

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

October 27, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the October 27, 2016 Board of Commissioners meeting to order at 7:04 p.m.

Invocation by Chairman Oddo

Chairman Oddo offered the Invocation.

Pledge of Allegiance

Chairman Oddo led the Board and 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:

PUBLIC HEARING:

1. **Consideration of Petition No. RDP-013-16. Camp Southern Ground, Inc. & Spotty Merle, Owner and D. Ben Ferguson, Agent request to revise the development plan and summary of intent for rezoning petition 1222-11 (PUD-PRL) to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5th District and Land Lots 1, 2, and 3 of the 7th District.**

Community Development Director Pete Frisina read the Introduction to Public Hearings into the record and stated that the staff and the Planning Commission recommend approval of this petition. He stated that about six months ago the Board approved an amendment to the Zoning Ordinance to allow a solar farm in a PUD-PRL zoning. He stated that the solar farm would replace the Equestrian Center currently located on the property.

Mr. Ben Ferguson representing Camp Southern Ground answered questions regarding this item. Discussion followed.

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

Commissioner Rousseau moved to approve Petition No. RDP-013-16. Camp Southern Ground, Inc. & Spotty Merle, Owner and D. Ben Ferguson, Agent request to revise the development plan and summary of intent for rezoning petition 1222-11 (PUD-PRL) to remove the Equestrian Center and in its place develop a Solar Farm. This property is located in Land Lots 1 and 32 of the 5th District and Land Lots 1, 2, and 3 of the 7th District; with one (1) condition, that the northern boundary of the solar farm has a planted screen and said screen shall be planted to the standards for shrubs in a Zoning Buffer as specified in the Nonresidential Development Landscape Requirements. Commissioner Brown seconded. Discussion followed. The motion passed 5-0.

2. **Consideration of Petition No. 1261-16. Bob & Nancy Usry, Owners and Derrick Johnson, Agent request to rezone 3.286 acres from C-H & M-1 to C-H to maintain a HVAC Company and Auto Sales located in Land Lots 137 of the 5th District and fronting on SR 54 and Denesha Todd Court.**

Mr. Frisina briefed the Board that the property actually consists of three lots. He stated that southern portion of the property is zoned C-H, the northern portion is zoned M-1 and that there are other C-H and M-1 mixed zonings in the area. He stated that land use for this area is commercial so the petition is compliant with the Land Use Plan. Discussion followed.

No one spoke in favor of the petition.
No one spoke in opposition of the petition.

Commissioner Brown moved to approve Petition No. 1261-16. Bob & Nancy Usry, Owners and Derrick Johnson, Agent request to rezone 3.286 acres from C-H & M-1 to C-H to maintain a HVAC Company and Auto Sales located in Land Lots 137 of the 5th District and fronting on SR 54 and Denesha Todd Court. Vice Chairman Ognio seconded. There was no further discussion. The motion passed 5-0.

CONSENT AGENDA:

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

3. **Approval of staff's recommendation to accept a donation from the Fayette County Resource Council, Inc. in the amount of \$2,266.98 for the purchase of Safety Equipment.**
4. **Approval of the October 13, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There was no Old Business discussed.

NEW BUSINESS:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

5. Consideration of the Public Arts Committee's request for approval of proposed project request form and budget for the "Birdhouses" project.

The Public Arts Committee Chairperson Donna Thompson briefed the Board on the proposed Birdhouse project. She stated that the Public Arts Committee (PAC) was before the Board to request the final approval of the project and budget for the project. Mrs. Thompson shared the registration, drop off, placement and maintenance process of the birdhouse. She stated that the county or the city staff will not be charged with placement of the birdhouses, unless they choose to do so. The PAC will have a volunteer committee in place for the actual placing of the birdhouses. She stated that the budget includes the numbered identification tags and the marketing materials as needed. Discussion followed.

Commissioner Brown moved to approve the Public Arts Committee's request for approval of proposed project request form and budget for the "Birdhouses" project. Commissioner Barlow seconded. There was no further discussion. The motion passed 5-0.

6. Consideration of Commissioner Rousseau's recommendation to amend Policy 100.19 to generally prohibit members of the Board of Commissioners from serving on the County's authorities, boards, commissions, committees and similarly established bodies and other form changes.

Commissioner Rousseau stated that over the past year regarding Commissioners serving on boards and committees; that particularly those established that should be citizen driven. He stated as example, that there are vacancies on the Zoning Board of Appeals. He stated that the Board is not prohibited from appointing a Commissioner to the Zoning Board of Appeals, the Planning Commission or the Board of Assessors. He stated that the Board would not consider appointing a Commissioner to those bodies because they have an internal function. He stated that these bodies make decisions that impact the community. He stated that the same is true for the Elections Board. He stated that the citizenry would say, because of the Board's political persuasion, that the Board might unduly influence that body. He stated that the thought is if the Board is eliciting and soliciting responses from the community, then their recommendations would come before the Board. He stated that his point is to allow the citizenry to bring the recommendations to the Board. He stated that any outside elected official serving on any of the Board appointed bodies would not serve in any official capacity.

Commissioner Rousseau moved to approve amend Policy 100.19 to generally prohibit members of the Board of Commissioners from serving on the County's authorities, boards, commissions, committees and similarly established bodies and other form changes. Commissioner Barlow seconded. Discussion followed. The motion passed 4-1 with Vice Chairman Ognio voting in opposition.

7. Consideration of the County Attorney's recommendation to adopt Resolution 2016-15 for the implementation of a reasonable and timely procedure for the receipt and processing of tax refund requests.

Mr. Davenport briefed the Board that state law was amended to require governing authorities to adopt a Resolution setting out the procedures for handling tax refund request. He stated that this Resolution handles that requirement. Discussion followed.

Commissioner Brown moved to adopt Resolution 2016-15 for the implementation of a reasonable and timely procedure for the receipt and processing of tax refund requests. Commissioner Barlow seconded. There was no further discussion. The motion passed 5-0.

8. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ralph Heim, in the aggregate amount of \$6,594.24.

Mr. Davenport briefed the Board that this request is an example of a tax payer who applied for a homestead exemption. He stated that the standard homestead exemption was granted and in addition, because the tax payer met the minimum sixty-five year old age, he was eligible for an additional 50% homestead exemption. He stated that like all exemptions, a tax payer would have to apply for the exemption in order to receive the exemption. He stated that the age exemption is a local act exemption that Fayette County has put in place, while the standard homestead exemption is put in place by state law. He stated that the exemption for age also has an income component. He continued that if the tax payer's income max for a calendar year is \$15,000 or less, adjustable gross income per the state of Georgia definition, then the tax payer can provide verification and the tax payer would receive 100% at age 65 of the school tax removed from their tax bill. He continued that the records show that Mr. Heim applied for the age portion of the exemption, but did not apply for the income portion. He stated that Mr. Heim is requesting the income portion going back to 2009. He stated that to-date there has been no income information provided from Mr. Heim to show that he meets the income cap. He stated that for that reason he recommends denial.

Mr. Ralph Heim spoke regarding this item.

Commissioner Brown moved to deny the disposition of tax refunds, as requested by Ralph Heim, in the aggregate amount of \$6,594.24. Commissioner Rousseau seconded. Discussion followed. The motion passed 5-0.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson was absent.

A. Request for Quotes 1204-A; Brooks & Kiwanis Park Fence Installation

Water System Director Lee Pope briefed the Board regarding the drought conditions and how it relates to Fayette County. He stated that under the new drought rule the Environmental Protection Division (EPD) Director has declared a Level 1 and the Water System has begun the community outreach that is required during a Level 1. He stated that Level 1 means that the County is to do community outreach. He continued that Level 2 means that the County would require an odd, even day water schedule, allowing two days for odd and two days for even. He stated that commercial businesses are exempt from both Level 1 and Level 2. He stated that with the County's current position there is approximately three days of storage in the Lake Horton and Lake McIntosh. He stated that the county is not in dire straits. He stated that if EPD declares a Level 2 he will come back before the Board with an update. He encouraged that the citizens are welcome to contact the Water System with any questions and that he wanted the citizens to be mindful of the water conditions when using water in their homes.

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

He briefed the Board on the lawsuit between the State of Florida vs. the State of Georgia regarding water usage.

Chairman Oddo stated that there are four Selection Committees that require appointments.

Library Board: Chairman Oddo moved to approve Vice Chair Ognio and Chairman Oddo to serve as the Selection Committee for the Library Board. Commissioner Barlow seconded. The motion passed 5-0.

Board of Assessors: Chairman Oddo moved to approve Commissioner Rousseau and Commissioner Barlow to serve as the Selection Committee for the Board of Assessors. Vice Chair Ognio seconded. The motion passed 5-0.

Planning Commission: Chairman Oddo moved to approve Commissioner Brown and Commissioner Ognio to serve as the Selection Committee for the Planning Commission. Commissioner Rousseau seconded. The motion passed 5-0.

Zoning Board of Appeals: Chairman Oddo moved to approve Commissioner Brown and Commissioner Rousseau to serve as the Selection Committee for the Zoning Board of Appeals. Commissioner Barlow seconded. The motion passed 5-0.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had one item Threaten Litigation and Review of the October 13, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Policy Amendment: Commissioner Rousseau thanked the Board for their favorable consideration for the amendment to Policy 100.19.

Water Conditions: Commissioner Rousseau expressed the value in water and water conservation. He encouraged citizens to be mindful of water consumption by self-imposing restrictions in their homes. He stated that water is critical and that there are people who struggle to get fresh water every day just to sustain life.

Senior Advisory Council: Commissioner Rousseau stated that senior citizens are venerable when on a fixed income. He stated that he would like to start a Senior Advisory Council so that issues like the one on the agenda regarding the tax refund can be discussed and disseminated to fellow seniors. He stated that on the December 8 Board of Commissioner meeting he is asking the County Attorney to put together a framework on how the Senior Advisory Council would function. He stated that there should be an internal mechanism to evaluate the agreement with the senior service provider other than a "suggestion box" to ensure that seniors in the county are getting the service expected.

HOA Boot Camp: He stated that he wanted to reiterate the HOA Boot Camp is open to the public and will be held on November 5 at 8:00 a.m. at the Georgia Convention Center. Participants can register at HOABootCamp.org.

Elections Office: Commissioner Rousseau stated that he wanted to encourage the Election Office given the term "fraud" being thrown around lately. He stated that he knows the County's Elections Office works diligently to make sure every vote

is recorded accurately. He encouraged the staff and volunteers to continue to do what is required by law and by mandate to provide service to citizens.

Congratulations to Piedmont Hospital: Commissioner Rousseau congratulated Piedmont Hospital for receiving the Hospital of the Year award.

Loss of Loved One: Commissioner Rousseau mentioned the loss of a family member due largely to Alzheimer disease.

Commissioner Barlow:

School Bus Driver: Commissioner Barlow thanked everyone for attending. He spoke of his experience of volunteering at Rock Eagle in 2014 and how that encouraged him to pursue becoming a bus driver. He stated that he passed his CDL with P&S endorsement and he is now a special needs bus driver for Fayette County. He stated that he cannot think of a greater service than taking children to the local schools. He stated that he looks forward to making a positive impact.

Water Conservation: Commissioner Barlow stated that the latest statistic that he read states that the average individual uses 80 gallons of water a day. He asked Lee Pope to put out the statistics to the citizens to show that eliminating the typical flush throughout a day for an individual could save hundreds and thousands of gallons of water.

Congratulations to Piedmont Hospital: Commissioner Barlow congratulated Piedmont Hospital for receiving the Hospital of the Year award.

Commissioner Brown:

Congratulations to Piedmont Hospital: Commissioner Brown congratulated Piedmont Hospital for receiving the Hospital of the Year award. He stated that any comments that he has made related to the Hospital Authority is not a reflection on Piedmont, the management of Piedmont or anything that the hospital is doing.

Presidential Election Year: Commissioner Brown stated that this Presidential election year is one of the most bizarre presidential elections that this country has ever seen in his lifetime. He stated that WikiLeaks imposition on the national election is creating an open window to see what is behind the curtain at the government and the federal level. He stated that it is history making. He stated that he believes it will change the perception of anyone voting for any party to rethink the way they are voting. He stated that the government cannot stop WikiLeaks and the news media cannot cover it up. He stated that he has watched news segments and it has been a fascinating discussion. He stated that a lot of people consider Edward Snowden a traitor and he did have an issue with him releasing foreign agents and putting their lives in jeopardy, but one of the chief officers in U.S. intelligence lied to a congressional committee saying that they were not hacking the U.S. information and they were. He stated that it was someone like Snowden that had to show that "you can't trust government at the federal level because the government will lie." He stated that hopefully there will be a government that actually represents the people and not the special interest and using money in ways that benefit the citizens of the country and not those who donate to campaigns.

Vice Chairman Ognio:

Breast Cancer Awareness: Vice Chairman Ognio stated that on October 26 his sister would have been 52 years old. He stated that October being the month of Breast Cancer Awareness and her birthday, has a special place in his heart.

Halloween Safety: Vice Chairman Ognio cautioned people to be careful while kids are out possibly over the weekend celebrating Halloween.

Voting Turnout: Vice Chairman Ognio stated that voting turnout is heavy. He asked citizens to research the candidates and not to take a flyer for face value. He stated that there is a lot of information available on candidates and he hopes that everyone will take the time to do the research.

Chairman Oddo:

National Alzheimer Disease Awareness: Chairman Oddo stated that November is National Alzheimer Disease Awareness Month. He stated that President Ronald Reagan designated November in 1983. He stated that at that time there were fewer than two million Americans that had the disease and today the estimate is approximately 5.4 million. He stated it is ironic that is the disease that took President Reagan. He shared some facts about Alzheimer disease.

Election Day: Chairman Oddo stated that Election Day is coming up. He stated that this will be the last Board of Commissioners meeting before the country has a new president. He stated that it is important that everyone takes the responsibility of voting to heart.

Thank you to Veterans: Chairman Oddo encouraged citizens, as Veterans Day approaches, that they would thank a Veteran. He thanked all Veterans.

EXECUTIVE SESSION:

One Item of Threaten Litigation and Review of the October 13, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 9:45 p.m. and returned to Official Session at 10:24 p.m.

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

Approval of the October 13, 2016 Executive Session Minutes: Vice Chairman Ognio moved to approval the October 13, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the October 27, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The October 27, 2016 Board of Commissioners meeting adjourned at 10:24 p.m.

Tameca P. White, Chief Deputy County Clerk