

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

November 10, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the November 10, 2016 Board of Commissioners meeting to order at 7:00 p.m.

Invocation by Vice Chairman Ognio

Vice Chairman Ognio introduced Senator Mike Crane to offer the Invocation. Senator Crane offered the Invocation.

Pledge of Allegiance

Senator Crane led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Ognio moved to accept the agenda with the amendments to move Item #1 after Item #3 and to add a Recognition as Item #4a. Commissioner Brown seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Recognition of awardees for the Fayette County Public Arts Committee "2016 Scarecrow Competition".

The Public Arts Committee Chairperson Donna Thompson and Public Arts Committee Member Jeff Mellin, with the Board recognized First Place winner Fayette County UGA Extension Junior Master Gardeners, Second Place winners Town of Tyrone, Third Place winners Girl Scout Troop 15017 and Honorable Mentioned winners Sierra Pyron, Brenda Ludecke and Commissioner Steve Brown. All the awardess took a photo with the Board.

2. Proclamation to honor Mr. Sydney (deceased) and Mrs. Adelaide (Addie) Edwards' family's 178 combined years of military service history.

Chairman Oddo read a brief history of the Edwards' family military service history. He spoke of the family's branch of service, rank and number of years of service. Chairman Oddo then read a proclamation in honor of the Edwards family including Bond, the family's service dog who also served in the military. The family joined Chairman Oddo and the Board for a photo.

3. Proclamation to honor all Fayette County Veterans.

Chairman Oddo asked all Veterans present to come up to be recognized. American Legion Post 105 was also present to receive the proclamation. Chairman Oddo read the proclamation to honor all Veterans. The Veterans joined Chairman Oddo and the Board for a photo.

4. Recognition of the graduates of the inaugural Fire & Emergency Services Citizen Fire Academy.

Fire Chief David Scarborough presented a brief PowerPoint slide and explained the Fire & Emergency Services Citizen Fire Academy program. All participants of the Fire Academy were present to accept a certificate. The Fire Academy class also made a \$75.00 donation to the Fayette Fighter Foundation.

4a. Recognition of Floyd Jones for his service as County Clerk.

County Administrator Steve Rapson stated that the Board would like to recognize that Floyd Jones received his Master Certification from the University of Georgia (UGA) Carl Vinson Institute and that he has been appointed as the new Fayette County Elections Supervisor by the Board of Elections. The Board and Mr. Rapson presented Mr. Jones with a plaque for his services. Floyd thanked the Board for entrusting him with the Clerk's office and that he hopes he has done a good job and that he is looking forward to starting in Elections where he will take on a new aspect and a new trust.

PUBLIC HEARING:

CONSENT AGENDA:

Commissioner Brown moved to accept the agenda. Vice Chairman Ognio asked to have Items #5, #8 and #10 removed for discussion. Commissioner Rousseau asked to remove Item #11 to make a correction to the minutes. Commissioner Brown amended his motion to approve Items #6, #7 and #9 as written. Commissioner Barlow seconded. The motion passed 5-0.

5. Approval of the Elections Board's recommendation to reorganize the Elections Office.

Vice Chairman Ognio stated that he wanted Mr. Rapson to elaborate on this agenda item. Mr. Rapson explained that the Elections Board held interviews for this position and made an offer, as an internal promotion to Mr. Floyd Jones. He stated that Mr. Jones' classification is higher than the classification in the Elections office. He stated that the Elections Board decided it was best to make an adjustment to his salary, otherwise he would be making less than what he is currently making. He stated that there is a saving of \$3,700 with the proposed adjustment. He stated that in conjunction with this change, the Elections Board reviewed the structure of the organization and that there was no position to serve as a "number two" position for that department. He stated that the proposal is to have UGA to conduct a study and create a position of an Elections Manager or whatever title that is determined by UGA. He stated that this proposal is to establish the funding mechanism for the change and process the change as a reclassification and do an internal promotion within the Elections department. He stated that there is enough funds between the Elections Supervisor that left, the new promotion, as well as the reclassification in the Elections' current budget. He stated that because it is a reclassification it requires Board action. Vice Chairman Ognio confirmed that this is not to add a new position. Mr. Rapson stated that the head count would remain the same.

Vice Chairman Ognio moved to approve the Elections Board's recommendation to reorganize the Elections Office. Commissioner Brown seconded. No discussion followed. The motion passed 5-0.

6. **Adoption of the revised Ordinance 2016-20, Article IX. Soil Erosion and Sedimentation Control of the Fayette County Development Regulations as required by the Georgia Environmental Protection Division and Georgia Soil and Water Conservation Commission effective January 1, 2017.**
7. **Approval of staff's recommendation to award request for proposal #1198-P for a High Pressure Pump with tank to HMA Fire, LLC in the amount of \$18,192.10 and to transfer \$2,192.10 from the Fire Contingency account to complete the purchase.**
8. **Approval of staff's recommendation to approve the purchase of a new CAT 12M3 Motorgrader off the Georgia Department of Administrative Services (DOAS) statewide contract for \$232,216.00 from Yancy and staff recommendation to trade-in #81277 (1987 CAT 140G Motorgrader) for the value of \$47,700.00 to Yancy.**

Vice Chairman Ognio stated that when he reviewed this agenda item he felt it was great to have the funds to purchase a new motorgrader. He stated that he was concerned about the trade-in value. He stated that the County has worked out a way to place the item on GovDeals for the minimum of the trade-in value and it will have to sell for more than that amount. He stated that if it sells for more than the minimum value then the County can keep the extra funds for more equipment replacement and if not, then Yancy will still take the trade-in for the value of \$47,700.00. He stated that it is a win-win situation for the County.

Vice Chairman Ognio moved to approve staff's recommendation to approve the purchase of a new CAT 12M3 Motorgrader off the Georgia Department of Administrative Services (DOAS) statewide contract for \$232,216.00 from Yancy and have staff place the 1987 CAT 140G Motorgrader on GovDeals for sale with a minimum reserved price of \$47,700.00 and if the reserved price is not obtained to trade-in #81277 (1987 CAT 140G Motorgrader) for the value of \$47,700.00 to Yancy. Commissioner Brown seconded. No discussion followed. The motion passed 5-0.

9. **Approval of staff's recommendation to authorize the Fayette County Solicitor's Office to accept a continuing grant award from the Criminal Justice Coordinating Council in the amount of \$68,000.00 with the continuing grant award period beginning October 1, 2016 and expiring September 30, 2017, and authorization for the Chairman to sign all grant related documentation.**
10. **Approval of staff's recommendation to award a task order under Contract #1132-B in the amount of \$683,655 to Shockley Plumbing Co. for Castle Lake waterline replacement, to award a task order under Contract #P888 in the amount of \$10,000 to CH2M for plans and contract administration, and to transfer funds from various CIP projects to provide the necessary budget.**

Vice Chairman Ognio stated that he agrees that something should be done at the Castle Lake Subdivision because of multiple waterline failures, he is concerned that money is being taken from certain funds. He asked what would happen if the money is needed in those funds and he is also concerned about not bidding the larger project out individually.

Mr. Rapson and Water Director Lee Pope briefed the Board and answered questions on this agenda item. Discussion followed.

Vice Chairman Ognio moved to approve staff's recommendation to award a task order under Contract #1132-B in the amount of \$683,655 to Shockley Plumbing Co. for Castle Lake waterline replacement, to award a task order under Contract #P888 in the amount of \$10,000 to CH2M Hill for plans and contract administration, and to transfer funds from various CIP projects to provide the necessary budget. Commissioner Barlow seconded. No discussion followed. The motion passed 5-0.

11. Approval of the October 27, 2016 Board of Commissioners Meeting Minutes.

Commissioner Rousseau stated that he had a housekeeping measure on page 66 of the minutes. He corrected the spelling of "venerable" to read "vulnerable".

Commissioner Rousseau moved to approve the October 27, 2016 Board of Commissioners Meeting Minutes with the change of the word "venerable" to the word "vulnerable". Commissioner Barlow seconded. No discussion followed. The motion passed 5-0.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

12. Consideration of staff's recommendation to approve the Intergovernmental Agreement for the use and distribution of proceeds from the 2017 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.

Mr. Rapson explained that this is the Intergovernmental Agreement (IGA) that refers back to the six year agreement that the County has with the municipalities. He stated that the agreement has been vetted through Peachtree City's attorney and the County Attorney. He stated that on page 70, there is a correction, it should read "2017" and not 2018. He stated that the County has to call the meeting with the cities in January.

Discussion followed.

Mr. Larry Mapp spoke regarding this issue.

Commissioner Brown moved to approve staff's recommendation to approve the Intergovernmental Agreement for the use and distribution of proceeds from the 2017 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects. Commissioner Barlow seconded. Discussion followed. The motion passed 5-0.

13. Consideration of the adoption of Ordinance 2016-21 to insert provisions pertaining to definition and to revise provisions pertaining to the operation of a vessel by a minor.

Mr. Davenport briefed the Board that this request is a result of a discussion from the Board regarding the state definitions, regulations and the County ordinance. He stated that the conclusion was that there needed to be some changes to the code so that it would agree with the state language. He stated that the definition is regarding the phrase "accompanied by" and what that means. He stated that the provisions are dealing with the minors. He continued that the County's code is structured reservoir specific, so Lake McIntosh and Lake Kedron would have a separate set of regulations, and with each one of those the language is proposed to be amended to agree with state law.

Discussion followed.

Commissioner Brown asked that Mr. Davenport create a Resolution to be submitted to the legislative delegation to request an exemption for the Row America participants who do not meet the age requirements to row solo. Mr. Davenport requested that Commissioner Brown send him an email with the objective criteria so that he can draft a resolution to meet the target request. Commissioner Brown stated that he would.

Ms. LeeAura Marcum spoke regarding this item.

Vice Chairman Ognio moved to adopt Ordinance 2016-21 to insert provisions pertaining to definition and to revise provisions pertaining to the operation of a vessel by a minor. Commissioner Brown seconded. Discussion followed. The motion passed 5-0.

Consideration of the approval to present the following Resolutions in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session:

14. Resolution 2016-16; Title Ad Valorem Tax (TAVT)

Mr. Davenport briefed the Board that a request was made by the Board to put together proposed legislation to address a perceived imbalance in the Title Ad Valorem Tax as it exist in state law. He stated that when this started there was a local share and a state share. He stated that the local share was small and the state share was large and as the time goes by the local is increasing and the state is decreasing. He stated that in addition there is a formula that took effect in 2015/2016 that deals with the concept of the local collection target amount. He stated that the local collection target amount is a phrase that defines what local communities are collecting statewide for TAVT and the targeted amount is approximately a billion dollars statewide. He continued that once the revenue is collected the question is did the collections exceed the local target collection amount and if it did, then the formula percentage is reduced by the percentage that the target amount exceeded by. He stated that if the revenues collected come in under the local target collection amount then the percentage with the state increases. He stated that in 2016 the local percentage should have been about 45%, but it was reduced to 40.5% because the local target collection amount was exceeded by that percentage which impacted the ratio with the state. He stated that in the proposed language presented, he has removed the formula that impacted what the ratio would be between local and state. He stated that there would not be a question of what the local target collection amount would be for the following year. He stated that it would get to the point, that in 2022 it would not change. He stated that the proposal is to remove the formula and the Resolution adopts a proposed act for the legislature that does that.

Discussion followed.

There was no public comment on this item.

Commissioner Brown moved to approve Resolution 2016-16; Title Ad Valorem Tax (TAVT) to be presented in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Barlow seconded. No discussion followed. The motion passed 5-0.

15. Resolution 2016-17; Disabled Veterans Homestead Exemption

Mr. Davenport briefed the Board that there have been several request to come before the Board in the past few months. He stated that what has been happening is that the applicant who is seeking a disabled rating from the federal government, applies and sometimes one, two or three years go by before a determination is made. He stated that the way the state law

works on exemption is that there is a deadline of April 1 to file for an exemption. He stated that if someone applied in 2014 for the disabled veterans rating from the federal agency and the applicant is approved in 2016, the federal agency adds language in the letter that the exemption is retroactive for 2014. He stated that is good for income tax purposes or for federal income, however for property tax revenue in the state of Georgia there are individual rules on how the exemptions work. He stated that in Georgia exemptions are not applied retroactively. He stated that if the April 1 deadline is not met then the applicant is not even considered and it would default to the next year. He stated that this Resolution would provide a revision that would recognize the date that is provided by the federal agency as the date upon which the disability commenced, even though it is applied retroactively. He stated that this would include the retroactive language.

Commissioner Brown suggested that each member of the Committee for Veterans Affairs at the state legislature be given a copy of this Resolution to be an advocate for this legislation.

Commissioner Barlow moved to approve Resolution 2016-17; Disabled Veterans Homestead Exemption to be presented in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Barlow seconded. No discussion followed. The motion passed 5-0.

16. Resolution 2016-18; Fluoride

Mr. Davenport briefed the Board that this Resolution is similar to what the Board submitted to the legislature two years ago. He stated that it involves the Board's authority to remove fluoride from the water. He stated that this Resolution would be an amendment to general law. He stated that it is difficult to amend general law. He stated that it is hard enough to enact a local law which just affects Fayette County. He stated that this Resolution and the other two that were voted on are statewide.

Vice Chairman Ognio moved to approve Resolution 2016-18; Fluoride to be presented in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Brown seconded. Discussion followed. The motion passed 5-0.

17. Resolution 2016-19; Local Residency Requirement

Mr. Davenport briefed the Board that this Resolution is different from the other three because it is a local act as opposed to a general law so it is easier to make happen with the legislature. He stated that the legislature passed a law that would allow local governments to provide specific residency requirements to the local requirements. He stated that members of the governing authority must reside in the district where they are elected for a minimum of one year. He stated that there is a Fayette County requirement in place, but not a district, one year residency requirement. He stated that the two year requirement that is in place is not enforceable. He stated that the County has never enforced two years and this is a good time to make the change as well as the age requirement to be consistent with this legislation. He stated that the Resolution would allow the Board to have a local act adopted so that the person who runs for a seat on the Board of Commissioners must have at least a one year residency requirement in their district before being elected to that district.

Discussion followed.

There were no public comments on this item.

Commissioner Brown moved to approve Resolution 2016-19; Local Residency Requirement to be presented in a Legislative Package to the Georgia General Assembly for consideration at its upcoming session. Commissioner Brown seconded. Discussion followed. The motion passed 5-0.

PUBLIC COMMENT:

Mr. Larry Mapp asked if the County Administrator could provide the amount of tax the North Fayette County district represents. He made comments regarding eye soars in the community, cars parking on gas, homeowner associations that have expired and people who live in a development that is not protected by covenants.

Mr. Virgil Fludd thanked the Board, Mr. Rapson and Mr. Lee Pope for supporting the repairs on Castle Lake Drive.

ADMINISTRATOR'S REPORTS:

Public Arts Committee Selection Committee

Mr. Rapson reported that there are three positions open on the Public Arts Committee. He stated that one of the positions expires in May 2017 and the other two expire in May 2018.

Chairman Oddo asked the Board if anyone would like to serve on the Selection Committee.

Vice Chairman Ognio moved to approve Chairman Oddo and Commissioner Brown to serve on the Selection Committee for the Public Arts Committee. Commissioner Barlow seconded. The motion passed 5-0.

Offices Closed for Veterans Day

Mr. Rapson reminded everyone that the administrative offices will be closed on Veterans Day.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had one item Threaten Litigation, two items for Real Estate Acquisition and the Review of the October 27, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow

Birdhouse Project: Commissioner Barlow stated that he and his wife will participate in the Public Arts Committee's Birdhouse Project. He stated that he will submit it to Mrs. Donna Thompson so he can get his "certificate of occupancy".

California State law: He stated that Amendment 63 was on the ballot for the state of California. He stated that the state passed an amendment that citizens have to acquire a permit to buy a box of ammunition and in addition there is a background check conducted on the citizen in order to buy a box of ammunition. He stated that it also requires that if a citizen had a magazine for any weapon that had more than ten rounds, they have to sell them out of state, they have to be turned in or confiscated and it immediately goes into effect and it is retroactive.

School Bus Driver: Commissioner Barlow stated that he would encourage anyone that can physical drive a bus to do so. He stated that since driving the bus he has a new respect for school bus drivers. He stated that the School Board really does need bus drivers.

Commissioner Brown

Thank you to all Veterans: Commissioner Brown thanked all veterans for everything they have done for us and to those that suffered the ultimate sacrifice; and keep their families in prayers. He asked everyone to remember those families of veterans who are dealing with suicide and to keep them in prayer as well.

Acknowledged Rowers: Commissioner Brown acknowledged the junior team rowers present in the audience. He spoke highly of the accomplishments of the team. He stated that he hopes that the legislation can pass at the state to help the youth programs.

Addressed Comments from Mr. Mapp: He asked Mr. Mapp to provide the Board with any notes from his meeting with Mr. Frisina to help the Board make some decisions.

Congratulations: Commissioner Brown congratulated those who won in the local races and to those who “stuck their necks out” to run in the election.

Vice Chairman Ognio

Thank you: Vice Chairman Ognio thanked the citizens for their support during the election. He also thanked the Veterans and Floyd Jones for his service and good luck to running the Elections Department.

Next Board of Commissioners Meeting: He stated that he would not be present at the next meeting because his wife’s in-laws are planning a cruise. He stated that he wanted to apologize to Commissioner Barlow because he will miss his last meeting.

He wished everyone a Happy Thanksgiving, Merry Christmas and Happy New Year and that he will see them next year.

Commissioner Rousseau

Thank you: Commissioner Rousseau thanked the veterans and recognized the critical issue they are faced with in post-traumatic stress disorder (PTSD) and the ill effects of war. He thanked Commissioner Barlow and Mr. Rapson for their service. He also thanked Floyd Jones for his service.

Mt. Olive Baptist Church 150th Church Anniversary: He congratulated Mt. Olive Baptist Church. He stated that they will be celebrating their 150th year anniversary.

Addressed Comments from Mr. Mapp: Commissioner Rousseau stated that the issues that Mr. Mapp raised are on the Board’s radar. He stated that he wished more people had attended the HOA Boot Camp that was hosted. He stated that he will plan on hosting something locally in the spring.

Acknowledged Virgil Fludd Resignation: He recognized that Mr. Fludd has officially resigned his district on November 4. He stated that he publically wanted to thank him for 14 years of representing sections of this County and Fulton County. He also thanked him for attending the HOA Boot Camp.

Acknowledged Candidates from the Election: Commissioner Rousseau stated that he wanted to also acknowledge those who put their names on the ballot. He stated that he commend them and recognize those who were success in their race.

Congratulations to Awardees: He congratulated the awardees from the meeting.

Chairman Oddo

Thanked Virgil Fludd: Chairman Oddo stated that he wanted to thank Representative Fludd for his 14 years of service and representing the County.

Thank you to Veterans: He stated there is no way to thank the veterans enough. He stated that the only way to thank them is to conduct ourselves responsibly. He stated that we don't always succeed at it, but the measure is to keep trying. He stated that despite the election, we witnessed two parties coming together to unify and that is the lesson we need to take. He stated that it is the Veterans who gave us the opportunity to do that.

Thanked Citizens for Support: Chairman Oddo thanked the citizens for their confidence in him and for voting for him. He stated that he loves his job. He stated that he appreciates the opportunity to serve four more years.

Thanked Mr. Jones: He thanked Mr. Jones for his service and his help during the last four years.

Thanksgiving Wish: Chairman Oddo wished everyone a wonderful Thanksgiving surrounded by family and friends. He stated that his hope and prayer is that the thanksgiving spirit can be carried going forward.

EXECUTIVE SESSION:

One Item of Threaten Litigation, Two Items of Real Estate Acquisition and Review of the October 27, 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 9:14 p.m. and returned to Official Session at 10:08 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.

Chairman Oddo stated that on Friday, January 6, 2016 the Board of Commissioners will have a Special Called Meeting with the cities regarding the SPLOST. He stated that he failed to mention that during his comments.

Approval of the October 27, 2016 Executive Session Minutes: Vice Chairman Ognio moved to approval the October 27, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Vice Chairman Ognio moved to adjourn the November 10, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 5-0.

The November 10, 2016 Board of Commissioners meeting adjourned at 10:11 p.m.

Tameca P. White, Chief Deputy County Clerk