

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

October 24, 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 October 24, 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 Edward Gibbons

Commissioner Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Charles Oddo moved to accept the agenda as written. Commissioner Edward Gibbons seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. **Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program.**

Commissioner Maxwell, on behalf of the Board, presented Leah Williamson and J.R. Ramos with a plaque of recognition for their leadership, dedication, and hard work towards protecting Fayette County's valuable drinking water supply through the Water Guardians volunteer program.

2. **Recognition of awardees for the Fayette County Public Arts Committee 2019 Scarecrow Competition.**

Fayette County Public Arts Committee Chair, Cameron LaFoy, on behalf of the Board, recognized the awardees of the Fayette County Public Arts Committee 2019 Scarecrow Competition. The competition allowed individuals or groups to design and create a Scarecrow. The Scarecrows were constructed in the area surrounding the Heritage Park Fountain and could be enjoyed during the month of October, this year there were six (6) scarecrows.

1st Place – "Scarasaurus Rex" designed by Zach, Rachel, Cayden, and Lennon Harvey
2nd Place – "Dr. Frankenstein and his Monster" designed by Emily and Lucas Balsam
3rd Place – "Sewphie" designed by No Business Like Sew Business

3. **Recognition of the Public Works Roads Crew.**

Commissioner Rousseau, on behalf of the Board, recognized the Fayette County Public Works Roads Crew for their work with laying asphalt enduring adverse conditions specifically over the summer throughout the county.

4. Presentation and update from the Fayette County Board of Health regarding vaping in Fayette County.

With the recent concerns throughout the nation regarding e-cigarettes and vaping, Ashton Harris with the Department of Public Health briefed the Board with a "The Dangers of Vaping" presentation which discussed how vaping was affecting Georgia and more specifically Fayette County.

PUBLIC HEARING:

5. Consideration of Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rod Wright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions.

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

Commissioner Maxwell recused himself from discussion of this item stating that he and Mr. Wright were friends. Commissioner Maxwell left the Public Meeting room until discussions were finalized.

Steven Jones, applicant representative, stated that he would like to reserve time for rebuttal if necessary.

Mr. Jones stated that the request was to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions. Mr. Jones stated that after analysis of the request under the Code of Ordinance and Zoning Ordinance by both Planning and Zoning staff and the Planning Commission, it was determined that the request did qualify for approval based on four factors: (1) the request was compliant with the low density residential, which is a 1 unit/one acre designation on the future land use map, (2) the request would not adversely affect existing use or usability of surrounding properties, (3) it would not unduly burden any infrastructure, roads, schools, or utilities and (4) the request would not disrupt the general pattern development in the adjacent area.

Mr. Jones stated that both Planning and Zoning staff and the Planning Commission provided two conditions: The first condition: that the four (4) lots within the area being rezoned, plus the two (2) proposed A-R lots, be limited to no more than four (4) driveway curb cuts and each driveway curb cut shall service no more than two (2) lots. Each driveway shall meet the minimum required sight distance. The locations of the driveway curb cuts shall be approved by the County Engineer, and the second condition: that the Final Plat for the subject property will not be approved until the existing single-family residence is brought into compliance with the R-55 zoning district which can be achieved either by adding additional heated finished floor area to the existing single-family residence to meet the minimum required floor area or through a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement, or as a third option, removing the existing single-family residence from the subject property prior to Final Plat approval. Mr. Jones stated that the applicant consented to the first condition, however asked the Board to drop the second condition. Mr. Jones stated that from his interpretation of the Zoning Ordinance it would allow for a non-conforming, pre-existing structure to remain as part of a rezoning as long as no additional changes are made to the structure. Mr. Jones continued stating that the existing structure was a 2000 sq. ft. house, he added that the minimum square footage required in the R-55 zoning is 2500 sq. ft. he asked that the Board allow the structure to remain.

No one spoke in favor or in opposition.

Chairman Ognio stated that he would suggest keeping both conditions and if those are not desirable to the applicant, it would have to be discussed and handled with the Zoning Board of Appeals.

County Attorney Dennis Davenport stated that it is his understanding that the existing structure is actually a conforming structure in its current zoning designation, however as a part of the request to rezone the property to R-55 the structure would become an illegal structure not a non-conforming structure. Mr. Davenport continued stating that as a result the recommendation of the second condition would be appropriate.

Commissioner Rousseau stated that he had concerns that the applicant had initially agreed to both conditions recommended by both Planning and Zoning staff and the Planning Commission. Commissioner Rousseau ask Mr. Jones what changed.

Mr. Jones stated that his client had determined that the market conditions would favor the house remain as it did at its construction. Mr. Jones continued stating that if approved by the Board, his client would consent to both recommended conditions.

Commissioner Gibbons moved to approve Petition No. 1288-19, Rebecca A. Handley and Nancy McCord, Handley Family Trust Co-Trustees, Owners and Rod Wright Corp, Agent, request to rezone 5.85 acres from A-R to R-55; property located in Land Lot 31 of the 5th District, and fronts on Redwine Road with two (2) conditions. Commissioner Rousseau seconded. The motion passed 4-0-1.

Commissioner Maxwell returned to the Board Meeting.

6. Consideration of Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road.

Mr. Frisina stated that both staff and the Planning Commission recommended approval of the request.

Randy Boyd, applicant representative, stated that the applicant asked for the split of this land because as he advances in age he wanted to reduce his responsibility in maintaining the land. Mr. Boyd continued stating that the request does conform to the Land Use Map.

No one spoke in favor or in opposition.

Commissioner Gibbons stated that he noticed that the request had not been approved by Environmental Health because the proposed property line would cross the existing drain field.

Commissioner Gibbons asked to add the condition that drain field be appropriately relocated to maintain compliance.

Vice-Chairman Oddo moved to approve Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road. Commissioner Gibbons seconded.

Vice-Chairman Oddo amended his motion to approve Petition No. RP-073-19, for Bogdan C. Wolfe and Pamela M. Wolfe, Owners, and Randy Boyd, Agent, request to revise the Final Plat of Bogdan C. Wolfe and Pamela M. Wolfe to add one lot to the subdivision; property located in Land Lot 252 of the 4th District and fronts on McBride Road with the provision that the drain field be appropriately relocated to be in compliance. Commissioner Gibbons amended his seconded. The motion passed 5-0.

PUBLIC COMMENT:

CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda with the exception of item #11. Commissioner Rousseau seconded. The motion passed 5-0.

7. **Approval of the Georgia Department of Transportation (GDOT) Title VI; Non-Discrimination Agreement and Assurances (40 CFR Part 21.7).**
8. **Approval to amend the 2017 SPLOST Stormwater fund (32240320) reallocating \$57,000 from 2017 SPLOST General allocations to Morning Dove Drive (17SAJ) and to approve Task Order #13 Construction Management: 2017 SPLOST; Stormwater Category II; Morning Dove Drive Culvert Replacement to the current Engineer of Record Pond and Company.**
9. **Approval to renew the annual bid #1723-B to Hanson Aggregates Southeast LLC as primary vendor for stone for fiscal year 2020 with a not-to-exceed contract amount of \$144,496.75.**
10. **Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept FY2020 VOCA Continuation Base and Comp Advocate funding from the Criminal Justice Coordinating Council, in the amount of \$77,778 for a grant period from October 1, 2019 through September 30, 2020 and authorization for the Chairman to sign grant related documentation.**
11. **Approval of the October 10, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio moved to approve the October 10, 2019 Board of Commissioners Meeting Minutes with the correction to item #4 to add which Commissioner seconded the motion and that Vice-Chairman Ognio be corrected to Chairman Ognio. Vice-Chairman Oddo seconded. The motion passed 5-0.

OLD BUSINESS:

12. **Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018. This item was tabled at the October 10, 2019 Board of Commissioners meeting.**

County Attorney Dennis Davenport stated that this item was tabled from the October 10, 2019 Board of Commissioner Meeting. Mr. Davenport stated that it was then determined that there were some inconsistency in what was originally documented and what was stated by Ms. Malloy. Mr. Davenport stated that upon closer review and analysis of Ms. Malloy's property card and residence it was determined that the measurements of the finished basement was based on an exterior measurement. The tax assessor's office was able to get an updated interior measurement from the interior of the finished basement. Also her property card noted that there was a finished basement of about 1200 sq. ft. which was incorrect. Ms. Malloy has both a finished and unfinished basement totaling together 930 sq. ft. Mr. Davenport concluded that based on all of these factors, Ms. Malloy was due a tax refund for tax year 2016 and 2017; the amount due in 2016 is \$127.84 and the amount due in 2017 is \$141.13 totaling \$268.97. The tax years prior to 2016 would be barred due to the statute of limitations.

Ms. Malloy thanked all involved in helping with her request.

Commissioner Gibbons moved to approve County Attorney's recommendation to approve a disposition of tax refund in the amount of \$268.97, as requested by Paulette Malloy, for tax year 2016 and 2017. This item was tabled at the October 10, 2019 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 5-0.

NEW BUSINESS:

ADMINISTRATOR'S REPORTS:

Public Works Director Phil Mallon provided the Public Works "Hot" Project Update stating that:

Graves Road was completed except for stabilization.

Dogwood Trail (10/24/19)

Dogwood Trail was currently closed to all thru-traffic. Utility relocation remained the primary construction activity. Comcast was currently on-site and they had an additional two to three weeks of work. Much of the utility work would be sequential, which extended the time needed for all utilities to be moved. The temporary water bypass line was complete, and it passed the pressure test on 10/23/19. The project remained on-schedule for the road to open in Spring 2020.

Starr's Mill Tunnel (10/24/19)

This project was for the construction of a multi-use path tunnel under Redwine Road, immediately south of the Robinson Road intersection. The project included new path construction along the west side of Redwine Road and Robinson Road to connect with existing paths. County and PTC staff met with the Consultant on September 30 to identify field issues and establish design criteria. The Task Order for the design phase was revised by the Consultant to account for grading, drainage, and lighting issues raised during the field meeting. The date for the revised TO have been extended to October 30.

Kenwood School Project was completed except for stabilization.

Swanson Road Paving Project was completed except for stabilization.

McDonough Road Bridge (10/24/19)

The bridge on McDonough Road was programmed by GDOT into the Local Bridge Replacement Program (LOCBR) program for design work (i.e. "PE") in FY2020. Shortly afterward the State Legislature did not seek bridge bond funds and GDOT had to delay portions of the Bridge Program, which included all the 50 LOCBR bridges in FY 2020. PE authorization was shifted to FY2021 and the project remains a high priority for Fayette County, Clayton County and the GDOT.

Redwine Road Timber Bridge (10/24/19)

Repair work on the multi-use path bridge over Camp Creek was complete. Fayette County would stain the structure in the next few weeks to help preserve and extend the life of the lumber. The bridge was open for use.

Old Senoia Road Culvert Replacement (10/24/2019)

Old Senoia Road was currently closed to all thru-traffic between Harp Road and Hawn Road. Culvert installation was complete and crews are continuing to prep the site for pavement. According to the contractor's most recent schedule update, Old Senoia Road would re-open to all traffic the first week of November 2019 following paving and guardrail installation.

Intersection of SR 92, Veterans Parkway and Westbridge Road (10/24/19)

This intersection, currently operating as a two-way stop, has been approved for a traffic signal with turn lanes. Design for the project was complete and Fayette County was acquiring needed easements for the work. Simultaneous with the easement acquisition, the County and GDOT are working together to accelerate the project. An example of this was GDOT's donation of the signal equipment, which would help the project's schedule and funding. A schedule for the construction phase would be available after the project is awarded.

ATTORNEY'S REPORTS:

Mr. Davenport stated that at the October 10, 2019 BOC Meeting there were a couple of tax refund requests that were caused due to a system error causing a three-year freeze to be dropped after the first year. Mr. Davenport stated that upon review the Tax Assessor's Office determined that a total of 15 parcels were affected by this error. He added that two of those parcels were discussed at the pervious Board Meeting of the remaining 13 parcels, 12 were owned by one entity and the remaining one is owned by an individual. Mr. Davenport stated that none of the 13 remaining property owners have filed for tax refund request, however notifications of the issue have gone out advising the remaining property owners.

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for September 26, 2019.

COMMISSIONERS' REPORTS:

Commissioner Gibbons stated for clarification and to clear any lingering rumors, he is not in favor of the TDK extension from Peachtree City into Coweta County. Commissioner Gibbons congratulated Fayette County Administrator Steve Rapson's grandson for his recent graduation from Marine Corp Basic Training.

Commissioner Rousseau stated to Public Works Director Phil Mallon and Roads Director Steve Hoffman, in no way was his desire to acknowledge the Roads Crew intended to slight or take away from the hard work that all of the Public Works crews and staff achieve, however he felt they deserved direct acknowledgement and kudos enduring adverse conditions over the summer.

Vice-Chairman Oddo wished everyone a Happy Halloween and advised all to be careful and safe. Vice-Chairman thanked the Water Guardian volunteers and encouraged everyone to be mindful of the environment and encouraged all to do their part in maintaining the upkeep of Fayette County.

Chairman Ognio stated that Saturday Oct. 26, 2019 was National Prescription Take Back Day, he advised everyone if they had any expired or unused prescription to take them back to the Sheriff's Office from 10:00 a.m. until 2:00 p.m. on Saturday Oct. 26, 2019. Chairman Ognio thanked Public Safety for their efforts in conducting a successful Fall Festival. Chairman Ognio stated that he wore his Breast Cancer Awareness tie in recognition of his sister who would have been 55 on October 26th. Chairman Ognio thanked the Secretary of the State for meeting with the Elections Department, himself and Vice-Chairman Oddo as well as the Sheriff. Chairman Ognio also suggested to citizens with children to be careful during Halloween, and recommended having them carry flashlights while trick-or-treating. Chairman Ognio acknowledged the loss of firefighter Edwards Sherwood and asked all to keep his family in thought and prayer.

EXECUTIVE SESSION:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of threatening litigation and the review of the Executive Session minutes for September 26, 2019. Vice-Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:47 p.m. and returned to Official Session at 7:56 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 September 26, 2019 Executive Session Minutes: Chairman Ognio moved to approve the September 26, 2019 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Gibbons moved to adjourn the October 24, 2019 Board of Commissioners meeting. Vice Chairman Oddo seconded. The motion passed 5-0.

The October 24, 2019 Board of Commissioners meeting adjourned at 7:56 p.m.

Marlena Edwards, Deputy County Clerk

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 14th day of November 2019. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk