

## **BOARD OF COUNTY COMMISSIONERS**

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



## **FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, 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**

August 11, 2016  
7:00 p.m.

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### **Call to Order**

Chairman Oddo called the August 11, 2016 Board of Commissioners meeting to order at 6:59 p.m.

### **Invocation by Chairman Charles W. Oddo**

Chairman Oddo offered the Invocation.

### **Pledge of Allegiance**

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

### **Acceptance of Agenda**

Commissioner Ognio moved to accept the Agenda as published. Commissioners Barlow and Brown seconded the motion. The motion passed 5-0.

### **PROCLAMATION/RECOGNITION:**

#### **1. Recognition of the Fayette County Water System for being presented with the prestigious "People's Choice Best of the Best Tasting Tap Water Award in Georgia."**

Secretary-Treasurer for the Georgia Section of the American Waterworks Association Eric Osborne, Water System Director Lee Pope, and the Board recognized the Fayette County Water System for winning the "People's Choice Best of the Best Tasting Tap Water Award in Georgia." A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

#### **2. Recognition of Water System Water Treatment Plant Manager, Joseph Spann, for being selected for the Hugh A. Wyckoff Award by the Georgia Association of Water Professionals.**

Georgia Association of Water Professional's Board Member Eric Osborne, Water System Director Lee Pope, and the Board recognized Water System Water Treatment Plant Manager, Joseph Spann, for being selected for the Hugh A. Wyckoff Award by the Georgia Association of Water Professionals. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**3. Recognition of Water System Distribution Manager, James Munster, and Water System Administrative Manager, Lisa Speegle, for being presented with the Life Membership Award of the Georgia Association of Water Professionals.**

Georgia Association of Water Professional's Board Member Eric Osborne, Water System Director Lee Pope, and the Board recognized Water System Distribution Manager, James Munster, and Water System Administrative Manager, Lisa Speegle, for being presented with the Life Membership Award of the Georgia Association of Water Professionals. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

**PUBLIC HEARING:**

There were no Public Hearing items on the Agenda.

**CONSENT AGENDA:**

Commissioner Ognio moved to approve Consent Agenda Items #5-7 excluding Consent Agenda Item #4. Commissioner Brown seconded the motion. The motion passed 5-0.

**4. Approval of staff's recommendation to upgrade the office support position at Public Works and the Road Department from Administrative Secretary to Administrative Assistant.**

Commissioner Ognio noted there were several tasks listed for the Administrative Secretary's position that were not listed for the Administrative Assistant's position. He asked that the request be approved based on Human Resources modifying the Administrative Assistant position to include those unlisted tasks from the Administrative Secretary position.

Commissioner Ognio moved to approve Consent Agenda Item #4 with the additional duties from the Administrative Secretary position being added to the Administrative Assistant position. Commissioner Brown seconded the motion and mentioned there was a document on the dais highlighting those additional duties. The motion passed 5-0. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

**5. Approval of Water System's request to award Bid #1139-B Water Distribution Parts to four companies that were low bidders on items used for distribution and repair (Consolidated Pipe and Supply Company; Delta Municipal Supply Company, Inc.; Ferguson Waterworks; and HD Supply Waterworks, LTD), in an aggregate amount not to exceed \$204,776.00. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**

**6. Approval of staff's recommendation to amend Contract #960-B Crosstown Water Treatment Plant Improvements, which was awarded to Lakeshore Engineering, to include the Filter Magic Zero-To-Waste (FMZ2W) upgrade in the amount of \$113,304.63. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.**

**7. Approval of the July 28, 2016 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**8. Consideration of Commissioner Brown's request to start the process to authorize a temporary moratorium on acceptance of applications for rezoning of property into all residential zoning classifications, including mixed uses with residential. This request includes backup materials, as attached, and a draft resolution that is to be sent to Planning and Zoning for consideration.**

Chairman Oddo opened the floor to the public for comment.

**Doug Powell:** Mr. Powell, who previously served on Fayette County's Planning Commission, stated he was in favor of enacting a moratorium to ensure the right thing was being done for the county. He spoke about the recent rezoning requests in Fayette County and their impact to the county's infrastructure should they be approved with more requests forthcoming.

**Mary Carroll:** Ms. Carroll agreed with a moratorium since it would give taxpayer's an opportunity to decide if it is worth voting in favor of the upcoming Special Purpose Local Option Sales Tax (SPLOST). She stated she currently would vote against SPLOST due to the pressure coming from the developers since the developments would create problems for future taxpayers.

**Colonel Jack Smith:** Colonel Smith stated the hardest thing to maintain is the integrity of a plan, and he said the county's Land Use Plan is under attack. He provided several examples of "huge infrastructure problems with the county" that included the claim that the majority of county citizens are on well water. He agreed the moratorium was needed as an effort to address the county's needs.

**David Qualls:** Mr. Qualls stated that the issue was quality of life in Fayette County. He did not object to development, but he questioned if Fayette County could handle the development. He stated that the county's infrastructure was not suited to handle heavy development and that the county needed to manage its residential growth. He supported a moratorium in order to stop and ensure that the schools, Sheriff's Office, and Fire Department can handle the new development.

No one else spoke in favor of or against a possible moratorium.

Commissioner Brown moved to proceed with the process to authorize a temporary moratorium on acceptance of applications for rezoning of property into all residential zoning classifications, including mixed uses that have residential uses within them, and to send the materials and draft resolution to the Planning Commission to begin that process. Commissioner Ognio seconded the motion.

Commissioner Brown stated that one key indicator that something needs to be done is that the Board keeps turning rezoning requests down, and now the Board is starting to look at annexation requests and opposing them as well; meaning there is probably a systemic problem that needs to be considered. He said the county's Comprehensive Plan was drawn and, based on the conditions of the plan when it was last evaluated with major revisions, it was quite different from what the county has today. He pointed out that there is planned mini-city in Fayette County that is being unveiled at Pinewood Forrest, predicted the county would begin to see a run of these types of developments, and predicted these developments would be a major issue on a two-lane roads. Commissioner Brown told of when he grew up in DeKalb County and as he watched one county after another north of Fayette County, that were in the exact condition Fayette County currently is in, and how they just "hailed as many of the rezonings and annexations as they could through the system" while the leaders were saying "we will figure this out." He explained that the growth was tremendous while those counties' leadership were saying the growth was needed and would lead to bigger success. He said he watched one county after the other fail because there is a nexus between infrastructure capacity and the residential rezonings and annexations. He explained that Gwinnett County can generate \$1 billion in a SPLOST in addition to what is already collected from property taxes, but they are not close to handling the traffic problems. He mentioned that DeKalb and Cobb counties, as well as north Fulton County, are experiencing similar problems resulting in the decline of those counties since they are losing high-paying jobs and high-profile residents. Commissioner Brown reported that Fayette County is using the same planning methodology that the northern counties used and he asked would Fayette County want to repeat the process in the hopes of being the anomaly to pattern. He wanted Fayette County to be the first county to measure the road capacity, school capacity, and all its infrastructure components, including stormwater, to ensure it could keep pace with growth. He stated that if Fayette County cannot keep pace with growth using its current Land Use Plan then it would require changes. He then read eight points from the draft resolution and several questions into the record. Those points and questions are:

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1. The Board of Commissioners does direct the County Staff to stage no less than four public, joint meetings of the Board of Commissioners and the Fayette County Planning Commission to perform a thorough review of the comprehensive future land use plan for the County and to prepare recommendations to be presented to the Board of Commissioners for consideration.
2. The Board of Commissioners directs there be a complete evaluation of the current infrastructure within the County to determine its ability to support future development, and the limits of the infrastructure to meet the needs of future development intensive use and density of property.
3. The Board of Commissioners requests the cooperation of the local municipalities in assisting the County with analyzing the cities' future plans regarding the forthcoming annexations of unincorporated property and determining how the significant changes in residential density will affect the infrastructure capacity and quality of life of the entire county.
4. The Board of Commissioners issues a formal request to all Fayette County citizens to participate in this formative process.
5. The Board of Commissioners directs proposed revisions to the zoning and development standards within the ordinances of the County to address due process, simplification and transparency of procedures.
6. The Board of Commissioners does enact a temporary moratorium for 150 days on the acceptance of any application for the re-zoning for residential purposes to allow for the study of the comprehensive future land use plan, zoning and development requirements, and reporting of recommended changes to be considered and enacted by the Board of Commissioners to the Community and Board of Commissioners.
7. The Board of Commissioners directs that the moratorium hereby enacted shall not be applicable to limit or prohibit the ability of any entity or person from obtaining permits for use and development of any property for use under the current zoning classification of property.
8. The Board of Commissioners further directs that in the event a revised future comprehensive land use plan, and revised zoning and development standard ordinances are adopted less than 150 days from the adoption of this moratorium, the moratorium shall be repealed by such adoption; otherwise the moratorium shall stand repealed 150 days from the date of adoption, unless extended by the Board of Commissioners.

How much developmental pressure can we sustain in the center of the county? Likewise, what happens when the traffic begins to bog down on State Route 54 between Fayetteville and Peachtree City?

Fayetteville has annexed a significant amount of land in the center of the county. The first residential project there will be around 1,250 housing units on less than 250 acres along with 275,000 square feet of office and retail. We could easily have 6,000 people or more on that site daily.

So what is the plan? Are the other sections of land in the center of the county going to also be radically changed to higher density uses? How exactly will that be accommodated on the two-lane road system in place? How will they get to the interstate highway?

What is the real value of significantly increasing residential density?

How important is traffic flow and greenspace to the quality of life in Fayette County?

Are we factoring in traffic from other counties traveling through Fayette to reach a destination?

What is the ceiling number on population and automobile traffic upon which a county without immediate access to an interstate highway begins to over congest its local road network?

What are the annexation plans for the municipalities and how will those annexations affect current plans from all jurisdictions?

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Commissioner Brown thought that once those questions were answered then the county would know how to proceed. He stated 150 days is an extremely short amount of time to accomplish the work but that the county was up to the task. He added it was the most inclusive way to do the work as citizens from all over the county could come to the meetings and voice their opinions; having a say in the future outcome of the Land Use Plan.

Chairman Oddo questioned the language in the draft resolution that referred to an "unprecedented amount of residential development requests." He understood that a moratorium should be used in the case of some unusual event, emergency, or situation that could get out of hand, but he said he was not aware of what was being referred to by the phrase "unprecedented amount of residential development." Chairman Oddo stated that there have been five requests presented to the Board in 2016. He compared the number of requests received in 2016 to eleven requests in 2015, eight in 2014, three in 2013; one request each in both 2011 and 2012, zero requests each in both 2009 and 2010, three requests in 2008; five requests in 2007, twenty requests in 2006, and seventeen requests in 2005. He maintained that nothing was jumping out to him as being "unprecedented," and he was concerned about putting a moratorium in place to prevent a problem that has not occurred. Chairman Oddo stated that staff had been working on the Comprehensive Plan since January and that Community Development Director Pete Frisina had already had conversations with the municipalities addressing the annexation concerns noted by Commissioner Brown. Chairman Oddo added that there is already a process in place that will be completed by mid-2017 but that the request for a moratorium would end within two to three months before the revisions to the Comprehensive Plan would be finished, and that Commissioner Brown would have a say in the Comprehensive Plan since he is on the Steering Committee. Chairman Oddo stated that the concerns would be discussed methodically in light of the situation as it is now. He stated that the rezoning request that was recently denied conformed to the Land Use Plan, so there would be a look at the Land Use element with the revision of the Comprehensive Plan. He reiterated that he was trying to come to grips with the "unprecedented amount of residential development" since he did not see it.

Commissioner Brown replied that during the last two Public Hearings concerning the rezoning applications both applicants filed their constitutional rights, which usually means there is going to be a forthcoming lawsuit. He asked how many lawsuits Fayette County would want to enter into between now and a year from now, since the review of the Comprehensive Plan is scheduled to conclude in about a year. He further asked how much money the county would spend before it understood that it needed to take a short break and look at it.

Chairman Oddo replied that the notification to protect constitutional rights does not mean the county will be sued but it meant that without notification the applicants could not sue the county. He reported that he contacted the Board of Education and asked its review of the situation. He said the Board of Education reported schools are under capacity and are looking for growth in the system. He stated that currently closed schools could be reopened if necessary. Chairman Oddo reiterated that the county is revising its Comprehensive Plan and that both the revision and the moratorium would be occurring simultaneously and would be covering the same "item." He mentioned that there is one commercial rezoning coming to the Board and no residential rezoning requests coming to the Board for the next month or two. He further mentioned that there is no mad rush for rezoning in the county, that the county needed to progress calmly, and that a moratorium was an extreme measure. He stated that for him to enact an extreme measure there would have to be an extreme reason, and that he did not see that need.

Commissioner Ognio stated that if one looked at the county as a whole then the Board of Commissioners is responsible for the roads between the municipalities. He explained that the City of Peachtree City has a big development that is progressing as well as the City of Fayetteville with Pinewood Forrest and the rezoning next to Ingles Grocery Store. He said the additional traffic would eventually result in a "halt traffic-wise." He mentioned that traffic is already slow in downtown Fayetteville and that the extra traffic would impact the lives of Fayette's citizens and the character of the county. He

concluded that it is a good thing to step back and review before getting into the same scenario that Gwinnett County experienced since a little planning goes a long way.

Chairman Oddo replied that it would take longer than five months to fix some of the problems. He said the county needs to look at the problems and do what could be done. He reminded everyone that the county cannot control what the cities are doing, but it could only place a moratorium on county growth. He added that the county could put changes in place as needed. He explained that the denials made at the past meeting can be placed in the Land Use Plan if the Board wants and the Board does not have to wait until the Comprehensive Plan is updated next year or until the conclusion of the moratorium. He understood the concerns that had been expressed, but he repeated that the county needed to assess the situation without overreacting. He said the cities are amenable to a solution or a plan that provides expectations for all parties, and he stated it did not take a moratorium to work on that plan. He recommended that the update to the Comprehensive Plan should take its course.

Commissioner Brown stated effort was to avoid the piece-meal approach where a person comes with an application, it is denied, another application is forwarded to be denied, and then another. He asked if there had been meetings with the cities about annexations, and Chairman Oddo replied that he had not had any meetings but he had spoken to people individually in the cities who liked the idea of finding a solution. Commissioner Brown stated that the infrastructure could not hold the number of houses the county could build per the current Land Use Plan. He stated an intelligent, meaningful discussion had to be had concerning this matter, and he referred to the troubles experienced in the northern metro-Atlanta counties. He emphasized that the Board needed to be smart enough, thoughtful and meaningful enough, and inclusive enough to have citizens come to the meetings for an intelligent discussion about what things will look like. He stated if Fayette County took that approach then it would be the only county that has done something like that. He repeated that Fayette County is using the exact same mandated planning approach that the other counties used, and that he had watched those counties "go off the cliff," and he suggested that the county should stop and look before jumping.

Chairman Oddo stated that the county is doing that by revising the Comprehensive Plan, that it would get input from the citizens, and that the suggestions that Commissioner Brown provided are being done. He stated that a moratorium would only duplicate the current work. He emphasized that Fayette County was the fastest growing county during the 1980s and that this current growth is not unprecedented. Commissioner Brown replied that Fayetteville Mayor Ed Johnson had come to a previous meeting and stood at the Public Comment Podium saying he had a stack of rezonings on his desk. Commissioner Ognio repeated that the county is already in the process to review many of the issues, which would cover the same timeframe as a moratorium, and he asked for the Board to not stop development. He mentioned that Pinewood Forrest is unique to the City of Fayetteville and that Fayette County would not receive rezoning requests for every piece of property in Fayette County during the next five months.

Commissioner Rousseau stated that it is critically important for the public to be educated about the process. He explained that staff and the Board look at rezoning and annexation impacts all the time, and often times they look at it in consultation with partners such as the Board of Education. He said a person or entity has a constitutional right to say they want to do something with their property and that the Board has denied those requests. Commissioner Rousseau reported that he asked staff to do some research so he could make an informed decision about whether or not a moratorium is beneficial. He stated that the moratorium was going to run parallel to the review of the Comprehensive Plan, which is already in the process. He liked Commissioner Brown's recommendation to make sure the entities such as municipalities and public safety are included in the review of the Comprehensive Plan. Commissioner Rousseau stated the partners, who are separate entities who can make decisions on their own, would be asked to come to the table and provide input so that the County can know a little better what they are doing on most occasions. Commissioner Rousseau stated he wanted to ensure that some of Commissioner Brown's recommendations are enacted as the Comprehensive Plan is reviewed. He did not want the citizens to leave and continue to perpetrate misinformation since everybody, including property owners, has a right to quality of life. He stated the rezoning requests are weighed through the Planning Commission and by staff before they come to the Board of Commissioners for a final decision. Commissioner Rousseau stated that staff's research indicted there was not an alarming number of rezoning requests coming to the Board and he added it was expected that some annexation requests would come to the Board as part of doing business. He said he weighed the process that the county is about to undertake,

that he hoped all of those elements that have an intricate part of making sure the quality of life is high, are part of the process, and that by working together they would minimize any negative impact. He stated that Fayette County is unique from the northern counties since it does "not live off a freeway." Commissioner Rousseau added that unincorporated Fayette County is on septic and not sewer and that attracts development and traffic. He explained that the cities have massive traffic because they have added different elements of commercial and industrial development. He asked Commissioner Brown if he was amenable to direct staff to have more than four public hearings. He said he was concerned with the 150 timeframe as prescribed by the moratorium since it would lock the work into a short timeframe so that the work was not done correctly. He said he wanted the work to be done right and for staff to take the most time necessary to get the property input from all areas and elements in the county. He liked Commissioner Brown's proposal to make sure the county's infrastructure could sustain development. Commissioner Rousseau pointed out that Commissioner Brown had requested cooperation of the local municipalities and that the Board directed revisions to be forwarded to Zoning and Development, and he stated that these requests should be provided to staff on a go-forward basis. He thought those elements were already in place and he asked if his understanding was correct. County Administrator Steve Rapson replied that the vast majority were in place and that staff would take the comments that were made and make sure they are addressed as part of the process.

Commissioner Rousseau stated he wanted that to be staff direction; to make sure those elements were addressed. He concluded that this effort would reach the middle ground between the moratorium and the Comprehensive Plan. He stated that he had read through the Sandy Springs article provided at the last meeting and that he was somewhat familiar with that situation. He stated that Sandy Springs had adopted Fulton County's plan when they became a municipality on their own. He said Sandy Springs could not control novelty shops and pawn shops and so they wanted to revise their plan and that was why they enacted a target-specific moratorium. He stated that Sandy Springs article read: "Soon we realized, it is too flawed for patchwork and needs a complete overhaul." Commissioner Rousseau said he did not know if the county was at that stage, but that consideration needs to be made during the review. He further read the article that read: "By strengthening our ordinances and developing a state-of-the-art land use plan that can withstand legal scrutiny, we can do a better job of managing growth." Commissioner Rousseau said the Comprehensive Plan in place inclusive of the elements offered by Commissioner Brown was, in his opinion, the best approach. He added that the county could be innovative enough to make sure it could withstand the impact of development.

Chairman Oddo stated Commissioner Rousseau made good points. Commissioner Brown added that the Sandy Springs moratorium did not pertain to novelty shops, but rather it was the 2015 moratorium that addressed a situation similar to what Fayette County is currently dealing with. Commissioner Rousseau replied that Sandy Springs has done three or four moratoriums. Commissioner Brown explained that he was not saying the moratorium would take the place of the Comprehensive Plan's overview, but that it would provide a public look and a public, meaningful discussion to discover if there is something to be done and then to do it. He said the reason to have a moratorium instead of just reviewing the Comprehensive Plan is due to liability concerns. He explained that the county cannot get sued by anybody who is throwing plans on the desk while the county is going through the Comprehensive Plan revisions. He suggested that the county is due for at least one lawsuit from the last meeting and that the moratorium would give the freedom to have a meaningful conversation without someone throwing in plans leading to liability. He concluded that the shackles would be removed with a moratorium, and that is why it would be a freer process where there could be a discussion without fear.

Chairman Oddo replied that the liability issue would not really go away because, if the moratorium is too general, then the county could be sued for preventing people from doing what they want with the property according to the current Land Use Plan.

Commissioner Barlow recalled the day he received a letter in August 1966 that read: "Greetings from the President of the United States." He said that letter asked him to become a United States Army private in basic training. He said he learned: "Yours is not to reason why, yours is but to do and die." He also learned that individual rights were set aside for the good of the whole. He said after he went to Viet Nam and fought through the Tet Offensive in 1968, he learned that "Prior planning prevents pitifully poor performance." He said the county is in the prior planning stage to prevent poor performance later. He said that lesson applied to this discussion of a moratorium and the current study. He said the county has some of the finest minds involved in the Comprehensive Plan and he looked forward to hearing their input. He said the people who came to the

meeting are very precious to Fayette County and its success since their input is invaluable. Commissioner Barlow stated that he was looking at what he considers the good of the whole. He said he attended Board of Commissioners meeting for about two year prior to being elected, and he saw Stormwater Management Director Vanessa Birrell come to the Board of Commissioners in 2012 begging the County Commission to approve a public service announcement about the stormwater bill that was inevitable. He said the County Commission had been voted out decided to dump that problem on the incoming Commissioners; strapping them with 800 angry people coming to complain about a \$25.80 annual fee. He said there were no complaints from the citizens of Peachtree City who pay \$150 twice a year, and he explained that people did not storm into the Peachtree City Council Meeting because they saw the good of their stormwater fee. Commissioner Barlow stated that after seeing the people complain about the \$25.80 fee, he came to understand that "All politics are personal." He explained that no one complains until it encroaches on their property and bothers them. He stated that when the county adopted a no-smoking policy in Fayette County, there was a major rebellion and many complaints, but it reduced Fayette County's medical expense by 50%, ultimately saved taxpayer's money, and that the whole benefited to the good. He thanked Colonel Jack Smith for his service to the country.

Commissioner Ognio stated that the moratorium was for 150 days, but he heard talk about things that could be done in the meantime before the Comprehensive Plan is complete. He stated that the moratorium would allow for more citizen input on those temporary things that could be done before the end. He said this was important to him since the citizens could be involved in the process. He was unsure that the citizens would have a say without a moratorium and have meetings in a shorter timeframe. Commissioner Ognio stated that some argued about not being too hasty, but that the changes being made now may not be the right thing for the overall plan. He understood that Commissioner Rousseau liked some of the conditions of the moratorium and he offered that Commissioner Rousseau should vote for the moratorium if he likes the conditions.

Commissioner Rousseau said he was not in support of the moratorium at this point in time, but he wanted to make sure that the public did not feel that they were left out of the process. Mr. Rapson agreed saying there would be several public meetings in regards to implementation of the Comprehensive Plan, and he stressed that each meeting would be open to the public. Commissioner Rousseau did not want the people to leave without knowing what the process entails. He asked if any of the items outlined in items 1, 2, 3, 4 and 5 of the moratorium's draft resolution were outside the scope of what will be done with review of the Comprehensive Plan. Mr. Frisina replied that staff would generally be addressing "all these sort of things." Commissioner Rousseau stated that unless there was something preventing it, he would like to make sure that if the motion does not pass that these elements are definitely a part of the process going forward. He said they were healthy, good, useful, and are already being done. Commissioner Brown stated this was standard procedure, but that the moratorium would reduce the likelihood of being sued.

Commissioner Rousseau asked Assistant County Attorney Patrick Stough if the county could be sued at any time. Mr. Stough indicated the county could be sued at any time. Mr. Stough further stated that a moratorium is also a zoning decision that would have to stand up to judicial scrutiny as well as requiring the proper justification. Commissioner Rousseau reported that he asked staff to provide a timeline of the 150 days versus the timeline obligated to perform for the Comprehensive Plan review and update. He said he discovered that the timeline is off by two or three months and that was probably the last straw that helped him formulate his decision. He said he asked himself if he would rather take the extra two months to do the job right or would he rather be put into the 150 day box, and he concluded to err on the side of doing the job right with an additional two or three months. He stressed that the 1-5 elements in the draft resolution must be part of the process as part of the compromise and for the current process to proceed based on the few number of rezoning requests reported by staff. He closed that the county needed to include its municipal partners since it would do a disservice if it operated only in its own individual silos.

Commissioner Ognio stated that this motion would not approve the moratorium but it is a request to go through a process that may never get back to the Board of Commissioners based on the Planning Commission's recommendation.

Chairman Oddo called for a vote and restated the motion. He clarified that if the motion passed then the matter would be sent to Planning and Zoning and that a vote against the motion meant the matter would not be sent to Planning and Zoning.



The motion to proceed with the process to authorize a temporary moratorium on acceptance of applications for rezoning of property into all residential zoning classifications, including mixed uses that have residential uses within them, and to send the materials and draft resolution to the Planning Commission to begin that process failed 2-3 with Commissioners Oddo, Barlow, and Rousseau voting in opposition. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

**9. Consideration of a recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board.**

Commissioner Barlow spoke about Ms. Stepherson's qualifications.

Commissioner Barlow moved to accept the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board.

Commissioner Brown moved to table the request to the next regularly scheduled Board of Commissioners meeting on August 25, 2016. Commissioner Ognio seconded the motion.

Commissioner Brown explained there are related issues to discuss at the August 25, 2016 meeting.

The motion to table to request to the next regularly scheduled Board of Commissioners meeting on August 25, 2016 passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

Chairman Oddo noted that he voted to table the request out of professional courtesy, even though he did not feel there was a need to table the item.

**NEW BUSINESS:**

**10. Consideration of a recommendation of the Selection Committee, composed of Commissioners Steve Brown and Randy Ognio, to appoint Ted M. Kirk to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for a three-year term beginning July 1, 2016 and expiring June 30, 2019.**

Commissioners Ognio and Brown spoke highly of Mr. Kirk's qualifications. Mr. Kirk was asked to speak of his qualification and he did so.

Commissioner Ognio moved to accept the recommendation of the Selection Committee, composed of Commissioners Steve Brown and Randy Ognio, to appoint Ted M. Kirk to the Region Six Mental Health, Developmental Disabilities, and Addictive Diseases Regional Planning Board for a three-year term beginning July 1, 2016 and expiring June 30, 2019. Commissioner Brown seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

**11. Update on the Starrs Mill Path Project (#6220G) and request for Board direction for final design and project completion.**

Public Works Director gave a sixteen minute PowerPoint presentation as his update on the Starrs Mill Path Project during which he answered questions from the Board. He explained that the Board had three options. The first option was for a new path with an at-grade crossing at Panther Path at an estimated cost of \$217,150.00, and he noted that the proposed area already had a crossing guard working at the location both in the morning and afternoon. The second option was a new path with a tunnel at an estimated cost of \$622,500.00. The third option was to enhance the existing Foreston Crossing with a HAWK Signal, Rectangular Rapid Flash Beacon, and Continued Use of a Crossing Guard at an estimated cost between

\$25,000.00 and \$127,600.00. It was noted that the crossing at Foreston Place was the only approved crossing of Redwine Road in order get to the school complex and that there was no signaling for the crossing. It was further noted that, beginning this year and for the duration of the school year, the Board of Education was sending its school resource officer to the crossing to manage the crossing. Mr. Mallon emphasized that the estimated costs were for construction only and did not include costs for property acquisition or any mitigations to the plan. He concluded that staff's recommendation was for the third option and he provided reasons for the recommendation. Mr. Mallon stated that the school system favored the first option since a crossing guard is already at the location. He stated that the Sheriff's Office was concerned that the crossing guard at Foreston Place is currently the school's resource officer so there is concern that the person who should be providing school security is not at the school twice each school day. He concluded that the Sheriff's Office agreed that the third option was probably best option as far as traffic safety is concerned.

Commissioner Brown stated the resource officer needed to be on campus at all times and he mentioned there is another officer directing traffic at the crossing guard. He stated he would not agree to a HAWK at the third option since people will become accustomed to using the HAWK during non-school hours creating its own safety matters. He said that people travel down Redwine Road at a high rates of speed and that is why he did not like the crossing at Foreston Place. Commissioner Brown pointed out that there were two or three parcels of land across Redwine Road and the school complex that would soon be annexed into Peachtree City. He said when Peachtree City annexes and builds homes on those parcels then there would be citizens asking how to cross Redwine Road to the schools. He suggested that the Board should "knock it out now" so that when they build the houses that discussion will not happen. He suggested that the crossing be located at Redwine Road and Panther Path with a person who is hired to be a crossing guard, not a school resource officer, and for the crossing guard to monitor traffic during school hours. Mr. Mallon replied that his concern was that the crossing guard would only be at the location for about two hours a day.

Commissioner Ognio was also concerned that the crossing guard would only be there twice a day even though there would be other reasons to cross at the location for events outside of normal school hours. He suggested that the tunnel made better sense, but he suggested that the City of Peachtree City should pay for part of the project since it is all of their residents crossing the road. Commissioner Brown replied that the city would not pay for the tunnel since it could not afford to fix potholes in their own path system. Commissioners Rousseau and Ognio replied that the city ought to place this project in the Special Purpose Local Option Sales Tax (SPLOST) project list. Commissioner Ognio further suggested that the county ought to talk to the Board of Education to see if it would help offset the costs. Mr. Mallon replied that he was supportive of Commissioner Ognio's recommendation.

Commissioner Brown agreed that constructing the tunnel is the ultimate way to go but that cost was a problem. He asked everyone to take a serious look at the lots that will soon be annexed into Peachtree City. He reminded the Board that the lots would be put on the sewer system, would have a higher density, and the people would have to have some way to cross.

Chairman Oddo asked Mr. Mallon if there had been discussion with the City of Peachtree City concerning a shared initiative. Mr. Mallon replied that there had been discussions with both the city and the Board of Education when this work first began three years ago, and he hinted that both bodies were unwilling to share in the cost. Chairman Oddo replied that the difference this time is that there is an upcoming SPLOST so they may be willing to put their project on its SPLOST list.

County Administrator Steve Rapson stated that Peachtree City would not put this project on their SPLOST list for an unincorporated Fayette County project, which is currently is. He explained that if the direction was to pay for a tunnel with SPLOST funds then it would be placed on Fayette County's list for the \$19.5 million Transportation Proposal. He agreed with Commissioner Brown that if Peachtree City intended to annex the properties then the city should pay. He added that when the city builds subdivisions today they put golf cart paths in them and there is no reason they cannot pick up the county's design and utilize it whenever the developer comes to develop those properties. Mr. Rapson then asked the Board what it wanted to do in the immediate future. He suggested that if the county wanted to remain at *status quo* then it could amend its current Intergovernmental Agreement (IGA) with the Board of Education, since Fayette County pays for school resource officers, and the county could fund one of the crossing guards to handle the majority of school hours. He further suggested that one of the options could be placed on the county's SPLOST list to see how it goes. He added that staff could

always come back to the Board with all the different options since there is already \$295,000.00 currently funded Capital Improvement Projects (CIP), and that approximately \$30,000.00 could be redirected to fund the crossing guard with the remaining budget being held until the outcome of SPLOST is known.

Commissioner Rousseau pointed out that the county was the "only one with skin in the game." Commissioner Brown replied that the property and project currently is in unincorporated Fayette County, but he agreed with Commissioner Rousseau that the project largely benefits Peachtree City. Commissioner Rousseau suggest that the county should save the money, make sure everyone can cross the road safe, and to do it at the minimal cost. Commissioner Brown replied that he did not mind leaving the Foreston Crossing in place at it currently is so long at the first option is also considered with a crossing guard.

Mr. Mallon summarized that it sounded like the county should pursue options one and two by placing a crossing guard at Redwine Road and Panther Path as recommended with option one and to leave option two open for discussion when there is greater leverage after the city annexes the parcels across from the Starrs Mill School Complex. Chairman Oddo stated that was reasonable. Mr. Rapson stated that if that was the Board's direction then staff would modify the amount it pays the Board of Education in order to get a cross guard. He explained that he would contact the Board of Education to determine the additional cost and that he would provide that amount to the Board, so that, with the Board's blessing, the amount would be redirected out of current CIP funds back to the general fund to pay for the crossing guard. Commissioner Rousseau agreed.

Commissioner Brown asked if the proposal was to fund a crossing guard at Foreston Place. Mr. Rapson explained that when this was enacted two years ago, the principle agreement was that an officer would be placed at the Foreston Crossing since there was already an officer directing traffic at Panther Path. He told the Board that the Board of Education placed the officer at Foreston Place and has been paying the officer, but now the Board of Education is saying they have been paying for the position for two years. Mr. Rapson suggested that the right thing to do was to leave an officer at the Foreston Crossing location. Commissioner Brown disagreed saying the crossing needed to be at Panther Path since there is an officer already at the location. Mr. Rapson replied that if the first option was approved then the County would pay \$217,150 for a crossing that would then go into the city once the city annexes the properties. Commissioner Ognio suggested that would be the time for the city to make the tunnel, but Commissioner Brown replied that the tunnel would likely be a joint project.

Commissioner Brown asked, should the SPLOST not pass, what is the best option and direction. He agreed that if SPLOST passed then the county would install a tunnel, but if the SPLOST failed then the county should direct staff to do the first option to cross at Panther Path. Discussion followed about the costs to enact the third option. Mr. Mallon explained that the third option would cost approximately \$25,000.00 for construction costs with another approximate \$20,000.00 for the crossing guard. Mr. Rapson stated that the county would pay primarily for the high-traffic volumes during normal school hours but other events are paid for by sport's associations who pay for off-duty officers. Commissioner Rousseau stated that cost was reasonable since the county was the only one with skin in the game and since it could be done before the upcoming holidays. He stated that the county could then wait for the SPLOST to decide what to do next.

Commissioner Brown stressed that the crossing should be in front of Panther Path. Mr. Rapson stated that the proposed costs did not include acquisition of right-of-way. There was some discussion about putting the path in the county's current right-of-way to reduce cost, but Mr. Mallon replied there were some areas that would require property acquisition due to existing utilities in the right-of-way.

Commissioner Ognio stated he was concerned about the crossing at Foreston Place since they may not see golf carts in the area. Mr. Mallon replied that he had some of the same concerns and that there would have to be a study about leaving the crossing as it is or if the crossing should be moved 100 feet. Mr. Mallon suggested that the advantage of moving the crossing at Foreston Place further away was that the current crossing required crossing three lanes of traffic. Discussion followed concerning the safety crossing at Foreston Place.

Commissioner Brown recommended moving the crossing to Panther Path since that would eventually be the ultimate solution. Chairman Oddo asked what funds could be utilized or lost if the crossing was made at Panther Path. Mr. Mallon replied that if the first option was enacted only to be followed up by a tunnel later on then the at-grade crossing would be torn out and reworked. He suggested that if the tunnel would be constructed months after the at-grade crossing was constructed then that effort would be silly, but, if it would take years before the tunnel was constructed then it would be worth constructing an at-grade crossing. Chairman Oddo stated that the county could wait a little longer until the SPLOST vote occurs.

Commissioner Brown stated he would not mind paying for a crossing guard until the SPLOST vote was held, but after the SPLOST vote then the county should put in a crossing at Panther Path. He clarified that the county would not do anything physically except pay for the crossing guard until after the SPLOST referendum since, if the referendum is approved then the county could put in a tunnel and if it is not approved then the crossing could be put in at Panther Pass. Mr. Rapson agreed with Commissioner Brown's recommendation.

Commissioner Brown moved to fund a crossing guard at the Foreston Place crossing at Redwine Road until such time that it is known if the SPLOST referendum passes or not, to proceed with the tunnel project should the referendum be approved, and to proceed with the path if the referendum fails.

Commissioner Rousseau asked Commissioner Brown to amend his motion to fund a crossing guard to the end of the school year. Commissioner Brown agreed with the recommendation.

Commissioner Ognio seconded the motion.

The motion to fund a crossing guard at the Foreston Place crossing at Redwine Road until the end of the school year, to proceed with the tunnel project should the referendum be approved, and to proceed with the path if the referendum fails passed 5-0. Copies of the request and PowerPoint presentation, identified as "Attachment 10," follow these minutes and are made an official part hereof.

#### **PUBLIC COMMENT:**

**Dennis Chase:** Mr. Chase stated he had been involved with the last two iterations of the Land Use Plan as it has been developed. He said the last time it was a paper exercise that the county ignored with the construction of the West Fayetteville Bypass that violated eleven of the thirteen sections of the Land Use Plan pertaining to the environment, and that the latest disregard of the Land Use Plan involved the Board's vote to approve Pinewood Studios. Mr. Chase reported that the county has a series of projects for the upcoming Special Purpose Local Option Sales Tax (SPLOST), that the cities also have their projects, and that he has seen their lists of projects. He had some questions with some of the cities' projects and, while he understood the cities projects are not necessarily county problems, he suggested the county could take a stronger stance by having its staff do a detailed review to determine how well the municipal SPLOST projects fit in the current Land Use Plan. He said that effort could resolve a number of problems since the county could then ensure the public that the plans have been reviewed and do not create problems for the Land Use Plan. He said that if the county does not take that action then it could create a problem with the Land Use Plan, but if the county does take that approach then it could find there is a stronger support base for the SPLOST.

**Mary Carroll:** Ms. Carroll read a statement asking how would Fayette County and the City of Fayetteville handle the pressure for increased growth and population demands without being bled dry of beauty, character, and southern charm sought after by people and businesses wanting to move into the area, while also protecting quality of life for current and future citizens. She mentioned there is approximately 100 acres of undeveloped land near the vicinity of State Route 92 and State Route 54 behind the Ingles Grocery Store. She stated that recently a developer and owner of the land proposed to develop the acres with townhomes and single-family homes. She stated the development would look the same wherever it is built and she questioned the reason for placing the development on the property since there is so much more that could be done with the property. She suggested the property would be perfect as a recreational area and that, as such, it would increase the community's

competitiveness. She asked that the Special Purpose Local Option Sales Tax (SPLOST) include plans for acquiring the land and that Fayette County work with the City of Fayetteville for that purpose. She informed the Board that she had already spoken to members of the Fayetteville City Council who recommended meeting with the developer and the Board of Commissioners.

#### **ADMINISTRATOR'S REPORTS:**

**Fayette County Library's Upcoming "One Book, One Community" Event:** County Administrator Steve Rapson reported that the Library is having their 9<sup>th</sup> Annual "One Book, One Community" event coming up. He stated there is a flyer about the event and he wanted to bring it to the Board's attention.

**Upcoming Fayette County Hospital Authority Meeting:** County Administrator Steve Rapson stated the next Hospital Authority meeting would be held on Wednesday, August 17, 2016 at 6:30 p.m. He mentioned that the meeting would take place at Piedmont Fayette Hospital.

**Response to Ms. Carroll's Comments Given during Old Business #8:** County Administrator Steve Rapson replied to Ms. Carroll's comments made during the discussion of a possible moratorium where she indicated that the County's stormwater projects were \$64 million. He clarified that the County's entire allocation of SPLOST is \$64 million and that the stormwater projects were \$23.7 of the \$64 million.

**Response to Colonel Jack Smith's Comments Given during Old Business #8:** County Administrator Steve Rapson stated that Colonel Smith mentioned during his comments that the majority of unincorporated Fayette County has well water. He disagreed saying that only 30% to 35% are on well water.

**Response to Mr. Chase's Public Comments:** County Administrator Steve Rapson responded to Mr. Chase's comments by stating he has spoken to Mr. Chase several times about the Special Purpose Local Option Sales Tax (SPLOST) projects. He agreed that Mr. Chase has certain concerns with some municipal SPLOST projects and that he has relayed those concerns to the appropriate city managers. He explained that the county is not staffed enough to evaluate all the municipal projects, but that staff would work with Mr. Chase to get him the information needed from the cities. He stated that the County's entire SPLOST list is posted on-line, that the City of Peachtree City has posted most of their list on-line, and that the City of Fayetteville and the Town of Tyrone would soon post their lists on-line. Mr. Rapson stated that binders were being produced that provide the SPLOST lists of both the county and the municipalities and he added that the binders would be available at each municipality for easy citizen review.

**Response to Ms. Carroll's Public Comments:** County Administrator Steve Rapson replied to Ms. Carroll's public comments agreeing that the property would make a great city park and that the county would be glad to work with the city toward achieving that goal.

#### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** Assistant County Attorney Patrick Stough notified the Board that he had one item of Threatened Litigation and Review of the July 28, 2016 Executive Session Minutes for consideration in Executive Session.

#### **COMMISSIONERS' REPORTS:**

##### **Commissioner Brown:**

**Water Guardians and Volunteers Coming Together to Clean Lake McIntosh:** Commissioner Brown stated that on Saturday, August 13, beginning at 8:30 a.m., is the Lake McIntosh clean up with the Water Guardians. He stated there are 35 people already signed up to pick up trash from Lake McIntosh. He thanked Mr. J.R. Ramos who is a professional caterer with a huge

grill and trailer. Commissioner Brown stated that when Mr. Ramos tasted his hotdogs and hamburgers he volunteered his services from now on. Commissioner Brown thanked Mr. Ramos for thanking the food and he thanked CH2M Hill, who does some engineering work for the Water System, for donating hamburgers and hotdogs.

**Response to Mr. Chase's Public Comments:** Commissioner Brown stated he understood some of the concerns Mr. Chase has.

**Commissioner Ognio:**

**Amend to Fayette County Policy 100.19:** Commissioner Ognio asked for County Policy 100.19 to be amended to limit citizens to no more than one board since that could clear up some issues.

**Alternative Efforts to Prevent the Zika Virus:** Commissioner Ognio asked if the Board thought it was a good idea to look into getting the Boy Scouts and 4-H for building houses or martins around the lakes, perhaps even bat houses, to help cut down on the mosquito population. He said the reduction in mosquitos could work to prevent the Zika Virus. He noted that the State of Florida is concerned that the mosquitos are becoming immune to pesticides so this effort could be an alternative solution. He added that the county could provide the materials for this effort.

**Fayette County Shirts:** Commissioner Ognio asked the Board to think about having shirts made up to sell to citizens with the county's logo. He thought the citizens would be proud to wear the shirts and that they shirts could possibly be sold at the Historic County Courthouse and Library.

**Parents Celebrating 60<sup>th</sup> Anniversary:** Commissioner Ognio stated that his parents will have their 60<sup>th</sup> Anniversary on August 19, 2016. He wished them a Happy Anniversary.

**Commissioner Rousseau:**

**Proactive in Preventing the Zika Virus:** Commissioner Rousseau thanked Commissioner Ognio for his comments about being proactive in addressing the Zika Virus. He said the county needed to be proactive, that the Health Department was addressing the issue, and that it would be helpful to educate the public about the virus.

**Educate the Public about the SPLOST Referendum:** Commissioner Rousseau asked if dates had been established for the Special Purpose Local Option Sales Tax (SPLOST) referendum, and he asked when the available window of opportunity to have community town hall meetings was. County Administrator Steve Rapson replied there are many dates to available for town hall meetings both at the county and at the municipalities. He said he was holding off on scheduling those dates until the Transportation Committee meets on September 6, 2016 and an official document is released on the transportation component. He said a draft would likely be completed by October and a town hall would be scheduled prior to the holidays with other town hall meetings following. Commissioner Rousseau stated he wanted to aggressively educate the people about the SPLOST and to provide sound reasons for it.

**Commissioner Barlow:**

**Simone Biles Raised by Her Grandparents:** Commissioner Barlow stated that in 1972, when world championships were held in Arizona, he took his two daughters to see gymnast Cathy Rigby. He said his oldest daughter came home and taught herself splits that night and that both of his daughters were inspired to take gymnastics. He stated that during these Olympics everyone watched Simone Biles who is considered to be the greatest gymnasts in the world. He reported that she was raised and adopted by her grandparents. Commissioner Barlow stated he is on the Board of Grandparents and Kin Raising Children and that he appreciates that group. He said both he and his wife go to the meetings and are involved. He reported that some grandparents have adopted the children, and by doing so, some have to give up benefits. He reported that Simone Biles was brought into the world by a drug addicted mother and by a father who had nothing to do with her. He said she was raised by her grandparents and it was special to see her grow up to become the greatest athlete in the world.

**Identify in Jesus Christ:** Commissioner Barlow stated he was watching synchronized diving and, for the first time, the American men won a Silver Medal. He said it was interesting that one of the swimmers was asked how the experience had affected him. Commissioner Barlow reported that the swimmer replied that his identify was in Christ Jesus and that he was not having a great time because he was at the Olympics but that he was having a great time because he loved the Lord and because Christ was in his life. Commissioner Barlow reminded everyone that, last year, he told everyone that his identity was in Jesus Christ; not in the Fayette County GOP and not in the Fayette County Board of Commissioners. He thanked God that there were some tremendous, world-renown athletes who identify with Christ and are not ashamed.

**Chairman Oddo:**

**Grand Opening of The Ridge Nature Area:** Chairman Oddo stated that on Saturday, August 13, the City of Fayetteville and Southern Conservation Trust would have the Grand Opening of The Ridge Nature Area from 10 a.m. until 2 p.m. He explained there would be events at the Grand Opening and that the park is made up of 300 acres and it would be built in phases. He stated that additional information could be found on the City of Fayetteville's website.

**Resurfacing of State Route 85:** Chairman Oddo announced that the Georgia Department of Transportation (GDOT) would repave State Route 85 from the Clayton County border to approximately Georgia Avenue.

**Peachtree City Rotary Club:** Chairman Oddo thanked the Peachtree City Rotary Club for giving him an opportunity to speak earlier in the day. He stated that he gave a presentation on the Special Purpose Local Option Sales Tax (SPLOST) and the county's efforts. He encouraged them to review the material, ask questions, and communicate with others about the need for SPLOST.

**EXECUTIVE SESSION:**

**Threatened Litigation and Review of the July 28, 2016 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:36 p.m. and returned to Official Session at 9:46 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0. A copy of the Executive Session Affidavit, identified as "Attachment 11," follows these minutes and is made an official part hereof.

**July 28, 2016 Executive Session Minutes:** Commissioner Ognio moved to approve the July 28, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the August 11, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The August 11, 2016 Board of Commissioners meeting adjourned at 9:46 p.m.

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Floyd L. Jones, County Clerk

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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 25<sup>th</sup> day of August 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk