

## 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. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

July 23, 2020  
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 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 July 23, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present. Commissioner Charles Rousseau attended the meeting virtually via Microsoft Teams as allowed during the pandemic.

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

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

Community Development Director Pete Frisina read the Introduction to Public Hearings for the Rezoning of Property into the record. Mr. Frisina stated the meeting was unique in that it was being held during a time declared as a State of Public Emergency due to COVID-19 (coronavirus). In the abundance of caution concerning the COVID-19 (coronavirus), the meeting would be livestreamed and the call-in number 770-305-5277 would be available for those who wanted to make public comment on any of the items during the public hearings portion of the meeting.

- 1. Consideration of Petition No. 1291-20, Michael W. Harp, Owner, and Mark McCullough, Agent, request to rezone 3.005 acres from A-R to R-85 to develop one single-family residential lot; subject property located in Land Lot 247 of the 4th District and fronts on Goza Road.**

Mark McCullough, agent for Michael W. Harp, Owner, stated that the request was to rezone 3.005 acres from A-R to R-85 to develop one 3,000 plus square foot single-family residential lot.

Community Development Director Pete Frisina stated that both Planning and Zoning staff and Planning Commission recommended the request for approval.

No one spoke in favor or opposition.

Chairman Ognio asked if this tract had already been divided off the main tract.

Mr. Frisina stated, no it was not. He stated that if approved this would only allow for the rezoning of the 3.005 acres from A-R to R-85. He continued that the property owners would still have to go through the process of having the property platted.

Commissioner Maxwell asked what the zoning for the surrounding area was.

Mr. Frisina stated that the requesting property was surrounded by A-R zoning, however there was some smaller tract zoning in the general area. He stated that this was in an area within the Land Use Plan used to be a two-acre area, but when the Comprehensive Plan was updated in 2017 it was updated to three-acres. Mr. Frisina stated that the Land Use Plan gives consideration to three acres.

Commissioner Maxwell asked about the zoning of the homes across the street from the requesting property, as they seemingly looked smaller.

Mr. Frisina stated that these homes were probably all non-conforming lots that were created prior to the zoning being put in place in 1980 when the A-R zoning required five acres.

Commissioner Maxwell stated that the Board had approved, in the general area, three-acre lots for A-R zoning.

Mr. Frisina stated that the approval in that area was for one unit per three-acre density in terms of future land use. He continued that based on future land use, this petition request was compliant.

Commissioner Maxwell stated that he wanted to address a citizens' concern who thought the zoning for that area was five-acres.

Mr. Frisina stated that anything zoned A-R required five-acres. The Land Use Plan however, gave the option of going to something denser on a smaller lot if the outlined procedure was followed and the property was rezoned. Mr. Frisina stated that the Land Use Plan did not change the underlining zoning.

Commissioner Gibbons moved to approve Petition No. 1291-20, Michael W. Harp, Owner, and Mark McCullough, Agent, request to rezone 3.005 acres from A-R to R-85 to develop one single-family residential lot; subject property located in Land Lot 247 of the 4th District and fronts on Goza Road. Chairman Ognio seconded. The motion passed 5-0.

- 2. Due to an error in the legal advertisement the following cannot be heard: Petition No. RP-076-20, William T. Murphy and Richard E. Carne, Owners, and Steven L. Jones, Agent, request to add property to Bay Chappell Farms Subdivision, create an additional lot in Bay Chappell Farms and change the principal use on a lot labeled Recreational Area to residential use.**

No action taken by the Board.

- 3. Request to table Petition No. 1292-20, William T. Murphy, Owner, and Steven L. Jones, Agent, request to rezone 10.00 acres from A-R to R-72 to add property to the Bay Chappell Farms Subdivision; located in Land Lot 167 of the 4th District and fronts on Chappell Road to the August 27, 2020 Board of Commissioners meeting.**

Chairman Ognio moved to table this item to the August 27, 2020 BOC Meeting. The motion passed 5-0.

**PUBLIC COMMENT:**

**CONSENT AGENDA:**

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

**4. Approval of the July 9, 2020 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

**5. Consideration of staff's request to apply for a FEMA/GEMA (Federal Emergency Management Agency/Georgia Emergency Management Agency) Hazard Mitigation Grant to replace the emergency generator for the Crosstown Water Treatment Plant.**

Water System Director Vanessa Tigert stated that the purpose of this item was to ask for permission from the Board to apply for a FEMA/GEMA (Federal Emergency Management Agency/Georgia Emergency Management Agency) Hazard Mitigation Grant to replace the emergency generator for the Crosstown Water Treatment Plant. She noted that this grant would save the County approximately \$425,000.

Commissioner Gibbons moved to approve of staff's request to apply for a FEMA/GEMA (Federal Emergency Management Agency/Georgia Emergency Management Agency) Hazard Mitigation Grant to replace the emergency generator for the Crosstown Water Treatment Plant. Vice Chairman Oddo seconded. The motion passed 5-0.

**6. Consideration of proposed signalized R-CUT and roundabout concept for State Route 92 and Hampton Road intersection improvements in the Town of Woolsey.**

Public Works Director Phil Mallon noted that this was a 2004 SPLOST project. Mr. Mallon stated that these were aged projects and noted that any project outlined in the Transportation Plan prepared in 2003 were eligible projects. Mr. Mallon stated that back in 2018 and updated in 2019, the Board comprised a list of projects that would be prioritized for spending the remaining 2004 SPLOST funds. He stated that over the past eighteen months this project had developed from an idea to the concept stage. The budget approved by the Board for this project was \$3M and the location of this project was at State Route 92 and Hampton Road intersection in the Town of Woolsey. Mr. Mallon stated the issues with this intersection was because Hampton Road was offset by about 560 feet; during peak hours there would be considerable traffic queued up to turn onto or off State Route 92. He stated that there were also safety concerns and that there had been about 42 accidents in a 5-years period. He stated that although the growth rate within Fayette County was well controlled, there was a lot of growth being discussed in Henry County specifically in the Hampton Road and Atlanta Motor Speedway areas. Mr. Mallon stated that Fayette County staff, the Town of Woolsey, the Georgia Department of Transportation (GDOT) and Fayette County's Engineer-of-Record, have been collecting traffic data and considering options for improvements at this location. The alternative improvements were evaluated as part of an Intersection Control Evaluation (ICE) analysis which included new road construction, realignment of Hampton Road, the addition of one or two traffic signals, the use of one oblong roundabout, an all-way stop control, and the addition of just turn lanes. He stated that the improvements mentioned were ruled out for one reason or another with one main reason being the overall project budget. He continued that consideration was given to the community of Woolsey and a concept that the community would benefit from and support was the goal. This was a State Route and the project had to meet all Georgia Department of Transportation (GDOT) criteria. The goal was to reduce crashes by adding safety improvements, the project had to include adequate operational characteristics and provide a good level of service now and into 2042 and minimize property impacts. Mr. Mallon stated that the proposed signalized R-CUT and roundabout concept was the concept that was being recommended.

Mr. Mallon stated that if approved by the Board the next stage of the project was to proceed with full design which would be completed with Croy Engineering, Fayette County's Engineer-of-Record. Mr. Mallon stated that the conceptual cost estimate was \$3,110,400.

Commissioner Maxwell asked about the analysis of travelers making left hand turns.

Mr. Mallon stated that although there were travelers that make that left hand turn, the number of travelers making left hand turns was not significant. He stated that this concept offered the best combination of improvements to safety and traffic operations, right-of-way impacts and cost.

Commissioner Gibbons moved to approve proposed signalized R-CUT and roundabout concept for State Route 92 and Hampton Road intersection improvements in the Town of Woolsey. Chairman Ognio seconded. The motion passed 5-0.

**7. Consideration of staff's recommendation to award the annual bid #1838-B to C.W. Matthews of Tyrone as primary vendor and E.R. Snell as secondary vendor for asphalt services for fiscal year 2021, with a not-to-exceed contract amount of \$1,571,000.**

Commissioner Gibbons moved to approve of staff's recommendation to award the annual bid #1838-B to C.W. Matthews of Tyrone as primary vendor and E.R. Snell as secondary vendor for asphalt services for fiscal year 2021, with a not-to-exceed contract amount of \$1,571,000. Vice Chairman Oddo seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

**Hot Projects**

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. He stated that the update included details regarding the Dogwood Trail culvert replacement project which was expected to be completed in August but could be completed earlier, and the Kenwood Road culvert replacement project which was also expected to be completed in August, as well as an update regarding Fire Station #2 and #4.

**Department of Family and Children Services (DFACS) Board**

Mr. Rapson stated that there was a vacancy with the Department of Family and Children Services (DFACS) Board and a selection Committee was needed.

Chairman Ognio moved to appoint Commissioner Gibbons and Vice-Chairman Oddo to the Selection Committee for the Department of Family and Children Services (DFACS). Commissioner Maxwell seconded. The motion passed 5-0.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there was one item of pending litigation, one item of threatening litigation, and the review of the Executive Session minutes for July 9, 2020.

**COMMISSIONERS' REPORTS:**

**Commissioner Rousseau**

Commissioner Rousseau thanked the Board for their calls of concern and outreach and noted that all was well with him.

Commissioner Rousseau read the following into the record:

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"Tonight, many of us are still mourning the loss of two trailblazing giants of the civil and human rights era in this country. The Honorable Congressman John Lewis and Reverend Dr. C.T. Vivian who recently transitioned beyond the earthly realm. These men died during such a time when our nation is fighting an enemy called COVID-19. This enemy is wreaking havoc on people, families and neighborhoods around the world. This killer virus is taking far too many lives as we struggle to eradicate its damaging effects. This enemy is lurking in the shadows and it does not discriminate and is largely unseen. I find it extremely interesting, unlike COVID-19, these men were fighting multiple known enemies. These men were fighting the virus associated with racism, the virus of hate and the virus of indifference. Not only could they see these viruses- or these diseases, they could

feel their effects from their fellow citizens and from the very institutions that are supposed to be the tenets of our republic. The tenets that state all men are created equal and the basic tenants that states with liberty and justice for all were regularly and systematically denied to them. This particularly cruel virus of racism and terror were reserved for a certain group of people. The virus known as segregation, the virus known as voting right denial and a host of other viruses were their sworn enemies. These brave men pledged to find a cure, tried to inoculate America with love and the power of the Holy Spirit. I'll admit with a large degree of trepidation, they both got to see some of the fruits of their labor. Yet the institutional racism and indifference that they fought against has not and we have not found a full proof cure, as of yet. So tonight, I ask that we as a community do everything in our power to not just fight the COVID-19 virus as a collective force but we recommit ourselves to fighting the virus' of racism, hate and indifference that appears to be reemerging unabated.

Thank you for your service Congressman Lewis and Reverend Dr. C.T. Vivian. And in the words of the scriptures, and I'm paraphrasing, 'Well done thy good and faithful servants.'"

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#### **Chairman Ognio**

Chairman Ognio encouraged Fayette County citizens who had not already done so to participate in the 2020 Census. Chairman Ognio also encouraged citizens with concerns related to Fayette County Schools to contact and reach out to their School Board representative the Fayette County Board of Education handles all issues related to school and education within County.

#### **EXECUTIVE SESSION:**

**One item of pending litigation, one item of threatening litigation, and the review of the Executive Session minutes for July 9, 2020.** Vice Chairman Oddo moved to go into Executive Session. Commissioner Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 7:18 p.m. and returned to Official Session at 7:32 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. Commissioner Gibbons seconded the motion. The motion passed 5-0.

**Approval of the August 22, 2019 Executive Session Minutes:** Chairman Ognio moved to approve the July 9, 2020 Executive Session Minutes. Vice Chairman Oddo seconded. The motion passed 4-0-1, Commissioner Rousseau abstained.

#### **ADJOURNMENT:**

Chairman Ognio moved to adjourn the July 23, 2020 Board of Commissioners Meeting. Vice-Chairman Oddo seconded. The motion passed 5-0.

The July 23, 2020 Board of Commissioners Meeting adjourned at 7:33 p.m.

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Marlena Edwards, Chief 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 13<sup>th</sup> day of August 2020. Referenced attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk