

## BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman  
Charles W. Oddo, Vice Chairman  
Edward Gibbons  
Eric K. Maxwell  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. White, County Clerk  
Marlena Edwards, Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

February 28, 2019  
6:30 p.m.

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Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 6:30 p.m.

### Call to Order

Chairman Randy Ognio called the February 28, 2019 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

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

### Acceptance of Agenda

Commissioner Charles Rousseau moved to accept the agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

1. **Consideration of Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road.**

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property into the record. Mr. Frisina stated that the first hearing was Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road; and was in conjunction with Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road. Mr. Frisina stated that this was the third time these petitions had been presented to the Board. Mr. Frisina stated that there were two proposed conditions which are:

1. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be

shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.)

2. The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on the Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) Mr. Frisina stated that both Planning Commission and staff have recommended approval.

Commissioner Maxwell stated that he recused himself from discussion of items #1 and #2 due to his friendship with Mr. Wright, he stated that he had previously recused himself from Rod Wright issues and will continue to do so, due to a conflict of interest. Commissioner Maxwell left the Public Meeting Room until discussions were over.

Stephen Jones spoke on behalf of the applicant Mr. Rod Wright. Mr. Jones reiterated that this was the third time these petitions had been presented to Board. Mr. Jones asked the Board to make a fair, consistent, and right decision to approve the petitions. Mr. Jones stated that the decision to approve should be based on staff's recommendation with two conditions, which the applicant consented to. The Planning Commission unanimous recommendation, the Future Land Use Map in affect at the time the petitions were filed, and the fact that there are seven (7) comparable R-70 developments in the area. Mr. Jones reserved the remainder of his time for rebuttal.

No one spoke in favor.

The following spoke in opposition:

Norm Nolde stated that the reason he opposed the petition was because of access to Davis Road. Mr. Nolde stated that Davis Road was a gravel road and his objection was to the potential for increased traffic and construction traffic. Mr. Nolde asked the Board to consider restricting construction traffic only to Ebenezer Church Road and not allow traffic on Davis Road.

Mr. Jones responded to the citizens concern and stated that no construction activities will take place on Davis Road. Mr. Jones asked for the Boards favorable approval of the Petition.

Chairman Ognio asked had the Petitioner agreed to the two (2) conditions.

Mr. Jones stated that the Petitioner had consented to the two (2) conditions.

Chairman Ognio added a third condition of no construction traffic on Davis Road.

Mr. Jones stated that the Petitioner agreed to that condition also.

Vice-Chairman Oddo motioned to approve Petition No. 1259-16A, Regina D. Godby, Owner, and Rod Wright, Agent, request to rezone 33.995 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18B; property located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road and Davis Road with three (3) conditions: 1) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 2) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 3) No construction traffic shall be allowed on Davis Road. Commissioner Rousseau seconded. The motion passed 4-0-1, Commissioner Maxwell recused himself.

- 2. Consideration of Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road.**

No one spoke in favor or in opposition.

Vice-Chairman Oddo motioned to approve Petition No. 1259-16B, Shelly M. Godby, Owner, and Rod Wright, Agent, request to rezone 5.0 acres from A-R to R-70 to develop a Single-Family Residential Subdivision with 17 lots in conjunction with Petition No. 1259-18A; property is located in Land Lots 37 and 60 of the 7th District and fronts on Ebenezer Road with three (3) conditions: 1) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 50 feet of right-of-way as measured from the centerline of Ebenezer Road prior to the approval of the Final Plats and said dedication area shall be shown on the Preliminary Plat and Final Plats. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 2) The owner/developer shall provide, at no cost to Fayette County, a quit-claim deed for 40 feet of right-of-way as measured from the centerline of Davis Road prior to the approval of the Final Plat and said dedication area shall be shown on Preliminary Plat and Final Plat. (This condition is to ensure the provision of adequate right-of-way for future road improvements.) 3) No construction traffic shall be allowed on Davis Road. Commissioner Rousseau seconded. The motion passed 4-0-1, Commissioner Maxwell recused himself.

Commissioner Maxwell returned to the Meeting.

- 3. Consideration of staff's request to adopt Resolution 2019-03 pertaining to the "Fayette County 2018 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2019- FY2023)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption.**

Mr. Frisina stated that majority of the other jurisdictions, (Woolsey, Brooks, and Tyrone) that we are involved with have adopted or are working to adopt this Resolution. Mr. Frisina stated that the county collected \$127,539 (combined total with Woolsey, Brooks, and Tyrone) in impact fees last year.

No one spoke in favor or in opposition.

Vice-Chairman Oddo motioned to adopt Resolution 2019-03 pertaining to the "Fayette County 2018 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Community Work Program (FY2019- FY2023)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs for Regional and State review prior to adoption. Commissioner Gibbons seconded. The motion passed 5-0.

#### **CONSENT AGENDA:**

Chairman Ognio requested to have item #15 pulled for discussion.

Vice-Chairman Oddo moved to accept the Consent Agenda as written, except for item number #15 for discussion. Commissioner Gibbons seconded. The motion passed 5-0.

- 4. Approval of Resolution 2019-02 to change a street name in Waterlace/Canoe Club Subdivision from "Windsail Pointe" to "Lakeridge Point."**

5. **Approval of the Acceptance and Confirmation of Work from Fairburn Ready Mix for the clean-up of property owned by Fayette County adjacent to Fairburn Ready Mix.**
6. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Fayetteville in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
7. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
8. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Brooks in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
9. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Tyrone in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
10. **Approval of the Election Office's request to enter into an Intergovernmental Agreement with the Town of Woolsey allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Woolsey in 2019, and authorization for the Chairman to sign said Intergovernmental Agreement.**
11. **Approval to adopt Resolution 2019-04 to request sales tax information from the Georgia Department of Revenue pursuant to O.C.G.A. 48-2-15(d.1) and name Chief Finance Officer as Fayette County's designated official for all related purposes through the period ending December 31, 2019.**
12. **Approval of staff's recommended Mid-Year Budget Amendments to the FY 2019 budget and approval to close completed Capital Improvement Program (CIP) projects.**
13. **Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2020 which begins July 1, 2019 and ends June 30, 2020.**
14. **Approval of the reappointment of Division Chief Steven Folden and Deputy Fire Chief Thomas Bartlett to the West Georgia EMS Council for a two-year term.**
15. **Approval of the February 14, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio stated that two edits had be made to the February 14, 2019 Board of Commissioners Meeting Minutes. On page five of the February 14, 2019 Board of Commissioners Meeting Minutes under Executive Session the minutes stated there was one item of Real Estate Acquisition discussed, it should have been one item of Pending Litigation. Chairman stated that was corrected. On page 6 under Executive Session the same language was added. Chairman Ognio motioned to approve the February 14, 2019 Board of Commissioners Meeting Minutes with noted edits. Vice-Chairman seconded. The motion passed. 5-0.

**OLD BUSINESS:**

**NEW BUSINESS:**

**16. Fayette County State Court's request to approve to complete a Veterans Treatment Court implementation grant from the Council of Accountability Court Judges.**

Judge Thompson outlined for the Board what the Veterans Treatment Court entailed. Judge Thompson stated that the Fayette County Veterans Treatment Court (VTC) would seek to divert eligible veteran-defendants with substance dependency and/or mental illness who are charged with misdemeanor criminal offenses to a specialized criminal court docket. The court would substitute a treatment and problem solving model for traditional court processing. Veterans are identified through evidence based screening and assessments. The veterans would voluntarily participate in a judicially supervised treatment plan developed with the veteran; drawing from a team of court staff, veteran health care professionals, veteran peer mentors, and mental health professionals. Judge Thompson stated that the VTC anticipated 5-10 participants for FY 2020, with subsequent growth in future years. Grant funding would be requested to start July 1, 2019. He stated that the implementation grant would cover a part-time hourly wage for Case Manager, treatment, testing, surveillance, equipment and supplies. The VTC would be supported by the Accountability Court Board of Advisors. The VTC would be located in the Fayette Justice Center and would be a part of the State Court of Fayette County under his direction. All court proceedings will occur in Courtroom 2D. Judge Thompson stated that the VTC would follow the ??(CACJ) standards and the Core Competencies created by the Veterans Administration. Judge Thompson added that the VTC would be the 2nd accountability court for State Court. Judge Thompson acknowledged that he created the Fayette County DUI Court in January 2016. He stated that since its inception, the DUI Court program had saved Fayette County taxpayers almost half-a-million dollars. Judge Thompson stated that we have a high concentration of veterans in our community, who at time find themselves in the judicial system and in the jail and these are the individuals who need our help and support.

Judge Thompson stated that the Fayette County State Court requested the Board of Commissioners approval to complete a Veterans Treatment Court implementation grant in the amount of \$118,169 from the Council of Accountability Court Judges. The grant included a 10% match of \$13,129 that would be funded by DATE funds and participant fees.

County Administrator Steve Rapson stated that the request is in the amount of \$118,169 which corresponded with the Veterans Treatment Court grant outlined by Judge Thompson. He stated that there were two (2) part-time positions that would be part of next year's budget which are anticipated to be used for this grant set to begin July 1, 2019. Mr. Rapson stated that the DATE funds would be used to subsidize this program as well as the existing DUI program. Mr. Rapson stated that the number were conservatively analyzed and extrapolated out to future years to determine at what point funds would be depleted. He stated that would be 2027.

Chairman Ognio stated for clarification that the grant was for \$118,169, he stated that within the document he noted the grant amount being \$105,039.11 with a match of \$13,129.

Mr. Rapson stated that was correct. \$13,129 would be funded by DATE funds and was the 10% match. He clarified that the grant request was for the \$118,169, with the county "having to sure up" the 10%.

Vice-Chairman Oddo acknowledged that this was an important and beneficial program supporting our Veterans; however what concerned him was sustainability of funding for the program in the future. Vice-Chairman Oddo stated that although a worthy program the Board was accountable for being fiscally responsible with taxpayer money and delegating funds appropriately. Vice-Chairman Oddo urged Judge Thompson to work diligently to maintain funding.

Judge Thompson stated that his goal was to follow the same pattern he set with Fayette County DUI Court. He stated that he would continue to be proactive and save for a rainy day.

Commissioner Gibbons stated for clarification that similar to DUI Court, the 5-10 initial participates would have an alternative treatment plan rather than going to jail at \$75 per day.

Judge Thompson stated yes that was the plan to establish an alternative treatment plan instead of a jail sentence.

Commissioner Rousseau stated that he wanted to ensure we are doing our due diligence and working together with other non-profit service providers and providing support to the most vulnerable in our community. Commissioner Rousseau stated for clarification in reference to the alternate treatment plan would those also include a scaled back jail sentence (i.e. weekend stays).

Judge Thompson stated that was correct instead of a 6-month jail sentence an individual would receive a 20-day sentence and would be able to serve that time on the weekends, the individual could maintain employment and the sentence would be modified. This was in exchange for going into the program. Judge Thompson stated that he was committed to working with community partners and providers for the betterment of the program.

Commissioner Rousseau stated that in reviewing the request and supporting document he noticed that the VTC would be supported by the Accountability Court Board of Advisors, he stated that he would like to see that the mental health professionals are a part of the team. He stated that mental health was a key element, providing reduced jail sentences and other partial assistance was good, but we wanted to ensure we are providing complete care.

Judge Thompson stated that the Board of Advisors would comprise of business leaders, religious leaders and others, but the team that would meet with the veterans would include metal health professionals.

Commissioner Maxwell asked Judge Thompson what the possibility was of receiving the grant.

Judge Thompson stated that he was not sure, he stated that he could not say it had been promised to us. He added that his understanding was that they try and give what was asked for if reasonable, the first year and then tailor back the next year.

Commissioner Maxwell stated that each member, like himself, was willing to provide special support if needed. Commissioner Maxwell stated that \$118,000 was a relatively small number when compared to the overall budget for the County, but singularly \$100, 000 was a lot of money. Commissioner Maxwell stated that was a significant program; however, a problem could develop when the funds run out in the DATE funds. the request turned to General Funds. He stated that if that happened this request would be competing with other County services, functions, and operations. Commissioner Maxwell asked if they were unsuccessful in receiving the grant would the request change to General Funds and be resubmitted.

Judge Thompson stated no, he would go back to the drawing board and collaborate with community partners on a better way.

Chairman Ognio asked about Sheriff's involvement and security in the program.

Judge Thompson stated that there was a piece for surveillance, and that there would be law enforcement officer participation. He stated that Sheriff Babb had been a great partner in other courts and would assist with this program also.

Commissioner Maxwell moved to approve Fayette County State Court's request to approve to complete a Veterans Treatment Court implementation grant in the amount of \$118,169 from the Council of Accountability Court Judges. Commissioner Gibbons seconded. The motion passed 5-0.

**17. Staff's recommendation to amend an Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of the county owned property and to approve the proposed 2019 Calendar of Events.**

County Administrator Steve Rapson stated that this agreement was reviewed after the last approval of the fifth addendum on January 11, 2018. He stated that the Board directed staff to streamline the approval process of the use of county owned property on the 2019 Calendar of Events. Mr. Rapson stated that as a part of that streaming effort now staff will be able to make some of those approvals rather than having to present each one before the Board for updates to the Calendar of Events, unless controversial in nature.

Commissioner Gibbons motioned to approved to amend an Intergovernmental Agreement between the City of Fayetteville and Fayette County for use of the county owned property and to approve the proposed 2019 Calendar of Events. Vice-Chairman Oddo seconded. The motion passed 5-0.

**18. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Bryan Thompson to the Fayette County Recreation Commission for a term beginning January 1, 2019 and expiring December 31, 2022.**

Vice-Chairman Oddo motioned to approve to appoint Bryan Thompson to the Fayette County Recreation Commission for a term beginning January 1, 2019 and expiring December 31, 2022. Commissioner Rousseau seconded. The motion passed 5-0.

**19. Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Charles W. Oddo and Commissioner Charles D. Rousseau, to appoint Michael Gumbinger to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020.**

Vice-Chairman Oddo motioned to approve to appoint Michael Gumbinger to the Fayette County Recreation Commission for an unexpired term beginning immediately and expiring March 31, 2020. Commissioner Rousseau seconded. The motion passed 5-0.

**20. Staff's recommended changes to the "Addendum to Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services".**

Public Works Director Phil Mallon stated that in order for Fayette County or any other local government to utilize federal dollars for transportation projects, we have to maintain a certification through the Georgia Department of Transportation which was updated every three years. He stated that we were currently in the process of getting re-certified. Mr. Mallon stated that the county completed every hurdle, however language needed to be added to demonstrate an understanding of the applicable federal and state rules to our Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services. Mr. Mallon stated that the additional language/text did not in any way change the policy and procedure; it only added clarification.

Commissioner Rousseau moved to approve changes to the "Addendum to Policy & Procedures Section 200.01, Purchasing Goods and Services, Public Works Projects Using Federal Funds, Engineering & Design Related Services". Vice-Chairman Oddo seconded. The motion passed 5-0.

**21. Consideration of Ordinance 2019-01, amendments to Chapter 4 – Alcoholic Beverages, Sec. 4-36 - Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites regarding A-R wedding/event facilities.**

Mr. Frisina stated that he and his colleague Chief Myers had been working on a particle aspect of the the zoning A-R wedding/event facilities. Mr. Frisina stated when the alcohol ordinance was originally created there was a distance for residences. As the County was seeing the development of A-R wedding/event facilities where permitted events and special events can take place at a permitted location under the alcohol regulations, these amendments would exclude an on-site private residence from the private residential distance requirements of the alcohol regulations. Mr. Frisina stated that this was a house keeping measure to update the Policy.

Commissioner Rousseau motioned to approve Ordinance 2019-01, amendments to Chapter 4 – Alcoholic Beverages, Sec. 4-36 - Prohibited distances; sale of alcoholic beverages near churches, schools, or other sites regarding A-R wedding/event facilities. Vice-Chairman Oddo seconded. The motion passed 5-0.

**22. Consideration of staff's recommendation to adopt Ordinance 2019-02 that amends Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection.**

Environmental Management Director Vanessa Birrell stated that the Fayette County Watershed Protection Ordinance was adopted in 1987. Ms. Birrell stated that the ordinance protects both streams and floodplains. This ordinance also meets the Georgia Environmental Planning Criteria for protection of large and small water supply watershed that are publicly owned.

Ms. Birrell stated that the amendment clarified requirements for all lakes and ponds to have the minimum state buffer and setback requirements of 50 ft. and 25 ft., respectively, which coincide with current department policy. Ms. Birrell stated that changes to the appeal process would allow the Board of Commissioners to hear a variance request if not granted by the Environmental Management Director. Currently, the Fayette County Planning Commission hears Watershed Protection variance requests. Activities allowed in the watershed protection setback and buffer/setback requirements around lakes and ponds are further clarified. Mr. Birrell stated that definitions had been added and amended to conform with other development regulations definitions. Housekeeping items include changing of the department name to Environmental Management.

Vice-Chairman Oddo moved to approve staff's recommendation to adopt Ordinance 2019-02 that amends Fayette County Code, Chapter 104 - Development Regulations, Article VII. Watershed Protection. Commissioner Gibbons seconded. The motion passed 5-0.

**23. Staff's recommendation to approve Resolution 2019-05; Opposing House Bill 302, Preemption of Local Building Design Standards.**

Chairman Ognio stated that there was a new Resolution on the dais for review, which was Senate Bill 172. He stated that the wording was the same as House Bill 302, but now we have one from each sides of legislature.

Mr. Rapson stated that ACCG had asked that the counties to take a position on this. He stated that with this Resolution we are establishing support in opposition to both of these bills.

Chairman Ognio stated that he attended the ARC Meeting on February 27, 2019 and that this Resolution was passed unanimously.

Vice-Chairman Oddo moved to approve Resolution 2019-05; Opposing House Bill 302 and Senate Bill 172, Preemption of Local Building Design Standards. Commissioner Gibbons seconded. The motion passed 5-0.

**PUBLIC COMMENT:**



**Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.**

**Roy Bishop** stated that he had received several calls regarding trash on West Bridge Road. Mr. Bishop also stated that there were two parcels of land that needed to be looked at by Code Enforcement. The first one was the Old Bensons Store at Ford Rd and West Bridge Road. He stated that it was falling in. The second property was the old Kiddie Land Nursery, Mr. Bishop stated that the building was torn down but the playground equipment was still there and weeds had grown up and had become dumping ground. Mr. Bishop also stated that he'd like an update on the red light at West Bridge and 92.

**Yvonne Smith** stated that she was here again about her community and concerned about neighbors still parking on the lawn. Ms. Smith stated that she cared about her community and needed assistance from the Board regarding the parking on the lawn and storm water and drainage in her community. Her granddaughter offered additional comments of concern.

**Douglas Brantley** stated that he had returned because of the continued concerns he had with storm water runoff, drainage and flooding at his home and his neighbors' home. Mr. Brantley stated that a sinkhole had recently formed due to the rain. Mr. Brantley stated that this had been an ongoing problem for 20-years and he wanted some real solutions, not just temporary fixes.

**Bradley Sanders** stated that he had a drain sewer on his property and wanted to know whose responsibility was it to maintain it. He asked where property owners turn to when they are having water runoff from the sewer and concerning pipe erosion.

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

In response to public comment:

#### **Roy Bishop**

Mr. Rapson stated that he would contact Steve Hoffman Roads Department Director to check on trash pick-up on West Bridge Road. He stated that he would contact Code Enforcement to check on the two properties. Mr. Rapson stated in reference to the red light on West Bridge and 92 that there was an analysis that was recently completed, but the overall project was 4-5 months from being completed.

#### **Yvonne Smith**

Mr. Rapson stated that the parking on the lawn ordinance was something that the Board had already addressed and decided not to move forward. Mr. Rapson stated that in reference to Code Enforcement concerns and actions, the county did not care who the resident was or what race or color they are, all residents are treated the same. He stated that he was aware of the resident Ms. Smith referred to and Chief Myers had been to the property on numerous occasions, but all his vehicles were operable and licensed and based on the existing ordinance, he could park on the grass if he chose to. Mr. Rapson stated that in reference to storm water runoff that that utility was done away with two years ago, and those funds went into the \$24,000,000 SPLOST projects being completed. Mr. Rapson stated that if Ms. Smith had a question on any of the SPLOT projects a listing was available online or she was welcomed to contact the County with specific project concerns.

#### **Douglas Brantley**

Mr. Rapson stated that Mr. Brantley's subdivision was platted back in 1974. Mr. Rapson stated that there were drainage, easements, and streams located on his property. Mr. Rapson stated that both Mr. Brantley and his neighbor both receive 74 acers worth of that drainage. Mr. Rapson stated that as a result when it rains those properties will have water. Mr. Rapson stated that the storm water flows from the IHOP of the adjacent development. Mr. Rapson stated that the historical aerials show that the streams present after Honey Suckle Road were installed but they weren't present when these homes were built in the 80's. Mr. Rapson stated that they likely piped the streams which was against current regulation but was allowed then. Mr. Rapson stated that Mr. Brantley's property was adjacent to the City of Fayetteville and backed up to commercial development. Mr. Rapson stated that Vanessa Birrell had discussed this issue with the City of Fayetteville Public Services Director Chris Hindman and they are aware of the concerns. He added that they do periodically clean out the ponds, as well as some of the commercial businesses clean out some of the inlets. Mr. Rapson stated that while the failing storm water structures are in the County they are

on private property and there are things the County cannot do on private property. Mr. Rapson stated that the County was responsible for anything that endangers our infrastructure, roads, or right-of-way, but the vast majority of the issues that Mr. Brantley's had were on private property and that was an issue between the homeowner, the commercial development, and/or the City of Fayetteville. Mr. Rapson stated that the County had done everything we can do.

### **Bradley Sanders**

Mr. Rapson introduced and directed Mr. Sanders to contact Environmental Management Director Vanessa Birrell to assist him with his concerns.

- A. Mr. Rapson stated that Contract #1431-P: Transportation Engineer of Record: Task Order 21 – Resurfacing Program – FY 2019, FC Project Number: 19TAF, GDOT PI 0016058, ARC TIP FA-100A, Surface Transportation Block Grant (STBG) was approved.
- B. Mr. Rapson stated that Contract #1431-P: Transportation Engineer of Record: Task Order 22 – Resurfacing Program – FY 2019, FC Project Number: 19TAG, GDOT PI 0016083, ARC TIP FA-100B, Surface Transportation Block Grant (STBG) was approved.

### **Board of Health**

Mr. Rapson stated that a selection committee for a citizen position on the Board of Health was needed and for the Chairman to delegate an appointee to serve on the Board of Health was needed.

Chairman Ognio designated Steve Folden to serve on the Board of Health.

Chairman Ognio moved to nominate Commissioner Gibbons and Chairman Ognio to serve as selection committee for the Board of Health. Commissioner Gibbons seconded. The motion passed 5-0.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated there was one item involving Pending Litigation, two items involving Threatening Litigation, and the Review of the February 14, 2019 Executive Session Minutes for consideration in Executive Session.

### **COMMISSIONERS' REPORTS:**

**Commissioner Gibbons** apologized for his remarks at the February 14, 2019 Board of Commissioners Meeting as they pertained to Public Comments. Commissioner Gibbons stated that he was wrong in many ways. He stated that he definitely wanted to hear from the public at the BOC meetings or via any other form of communication, be it by telephone, email, or a face-to-face meeting and would consider all input respectfully and thoughtfully. Commissioner Gibbons stated that if he gave the impression that he had already made up his mind on an issue when he walked into the Board Room that was absolutely untrue. Commissioner Gibbons stated that while he researched every topic thoroughly prior to the Commission Meeting, he relied on input from the Board, staff, and the public before he casts his vote.

**Commissioner Maxwell** stated that it was his privilege to sit next to Commissioner Gibbons, he added that although it had only been for the last four meetings what was not seen was the number of times they have had the opportunity to talk on various topics and issues and more recently in reference to his comments from the February 14, 2019 Board of Commissioners. Commissioner Maxwell stated that he gave Commissioner Gibbons honest feedback regarding his statements. Commissioner Maxwell stated that he and other member of the Board have served 4-6 years, but Commissioner Gibbons was new and continues to grow.

**Commissioner Rousseau** stated that part of the challenge from the February 14, 2019 meeting was the decision to add Public Comments time limits and how it would be rolled out. Commissioner Rousseau stated that we must be careful and aware of how implementation of a new/updated rule would be structured, he suggested taking a step back and asking pertinent questions.

Commissioner Rousseau stated that what troubled him was when the Board told a citizen no they cannot do something, but there is no rule in place prohibiting it. Commissioner Rousseau stated that this had the potential of eroding the trust between us and the citizen's in our community. Commissioner Rousseau stated to Commissioner Gibbons that he accepted his comments as a member of the community, he extended a welcome to Commissioner Gibbons and added that he too had suffered from "foot in mouth" disease on multiple occasion but these are experiences we all grow from. Commissioner Rousseau stated that in regard to the border dispute between the City of Fairburn and Fayette County residents with a proposed development, he tried to attend the City of Fairburn Council Meeting but due to occupancy limits he was not allowed inside. Commissioner Rousseau stated that he discussed the issue with residents and reached out to his counterparts with the City of Fairburn to find out the essence of the proposal. Commissioner Rousseau expressed his appreciation for staff who vetted calls from citizens in regard to the issue and stated that although not in the County's jurisdiction, it would have had an impact on our citizens.

**Vice-Chairman Oddo** stated that the comments that have been expressed are very valid, he stated that since he had come to know Commissioner Gibbons he had put a lot into this job. He appreciated that he asked a lot of question with the purpose of gaining knowledge similar to what many of us had to do in the past. Vice-Chairman stated that citizens would be very pleased once he went through his first four-year term. Vice-Chairman stated that what was not perceived while sitting at the dais, but was very difficult, was that when we make a decision the effects are County-wide and we have to take numerous factors into consideration before coming to a decision. Vice-Chairman stated that he welcomed citizen engagement and made himself available to be contacted.

**Chairman Ognio** stated that as an elected official we are presented with challenges and sometimes we make mistakes, but what's sad was when those mistakes are blown out of proportion. Chairman Ognio stated that he was always available through email and phone call and tried to coordinate meetings. Chairman Ognio stated that sometime various issues do not work out the way a resident would like it, but when making decisions, the Board had to consider the ramification it would have on the whole County. Chairman Ognio stated that he hoped citizens understood why the Board did not post on Facebook. He stated that it was based on open records law and proper record retention. He added that while the Board did not respond to citizens via Facebook, if emailed or called he would respond. Chairman Ognio stated that he felt for Commission Gibbons and knows this was a rough way to begin his term but knows the citizens will be forgiving. Chairman Ognio stated that his youngest will turn 25 years old on Monday.

#### **EXECUTIVE SESSION:**

**One item involving Pending Litigation, two items involving Threatening Litigation, and the Review of the February 14 , 2019 Executive Session Minutes:** Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 8:36 p.m. and returned to Official Session at 9:12 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

**Approval of the February 14, 2019 Executive Session Minutes:** Chairman Ognio moved to approve the February 14, 2019 Executive Session Minutes. Vice-Chairman Oddo seconded the motion. The motion passed 5-0.

#### **ADJOURNMENT:**

Commissioner Gibbons moved to adjourn the February 28, 2019 Board of Commissioners meeting. Vice Chairman Oddo seconded the motion. The motion passed 5-0.

The February 28, 2019 Board of Commissioners meeting adjourned at 9:12 p.m.

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Marlena Edwards, Deputy County Clerk

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Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 14<sup>th</sup> day of March 2019. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Deputy County Clerk