

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

September 8, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the September 8, 2016 Board of Commissioners meeting to order at 6:59 p.m.

Invocation by Commissioner Charles D. Rousseau

Commissioner Rousseau offered the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Commissioner Brown moved to accept the Agenda. Commissioner Ognio seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation of September 17-23, 2016 as "Constitution Week in Fayette County," with the James Waldrop Chapter of the Daughters of the American Revolution.

Commissioner Barlow and the Board proclaimed September 17-23, 2016 as "Constitution Week in Fayette County. Ms. Betty Harrah, Regent, of the James Waldrop Chapter, Daughters of the American Revolution accepted the proclamation.

2. Proclamation of September 18-24, 2016 as "Surgical Technologist Week" in Fayette County.

Commissioner Rousseau and the Board proclaimed September 18-24, 2016 as "Surgical Technologist Week" in Fayette County. Ms. Nicole Bates accepted the proclamation and spoke about the responsibilities of surgical technologists.

3. Recognition of Armed Forces Mission and Chaplain Kenneth Koon for their ongoing efforts to meet increasing challenges faced by veterans and the law enforcement community.

Commissioner Barlow and the Board recognized Armed Forces Mission and Chaplain Kenneth Koon and they presented Major Koon with a plaque. Chaplain Koon spoke about the ongoing work of Armed Forces Mission and its intensive focus on serving Fayette County.

PUBLIC HEARING:

4. Public Hearing to Brief the Community on the Process of the Full Plan Update of the Fayette County Comprehensive Plan.

Community Development Director Pete Frisina gave a PowerPoint presentation to the Board on the process of the Full Plan Update of the Fayette County Comprehensive Plan. It was noted that this Public Hearing was not intended for a Board vote but rather to allow citizens to speak about the process.

Chairman Oddo opened the floor to the public.

Normer Adams, Brett Nolan, Steven Gulas, Keith Larson and Bob Ross spoke.

Each of the Commissioners commented on this item. The Board took no action and gave no direction on this matter.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Ognio seconded the motion. The motion passed 5-0.

- 5. Approval of staff's recommendation to declare 33 county vehicles as unserviceable, to sell the assets utilizing the GovDeals internet web site, and for all proceeds to be returned to the Vehicle Replacement Fund.**
- 6. Approval of staff's recommendation to enter into a Joint Funding Agreement with the United States Geological Survey, beginning October 1, 2016 and expiring September 30, 2017, in the amount of \$295,650.00 by utilizing an additional \$8,350.00 from the Water System's Repair and Maintenance account for water flow, stream data, and CFM flow monitoring.**
- 7. Approval of the August 25, 2016 Board of Commissioners Meeting Minutes.**
- 8. Approval of the September 1, 2016 Board of Commissioners Special Called Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

9. Consideration of the Public Art Committee's request to approve its Mission, Vision, and Purpose statements.

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request.

Commissioner Brown moved to approve all the statements as written. Commissioner Ognio seconded the motion. The motion passed 5-0.

10. Consideration of the Public Arts Committee's request to approve the annual "Scarecrows" competition and for the Buildings and Grounds Department to assist in setting up poles for the scarecrows.

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request.

Commissioner Brown moved to approve the request with the addition of \$150.00 for the first-place prize. Commissioner Barlow seconded the motion.

11. Consideration of the Public Arts Committee's request to approve the recommended "Birdhouses" project.

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request project.

Commissioner Brown moved to approve the project as listed. Commissioner Barlow seconded the motion. Discussion followed.

The motion to approve the project as listed passed 5-0.

12. Approval of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Ben and Jane Carpenter, in the aggregate amount of \$206.19.

County Attorney Dennis Davenport stated there was a memo in the Agenda packet that was self-explanatory. He explained that there was a Homestead Exemption that was erroneously removed in 2008 for the subject property. He stated that the taxpayer is asking for a refund back to 2008, constituting a seven-year period, but the most that the law allows to issue a refund is for a three-year period. He recommended denial of the refund request for the years prior to 2013 but to approve refund for the years 2013 and forward.

Commissioner Brown moved to approve the disposition of tax refunds as recommended. Commissioner Ognio seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

13. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Peter L. Davis, in the aggregate amount of \$7,658.50.

County Attorney Dennis Davenport stated this was the same type of issue as considered with New Business #12 with the refund request extending to the year 2010, but he stated this request was a little different since it involved an interplay of a federal agency along with state law. He stated that the federal agency makes a determination about whether or not someone who has applied for the disability exemption under federal law receives that designation, which would apply to federal income tax issues and federal law type issues. He added that there is a disabled veteran's exemption under state law and the State of Georgia requires those who want an exemption to apply for the exemption. He stated that those who are eligible for the exemption can receive the exemption prospectively. Mr. Davenport stated that the taxpayer is asking to receive the exemption retroactively because the federal law applied retroactively with federal benefits. He stated there is no statutory provision in Georgia to allow for retroactive application so he recommended denial of the request as presented. Discussion followed.

Commissioner Brown moved, in the interest of fairness of the individual who served the county and was disabled in the process, to be awarded in the amounts on the memorandum for the years 2015, 2014, and 2013. Commissioner Barlow seconded the motion. Additional discussion followed.

Fayette County Tax Commissioner George Wingo spoke about this item

The motion to award in the amounts on the memorandum for the years 2015, 2014, and 2013 failed 2-3 with Chairman Oddo, Commissioner Ognio, and Commissioner Rousseau voting in opposition.

Commissioner Rousseau asked if there could be a new motion to take this matter to the Association County Commissioners of Georgia (ACCG) in order to advance the suggestion that this matter does not go away. County Administrator Steve Rapson, who is a veteran, stated he would ensure ACCG is approached for this matter to be in the legislative package. The Board agreed with Mr. Rapson's statement.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Peter L. Davis, in the aggregate amount of \$7,658.50. Commissioner Rousseau seconded the motion. The motion passed 3-2 with Commissioners Barlow and Brown voting in opposition.

PUBLIC COMMENT:

Steve Gulas and Carol Carver spoke in Public Comment.

ADMINISTRATOR'S REPORTS:

Contract Renewal:

- A. RFP #940-P, Renewal 1: Public Works Engineer of Record:** County Administrator Steve Rapson briefed the Board on this renewal.

Voting Delegate at the Legislative Leadership Conference: County Administrator Steve Rapson stated that the Legislative Leadership Conference would be held in Jekyll toward the end of September 2016. He stated that a Commissioner needed to be appointed as the Voting Delegate. He understood that only Commissioners Ognio and Rousseau were attending and he suggested that only one or the other be appointed. Commissioner Brown suggested Commissioner Rousseau be appointed to the position. Commissioner Rousseau agreed to the nomination.

Sailboat Regatta: County Administrator Steve Rapson reported that the Sailboat Regatta would take place on September 17-18, 2016 at Lake McIntosh. He encouraged everyone to attend.

Transportation Committee SPLOST Approval: County Administrator Steve Rapson stated that staff's proposed Transportation Special Purpose Local Option Sales Tax (SPLOST) was approved by the Transportation Committee. He stated that the information will be on the September 22, 2016 Board of Commissioners Agenda and that information is already posted on the website.

ATTORNEY'S REPORTS:

No Executive Session Items: County Attorney Dennis Davenport stated there were no items for Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Thoughts Concerning the Veteran's Refund and Vote: Commissioner Rousseau said he was somewhat embarrassed that he could not vote in good conscious to provide the refund assistance to the disabled veteran. He was confident that each Commissioner on the Board was fully supportive of the veterans of Fayette County, however, he emphasized that the Board has to do its work correctly. He thought the Board approved reasonable steps to take in order to get guidance from the state. He apologized to the veterans for his vote. He spoke directly to Commissioner Barlow by thanking him for his service as a veteran, and he asked everyone to advocate on behalf of the Board as this matter is considered at the state level.

Thank You: Commissioner Rousseau said he appreciated the opportunity to work with his colleagues. He asked everyone to exercise their right to vote. He thanked staff for the things he has requested and is reviewing.

Commissioner Barlow:

Response to Mr. Larson's Comments: Commissioner Barlow stated that Mr. Larson, who spoke during the Public Hearing, made a presentation entitled *Complete Streets* to the Fayette County Chamber of Commerce. He stated that many were looking at how to enhance bicycle traffic in Fayette County. He concluded that Mr. Larson's presentation was excellent.

Grandparents and Kin National Recognition: Commissioner Barlow stated that Sunday, September 11, 2016 is the fifteenth anniversary of the 9 /11 attacks in New York City and Washington D.C. He also pointed out that Grandparents Raising Kin, which has stellar grandparents and great-grandparents who have adopted their kin, would also be recognized nationally as "Grandparents and Kin Raising Children Day" on September 11, 2016.

Thank Geneva Weaver and Fayette News: Commissioner Barlow thanked Geneva Weaver for checking into his comments that staff are doing too many things that are not necessary. He stated that the gentleman who writes the article for *The Citizen* lives in St. Petersburg, Florida and he does not have the benefit of seeing what is really going on in the audience. He thanked Mrs. Weaver for coming to the meetings and having the local paper attending the meetings. He thanked the *Fayette News* for the coverage it gives the Board of Commissioners.

Commissioner Brown:

Water Guardians to Clean Lake Peachtree: Commissioner Brown reported that the Water Guardians next project would be held on October 1, 2016 at 8:45 a.m. at Lake Peachtree. He said the lake would be cleaned up and trash would be picked up along the banks. He stated that everyone would meet at Battery Way and everyone was invited. He added there is a free t-shirt involved once someone applies.

Comments on the August 28, 2016 Board of Commissioners Meeting: Commissioner Brown spoke about the last Board of Commissioners meeting, which took the front page of the newspaper, by saying what is allowed and not allowed at the County Commissioner meetings are becoming more and more sporadic. He agreed with Commissioner Rousseau's comments at the last meeting that all of these issues need to be placed on the table and talked through. He said their needed to be discussion on protocol on how to handle some of these things.

Chairman Oddo Requested to Consider Recusing Himself from the Upcoming Annexation Arbitration: Commissioner Brown asked Chairman Oddo to seriously consider recusing himself from the annexation arbitration because he has an immediate relative on the Fayetteville City Council and because he owns investment real estate in the South Fayetteville Master Plan with the parcel being put into that plan. He stated that he was told by Fayetteville that they will ask their Planning Commission members who own real estate in the South Fayetteville Master Plan to recuse themselves of any dealings related to that property and situation.

Commissioner Ognio:

Question about Water Guardians Cleaning Lake Peachtree: Commissioner Ognio asked Commissioner Brown if the clean-up of Lake Peachtree applied only to Peachtree City residents only. Commissioner Brown replied that the opportunity was open for everyone and that it was a very good question.

Status on the Proposed Horse Park: Commissioner Ognio reminded everyone that he brought up an idea of a horse park some while back but that the issue appeared to be dead. He asked how the issue could be resurrected. County Administrator Steve Rapson stated he would reach out to the school board to find out where the matter is currently. He knew that the Board of Education's attorney was looking into the matter at one time.

Inman Heritage Event: Commissioner Ognio stated that the Inman Heritage Event would be held on September 16-18, 2016. He said it was a great family event with a lot of fun.

Comments on the August 28, 2016 Board of Commissioners Meeting and Clarity on the Role of Chairman and Vice Chairman of the Board of Commissioners: Commissioner Ognio commented on the August 28, 2016 Board of Commissioners Meeting and the Role of Chairman and Vice Chairman.

Chairman Oddo:

Reply to Commissioner Ognio's Comments: Chairman Oddo said Commissioner Ognio's comments were well taken and that the Board needs to look at what is already in place before trying to make new plans.

Anniversary of the 9 /11 Attacks: Chairman Oddo pointed out that 9 /11's impact was worldwide. He stated that he went to Columbia and saw a newspaper article of the fallen towers and the names of each person who was lost. He said the best thing the people could do was to support the military. He stated that both the Cities of Fayetteville and Peachtree City were putting on programs in remembrance of 9 /11.

Chairman Oddo to Not Recuse Himself as Requested: Chairman Oddo replied to Commissioner Brown's comments saying any property he owns is not in the "Southside Master Plan." He stated many people own property in Fayette County so everyone has vested interest here. He appreciated Commissioner Brown's comments but said he would not be swayed by the fact that he owns property in the county. He concluded that he lives in the county and wants to see the best for the county too.

EXECUTIVE SESSION:

There were no Executive Session items.

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 8, 2016 Board of Commissioners meeting. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The September 8, 2016 Board of Commissioners meeting adjourned at 9:00 p.m.

Floyd L. Jones, County Clerk