

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

March 28, 2019

6:30 p.m.

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 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the March 14, 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 Eric Maxwell

Commissioner Eric Maxwell offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice-Chairman Oddo moved to accept the agenda and to remove items #15, #17, and #18. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation to recognize April as Safe Digging Month in Fayette County.

Commissioner Edwards Gibbons, on behalf of the Board, presented Water System Utilities Services Manager Matt Bergen with a proclamation. Mr. Bergen urged citizens to call 811 before digging.

PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property.

2. Consideration of Petition No. 1280-19, Kevin M. McFarland, Deborah J. McFarland, and Felix Enriquez, Owners, and Jerry Peterson, AIA, Agent, request to rezone 16.74 acres from A-R to O-I to develop an event venue; property located in Land Lot 127 of the 5th District, and fronts on State Route 54 West.

Pete Frisina Community Development Director stated that this petition was approved by staff and the Planning Commission with one condition. Mr. Frisina stated that the condition stated, "prior to submittal", however the site plan had already been submitted, thus the condition should be amended to read: "that all necessary variances be approved by the Zoning Board of Appeals prior to the *approval* of the revised site plan necessary for utilization of the existing residence in a nonresidential manner including installation of proposed access drive and parking."

Mr. Felix Enriquez stated that he and his business partners were in agreement to the amended language of the condition and changing "submittal" to "approval". Mr. Enriquez stated that the reason for the request to rezone was to turn some of

the rooms in the existing residence into office space to support the recently built special event venue, instead of having those offices in the venue and taking up spaces that could be used by clients.

No one spoke in favor or in opposition.

Vice-Chairman Oddo moved to approve Petition No. 1280-19, Kevin M. McFarland, Deborah J. McFarland, and Felix Enriquez, Owners, and Jerry Peterson, AIA, Agent, request to rezone 16.74 acres from A-R to O-I to develop an event venue; property located in Land Lot 127 of the 5th District, and fronts on State Route 54 West with condition that all necessary variances be approved by the Zoning Board of Appeals prior to the approval of the revised site plan necessary for utilization of the existing residence in a nonresidential manner including installation of proposed access drive and parking. Commissioner Edward Gibbons seconded. The motion passed 5-0.

3. Consideration of Petition No. 1281-19, Jacky Matthews, Owner, and Jerry Peterson, AIA, Agent, request to rezone 28.99 acres from A-R to R-50 to develop a Residential Subdivision consisting of 16 lots; property located in Land Lot 89 of the 7th District, and fronts on Dogwood Trail.

Pete Frisina stated that both staff and the Planning Commission approved this petition. Mr. Frisina stated that Jerry Peterson, Agent was not present, but the developer/representative Chad Floyd was in attendance.

Mr. Floyd stated that the Petitioner requested to have the property rezoned to one-acre lots per the site plan submitted, Mr. Floyd added that the request is conducive to the County land usage plan on Dogwood Trail.

No one spoke in favor or in opposition of this petition.

Commissioner Maxwell stated that if the Board approved the request to rezone the 28.99 acres to R-50 to develop a Residential Subdivision consisting of 16 lots with one-acre lots, then the property could yield more lots.

County Attorney Dennis Davenport stated that although the request is for 16 lots, with the approval, the Board could not lock the petitioner into that number. Mr. Davenport added that theoretically the 28.99 acres property could yield more, but because of the topography of the property, 16 lots was more in line with what the property would yield.

Vice-Chairman Oddo moved to approve Petition No. 1281-19, Jacky Matthews, Owner, and Jerry Peterson, AIA, Agent, request to rezone 28.99 acres from A-R to R-50 to develop a Residential Subdivision consisting of 16 lots; property located in Land Lot 89 of the 7th District, and fronts on Dogwood Trail. Commissioner Edward Gibbons seconded. The motion passed 5-0.

4. Consideration of Petition No. RP-071-19, Brent Payne, Owner, request to revise the Minor Subdivision Plat of Brent Payne by adding seven (7) acres of property from an existing tract to the existing 5.349 acre lot; property located in Land Lot 59 of the 7th District and fronts on Willow Road.

Brent Payne, Owner stated that the request was to combine his existing property to the neighboring property. Mr. Payne added that there would be no additional home sites.

No one spoke in favor or in opposition.

Commissioner Gibbons stated for clarification, that by combining the land, Mr. Payne would use it to house a barn for equipment storage in the future.

Mr. Payne stated yes.

Vice-Chairman Oddo moved to approve Petition No. RP-071-19, Brent Payne, Owner, request to revise the Minor Subdivision Plat of Brent Payne by adding seven (7) acres of property from an existing tract to the existing 5.349 acre

lot; property located in Land Lot 59 of the 7th District and fronts on Willow Road. Commissioner Edward Gibbons seconded. The motion passed 5-0.

CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda as written. Vice-Chairman Oddo seconded. The motion passed 5-0.

5. **Re-Adoption of Section 102-22 of the Code to include the State of Georgia Mandatory "International Swimming Pool and Spa Code".**
6. **Approval of staff's recommendation for the Department of Building Safety to establish an Administrative Section Ordinance for the State Mandatory International Swimming Pool and Spa Code (ISPSC) consistent with other Administrative Codes adopted by the Board of Commissioners.**
7. **Approval of staff's recommendation for the Department of Building Safety to establish an Administrative Section Ordinance for the State Mandatory International Energy Conservation Code (IECC) consistent with other Administrative Codes adopted by the Board of Commissioners.**
8. **Approval of a request from the Fayette County DUI Court to accept an emergency supplemental subgrant award for 2019 from the Criminal Justice Coordinating Council (CJCC).**
9. **Approval to authorize staff to acquire all fee simple right-of-way and easements for the 115 Brockton Court culvert replacement project (2017 SPLOST No. 17SAT).**
10. **Approval of the Fayette County Public Art Committee's Chalk Art Project on June 14, 2019 in conjunction with Main Street Fayetteville's event and authorization to utilize \$1,000 from the Public Arts Committee's budget.**
11. **Approval to use \$50,000 in available Georgia Department of Transportation (GDOT) LMIG Safety Action Plan (SAP) funds for roadway striping and signage in unincorporated Fayette County and authorization for the Chairman to sign the LMIG application and related documents.**
12. **Approval of the March 14, 2019 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

13. **Discussion of City of Fayetteville's plans for a new city center and possible impacts/enhancements to Heritage Park Way and the Library's parking lot and green space.**

Mr. Brian Wismer, Downtown Development Director for Fayetteville, led the discussion of Fayetteville's plans for a new city center and possible impacts/enhancements to Heritage Park Way and the Library's parking lot and green space. Mr. Wismer presented preliminary design of the new city center and requested the Board's input. Mr. Wismer stated that with the initial purchase of the new city hall property, some of the old buildings were not thought to be operable however, with further investigation these buildings, specifically the old gymnasium and bus barn, might be able to be preserved and repurposed. Mr. Wismer stated that the City of Fayetteville was actively involved in the construction of the new city hall and downtown park space. Mr. Wismer stated that his desire was to discuss a connector road. Mr. Wismer stated connectivity within the county was vital and developing multiple way to get from point A to point B, specifically through

SR 54 and Highway 85 via expansion of the downtown grid. Mr. Wismer stated that the two buildings were not initially included on the concept map but will be a part of the new concept. Mr. Wismer stated that his goal was to get County feedback, concerns, and guidance on the project.

Commissioner Maxwell stated that his concern was on the future development not noted on the concept map and that future development would be an apartment complex.

Mr. Wismer stated that the zoning had been approved for a mixed-use development, where there is commercial property on the ground floor with living units above it. Mr. Wismer stated that the goal for the City was to use the park space as much as possible.

Commissioner Maxwell asked why the concept map didn't include the apartment complex.

Mr. Wismer stated that the intent of the discussion tonight was focused on the City of Fayetteville's plans for a new city center and possible impacts/enhancements to Heritage Park Way and the Library's parking lot and green space. Mr. Wismer stated that his intent was not to mislead, his goal was to discuss connectivity and discuss coordination with the County.

Commissioner Maxwell stated that he was open to working with the city, but not in reference to the future development.

Chairman Ognio stated that he noticed the amphitheater displayed on the concept map, he asked would it be an amphitheater.

Mr. Wismer stated that it was more of a terrace area where there could be local performances however, the map was conceptual and things could be moved around. Mr. Wismer added that there was a slope in that area that naturally lends itself to a small performance area.

Vice Chairman Oddo asked if this project was being incorporated into the road study being conducted.

Mr. Wismer stated, "Yes."

Commissioner Gibbons stated that the redesign of Fayetteville was a great idea however, with the desire to create connectivity throughout the County, he suggested that the city consider how increased access points may contribute to traffic flow and the overall traffic impact. He also encouraged them to make sure the right agencies, specifically Georgia Department of Transportation (GDOT) be involved with those discussion.

Commissioner Maxwell asked how many trips per day would a 270-unit apartment complex estimating two cars per household yield.

Mr. Rapson stated in response to Commissioner Maxwell the number of trips would be 1,779 trips. Mr. Rapson stated that in reference to the Board's perspective, staff was aware of connectivity issues, traffic flow issues, safety concerns, along with the direct impact to the County Library and the Administration Complex. Staff will work with the City of Fayetteville to work on these issues and concerns.

Commissioner Oddo stated that he wanted to thank the City for considering the Board and coming to ask for the County's input, it was appreciated.

No action was taken.

- 14. Consideration of Pinewood Forest LLC's request for an Agreement that would allow for private construction, and future maintenance, of a sidewalk and landscaping within a portion of Fayette County's Hood Road right-of-way.**

Phillip Shell, Pinewood Forest construction representative stated that in order to provide a loop sidewalk/path system around the Pinewood Forest development, Pinewood Forest LLC has approached Fayette County about constructing and maintaining, a portion of the sidewalk within County right-of-way. Mr. Shell stated that topography and existing landscaping prohibits the path from being entirely on private property. Mr. Shell stated that engineering has reviewed the request and was supportive of the design. Pinewood Forest was working on a similar agreement with the City of Fayetteville for portions of the development along Veteran's Parkway.

Chairman Ognio stated that allowing use of the right-of-way could create issues for the County with future projects such as road widening or need for a turning lane.

Commissioner Maxwell asked if golf carts would be permitted on the sidewalks.

Mr. Shell stated "No".

Commissioner Maxwell asked if they would be willing to maintain it, and if needed would they be willing to give up the sidewalk for County use.

Mr. Shell stated "Yes."

Commissioner Gibbons stated that the agreement with Pinewood Forest would be set for 50 years.

Mr. Shell stated that most of the sidewalk was within Pinewood Forest property however, there are a couple of pinch points that veer out into the right-of-way. Mr. Shell, for clarification, advised that the whole sidewalk would not be in County right-of-way.

Commissioner Rousseau asked how many feet or yards in question would veer into County right-of-way.

Mr. Shell stated that he would guess about 500 ft. total, but only 100 ft. was in County right-of-way.

County Attorney Dennis Davenport stated that the goal of this item was not to reach an agreement between the County and Pinewood tonight, but to gain guidance if this would be something the Board would be interested in pursuing further and receiving direction. Mr. Davenport stated that this type of agreement was rare and in reverse order. He stated that generally with this type of agreement, the property was on private property then dedicated to the County, here they are seeking to do work on County property.

Commissioner Rousseau stated he was not opposed to the agreement but he would motion to table the discussion until it can be properly vetted and investigated. Maxwell seconded.

After further discussion, the motion to table was withdrawn.

Rick Halbert stated that they did have a similar issue and agreement with the City of Fayetteville. He stated that they would be willing to take full responsibility of the maintenance of the road and would agree to any contingencies, drafted by the County Attorney. He stated that he would love a vote to proceed but are willing to go through the process.

Mr. Davenport stated that although Pinewood Forest was be open and willing to taking responsibility of the road and perform maintenance, his concern was for the County and ensuring he provide a properly drafted agreement that considered all of the liabilities, risks, issues, and contingences that this type of agreement would require. This would take time.

Commissioner Gibbons motioned to allow staff, along with legal, to proceed with developing a draft agreement that would allow for private construction, and future maintenance, of a sidewalk and landscaping within a portion of Fayette County's Hood Road right-of-way. Commissioner Maxwell seconded. The motion passed 5-0.

15. Consideration and approval of draft Intergovernmental Agreement with Peachtree City for the Maintenance of Multi-Use Paths.

This item was removed for consideration during the acceptance of the agenda.

16. Consideration of a Second Amendment to the 2013 Annexation Consent Agreement with the City of Fayetteville to allow for Fayette County to pay \$160,000 to the City in lieu of designing, permitting and constructing a path over Sandy Creek along Veterans Parkway (2004 SPLOST project R-5G).

Mr. Mallon stated that the 2013 Annexation Consent Agreement and 2018 First Amendment specify that Fayette County shall design, permit and construct a path along Veterans Parkway over Sandy Creek. On March 8, 2018, the Board directed staff to seek input from the vested parties (Pinewood Studios, Pinewood Forest, and City of Fayetteville) regarding path options along the east side of Veterans Parkway. This had been completed and three options were identified: (1). County to design and build ~690' of path, including a path over Sandy Creek with guardrails. The path would run from Hood Road to just south of the creek. The preliminary cost estimate for this was \$160,000. (2). County to delay design and construction of path until other segments are programmed by the City that connect to the creek crossing area. (3). County and City amend the 2013 Annexation Consent Agreement with the City of Fayetteville to allow for Fayette County to pay \$160,000 to the City in lieu of designing, permitting and constructing a path over Sandy Creek along Veterans Parkway. This is similar to the approach taken by the Board in July 2018 regarding the pedestrian bridge over Veterans Parkway. The City Council discussed this issue on November 1, 2018. The City and County staff support Option 3.

Commissioner Gibbons moved to approve Second Amendment to the 2013 Annexation Consent Agreement with the City of Fayetteville to allow for Fayette County to pay not-to-exceed \$160,000 to the City in lieu of designing, permitting and constructing a path over Sandy Creek along Veterans Parkway (2004 SPLOST project R-5G). Chairman Ognio seconded the motion. The motion passed 5-0.

17. Consideration of staff's recommendation for the Department of Building Safety to implement Residential Re-Roofing Permitting (Same Roofing Material) and Inspections through our E-Permitting Module.

This item was removed for consideration during the acceptance of the agenda.

18. Consideration of staff's recommendation for the Department of Building Safety to implement Solar Permitting Fees consistent with the building industry.

This item was removed for consideration during the acceptance of the agenda.

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.

Yvonne Smith stated that she was still having issues with the drainage system and storm water runoff in her community (Newton Planation) and she was asking for assistance from the County.

Tom Waller stated that he believed the County should review right-of-way on Hood Road and the potential for this road to provide relief to SR 54.

ADMINISTRATOR'S REPORTS:

In response to public comment:

Yvonne Smith

Mr. Rapson stated that staff had been out to Newton Plantation on several occasions but will revisit. Mr. Rapson stated that past investigations found that the issues/concerns are on private property and not infrastructure that was the responsibility of the County.

Tom Waller

Mr. Rapson stated that Hood Road would be a discussion topic as part of the CTP plan update at the upcoming Annual Retreat being held April 5, 2019.

Mr. Rapson stated that Fayette County Water System Director Lee Pope resigned and his last day would be April 12, 2019. Mr. Rapson also stated that the Fayette County Water System- Cross Town plant received a certificate of Distinguished Merit, he added that it was always a good sign when EPD showed up to one of the plants with engineers to be trained. Mr. Rapson stated that he appreciated what Mr. Pope had done for the County.

ATTORNEY'S REPORTS:

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

COMMISSIONERS' REPORTS:

Commissioner Maxwell

Commissioner Maxwell expressed his thanks and appreciation to Mr. Pope and extended his well wishes. Commissioner Maxwell stated that if in his future endeavors he needed a letter he would be willing to write one.

Commissioner Gibbons

Commissioner Gibbons stated that he wanted to thank Mr. Pope for his service and wished him the best of luck in his future endeavors. Commissioner Gibbons also expressed that, if needed, he would be happy to be a reference for Mr. Pope.

Vice-Chairman Oddo

Vice-Chairman Oddo thanked everyone for being in attendance at the Board meeting and wished Mr. Pope much success and wished him well.

Commissioner Rousseau

Commissioner Rousseau expressed his thanks to staff for addressing the Kite Lake Road issue from the previous meeting. Commissioner Rousseau stated in response to Ms. Smith's concerns in Newton Plantation that he was aware that staff had gone out to investigate in the past and that they would follow through in a similar manner with this concern. Commissioner Rousseau expressed his appreciation for Mr. Pope as a servant leader.

Chairman Ognio

Chairman Ognio thanked Mr. Pope for a fantastic job, and added he hated to see him leave, but wished him the best. Chairman Ognio reminded citizens that if they have a birthday at the end of May to get their tags early because the State would be upgrading the tag computer system May 21-29.

EXECUTIVE SESSION:

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

The Board recessed into Executive Session at 8:01 p.m. and returned to Official Session at 8:22 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 March 14, 2019 Executive Session Minutes: Chairman Ognio moved to approve the March 14, 2019 Executive Session Minutes. Commissioner Gibbons seconded the motion. The motion passed 5-0.

ADJOURNMENT:

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

The March 28, 2019 Board of Commissioners meeting adjourned at 8:22 p.m.

Marlena M. Edwards, Deputy County Clerk

Randy O. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of April 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena M. Edwards, Deputy County Clerk