provided to Fayette County but it is not the brunt of what it provides. He said Panasonic is one of the largest and oldest employers in Peachtree City, and all it wants is access to primarily Lake McIntosh. He said the objective was to be able to park free of charge.

The Commissioners responded to some of the comments provided by the citizens.

The motion to allow corporations and businesses in Fayette County to use the Lake McIntosh Park Monday through Friday, 8:00 a.m. to 5:00 p.m., through the use of a decal that they will purchase at cost from the county government, and for those who decide to come to the park on weekends from out of county to pay a $5.00 out of county fee, with corporations to be responsible for purchasing the decals at cost from the County and distributing the stickers to all the employees, with said decal being good for two years, and for the County to include the ability to purchase a $50.00 annual pass was approved 5-0. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Donald Fowler: Mr. Fowler read a letter in which he asked the Commissioners to help preserve the rural character of Hood Road from the "small city" that Pinewood Studios is planning on Veterans Parkway and Hood Road. Mr. Fowler also provided a signed petition to the Board from the residents of Hood Road requesting the Commissioners to use whatever means possible to prevent the City of Fayetteville or Pinewood Forrest from obtaining curb cuts into Hood Road. The Board asked Mr. Fowler to provide the signed petition to County Administrator Steve Rapson, and Mr. Fowler did so.

Denise Ognio: Mrs. Ognio spoke about the recently concluded Association of County Commissioners Georgia (ACCG) Annual Convention in Savannah. She sent "kudos" to her husband, Commissioner Randy Ognio, for receiving his Certificate of Training saying it meant a lot for him to get the certificate. She said the Commissioners were given the ability to learn through the sessions prepared for them, and she thanked the Commissioners who attended the sessions. She said she looked forward to seeing them utilize what they have learned, and she challenged the people to ask the Commissioners what meetings they attended, to ask what they learned, and to ask them who they voted for in the General Session. She closed thanking the Commissioners for what they did in Savannah.

ADMINISTRATOR'S REPORTS:

Selection Committee for Board of Health: County Administrator Steve Rapson stated that there needed to be a Selection Committee for the Board of Health due to the recent resignation of Dr. Michael Strain. Chairman Oddo appointed Vice Chair Coston, Commissioner Barlow, and Dr. Obasanjo to the Selection Committee for the Board of Health.

Selection Committee for the Region Six Mental Health Planning Board: County Administrator Steve Rapson stated that there needed to be a Selection Committee for the Region Six Mental Health Planning Board due to the recent resignation of Ms. Sharon Herbert. Chairman Oddo appointed Vice Chair Coston and Commissioner Barlow to the Selection Committee for the Region Six Mental Health Planning Board.

Selection Committee for the Recreation Commission: County Administrator Steve Rapson asked for a Selection Committee to be appointed for the Recreation Commission due to Mr. Shane Jones' expired term. Chairman Oddo appointed Vice Chair Coston and Commissioner Brown to the Selection Committee for the Recreation Commission.

Confederate Memorial Day: County Administrator Steve Rapson reported that Confederate Memorial Day will be held on Sunday, April 26, 2015.

Lake Peachtree Dredging: County Administrator Steve Rapson stated that the night hauling for Lake Peachtree dredging would begin this night.

Commissioner Ognio recognized as Certified Commissioner: County Administrator Steve Rapson stated that Commissioner Ognio had received his Commissioners Certification from the Association of County Commissioners Georgia while in Savannah.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had Pending Litigation and the Review of the April 9, 2015 Executive Session Minutes for Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Ognio: Commissioner Ognio replied to Mr. Fowler saying he did not know how much authority the Board will have to reject the curb cut on Hood Road. He asked the City of Fayetteville, including Mayor Clifton who was sitting in the audience, to pay attention to the concern and address them at Fayetteville's city council. He reminded everyone that on April 28, 2015 there will be an Open House meeting concerning the State Route 92 and Antioch Road intersection. He said the meeting would take place at Harp's Crossing Baptist Church from 4:00 p.m. until 7:00 p.m.

Vice Chair Coston: Vice Chair Coston encouraged the people to attend the April 28, 2015 meeting at Harp's Crossing Baptist Church. She stated that the County has received a number of emails and phone calls concerning the roundabouts and she encouraged everyone to go to the meeting and get informed. She congratulated Commissioner Ognio for obtaining his certification.

Commissioner Barlow: Commissioner Barlow gave a shout-out to Covenant Presbyterian Church saying April 2-4, 2015 was the National Christian Forensic and Communications Association Conference. He said it involved Christian homeschoolers and the conference was held at First Baptist Jonesboro. He said the Konos School, which is housed at Covenant Presbyterian Church, had the majority of students representing Fayette County. He spoke about having to judge the debates. Commissioner Barlow stated that he attended Georgia Public Health Association in Atlanta, and that he was unanimously elected as Vice Chairman of the association. Commissioner Barlow then mentioned that he traveled to Savannah for the ACCG Conference and he thanked Fayette County for giving him the opportunity to serve.

Commissioner Brown: Commissioner Brown responded to Mr. Fowler's comments saying Fayetteville has a lot of work ahead of it. He said there need to be a look at the access on Hood Road to make it as good as possible for the people on Hood Road. He said the Board was willing to work with the City to make sure the residents continue to have something similar to what they currently have. Commissioner Brown wished Vice Chair Coston a Happy Birthday and he congratulated Commissioner Ognio for earning his certification. Commissioner Brown stated that over the past two years he really tried over the past two years to make sure everything was as fair as he could possibly make it, and that he strived to give everybody as much time as they need to speak and to allow anybody to put what they want on an agenda. He thought the situation with the minutes was uncalled for and he hoped the Board could get over some of its concerns. Commissioner Brown said he did not agree with everybody on the Atlanta Regional Commission (ARC) Board, but there was a civil and cordial relationship that was respectful regardless of how votes were cast. Commissioner Brown mentioned April 23, 2015 was the 20th anniversary of the Oklahoma City bombing, and he was ashamed of how he forgotten so much of what occurred in Oklahoma City.

Chairman Oddo: Chairman Oddo stated that it should be understood that there are five individuals on the Board who have different ways of looking at things, and that there was nothing directed at anyone. He added that the Board members have a right to understand what is going on to the best of their abilities, and he thought that while the discussion was at times tense it was civil. He said there will not be agreement on everything but the issues are being handled civilly and professionally. Chairman Oddo said he thought the County was limited to Mr. Fowler's concern, but that the county could encourage the City of Fayetteville's mayor and council to listen to Mr. Fowler's concerns. Chairman Oddo congratulated Commissioner Ognio for obtaining his certification. He pointed out that Hopeful Primitive Baptist Church will have their grand opening on May 2, 2015, and he commented on the restoration and remodeling of the church. Chairman Oddo concluded that he had the honor of giving the keynote speech at the Citizens' Ceremony held at the Library where 75 people from 37 countries were officially recognized as citizens.

EXECUTIVE SESSION:

Pending Litigation and Review of the April 9, 2015 Executive Session Minutes: Commissioner Brown moved to enter into Executive Session. Commissioner Ognio seconded the motion. No discussion followed. The motion passed 5-0.

The Board recessed into Executive Session at 9:33 p.m. and returned to Official Session at 10:19 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 14," follows these minutes and are made an official part hereof.

Approval of the April 9, 2015 Executive Session Minutes: Commissioner Ognio moved to approve the April 9, 2015 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Ognio moved to adjourn the April 23, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

The April 23, 2015 Board of Commissioners meeting was adjourned at 10:20 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 14th day of May 2015. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk