

## 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

## MINUTES

October 27, 2016  
7:00 p.m.

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### 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 as written. Commissioner Ognio seconded the motion. 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*. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 1," follows these minutes and is made an official part hereof.

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.

Commissioner Brown asked if the solar farm would be adequate for the area so that the buffers would not be disturbed.

Mr. Ferguson stated that is correct.

Commissioner Brown asked if it would be fenced off to keep people away from the panels.

Mr. Ferguson stated that yes, it would be fenced.

Commissioner Rousseau asked if there were any plans other than, and/or in addition to the fencing. He stated that his question is dealing with buffers so that the panels are not visible from the roadway.

Mr. Ferguson stated that there will be a buffer to protect the adjacent subdivision, in addition there would be hammocks placed there to take advantage of the natural buffer and terrane.

Commissioner Rousseau asked if there were any plans to plant additional buffers.

Mr. Ferguson stated that there are currently no design plans for the project.

Commissioner Rousseau asked if Mr. Ferguson was amenable to adding a condition to include adding a buffer.

Mr. Ferguson stated yes.

Commissioner Barlow commended Zack Brown and Camp Southern Ground for the work that has been done. He stated that in time it will be a place that people from all over the world will want to come to visit.

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.

Mr. Ferguson stated that is willing to do what is required. He stated that a buffer around the cul-de-sac and around the driveway would be fine.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**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 the 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 the land use for this area is commercial so the petition is compliant with the Land Use Plan.

Commissioner Brown asked to clarify that the Board is being asked to rezone three separate lots or if the lots will be consolidated.

Mr. Frisina stated that the petition is to rezone three separate lots in order to consolidate them. He stated that the final plat would be revised to put the properties together and placing all three properties under one zoning is the first step.

Mr. Derrick Johnson stated that most of the area was already zoned C-H. He stated that Mr. Usry was renting the property to an auto sales tenant and that he wants to continue using the property for that purpose, although he will be getting rid of that particular auto sales tenant. He stated that the HVAC Company is already there.

Vice Chairman Ognio mentioned the cemetery that is to the back of the property.

Mr. Frisina stated that there is state code regarding the cemetery. He stated that the procedure would have to be followed when it is time to approve the site plan. He stated that the cemetery is deemed abandoned and would not affect the proposed rezoning.

Commissioner Rousseau addressed the issue with the abandoned cars on the lot and the current tenant. Mr. Johnson stated that they have begun to follow the process to remove the cars.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

### **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. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part hereof.**
4. **Approval of the October 13, 2016 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

There was no Old Business discussed.

### **NEW BUSINESS:**

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.

Commissioner Brown asked if there was a protocol in place for maintaining and disposing of the birdhouses on public property.

Mrs. Thompson stated that one of the reasons for the identification tags is to track the birdhouses and their location to periodically check to see if any maintenance is needed. She stated that this would be part of the volunteer process with possible scouts or 4-H to help with the process. She stated that the committee would be partnering with the Southern Conservation Trust on this project.

Chairman Oddo asked if there was a timeline for this program or would it be on-going.

Mrs. Thompson stated that it would be an on-going project.

Vice Chairman Ognio stated that the budget is not for material to build the birdhouses.

Mrs. Thompson confirmed that is correct. She stated that there are entities willing to donate material and participants would also purchase their own birdhouses.

Commissioner Barlow asked if the committee had asked the local Home Depot to donate. He stated that on Saturdays they have projects where dads help their children build projects. He stated this would be a marvelous project for them.

Mrs. Thompson stated that they had not. She stated that Home Depot has a birdhouse kit that people could use.

Commissioner Rousseau asked who would have the sole discretion to determine if the birdhouses would be removed because of lack of cleaning or safety.

Mrs. Thompson stated that the committee would claim responsibility for that, in coordination with the municipalities and the county, if they encounter a birdhouse that needs attention.

Commissioner Rousseau asked if the committee was working with the Health Department for the health benefits. Mrs. Thompson stated that the committee had not coordinated with them at this point.

Commissioner Rousseau asked about the drop off process.

Mrs. Thompson explained the process.

Mr. Tom Waller spoke regarding the liability to the County for the volunteers that would help with the maintenance and installation of the birdhouses.

County Attorney Dennis Davenport stated that it would seem that the committee would have protocol in place regarding a liability waiver and hold harmless clause, before allowing anyone to climb a tree in order to protect themselves and to protect the various public entities including the County.

Mrs. Thompson stated that the committee would not send under aged teenagers to work on this alone.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

**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 he has raised concerns over the past year regarding Commissioners serving on boards and committees; particularly committees established that should be citizen driven to make recommendations to the Board. 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 that says "leave politics out of it". 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 there is a reason the Board does not appoint itself to any of these appointments. 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 at large about the way the Board governs its affairs, then the recommendations would come from the citizenry and then it 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 he is recommending that any outside elected official serving on any of the Board appointed bodies would also not serve in any official capacity. He continued that a Board member not being appointed to any of these bodies does not prevent them from attending to offer input. He stated that any time a Board member walks into a room of citizens, there is an expectation. He stated that he is asking that the Board removes itself from the equation. He stated that he is bringing this for consideration as a policy revision to remove the Board and allow it to be driven from the citizenry up and then have the Board to vote the recommendation up or down.

Commissioner Rousseau moved to approve 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 Barlow seconded. Discussion followed.

Commissioner Brown stated that on page 61, number 12, it states; "permitted or allowed by state or local law". He stated that he does not recall state or local law not giving approval for dual appointments on board, authorities or commissions. He stated that number 12 states that a person cannot serve on more than one board or authority.

Commissioner Rousseau clarified that the language in number 12 is based on the amendment that the Board approved at a previous Board meeting.

Commissioner Brown stated that as written, it would mean that if someone is serving two different appointments that they would have to give up one of the appointments.

Commissioner Rousseau stated that if his proposed amendments are approved, that anyone serving more than one appointment would be allowed to serve out their term.

Mr. Davenport stated that this is an example of retroactivity. He stated that those serving on more than one board were properly placed on those boards at the time. He stated that the language, if adopted is prospective. He stated that when their term expires they would be disqualified from reapplying based on the way it is written.

Commissioner Brown stated that addressed his concern.

Commissioner Brown stated that as it relates to county staff, if the idea is to have the boards and committees to be citizen driven and unless there is something that requires the EMS director, law enforcement or public safety staff person be placed on the board, then it should be taken off the table as well.

Commissioner Rousseau stated that he would like to see staff from the various municipalities on the Transportation Committee. He stated that they are qualified staff that could promote dialogue regarding transportation in the county. He stated that he would like to make that exception.

Commissioner Brown stated that if it is going to be citizen driven, then it needs to be completely citizen driven. He stated that if it is not mandated then there is a choice. He stated that there are two bodies that he would single out and one is the Transportation Committee. He stated that the elected officials drive the transportation process and the discussion. He stated that the elected officials give staff instructions and there should be discussion on the elected level. He stated that in previous years staff would bring a recommendation to the Board and it would be torn to pieces and the elected officials would end up discussing it anyway. He stated that the other one is the Hospital Authority because that Authority does not depend on the Board for a final decision. He stated that he would like to have someone

in the loop that knows what is going on in the event that the Authority goes into Executive Session. He asked Commissioner Rousseau for his consideration on the exception for the Transportation Committee and the Hospital Authority in his motion and he would be in favor of the amendment.

Commissioner Rousseau stated that if the Hospital Authority is an autonomous body and does not have to come before the Board, then that is ok. He stated that he understood Commissioner Brown's point to be involved in the discussion, but that the County has staff that is present at the Hospital Authority meetings.

Commissioner Brown stated that he is not saying to mandate that, but to leave it open if the Board deemed it necessary to appoint a Commissioner.

Chairman Oddo stated that he has a lot of faith in the talent in Fayette County. He stated that he does not see the need to have a Commissioner specifically on the Hospital Authority. He stated that in regards to Executive Session, no one is permitted to share what is discussed in Executive Session. He stated that ethically any Commissioner on the Authority should not be discussing Executive Session matters with the other Board members. He stated that Commissioners have the opportunity to attend the Authority meetings and any other meetings. He stated that one of the points Commissioner Rousseau is making is also one of the points he has been making in previous months regarding the Board looking for recommendations from the citizens. He stated that if the body is allowed to function without a Commissioner present then there will be a more unbiased recommendation. He stated that he is inclined not to exclude the Hospital Authority. He stated that the Board could come back to amend the change if it did not work. He stated that by not having a Commissioner appointed to the body, it would give citizens more of an opportunity to be appointed. He stated that staff does not vote on the issues during a Board of Commissioners meeting so he saw no issue with having them as part of the committee.

Commissioner Brown stated that the Development Authority is a good example. He stated that the municipalities can put a mayor or council on the Authority. He stated that the Board found out about the tax abatements after the Development Authority had voted on the issue. He stated that he understands that Executive Session matters could not be discussed, but he would hope if a Commissioner hears something during Executive Session that the Commissioner would be the one fighting to do things the right way. He stated that he would like to have the option to place a Commissioner on this Authority and the Hospital Authority.

Mr. Davenport stated that the Development Authority is set up by state law which dictates who can be placed on the Development Authority. He stated that Peachtree City had a Development Authority and everyone agreed to consolidate the two Authorities which evolved into an intergovernmental agreement among the governments stating how the seats are to be appointed. He stated that the state law contemplates that elected officials can be on the Development Authority if the Board so chooses. He stated that the Hospital Authority issues bonds that are different from the bonds issued by the Development Authority. He stated that Development Authority issues revenue bonds that are generally issued to attract business to Fayette County with a tax abatement program to be competitive with other jurisdictions which affects the tax base of every political entity in Fayette County including the County. He stated that when the Hospital Authority issues a bond it is being issued in support of Piedmont Fayette Hospital. He stated that those bonds are tax exempt to income tax and not property tax. He stated that because it is a tax exempt organization there is no property tax and therefore no abatement. He stated that Fayette County has zero liability of the bonds issued by the Hospital Authority. He stated that the liability is on Piedmont Healthcare System. He stated that the only relationship between the Authority and the Board is the appointment process and with the tax exempt bond issue they



have to be brought to the Board to recognize the bond and to recognize that the procedures have been properly followed. He stated that if the Board, by ordinance, voted to put an elected official on the Transportation Committee then it would come under the exemption where the policy states "or by local law". He stated that if the Board wants to remove all elected officials from all boards, then the Board will need to go back, after this policy is approved, and amend the Ordinance in addition to the policy. He stated that this is a two-step process. He stated that if the policy amendment is approved, then the second step would be to evaluate any committee created by local ordinance to determine if the elected official would serve on that committee. He stated that a policy does not trump an ordinance.

Commissioner Brown stated that if the policy was approved, then the Transportation Committee would still have an elected official serving on the committee. Mr. Davenport confirmed that is true, unless the Board chose to amend the ordinance to state otherwise. Commissioner Brown stated that on the Hospital Authority he wants to ensure that if the Board has any responsibility and the Authority operates autonomously he would like to have someone on the Authority.

Chairman Oddo asked what the responsibility of the Hospital Authority was. Mr. Davenport explained the responsibility of the Authority. He stated that the Authority is limited in Fayette County to meeting quarterly and issuing bonds when needed at the hospital.

Commissioner Rousseau asked if the Hospital Authority wanted to change how they operate would it come before the Board. Mr. Davenport stated that it is state law driven.

Chairman Oddo stated that the Development Authority did give the rebates to Pinewood and the County had asked to be involved in the decision making. He continued that the Commissioner have the power of the budget and that was the solution to this situation. He stated that it was not that the Board did not want the twenty-year abatement, it was that the Board did not know about it.

Commissioner Brown stated that he would have gone ten years on the abatement and not twenty on the school building.

Commissioner Rousseau stated that he is open to visit separately, the appointments of persons serving on bodies that were established by local ordinance or policy. He stated that he recognizes the fiduciary responsibility of the Board to the citizens when bonds/monies are being considered where there is an obligation and the Board does not have input, knowledge or ability to vote on the issue. He stated that he is open to looking at the entities that have that type power. He stated that the Development Authority and possibly the Public Facilities Authority, but he is not swayed by the Transportation Committee. He stated that he would like to see the professional engineers steering that committee.

Mr. Davenport stated that the Development Authority is not "mandated by state law", but a position is reserved for an elected official of a governing authority or his or her designee. He stated that would still allow the Board to put an elected official on the Development Authority even if the Board was to change the policy. He stated that the Transportation Committee is a different situation because it was created through an ordinance that the Board adopted specifically to include an elected official. He stated that the ordinance would have to be amended and amending the policy would not amend the Transportation Committee ordinance. He stated that he is not aware of any other committees that have the authority as the Development Authority does in respect to floating bonds, with the exception of the Public Facilities Authority. He continued that when it states; "a member of a governing authority or his or her designee", the Board should treat that as a mandate by state law, but the Board has the discretion to appoint an elected official at that time.



Vice Chairman Ognio stated that the Transportation Committee forces the municipalities to communicate. He stated that the engineering staff from the County is involved and the Committee reaches out to the engineer when putting together the project list. He stated that the Transportation Committee has accomplished a lot since its inception. He stated there was no communication over the years until this Committee was put in place. He asked the Board what problem is being fixed. He stated that he does not see any political influence. He stated that with this policy amendment the Board would be limiting the opportunity to ensure a body headed in the right direction if it is going awry.

Commissioner Rousseau stated that he is willing to take the entities discussed off the table, but with the rest of the bodies the citizens should be telling the Board what to do.

Commissioner Brown asked if the bodies with the bonds and the fiduciary responsibilities include the Hospital Authority.

Mr. Davenport stated that the Hospital Authority is different because it is not seeking other hospitals to come to them to issue bonds. He stated that the Authority is dormant until Piedmont Fayette Hospital has a need for a bond issue.

Commissioner Brown stated that the Transportation Committee and Development Authority would stay as is, but would the Hospital Authority have the same capacity to say that the Board could put a Commissioner on the Authority.

Mr. Davenport stated that the Hospital Authority is state law driven. He stated that there is nothing in state law that addresses an elected official on the Hospital Authority.

Commissioner Brown asked Commissioner Rousseau if he would make the exception for the Hospital Authority.

Commissioner Rousseau stated that he is reluctant because the Board put new terms in place that might comprise the change going forward. He stated that he is suggesting that when the terms expire that the Board can make the change.

Commissioner Brown stated that the hazard in waiting is that when it is time to appoint three new people and there has been no resolution.

Chairman Oddo reiterated that the County has staff present at the Hospital Authority meetings.

Commissioner Brown stated that he is referring to someone who can vote on issues.

Vice Chairman Ognio stated that the Board appoints the citizens to the committees who have no ties to the rest of the citizens. He asked if that would be considered a true representation by not having someone on the body that the citizens can hold accountable.

Commissioner Rousseau stated that the people on the bodies will bring the recommendations to the Board and the Board is held accountable.

Commissioner Barlow stated that the Public Arts Committee is a great example of the citizens moving forward without a Commissioner represented on the committee. He stated that he understood the concerns about the Development Authority. He stated that the Board used the powers it had to replace members and cut the budget. He stated that there are now members on the Authority who are trustworthy. He stated that he believes the Board is forgetting about the kind of people that are coming forth to apply for these positions. He stated that there is not a gain from having a Commissioner on the Authority because the Board does not have the expertise of the applicants that he can see.

Commissioner Rousseau stated that he would like to bring the Hospital Authority back for discussion at a later date.

Commissioner Rousseau moved to approve 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 Barlow seconded. The motion passed 4-1 with Vice Chairman Ognio voting in opposition. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

**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.

Commissioner Brown asked if the ninety days from receipt was from state law. Mr. Davenport stated that the ninety days was added due to state law and to ensure that the request was brought to the Board of Commissioners meeting no later than the ninety day time frame. He stated that if the requestor decided not to bring the matter before the Board they could file a lawsuit in Superior Court. He stated that if the requestor decided to come before the Board they can go to Superior Court after ninety days if the Board did not make a decision. He stated that the ninety days is only mandated when the tax payer chooses to first come before the Board rather than Superior Court.

Commissioner Rousseau asked if this Resolution would change the trajectory of receiving the request or has the traditional route been to submit the request to the Clerk's office.

Mr. Davenport stated that in 2007 the process changed to a different process, but there was nothing to support that process. He stated that this Resolution puts the process back to the way it should be. He stated that the Tax Commissioner and the Tax Assessors do not receive refund request, the Board of Commissioners makes the decisions so it is logical that this body would receive the request. He stated that the tax payer is requesting a hearing before this body.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

**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. Mr. Heim stated that he submitted documentation for the last seven years. He stated that one of the documents was a tax bill and one was a Form 500 that showed that he qualified, both in age and salary, for the additional 50% exemption. He stated that it was sent to Mr. Wingo. He stated that he "screwed up" and did not do what was required to obtain the additional deduction. He stated that he did not know about the exemption. He stated that he would like to give the Board two points. One point is that the County was not harmed by his over paying of taxes and the second point is that to grant the return would not have a financial impact on the county. He stated that he would like the Board to consider the severity of the penalty by not returning the money in whole or in part. He stated that he paid his taxes in good faith and to deny the request is harsh and brash penalty. He asked the Board to consider his point when making a decision.

Commissioner Brown asked Mr. Davenport if the County's position, based on the memorandum from his office, is that the County has still not received proof of income.

Mr. Davenport stated that his information as of the October 7 memorandum that the incoming information had not been received. He stated that he does not know when Mr. Heim submitted his information.

Commissioner Brown stated that he would like to table this request until the next meeting, to get more information. He stated that if staff does not have a copy of the documents, then that would allow Mr. Heim to give them to staff so that the Board can review the information before the next meeting.

Mr. Heim stated that the original tax forms were sent to the State and the documents are a recap showing line 15 of his tax documents for the six years in question. He stated that each year the salary was at or below the minimum requirement.

Commissioner Rousseau stated there is a legal issue to address.

Mr. Davenport stated that the first question that would clarify a number of issues is when the information was sent to the County.

Mr. Heim stated that he submitted the information on September 25, 2016.

Mr. Davenport stated that even if the information is the type of information needed to verify the income, the deadline was April 1, 2016. He stated that to go back to 2009, to his knowledge is something that the County has never done for a homestead exemption. He stated that the state law and local act for Fayette County for homestead exemptions deadline is April 1 and it is not retroactive.

Mr. Heim stated that he has admitted that he did not submit the documents and that is not the issue. He stated that he did not know about the mistake until September.

Commissioner Brown stated that all of the various exemptions are sent with the tax bill. Mr. Davenport stated that in his experience the tax office sends out that information regularly.

Commissioner Barlow stated that this is an example of the Board having to do what is legal versus what is right and if he was able to do so he would grant the refund. He stated that may not be what is legal for Fayette County because the Board has to consider all the residents.

Mr. Heim asked if this was an illegal request. He asked if the Board granted the refund would it be illegal.

Commissioner Barlow stated that it would probably be against policy. He concluded that the Board has to do what is legal and cannot always follow their heart.

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.

Chairman Oddo stated that the Board has to look at the ramifications when reviewing this type request. He stated that what the Board does for one it has to do for all.

Commissioner Brown stated that the Tax Assessors office, could send an annual press release on the exemptions.

Chairman Oddo asked if Mr. Heim would have to reapply every year.

Mr. Davenport stated that the Tax Commissioner office would instruct Mr. Heim on the requirements because the income each year could be greater than the threshold.

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. The motion passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

#### **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.

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 vulnerable 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](http://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.

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Tameca P. White, Chief Deputy Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10<sup>th</sup> day of November 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, Chief Deputy Clerk