

BOARD OF COUNTY COMMISSIONERS

Eric Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

January 26, 2017
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 Eric Maxwell called the January 26, 2017 Board of Commissioners meeting to order at 7:01 p.m.
A quorum of the Board was present.

Invocation by Chairman Eric Maxwell

Chairman Maxwell gave the Invocation.

Pledge of Allegiance

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

Acceptance of Agenda

Commissioner Brown moved to accept the agenda. Vice Chairman Ognio seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

- 1. Recognition of the Fayette County departments who won in the Fayette County 4th Annual Merry Door Decorating Contest.**

County Administrator Steve Rapson presented awards to the first and second place winners of the County's 4th Annual Merry Door Decorating Contest. Building Permits and Inspections Director Joe Scarborough and Assistant Director Steve Tafoya, with staff accepted the 2nd Place trophy for their door decoration. 911 Center Director Bernard Brown, with staff, and Library Director Chris Snell, with staff, both accepted 1st Place respectively.

- 2. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2016 annual audit.**

A representative from Nichols, Cauley and Associates, LLC, Gregory Chapman presented the results of the 2016 annual audit. Chief Finance Officer Mary Parrott and Mr. Rapson assisted with responding to questions from the Board.

There was no vote on this item.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*.

3. **Consideration of Petition No. 1263-17, Fayette County Board of Commissioners, Owner, and Phil Mallon, Agent, request to rezone 0.27 acres from C- H to R-70 for property located in Land Lot(s) 256 of the 13th District and fronting on Veterans Parkway.**

Public Works Director Phil Mallon briefed the Board on this item. He informed the Board that the correct rezoning is for 0.237 acres and that the request is to rezone the property to match the adjacent property. He stated that the property is needed for right-of-way to complete the project.

No one spoke in favor or in opposition of this item.

Commissioner Brown moved to approve Petition No. 1263-17, Fayette County Board of Commissioners, Owner, and Phil Mallon, Agent, request to rezone 0.237 acres from C- H to R-70 for property located in Land Lot(s) 256 of the 13th District and fronting on Veterans Parkway. Vice Chairman Ognio seconded. The motion passed 5-0.

4. **Consideration of the Director of Public Work's determination on the proposed abandonment of a portion of McBride Road.**

Mr. Mallon briefed the Board on this item. He stated that this portion of McBride Road is the result of a Special Purpose Local Option Sales Tax (SPLOST) project that was completed in 2010. He stated that the right-of-way was donated when the Beaumont Subdivision was developed. He stated that when Fayette County moved the road in 2010, the County regained ownership of the old road bed. He stated that property owners made a written request to consider abandoning the property. He stated that in his opinion it serves no useful purpose to the County. He stated that he supports abandoning the property.

Mr. Mallon answered questions from the Board.

The agent for the property owners spoke in favor of this request.

Mr. Bill Wheeler spoke in favor of this request.

No one spoke in opposition of this item.

Commissioner Brown stated that he felt the property should be posted for bid.

Commissioner Oddo moved to accept the proposed abandonment of a portion of McBride Road and finding that the value of the property is less than \$30,000 and that it no longer serves a public purpose and removing it from the County's road systems is in the public's best interest and that the owners pay the cost to abandon the property. Vice Chairman Ognio seconded. Discussion followed.

The motion was amended.

Commissioner Oddo moved to accept the proposed abandonment of a portion of McBride Road and finding that the value of the property is less than \$30,000 and that it no longer serves a public purpose and removing it from the County's road systems is in the public's best interest and that the owners pay the cost to abandon the property and pay the \$1,100 to be returned to the County. Vice Chairman Ognio amended the second. Discussion followed. The motion passed 4-1 with Commissioner Brown voting in opposition.

CONSENT AGENDA:

Commissioner Brown moved to accept the Consent Agenda with the exception of removing Items #5 and #8 for discussion. Commissioner Oddo seconded. The motion passed 5-0.

- 5. Approval of staff's request for the Board of Commissioners to establish the annual Budget Calendar for Fiscal Year 2018 which begins July 1, 2017 and ends June 30, 2018.**

There was discussion regarding this item regarding the need for additional meeting dates.

Commissioner Brown explained the purpose for adding an additional meeting date. Mrs. Parrott and Mr. Rapson answered questions from the Board.

Commissioner Brown moved to revise the Board of Commissioners Retreat (April 21, 2017) format to include all county departments and offices of the Constitutional Officers and non-agencies, incorporating discussions related to policy, staffing, programming, capital expenses and departmental goals, and to add an addition day, Thursday, April 20, to the Retreat. Commissioner Rousseau seconded. The motion passed 5-0.

- 6. Approval of staff's recommendation to award Contract #1016-P, Amendment 1 to Sages Networks, Inc. to add permitting, inspection, enforcement, interactive voice response, and credit modules to existing software modules at the first-year cost of \$41,540 and to authorize transfer of \$16,000 from the Contingency Fund for this purpose.**
- 7. Ratification of the City of Fayetteville's appointment of Dr. Regina M. Daigre to the Fayette County Library Board for a four-year term beginning January 1, 2017 and expiring December 31, 2020.**
- 8. Approval of the Public Arts Committee's request for Concept Approval to assist with the planning and execution of a festival in Town of Tyrone.**

Commissioner Brown asked Public Arts Committee Chairwoman Donna Thompson to explain what the Public Arts Committee would be doing at this event.

Mrs. Thompson explained the ordinance that created the Public Arts Committee charged the committee with integrating art throughout Fayette County. She stated that this was one of the tasks the committee was aiming to achieve by assisting with this event.

Commissioner Brown moved to approve the Public Arts Committee's request for Concept Approval to assist with the planning and execution of a festival in Town of Tyrone. Commissioner Oddo seconded. The motion passed 5-0.

- 9. Approval of the Public Arts Committee's request for Concept Approval to assist in the planning of the Tyrone Winter Break program and to develop a Birdhouse build/decorate event in addition to a children's art project.**
- 10. Approval of staff's recommendation to add Elysian Fields subdivision to Fayette County's Street Light Program.**
- 11. Approval of the Water Committee's recommendation to approve a request from Row America to close Lake McIntosh Park for a Regatta to be held on March 18, 2017.**
- 12. Approval of the January 12, 2017 Board of Commissioners Meeting Minutes.**

OLD BUSINESS: None.

NEW BUSINESS:

13. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Charles Oddo, to re-appoint Clarence Leathers to the Fayette County Library Board for a four-year term beginning January 1, 2017 and expiring December 31, 2020.**

Commissioner Oddo moved to approve to re-appoint Clarence Leathers to the Fayette County Library Board for a four-year term beginning January 1, 2017 and expiring December 31, 2020. Commissioner Brown seconded. The motion passed 4-0. Commissioner Rousseau stepped out of the room.

14. **Consideration of a recommendation from the Selection Committee, comprised of Vice Chairman Randy Ognio and Commissioner Charles Oddo, to re-appoint Tony Parrott to the Fayette County Library Board for a four-year term beginning January 1, 2017 and expiring December 31, 2020.**

Commissioner Oddo moved to approve to re-appoint Tony Parrott to the Fayette County Library Board for a four-year term beginning January 1, 2017 and expiring December 31, 2020. Vice Chairman Ognio seconded. The motion passed 3-0-1. Commissioner Brown abstained. Commissioner Rousseau stepped out of the room.

15. **Consideration of the approval to adopt the Fayette County Public Arts Committee's By-laws.**

Mrs. Thompson stated that the Public Arts Committee's by-laws had been reviewed by Mr. Davenport and are presented to the Board for approval.

Commissioner Brown moved to approve the adoption of the Fayette County Public Arts Committee's By-laws. Commissioner Oddo seconded. Discussion followed. The motion passed 5-0.

16. **Review and discussion of the priority list of existing stormwater projects.**

Mr. Rapson and Mr. Mallon briefed the Board on the existing stormwater projects. There was no vote on this item.

17. **Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Gregg Appliances DBA HH Gregg, for tax year 2016 in the amount of \$3,523.80.**

County Attorney Dennis Davenport briefed the Board regarding the tax refund request from Gregg Appliances. He stated that this was personal property that was valued by the tax assessor's office. He stated that the value was communicated to the taxpayer and once communicated the taxpayer has forty-five days to respond by either refuting the value or with no response which means they agree with the value. He stated that the taxpayer informed the tax assessor's office, after the fact, that they had a different methodology that would arrive at a value of a lesser number that would result in lesser taxes. He stated that the taxpayer was told they had past the deadline to appeal and so the taxpayer submitted a tax refund request instead for the amount they believed should be refunded. He stated that he recommends denial in the amount of \$3,523.80.

Commissioner Brown moved to deny the disposition of tax refunds, as requested by Gregg Appliances DBA HH Gregg, for tax year 2016 in the amount of \$3,523.80. Vice Chairman Ognio seconded. Discussion followed. The motion passed 5-0.

18. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Jamie Johnson Kagels for tax years 2014, 2015 and 2016 in the aggregated amount of \$5,745.49.

Mr. Davenport briefed the Board that Ms. Kagels was notified of the meeting. He stated that this request is requesting retroactive application to the veteran's homestead exemption and therefore he was recommending denial in the amount of \$5,745.49.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Jamie Johnson Kagels for tax years 2014, 2015 and 2016 in the aggregated amount of \$5,745.49. Vice Chairman Ognio seconded. Discussion followed. The motion passed 3-2 with Chairman Maxwell and Commissioner Brown voting in opposition.

19. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Joann Chapman for tax years 2014 and 2015 in the aggregated amount of \$251.53.

Mr. Davenport briefed the Board on this item. He stated that Ms. Chapman had an exemption on her homestead for age 62 and over. He stated that it was a locate exemption in Fayette County. He stated she had to move in with a relative and that she maintained her homestead exemption for her previous address. He stated that in error the L4 Homestead was removed and should not have been. He stated that he recommended approval of the \$251.53 tax refund.

Commissioner Brown moved to approve the disposition of tax refunds, as requested by Joann Chapman for tax years 2014 and 2015 in the aggregated amount of \$251.53. Commissioner Oddo seconded. The motion passed 5-0.

PUBLIC COMMENT:

Ms. Yvonne Smith spoke regarding stormwater issues in her community, the lack of fire hydrants in her neighborhood and the lack of a response regarding the cars on the lawn in her neighborhood.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that Mr. Dennis Chase presented a "Turtle" report and has some interesting information regarding box turtles. He also addressed the concerns presented from Ms. Yvonne Smith.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated there were four items for Executive Session, one item involving Pending Litigation, two involving Threaten Litigation and the Review of the January 12, 2017 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Chairman Maxwell, Commissioner Oddo, Commissioner Brown, Commissioner Rousseau and Vice Chairman Ognio gave comments.

EXECUTIVE SESSION:

One Item of Pending Litigation, Two Items of Threaten Litigation and Review of the January 12, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Rousseau seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:09 p.m. and returned to Official Session at 10:42 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 Rousseau seconded the motion. The motion passed 5-0.

Approval of the January 12, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the January 12, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the January 26, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 5-0.

The January 26, 2017 Board of Commissioners meeting adjourned at 10:43 p.m.

Tameca P. White, County Clerk