

## 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

## AGENDA

September 8, 2016  
7:00 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.

Call to Order  
Invocation by Commissioner Charles D. Rousseau  
Pledge of Allegiance

Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

1. Proclamation of September 17-23, 2016 as "Constitution Week in Fayette County," with the James Waldrop Chapter of the Daughters of the American Revolution. **(Pages 1-2)**
2. Proclamation of September 18-24, 2016 as "Surgical Technologist Week" in Fayette County. **(Pages 3-4)**
3. Recognition of Armed Forces Mission and Chaplain Kenneth Koon for their ongoing efforts to meet increasing challenges faced by veterans and the law enforcement community. **(Pages 5-8)**

### PUBLIC HEARING:

4. Public Hearing to Brief the Community on the Process of the Full Plan Update of the Fayette County Comprehensive Plan. **(Pages 9-17)**

### CONSENT AGENDA:

5. Approval of staff's recommendation to declare 33 county vehicles as unserviceable, to sell the assets utilizing the GovDeals internet web site, and for all proceeds to be returned to the Vehicle Replacement Fund. **(Pages 18-19)**
6. Approval of staff's recommendation to enter into a Joint Funding Agreement with the United States Geological Survey, beginning October 1, 2016 and expiring September 30, 2017, in the amount of \$295,650.00 by utilizing an additional \$8,350.00 from the Water System's Repair and Maintenance account, for water flow, stream data, and CFM flow monitoring. **(Pages 20-23)**
7. Approval of the August 25, 2016 Board of Commissioners Meeting Minutes. **(Pages 24-51)**

8. Approval of the September 1, 2016 Board of Commissioners Special Called Meeting Minutes. **(Pages 52-53)**

**OLD BUSINESS:**

**NEW BUSINESS:**

9. Consideration of the Public Art Committee's request to approve its Mission, Vision, and Purpose statements. **(Pages 54-64)**
10. Consideration of the Public Arts Committee's request to approve the annual "Scarecrows" competition and for the Buildings and Grounds Department to assist in setting up poles for the scarecrows. **(Pages 65-66)**
11. Consideration of the Public Arts Committee's request to approve the recommended "Birdhouses" project. **(Pages 67-69)**
12. Approval of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Ben and Jane Carpenter, in the aggregate amount of \$206.19. **(Pages 70-72)**
13. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Peter L. Davis, in the aggregate amount of \$7,658.50. **(Pages 73-75)**

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

Contract Renewal:

- A. RFP #940-P, Renewal 1: Public Works Engineer of Record **(Page 76)**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Chairman Charles W. Oddo

Meeting Date: Thursday, September 8, 2016

Type of Request: Proclamation/Recognition #1

## Wording for the Agenda:

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

## Background/History/Details:

The James Waldrop Chapter of the Daughters of the American Revolution (DAR) has requested a proclamation for National Constitution Week; a national observance that will take place from September 17-23, 2016.

The United States Constitution was adopted on September 17, 1787. This observation marks the 229th anniversary of the day the Constitution was adopted and signed.

On April 21, 1955, the DAR adopted its own resolution for Constitution Week. Members of Congress received the resolution and discussed it on June 7, 1955. The first resolution to observe Constitution Week was made by Senator Knowland of California on June 14, 1955, and following the passage of the resolution, President Dwight Eisenhower issued a proclamation on August 19, 1955. The observance was so successful, Senator Knowland introduced a Senate Joint Resolution for the President to annually designate September 17-23 as Constitution Week, which was passed on July 23, 1956. On August 2, 1956 the resolution was signed into law.

## What action are you seeking from the Board of Commissioners?

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

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

Betty Harrah, Regent of the James Waldrop Chapter, Daughters of the American Revolution will accept the proclamation.

# FAYETTE COUNTY BOARD OF COMMISSIONERS

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## Constitution Week in Fayette County

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### A PROCLAMATION

- WHEREAS,** September 17, 2016 marks the 229th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and
- WHEREAS,** It is the privilege and duty of the American people to commemorate the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and
- WHEREAS,** Members of the James Waldrop Chapter of the Daughters of the American Revolution of the City of Fayetteville and the State of Georgia strive to achieve the goals of the National Society Daughters for the American Revolution in promoting patriotism, preserving American History, educating Americans young and old with true and correct historical information; and in serving America and her veterans, past and present; and
- WHEREAS,** Each year the President of the United States of America designates September 17 through 23 as Constitution Week;

**NOW, THEREFORE,** WE, THE FAYETTE COUNTY BOARD OF COMMISSIONERS do likewise proclaim the week of September 17 through 23, 2016 as

### “Constitution Week in Fayette County”

and in doing so ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of liberties and further urge all citizens to study the Constitution, to reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves, and to remember that lost rights may never be regained.

So proclaimed this 8<sup>th</sup> day of September 2016,

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CHARLES W. ODDO, Chairman

# COUNTY AGENDA REQUEST

Department: Board of Commissioners

Presenter(s): Chairman Charles W. Oddo

Meeting Date: Thursday, September 8, 2016

Type of Request: Proclamation/Recognition #2

## Wording for the Agenda:

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

## Background/History/Details:

During World War II, the need for perioperative personnel was overwhelming. The role of the surgical technologist was born and evolved into a separate allied health field. Surgical technologists serve as an integral part of the surgical team providing surgical care to patients. Surgical technologists work under the supervision of a surgeon to facilitate the safe and effective conduct of surgical procedures.

The Association of Surgical Technologists was established in 1969 by members of the American College of Surgeons, the American Hospital Association, and the Association of periOperative Registered Nurses. Today, surgical technologists are working in one of the fastest growing professions in the country. The US Bureau of Labor Statistics projects that the surgical technology profession will grow faster than the average of all other occupations through the year 2020, and it is anticipated that the volume of surgery will increase exponentially due to the expanding senior population.

## What action are you seeking from the Board of Commissioners?

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

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

Due to on-going shift work and uncertain work schedules, it is unknown who, if anyone, will be able to attend the meeting in order to receive the requested proclamation.

# *Proclamation*

## **SURGICAL TECHNOLOGIST WEEK PROCLAMATION**

**WHEREAS**, for over 60 years, surgical technology has grown to meet the ever-increasing demand for well-educated, highly-skilled and versatile surgical technologists; and

**WHEREAS**, surgical technologists are entrusted with the lives and well-being of patients and provide a critical service during surgical procedures; and

**WHEREAS**, over 90,000 surgical technologists nationwide are an integral part of the surgical team committed to providing the highest quality of surgical care to patients; and

**WHEREAS**, surgical technologists are responsible for the application of sterile and aseptic technique in the operating room, ensuring that equipment functions properly and facilitating safe and effective conduct during invasive surgical procedures; and

**WHEREAS**, surgical technologists strive to prevent life-threatening surgical site infections and maximize patient safety; and

**WHEREAS**, Certified Surgical Technologists graduate from an accredited program and receive certification conferred by the National Board of Surgical Technology and Surgical Assisting based upon passage of the national examination; and

**WHEREAS**, the surgical technologist's motto "*Aeger Primo*, the patient first" reflects total commitment to patient safety and advocacy;

**NOW, THEREFORE, WE, THE FAYETTE COUNTY BOARD OF COMMISSIONERS** do hereby proclaim September 18 – 24, 2016, as

## *Surgical Technologist Week*

and in so doing we urge all citizens to acknowledge the important role of surgical technologists in the care and recovery of their patients.

So Proclaimed this 8<sup>th</sup> Day of September 2016

**FAYETTE COUNTY**

**BOARD OF COMMISSIONERS**

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Charles W. Oddo, Chairman

# COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Commissioner David Barlow

Meeting Date: Thursday, September 8, 2016

Type of Request: Proclamation/Recognition #3

## Wording for the Agenda:

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

## Background/History/Details:

Every year since its inception in 2012, Armed Forces Mission (AFM) has grown to meet the ever increasing challenges of veterans and hometown guardians in law enforcement. With the support of many individuals and families, AFM has completing the mission of saving lives on the battlefield of personal despair, being there for families that have experienced loss, training thousands of concerned individuals in the skills that save lives, and building a culture of community health with the veteran and law enforcement community that directly benefits all people with that community.

AFM has trained more than 5,000 community caregivers through the I WILL INTERVENE CHALLENGE. These individuals are in communities across the United States and are making a difference for those who are hurting.

AFM is directly involved in hundreds of successful suicide interventions each year. Through this effort, individuals are discovering renewed hope and an overcoming passion to press on.

The support document provides additional information on the work and mission of Armed Forces Mission.

## What action are you seeking from the Board of Commissioners?

No action is sought. A plaque will be provided to Major Koon during the meeting.

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

Commissioner Barlow is on the Armed Forces Mission's Advisory Board. He wrote the following about Chaplain Kenneth Koon: "He has truly made a difference in soldier suicide."



# Upcoming Events in the Fayette Strong Initiative

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# Courageous Challenge

**September 3, 2016**

**Booth Middle School Peachtree City**

**EVENT Start time 9AM Doors open at 8:30AM**

The Courageous Challenge is a 22 minute push-up Challenge to support veteran and law enforcement programs of Armed Forces Mission in building a culture of health for those who serve our nation and local community. Individual and Team registration.

**Register today at [CourageousChallenge.com](http://CourageousChallenge.com) or [BattleoftheGyms.com](http://BattleoftheGyms.com)**



**Fayette LOSS Teams**

## LOSS TEAMS CONFERENCE

**August 15-16, 2016**

Fayette LOSS Team of Armed Forces Mission will host the first LOSS Teams Conference for the state of Georgia in Fayetteville, Georgia with keynote speaker, Dr. Frank Campbell, PhD.

**Day One—Hope and Healing Day Two—Listen Learn Lead Suicide Intervention Training**

This Conference is for anyone who has experienced loss by suicide or wants to help those who have experienced such loss. Pastors come and learn how your church can create a LOSS Team for your congregation. POST CE for law enforcement and CEUs for mental health professionals.

**Register at [LOSStams.org](http://LOSStams.org)**

#### Supporting

- Chaplain 911
- Fayette LOSS Teams
- Courageous Weekend Retreats
- I Will Intervene Challenge
- Better Marriage Challenge

**Join the 1% Team as a Community Partner  
Together we can make Fayette Strong!**

**FayetteStrong.com**

*Building a Culture of Community Health*

*Serving the Veteran and law enforcement community of Fayette County and aiding all on the battlefield of personal despair in order to restore hope and a more resilient future.*



## People are talking about AFM

"You have let God use you to help our family and friends through the hardest time imaginable with the utmost respect and gentleness. God bless you!"  
Dena Anderson

"The Challenge has given me a voice to help end the epidemic of suicide -one person at a time."  
Rebecca Gray, retired educator who lost son to suicide

"Excellent workshop! After 40 years in the counseling field, it is rare I say that." Marilyn Roberts, LPC

"One of the most intense (in a very emotional and moving way) environments that I have experienced in a long time." Scott Gilbert, Fayetteville, GA

"Rare people who really know how to connect with people... high level of compassion and caring for others. I am grateful to work with such kind and compassionate professionals." Dr. Paul Wade, Suicide Prevention Program Manager, USAF

"A heart for soldiers that extends beyond the Soldiers..." COL John W. Aarsen

"A voice for the needs of soldiers in the civilian community." Chaplain (LTC) Tim Bonner

"A high quality of performance...articulate, caring and sensitive...most commendable."  
COL. TRACY L. DAWKINS

"An extraordinary way of reaching people. Overwhelmingly touched. Already planning the next event!" MAJ Connie Gonzales, Suicide Prevention Officer

"This world is a better place for having compassionate champions like AFM. Their commitment, tenacity and support helps build the necessary networks so that we as a community can work together to reduce our losses. As far as AFM is concerned every day is World Suicide Prevention Day. For your work and efforts my friend I shout a resounding HOOAH!!!"  
Sofia Wadman, Wales UK

Stand with them as an  
**AFM Battle Buddy**

Armed Forces Mission expresses our deepest gratitude to all the corporations, businesses, community organizations, churches and individuals who stand with us to touch the lives of America's troops and veterans. Collectively YOU make the mission a success. In Partnership We Stand Strong To Build Resilience and Restore Hope.

### Founder's Partners

Fayette County Board of Realtors

### Chairman's Partners

Clothes Less Traveled Thrift Shop  
Georgia Baptist Health Care Ministries Foundation  
Synensis Health  
Women's Missionary Union

### Courageous Partners

Becky Crawford Realtor  
Cecil B. Day Foundation  
Coweta-Fayette EMC  
Dogwood Church  
Fayetteville First Baptist Church  
LifeWay Bookstores  
Lisbon Baptist Church  
The Scott Hudgens Family Foundation

### Guardian Partners

Fayette Civitans  
Fayette Day Break Rotary Club  
First United Methodist Church of Newnan  
Great Georgia Air Show  
Pilot Club of Carrollton  
Rolling Hills Baptist Church  
Southeast Properties, Inc.  
UDC - Georgia  
United Bank - Pike Division

### Stand with Them Partners

Crossroads Church Newnan  
Ektelio Grief Recovery  
Fayetteville First United Methodist Church  
Five Star Baseball and Softball Peachtree City  
Grow Counseling  
Nationwide Insurance Kearns Agency  
Peachtree City Rotary Club  
Pike County Schools  
Pike Family Resource Network  
Southcrest Bank  
Tanner Health System

### Armed Forces Mission

PO BOX 1101 Tyrone, GA 30290

AFM is a 501c3 not-for-profit charitable organization

# AFM

## ARMED FORCES MISSION



*Developing a Culture of Community Health  
for America's Troops, Veterans and Law Enforcement*

**AFMfamily.com**



## ABOUT AFM



Every year since inception in 2012 AFM has grown to meet the ever increasing challenges of our veterans and our hometown guardians in law enforcement. I am personally grateful for the privilege of serving America's finest and bravest men and women who have sacrificed so much for the freedoms we enjoy as citizens of the United States of America.

I am also thankful for the many individuals and organizations that have joined us as battle buddies in the mission. You are the reason we are able to stand with them. You are the reason we have seen so many lives saved. Stand With Them and No More Suicide are campaigns that would not be possible without people like you. Our Battle Buddies are the ones that make the mission successful.

What is the mission? It's saving lives on the battlefield of personal despair, being there for those families who have experienced loss, training thousands of concerned individuals in the skills that save lives, and building a culture of community health within the veteran and law enforcement community that directly benefits all people within the community.

As of July 4th, 2016 AFM has trained more than 5,000 community caregivers through the I WILL INTERVENE CHALLENGE. These individuals are now scattered in communities throughout the nation making a difference for those who are hurting. In addition, AFM is directly involved in hundreds of successful suicide interventions each year. Individuals are discovering renewed hope and an overcoming passion to press on.

If you are new to AFM I invite you to join us in the mission. Together we will continue to build a culture of health that is touching lives and strengthening the community for all people.

Thank you and God Bless,

Chaplain Kenneth Koon  
Founder and Executive Director  
Armed Forces Mission

## STAND WITH THEM CAMPAIGN

AFM's Stand With Them Campaign focuses on the needs of America's military, veteran and law enforcement community by providing direct intervention for those in crisis and support programs that build resilience and restore hope.

**COP.CARE** and **CHAPLAIN.CARE** serves the veteran and law enforcement community providing the following...

**Chaplain.Care Counseling (C3)** for those times when stress turns to crisis.

**Chaplain.Care Life Coaching (CCLC)** helps individuals develop healthy self-care plans that build emotional and spiritual resilience and the staying power to overcome difficult life challenges.

**Chaplain.Care Intervention (CCI)** offers immediate response care for veterans and law enforcement personnel struggling with the questions of life and death that may lead to thoughts of suicide or self-harm.

**RESTORE LAUGHTER** was established August 13, 2014 immediately following the death of comedian Robin Williams who was a true friend to America's fighting troops. Restore Laughter offers a weekend getaway for veterans and law enforcement personnel for a time of R&R and an evening of laughter that helps restore resilience and focus for the mission of life.

**COURAGEOUS PROJECT** – provides caregivers of America's guardians with a time of respite and a network of peer support. Veteran caregivers enjoy a time to get away to beautiful Lake Wedowee, Alabama. No duties, no responsibilities - the only requirement of participants is that they enjoy themselves. Through peer to peer support and encouragement from AFM staff, caregivers find renewed strength and restored resilience to continue in the mission of caring.



## NO MORE SUICIDE CAMPAIGN

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AFM's No More Suicide Campaign is building resilience and restoring hope for all people in keeping with our creed to serve others. Through crisis training workshops and direct intervention of those at risk we are developing a culture of health for all.

**LOSS TEAMS** – Local Outreach to Suicide Survivors provides prevention against additional losses with the ultimate goal of reducing the time between the loss event and the seeking of help, thereby building a foundation of resilience.

**CHAPLAIN 911** - provides a Rapid Reaction Force with immediate chaplain response during times of community crisis and further expands chaplain coverage for first responders and crisis training for community members.

**COURAGEOUS CHALLENGE** – offers a day of athletic fun creating a culture of health that builds positive community relations with veterans and law enforcement. Events also help support the various initiatives of Armed Forces Mission.

**I WILL INTERVENE CHALLENGE** – is AFM's flagship program offering community workshops in mental health first aid and suicide intervention skills training. Participants in these one and two-day workshops are doing their part to build a culture of community health. Take the Challenge or help organize one for your community. Visit [iwillintervene.com](http://iwillintervene.com).

*"The most impactful professional learning I have encountered in my 20 year career. I left the training a different person, equipped with the skills to save a life."*  
Michael Duncan, Ed.D  
Superintendent  
Pike County Schools





# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

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

Background/History/Details:

According to the Rules of Georgia Department of Community Affairs, Chapter 110-12-1-.04 Procedures, (1), (a) First Required Public Hearing:

"A first public hearing must be held at the inception of the local planning process. The purpose of this hearing is to brief the community on the process to be used to develop the plan, opportunities for public participation in development of the plan, and to obtain input on the proposed planning process. Once public comments have been addressed, the community may begin the process of developing the plan."

What action are you seeking from the Board of Commissioners?

Conduct the Public Hearing. No action is sought by the Board of Commissioners at this time.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

# FAYETTE COUNTY COMPREHENSIVE PLAN FULL PLAN UPDATE

A Comprehensive Plan is a requirement of the Georgia Planning Act of 1989.

The Georgia Department of Community Affairs administers the Minimum Standards for Local Comprehensive Planning.

To be a Qualified Local Government a community must be current with these minimum standards and a Full Plan Update is a requirement of these standards.

The due date for the adoption of the Fayette County Comprehensive Full Plan Update is June 30, 2017.



# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

To start the Full Plan Update process a public hearing is required to brief the community on the process to be used to develop the plan, opportunities for public participation in development of the plan, and to obtain input on the proposed planning process.

A second public meeting will be held to brief the community on the process of the Full Plan Update of the Fayette County Comprehensive Plan on September 26, 2016 in the auditorium of the Whitewater High School, 100 Wildcat Way Fayetteville, GA 30215 at 7:00pm.





# FAYETTE COUNTY COMPREHENSIVE PLAN FULL PLAN UPDATE

A Steering Committee will facilitate the Full Plan Update Process .

Pete Frisina - Staff

Steve Brown - Board of Commissioners

Brian Haren – Planning Commission

Emily Poole – Development Authority



# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

A major component of the Full Plan Update is public participation.

The Fayette County Planning and Zoning Department will publicize the Full Plan Update. The following will be used to inform the citizens and stakeholders about the Full Plan Update.

The Fayette County website will provide information on the Full Plan Update and will provide for web-based public input.

Press Release: Press releases will be provided to local media to provide information on the Full Plan Update to seek input.

Public Information Materials – Outreach materials will be created and used to provide information on the Full Plan Update. These materials will be available at public meetings and other County locations such as the Fayette County Library.

Cable Television – Notices for input will be posted on Fayette County's public access station, cable channel 23.



# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

### Citizen Survey

To gain public input, citizens will be asked fill out a survey, during the months of October and November.

The survey will be made available through the County's website. It will also be available in a paper form at County facilities such the Administrative Complex, Library, Recreation Department, etc.



# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

### Stakeholder Groups

The Minimum Planning Standards require the County to identify local Stakeholder Groups and seek their input. Staff will hold meetings with the stake holders identified in the Public Participation Program during the months of September, October and November (see list below).

County Staff (Various County Departments)  
Law Enforcement (Sheriff's Office)  
Fayette County School System  
Fayette County Development Authority  
Fayette County Chamber of Commerce  
Fayette County Board of Realtors  
Hospital  
Residential Developers  
Commercial Developers  
Local Civil Engineering Firms, Specializing in Land Development  
Local Land Trusts and/or Environmental Organizations  
Senior Services  
Local Representatives of Agricultural and Forestry  
Home Owners Associations  
Other Groups/Organizations Not Identified at this Time



# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

The Minimum Planning Standards for a Comprehensive Plan require the following Plan Elements as applicable:

- Community Goals
- Needs and Opportunities
- Community Work Program
- Economic Development Element
- Land Use Element
- Transportation Element
- Housing Element





# FAYETTE COUNTY COMPREHENSIVE PLAN

## FULL PLAN UPDATE

January 2017 is the target date to have a draft of the Full Plan Update ready for the public to review.

Public Hearings for transmittal to the Atlanta Regional Commission and Department of Community Affairs for review will be in February-March 2017.

The due date for the adoption of the Fayette County Comprehensive Full Plan Update is June 30, 2017.



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to declare 33 county vehicles as unserviceable, to sell the assets utilizing the GovDeals internet web site, and for all proceeds to be returned to the Vehicle Replacement Fund.

## Background/History/Details:

Over the course the year a total of 33 vehicles have been, or are in the process of being turned into Fleet Maintenance as surplus and/or removed from service as a result of reaching their useful life. These assets no longer serve the County's purposes.

Staff requests that the Board formally declare the vehicles to be unserviceable, to authorize selling the vehicles by utilizing the GovDeals internet website, and for all proceeds to be returned to the Vehicle Replacement Fund.

Vehicle list is attached as backup.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to declare 33 county vehicles as unserviceable, to sell the assets utilizing the GovDeals internet web site, and for all proceeds to be returned to the Vehicle Replacement Fund.

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

County Asset Number	Vehicle Year, Make & Model	Old/Replacement Asset # or Budgeted Project number	Vehicle Serial Number	Purchase Date	Acquisition Cost	Year Make & Model	LTD Acc. Depreciation	Original Purchase Price	Mileage
10626	1996 FORD F-800 DUMP TRUCK	57020	1FDXF80C6TVA16213	12/28/95	39,907.90	F-800	0.00	39,907.90	233,111.00
10690	1996 FORD CROWN VICTORIA	55109	2FALP71WXTX202392	09/05/96	19,114.00	CROWN VICTORIA	0.00	19,114.00	97,642.00
10691	1997 FORD ECONOLINE VAN	57056	1FTHF2422VHA92250	03/31/97	15,898.00	E-250	0.00	15,898.00	171,077
10696	1996 FORD F-250 PICKUP	57062	1FTHF25Y6TLB28080	03/07/96	14,239.00	F-250	0.00	14,239.00	154,115
10724	1997 FORD F-150 PICKUP	55090	1FTDF1767VND40546	07/31/97	17,318.00	F-150	0.00	17,318.00	210,595
10726	1996 CHEVR RALLEY VAN	55105	1GJGG39K8TF505858	06/30/96	19,669.00	RALLEY	0.00	19,669.00	148,148
10751	1988 GMC BRUSH TRUCK/WITH UTILITY BODY	55009	1GDJV34J0JJ514044	07/29/88	17,703.00	TV31403	0.00	17,703.00	30,333.00
10752	1991 GMC BRUSH TRUCK	55011	1GDK34J4ME522699	03/20/91	18,039.00	SIERRA 4X4	0.00	18,039.00	31,616.00
10836	2003 FORD CROWN VICTORIA	57069	2FAFP71W33X102504	04/18/02	20,401.60	CROWN VICTORIA	0.00	20,401.60	114,089
11018	2002 CHEVROLET TAHOE	311308	1GNEC13Z12J311308	06/21/02	30,260.00	TAHOE	0.00	30,260.00	140,642
11389	2003 FORD F-150 PICKUP TRUCK	57060	2FTPF17Z23CA51228	06/30/03	20,128.00	F-150	0.00	20,128.00	88,021
11394	2003 FORD CROWN VICTORIA	57001	2FAHP71W93X153238	01/09/03	23,500.00	CROWN VICTORIA	0.00	23,500.00	162,210
11402	2003 FORD MUSTANG	11402	1FAFP42X43F364839	05/16/03	23,180.00	MUSTANG	0.00	23,180.00	134,581
11546	2004 FORD CROWN VICTORIA	11546	2FAFP71W04X126826	02/05/04	23,136.00	CROWN VICTORIA	0.00	23,136.00	135,153
16656	2005 PONTIAC GRAND PRIX GXP	16656	2G2WC52C751344415	12/13/05	24,739.00	GRAND PRIX GXP	0.00	24,739.00	112,772
17048	2006 CHEVY 5500 TYPE I AD-170 AMBULANCE	51706	1GDE5C1206F401025	01/24/06	123,740.00	5500	0.06	123,740.00	180,251
20326	2007 FORD F-150 4X4	A37664	1FTRF14W37NA37664	12/28/06	18,539.00	F-150 4X4	1,081.49	17,457.54	164,853
20569	2007 FORD CROWN VICTORIA	134544	2FAFP71W27X134544	02/15/07	23,834.00	CROWN VICTORIA	0.06	23,834.00	136,903
21567	2007 FORD CROWN VICTORIA	Project 8323F	2FAFP71W07X150046	07/20/07	21,188.00	CROWN VICTORIA	0.06	21,188.00	134,274
21572	2007 DODGE CHARGER		2B3KA43HX7H845587	09/19/07	21,348.00	CHARGER	0.06	21,348.00	153,325
21636	2008 FORD CROWN VICTORIA		2FAFP71V68X125516	10/19/07	21,241.00	CROWN VICTORIA	0.00	21,241.00	152,716
21687	2008 DODGE CHARGER		2B3KA43H48H134551	01/25/08	21,348.00	CHARGER	0.00	21,348.00	121,994
21815	2008 DODGE CHARGER		2B3KA43H18H285881	05/20/08	21,348.00	CHARGER	0.00	21,348.00	156,496
21853	2008 FORD CROWN VICTORIA		2FAFP71V58X176277	06/30/08	21,188.00	CROWN VICTORIA	0.02	21,188.00	142,266
22655	2009 FORD CROWN VICTORIA	Project 9326A	2FAHP71V39X112510	10/14/08	22,410.00	CROWN VICTORIA	0.00	22,410.00	189,101
22657	2008 DODGE CHARGER	Project 9323A	2B3KA43H08H285869	10/16/08	21,348.00	CHARGER	0.00	21,348.00	144,117
22738	2008 DODGE CHARGER	Project 9323A	2B3KA43H28H285873	11/06/08	21,348.00	CHARGER	0.00	21,348.00	136,676
23017	2008 DODGE CHARGER	Project 9323C	2B3KA43H38H285848	04/27/09	21,348.00	CHARGER	0.00	21,348.00	145,657
23068	2008 DODGE CHARGER	Project 9323A	2B3KA43H78H285853	05/13/09	21,348.00	CHARGER	0.00	21,348.00	149,329
23069	2008 DODGE CHARGER	Project 9323A	2B3KA43H38H285865	05/29/09	21,348.00	CHARGER	0.00	21,348.00	159,685
24948	2011 DODGE CHARGER	PROJECT 2323A	2B3CL1CT4BH600827	07/21/11	22,936.00	CHARGER	764.58	22,171.47	68,409
25095	2003 FORD F-150 PICKUP TRUCK		2FTPF17Z03CA51227	04/24/03	20,128.00	F-150	0.00	20,128.00	164,272
W0003248	2000 FORD TAURUS VEH#22310	55120	1FAFP5329YA195608	05/01/00	15,649.00	TAURUS	0.00	15,649.00	107,179

On Lot

# COUNTY AGENDA REQUEST

Page 20 of 76

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to enter into a Joint Funding Agreement with the United States Geological Survey, beginning October 1, 2016 and expiring September 30, 2017, in the amount of \$295,650.00 by utilizing an additional \$8,350.00 from the Water System's Repair and Maintenance account, for water flow, stream data, and CFM flow monitoring.

## Background/History/Details:

The Georgia Department of Natural Resources requires that the Fayette County Water System (and all others) monitor the flow of water in its raw water sources, below where Fayette County takes out water for storage, treatment and distribution. The U.S. Geological Survey (USGS), Water Resources Division, performs this type of work. Therefore, Fayette County contracts with USGS for their services. USGS has the only acceptable method for stream flow monitoring that is used for reporting; compliance monitoring of open channel streams and several of these sites also monitor water quality. There are fifteen "monitoring stations" at locations on the Flint River, two on Line Creek, and one on Shoal Creek. Monitoring ensures adequate water flow below the the County's facilities since the volume of water in a stream effects plant and animal life. These monitors will not only ensure we are protecting the environment but will also provide data that can be used along with our Environmental Management Team to eliminate activities that are negatively affecting the waters as they pass through our county.

FCWS monitoring is designed to fulfill the monitoring requirements as outlined by the Metropolitan North Georgia Water Planning District (MNGWPD) and the Georgia Environmental Protection Division (GaEPD).

## What action are you seeking from the Board of Commissioners?

Enter into a Joint Funding Agreement with the United States Geological Survey, beginning October 1, 2016 and expiring September 30, 2017, in the amount of \$295,650.00 by utilizing an additional \$8,350.00 from the Water System's Repair and Maintenance Fund, for water flow, stream data, and CFM flow monitoring.

## If this item requires funding, please describe:

\$287,300.00 was budgeted in the Water System's Fiscal Year 2017 License and Professional Fees budget (50543061-521212). An additional \$8,350.00 is needed from the Water System's Repair and Maintenance budget (50543041-522230)

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
 South Atlantic Water Science Center  
 1770 Corporate Drive, Suite 500  
 Norcross, Georgia 30093  
 Phone: (678) 924-6691 Fax: (678) 924-6710  
<http://ga.water.usgs.gov>

Customer Number: 6000001126  
 Agreement Number:  
 17ESMPG00000001  
 TIN: 586000826  
 Fixed Cost Agreement: YES

August 4, 2016

Mr. Lee Pope, Director  
 Fayette County Water System  
 245 McDonough Road  
 Fayetteville, Georgia 30214

Dear Mr. Pope:

Enclosed please find two copies of a Joint Funding Agreement (JFA) with original signatures for the project entitled "maintenance of the following real-time streamgages:

#02344396	Flint River at Woolsey Road, near Woolsey, GA	\$14,250
#02344605	Line Creek downstream of GA 54, near Peachtree City, GA	\$14,250
#02344620	Shoal Creek at GA 54, near Sharpsburg, GA	\$14,250
#02344360	Line Creek below Lake McIntosh, near Peachtree City, GA. #02344360 also has continuous water-quality monitoring	\$51,000
#02344327	Morning Creek at Westbridge Road	\$19,400
#02344724	Whitewater Creek at Eastin Road	\$14,250
#02344736	Whitewater Creek at Sherwood Road	\$14,250
#02344748	Whitewater Creek blw Starrs Mill Dam	\$19,400
#02344650	Lake Kedron near Peachtree City	\$6,800
#02344655	Flat Creek downstream of Lake Kendron	\$43,800
#02344671	Lake Peachtree at Peachtree City	\$6,800
#02344673	Flat Creek below Lake Peachtree, Peachtree City	\$51,000
#02344424	Lake Horton near Peachtree City	\$6,800
#02344280	Camp Creek at Helmer Road	\$14,250
# 02344364	Nash Creek (bacteria only)	\$5,150

This agreement is entered into by the USGS under authority of 43 USC 36C; 43 USC 50; and 43 USC 50b.

This JFA covers the period beginning on October 1, 2016, and ending on September 30, 2017, at a total cost of \$295,650 provided by FAYETTE COUNTY WATER SYSTEM, FAYETTE COUNTY, GEORGIA.

Please have both copies signed by an authorized official(s), retaining one copy for your records, and returning the other to the attention of Angel Spencer, Administrative Officer, at the address shown above. Work cannot be started or continued until we receive the signed agreement. All work performed with funds from this agreement will be conducted on a fixed-price basis. Billing for this JFA will be rendered quarterly. Please do not send a check at this time as you will be billed at a later date which will include payment instructions with the address for mailing your check. The results of all work under this agreement will be available for publication by the U.S. Geological Survey. Any party may terminate this agreement by providing 60 day's written notice to the other party.

If you have any questions or require additional information please contact Brian E. McCallum, Acting Director, at 678-924-6672 or via email at [bemccall@usgs.gov](mailto:bemccall@usgs.gov).

Sincerely,

Brian E. McCallum, Acting Director  
 USGS Georgia Water Science Center



**Form 9-1366  
(April 2015)**

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Agreement#: 17ESMPG00000001  
Customer#: 6000001126  
Project #: MP00  
TIN #: 58-6000826  
USGS DUNS #: 191497072**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the October 1, 2016, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fayette County Water System party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations (per attachment), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0 by the party of the first part during the period  
October 1, 2016 to September 30, 2017
- (b) \$295,650 by the party of the second part during the period  
October 1, 2016 to September 30, 2017
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ESMPG00000001  
Customer#: 6000001126  
Project #: MP00  
TIN #: 58-6000826  
USGS DUNS #: 191497072

**USGS Technical Point of Contact**

Name: Brian McCallum  
Data Chief  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6672  
Fax: (678) 924-6710  
Email: bemccall@usgs.gov

**Customer Technical Point of Contact**

Name: Lee Pope  
Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: lpope@fayettecountyga.gov

**USGS Billing Point of Contact**

Name: Crystal Stallworth  
Budget Analyst  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (678) 924-6691  
Fax: (678) 924-6710  
Email: castallw@usgs.gov

**Customer Billing Point of Contact**

Name: Lee Pope  
Director  
Address: 245 McDonough Road  
Fayetteville, GA 30214  
Telephone: (770) 320-6016  
Fax:  
Email: lpope@fayettecountyga.gov

U.S. Geological Survey  
United States  
Department of Interior

Fayette County Water System

Signature

By  Date: Aug 4, 2016  
Name: Brian E. McCallum  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

**BOARD OF COUNTY COMMISSIONERS**

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

**Consent Agenda #7****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**

August 25, 2016  
 7:00 p.m.

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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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 7:00 p.m.

**Call to Order**

Chairman Oddo called the August 25, 2016 Board of Commissioners meeting to order at 7:00 p.m.

**Invocation by Vice Chairman Ognio**

Chairman Ognio offered the Invocation.

**Pledge of Allegiance**

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

**Acceptance of Agenda**

Commissioner Brown moved to accept the agenda as published. Commissioner Barlow seconded the motion. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:****1. Presentation of award to Firefighter/EMT Wendell Madison for "Firefighter of the Year."**

Chief David Scarbrough and the Board recognized Firefighter/EMT Wendell Madison as Firefighter of the Year. Chief Scarbrough gave some brief words about Firefighter Madison. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

**2. Presentation of the Georgia Forestry Commission's Annual Report for Fayette County.**

Chief Ranger Harold Quigley gave a presentation regarding forestry services that are available to Fayette County. The Board made brief inquiries regarding the services offered from the Forestry Commission. There was no action required for this item. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

**PUBLIC HEARING:****3. Consideration of Petition No. 1258-16. Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent request to rezone 5.89 acres from A-R to C-H to develop a Plasma Donation Center located in Land Lots 168 and 185 of the 5th District and fronting on SR 85 North. The applicant has requested to withdraw the rezoning petition.**

No one spoke in favor or against Petition No. 1258-16.

Chairman Oddo moved to accept Sara M. Ellis Estate, Owner and Becky Crawford, BHHS Georgia Properties, Agent's request to withdraw the application for the rezoning of 5.89 acres from A-R to C-H to develop a Plasma Donation Center located in Land Lots 168 and 185 of the 5th District and fronting on SR 85 North. Commissioner Brown seconded. No further discussion followed. 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 accept the Consent Agenda, excluding Items 4, 5, and 7 for discussion. Commissioner Barlow seconded. The motion passed 5-0.

**4. Approval of staff's recommendation to adopt text amending the Fayette County Code of Ordinances, Chapter 6, Article II, Sec. 6-19., Sec. 6-25., Sec. 6-26.5., Sec. 6-27., and Sec. 6-33. to reflect the changes made to State law regarding the definition of dangerous dogs and how they are classified. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.**

Chairman Oddo asked that Mrs. Rosenberger to step up to the podium. Mrs. Rosenberger spoke of an incident that occurred on July 28 on the golf cart path in the City of Fayetteville. She stated that she and her husband were walking their dog and another dog crossed an electric fence and attacked her dog. She stated that a dog that vicious should not be allowed that close to a public walk-way and golf cart path. She stated that this was not the first incident with this dog. She stated that in September 2015 the family assured Animal Control that the dog would be kept in the backyard. She stated that her request is that a vicious dog not be allowed to be fenced with an electric fence near a public walk-way.

Chairman Oddo asked County Attorney Dennis Davenport if he could address any of the comments made. Mr. Davenport explained that the amendments proposed involve labeling a dog as dangerous or vicious. He stated that the county ordinance, as well as the cities in Fayette County, follow the state's guidelines and statues in this matter. He stated that if a county wanted to deem a dog vicious or dangerous dog it had to meet the definition, as well as there had to be a board to make the conclusion based on evidence. He stated that Fayette County has never had this type board, nor has most of the counties in Georgia. He stated that the importance of the classification of dangerous or vicious, is that once a dog has been classified as dangerous or vicious, the owner has to follow certain confinement requirements. He continued that the amendments are tracking the Georgia law and the definitions have been amended. He stated that the biggest change is the reference to enforcement and how it relates to state law. He stated that the reason for that is because if Fayette County or any other jurisdiction does not create a board and the local Board of Health is not equip to do so, then it would default to the probate court and based on evidence provided, probate court would make the decision whether the dog is dangerous and/or vicious.

Chairman Oddo asked what would be the first steps for Mrs. Rosenberger to take. Mr. Davenport stated that if she resides in unincorporated Fayette County and this ordinance is adopted, then the animal control officer would be called in to make a determination as to whether or not the evidence would warrant a classification of the dog as a dangerous or vicious dog. It would then be brought to the probate court judge for the animal control officer to say why this dog should be considered a dangerous or vicious dog. He continued that the owner of the animal has an opportunity to present evidence and the judge will make the final determination.

Commissioner Barlow stated that the existing provision says, under "Public Nuisance", "attacks passersby or passing vehicles". He stated that Mrs. Rosenberger's situation is an existing situation. He asked what could be done under that provision.

Mr. Davenport stated that it could be classified under public nuisance and the reason to classify the dog as a public nuisance is to have it classified as a dangerous dog. He stated that there are currently no board in place to make give a dangerous dog classification. He explained that a citation would be issued for the dog leaving the premises and the state court judge would be able to determine if the violation should be at the high end of the scale or the low end of the scale.

Commissioner Brown stated that if it happened in the municipal boundaries that is a different set of ordinances. He stated that it would depend on the jurisdiction.

Mr. Davenport informed that the County works hand-in-hand with the various jurisdictions and since the County serves as their animal control arm, the municipalities' ordinances mirror the County's ordinance.

Commissioner Brown moved to adopt the text amendments of the Fayette County Code of Ordinances, Chapter 6, Article II, Sec. 6-19., Sec. 6-25., Sec. 6-26.5., Sec. 6-27., and Sec. 6-33. to reflect the changes made to State law regarding the definition of dangerous dogs and how they are classified. Vice Chairman Ognio seconded. No further discussion followed. The motion passed 5-0.

**5. Approval of staff's recommendation to adopt Resolution 2016-14 pertaining to the bond issue of the Fayette County Hospital Authority. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**

Commissioner Brown stated that there is an \$85 million hospital bond that is on the agenda. He stated that traditionally there is someone representing the Board of Commissioners on the authority. He continued that the Board no longer has that representation. He stated that he spoke with the hospital officials and he will vote for the item although there was no Board representation.

Commissioner Rousseau moved to adopt Resolution 2016-14 pertaining to the bond issue of the Fayette County Hospital Authority. Commissioner Barlow seconded. No further discussion followed. The motion passed 5-0.

**6. Approval of the Sheriff's request to authorize the Chairman to sign the annual Equitable Sharing Agreement and Certification document, as required by the United States Department of Justice and the United States Department of Treasury. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.**

**7. Approval of the Water Committee's recommendation to adopt the revised Reservoir Management Plan as presented. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.**

Commissioner Barlow addressed several typos that need to be corrected to the cover letter from Laura Benz. He stated that he did not know that skiing was allowed at Lake Peachtree. He expressed his concern regarding the gasoline motored water crafts used by Row America. He asked would Row America have an exemption for the safety vessels that are motorized. County Administrator Steve Rapson stated that there was an exemption allowed for Row America and also for the Marshals' boat to be allowed on the water.

Ms. Benz pointed out the exemptions in the Reservoir Management Plan.

Commissioner Barlow asked if someone is at the reservoir with a drone would it be in violation of the plan. Ms. Benz also addressed Commissioner Barlow's concerns expressed, including the use of drones to be used at the lakes, camping at the parks, discharge of firearms on the reservoirs and special events.



Commissioner Barlow moved to adopt the revised Reservoir Management Plan as presented. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown stated that drones cannot be flown at Lake McIntosh because of the close proximity to the airport.

Vice Chairman Ognio commended Ms. Benz for a job well done.

Commissioner Barlow moved to adopt the revised Reservoir Management Plan as presented. Vice Chairman Ognio seconded. The motion passed 5-0.

## **8. Approval of the August 11, 2016 Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS:**

#### **9. Consideration of a recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board.**

Vice Chairman Ognio moved to deny the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Brown seconded. Further discussion followed.

Vice Chairman stated that this appointment was a unique situation. He stated that he interviewed Mrs. Stepherson a few times before. He explained that Mrs. Stepherson was the only applicant for the McIntosh Trail Community Service Board and he knew she was perfect for this board. He stated that at the time he did not know she was on another board. He stated that he wanted to give more citizens the opportunity to participate on the committees. He stated that when he realized she was on another committee, he changed his mind and he would like to re-advertise for this position.

Commissioner Brown stated that this was nothing against Mrs. Stepherson, but that there were a bizarre set of circumstances that lead to her being re-appointed to the Hospital Authority. He stated that the Board has tried to spread out the appointments among citizens. He stated that the County had people serving on multiple boards and authorities when he was first elected as Commissioner and he felt that was terrible. He stated that the Board has done its best to spread out appointments, geographically, racially and by areas of expertise. He stated that the Board has done a good job at doing that. He stated that he would like to put someone on this board that is not already on an existing board.

Commissioner Barlow stated that he disagrees with Commissioner Ognio and Commissioner Brown. He stated that Mrs. Stepherson is the right person for the job. He stated that she is fulfilling an unexpired position and other interested applicants can apply when her term expires. He stated that she is also on the Hospital Authority and that being on both, the Hospital Authority and McIntosh Trail Board, would not be cumbersome for her.

Chairman Oddo stated that Mrs. Stepherson was the only applicant to apply for this position, therefore no else is being denied an opportunity. He stated that she is extremely qualified and that he takes issue with the statement regarding policies to spread out commissions to people including racial. He stated that is not his policy or the Board policy and that the policy is to find the best person available. He stated that he has no problem appointing Mrs. Stepherson to this position.

Commissioner Brown stated that he has never not chosen someone without basing it on merit. He stated that he pointed out race because when he was elected to office a person could count the number of African Americans on committees, authorities and commissions on four fingers. He stated that it was not representative of the County's population. He stated that he met with Dawn Oparah who brought the issue to him and he asked her to provide applicants that are qualified and willing to serve and she did.

Vice Chairman Ognio stated that Mrs. Stepherson is definitely qualified for the position. He stated that the Board should re-advertise because normally when there is just one applicant the Board re-advertises and this time the Board did not do so. He stated that it is not because she has done anything wrong, but because the Board tries to give as many citizens as possible the opportunity to serve. He stated that is the reason he made the motion to re-advertise.

Commissioner Rousseau stated that his concern is the difference between policy and practice or desired practice. He asked if there is one applicant does the Board traditionally re-advertises. He asked if it was policy or practice.

County Clerk Floyd Jones stated that there is a policy in place that states how to advertise for positions. He stated the position was advertised for a month and when that month was over the Selection Committee was notified that there was one application. He stated the Selection Committee made the decision to move forward with the one application. He stated that typically if there is one person the Selection Committee has said to re-advertise.

Commissioner Rousseau inquired if that happen in this particular instant. He asked the Clerk if that was practice or policy. Mr. Jones stated that it was policy.

Mr. Rapson stated that there is nothing in the policy that says the Board has to re-advertise if there is one person. He stated that staff has always deferred to the Selection Committee which is established by the Board of Commissioners. He stated that the Selection Committee makes the decision whether to re-advertise. He stated that the policy would be if there is one applicant that staff would defer to the Selection Committee and the Selection Committee would give direction accordingly.

Commissioner Rousseau asked if that occurred in this particular situation. Mr. Rapson stated that in this particular situation it occurred and the direction from the Selection Committee was to move forward with the one applicant. Commissioner Rousseau stated he has a problem with penalizing the sole applicant and then trying to go back and fix something that has gone forward. He stated that he has heard several times that the individual is eminently qualified, that she followed the County's procedure, was interviewed and has been recommended by the Selection Committee for the Board's consideration. He stated that he has real trouble with that because the applicant has done nothing wrong. He stated that the Board gets into the danger zone when picking and choosing when to enforce and when not to enforce the policies. He stated that if the process calls for "A, B, C" and "A, B, C" was followed, and the Board missed something in the step of re-advertising...the applicant moved forward in good faith. He asked Mr. Davenport what the County would open itself up to with the inconsistency in making these appointments.

Mr. Davenport stated that consistency is the rule and when you take exception that is when issues start arising.

Commissioner Barlow stated that he was on the committee a year and a half ago when Ms. Margaret Sission was selected. He stated that at that time Mrs. Stepherson made application also. He stated that Lavonia has been historically looking forward to participating with this board. He stated that he has known her for five years with his affiliation with FACTOR and AVPRIDE. He stated that Mrs. Stepherson has waited patiently to be on this board and she has tremendous knowledge and expertise that would be beneficial to the McIntosh Trail Board.

Commissioner Rousseau stated that he is looking at a document submitted by his colleagues that interviewed this individual and collectively made a recommendation to place it on the dais for Board action. He stated that he can support diversity and spreading out service amongst the various boards and committees, but he thinks the Board is going about this appointment in a way that does not do the Board well.

Vice Chairman Ognio stated that as a point of clarity, one of the reasons that the Selection Committee did not re-advertise is because on the application where it ask if the applicant is serving on any commission, board or authority with any government, she answered no. He stated that is the reason he did not re-advertise. He stated that is the reason the Selection Committee moved forward with the appointment.

Commissioner Rousseau asked if she serves on another board.

Chairman Oddo stated that actually her term had expired from that board and she felt she was not on the board.

Commissioner Brown stated that at the time she submitted the application she was on the Hospital Authority.

Commissioner Rousseau asked if there is any current policy that suggests or defines that citizens cannot serve on more than one board.

Mr. Rapson stated no sir.

Commissioner Rousseau stated that this is something that is wanted in practice, but it is not policy.

Commissioner Brown stated that he has always tried to be consistent. He stated that he has been consistent 100% of the time on these votes and he will continue to do this any time the Board gets an applicant that is a duplicate he will not vote in favor of the appointment. He stated that he has been extremely consistent from day one. He stated that when there is the amount of human capital in the county, why deny someone the opportunity to serve and double up on others.

Commissioner Rousseau stated that he is in agreement with that in theory, but that he would like for the Board to be consistent in practice.

Mr. Rapson stated we do, Dr. Bonney and Mr. Hicks.

Commissioner Brown stated that one of Mr. Hicks' appointments is from the Democratic Party and not from the Board of Commissioners.

Vice Chairman Ognio stated that the Board cannot mandate that it be across the board because there are issues where, for example, the Hospital Authority would pick one of the three and most times with the Hospital Authority there are only three applications. He stated that the Board would have to send all three. He stated that there will be times when there will be duplications and the Board would not turn someone down if that someone was on another board and was selected by the Hospital Authority, the Board would not turn that person down.

Commissioner Brown stated that there is a situation where the Chairman was going to be the appointment for the Hospital Authority and in that grouping of three and the Authority chose Mrs. Stepherson.

Commissioner Barlow called for the vote. The call passed 5-0. Chairman Oddo restated the question.

Vice Chairman Ognio moved to deny the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Brown seconded. The motion failed 2-3 with Chairman Oddo, Commissioner Rousseau and Commissioner Barlow in opposition.

Commissioner Barlow moved to accept the recommendation from the Selection Committee comprised of Commissioners Randy Ognio and David Barlow, to appoint Lavonia Stepherson to an unexpired term, replacing Margaret Sisson, beginning immediately and expiring on June 30, 2017, to the McIntosh Trail Community Service Board. Commissioner Rousseau seconded. The motion passed 3-2 with Vice Chairman Ognio and Commissioner Brown in opposition. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

#### **NEW BUSINESS:**

**10. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Angela Hinton Fonda to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.**

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Angela Hinton Fonda to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

**11. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Pete Nelms to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.**

Commissioner Rousseau moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Pete Nelms to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Barlow seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

**12. Consideration of a recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Major Anthony Rhodes, of the Fayette County Sheriff's Office, to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021.**

Commissioner Barlow moved to approve the recommendation from the Selection Committee, comprised of Commissioner David Barlow and Commissioner Charles Rousseau, to re-appoint Major Anthony Rhodes, of the Fayette County Sheriff's Office, to Fayette County's Department of Family and Children Services Board to fill a five-year term beginning July 1, 2016 and expiring June 30, 2021. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

**13. Consideration of Commissioner Ognio's recommendation to adopt Ordinance 2016-10- Records Retention and the Records Retention Schedule as set forth by the Division of Archives and History of the University System of Georgia.**

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](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Mr. Davenport explained the proposed ordinance provided to the Board. He stated that the ordinance is subject to being amended. He stated that any amendments would go to the state for approval. He informed the Board that agenda item #14 is a recommendation to dissolve the current Records Management Plan effective upon the adoption of this ordinance.

Vice Chairman Ognio stated that this was one of the things he felt should be an ordinance rather than a policy. He stated that it took longer than he imagined to get to this point. He stated that now the County has something that is enforceable.

Vice Chairman Ognio moved to adopt Ordinance 2016-10- Records Retention and the Records Retention Schedule as set forth by the Division of Archives and History of the University System of Georgia. Commissioner Brown seconded. The motion passed 5-0. A copy of the request and Ordinance 2016-10, identified as "Attachment 12," follows these minutes and is made an official part hereof.

**14. Consideration of staff's recommendation to adopt Ordinance 2016-16 and, in so doing, amend the Policies and Procedures for Fayette County Georgia by repealing Policy 100.21 pertaining to "Records Management Plan."**

Commissioner Brown moved to adopt Ordinance 2016-16 and, in so doing, amend the Policies and Procedures for Fayette County Georgia by repealing Policy 100.21 pertaining to "Records Management Plan." Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request and Ordinance 2016-16, identified as "Attachment 13," follows these minutes and is made an official part hereof.

**15. Consideration of Commissioner Barlow's recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250.**

Human Resource Director Lewis Patterson briefed the Board regarding this item. He stated that this would be an update to the study completed in 2007. He stated that the process would begin in January 2017 with preliminary results to come back in early May of 2017 for incorporation into the 2018 budget. He stated that the cost is \$28,250 and that the cost of implementing the study recommendation is anticipated to be \$50,000. He stated that the reason for that is because staff has worked with University of Georgia (UGA) since 2007 to perform work at no cost with the exception of the study done for the Water System, production areas and the Information Technology Department. He stated that staff does not anticipate changes, but that can only be validated by the study. He stated that this study is not going to address compressions. He stated that it is not an automatic increase for each and every employee. He stated that any recommendation would have Board approval before implementation.

Commissioner Barlow stated that in June Commissioner Rousseau mentioned redirecting \$60,000 in funds to a Compensation and Class Study. He stated that at the time he did not have enough information to go along with that recommendation. He stated that this is a continuation of what Commissioner Rousseau recommended. He stated that during a conversation with a Department Head, he found out that in 2007, the Department Head at that time filled in her job description as "answer the phone and light typing" and that was the extent of the job classification. He stated that in that one instant there needs to be a study completed because there is more done by that position. He stated that he would highly recommend approving this item.

Commissioner Rousseau stated that he would like to place emphasis on the fact that this is a study to make recommendations and not to carry out any changes. Mr. Patterson stated that anything that comes out of the study regarding increase in salary is a budgetary impact and requires Board action and will come back before the Board of Commissioners.



Commissioner Rousseau confirmed that this is a recommendation to see where the County stands in relation to our most value asset; the employees.

Mr. Rapson stated that during the budget process any pay changes or classification changes are outlined in the budget presentation that comes before the Board. He stated that the Board would see any impact from this study highlighted as part of the budget.

Commissioner Rousseau stated that one of the things that was disheartening was that some of the departments had an evaluation and others did not. He stated that when talking about equity or an employment contract there is a reasonable expectation that the individual would be evaluated at some point and time. He stated that if a study was completed for one or two [departments] then it is important to be consistent across the board. He stated that this issue for him is about equity.

Commissioner Rousseau moved to accept the recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250, for recommendation purposes, with any changes to be brought before the Board of Commissioners for consideration once the report has been administered. Commissioner Barlow seconded. Further discussion followed.

Commissioner Brown read the following statement into the record:

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"While I acknowledge Commissioner Barlow's gesture as the end of his tenure nears, I believe the effort presently is ill timed and not in the best interest of Fayette County taxpayers. Since the last study in 2007, UGA has assisted the county, year after year, on an ongoing basis, with updating job descriptions, grading new positions, creating new job descriptions and maintaining pay grades. Additionally, the county contracted with UGA to conduct the study of Water System positions at the two water treatment plants during the fall of 2013 and a study of the Information Technology Department (IT) in the spring of 2015. Also since 2013 we have seen the Fayette County taxpayers fund across the board pay raises and bonuses, we also have our county taxpayers funding a larger portion of the employees' benefits cost. The appropriate time to engage in such a study would have been before approving the tax payer funded across the board pay increase. Unfortunately, the County Administrator informed the Commission of miscalculations in revenue considerations after the majority of the Commissioners had voted in the tax payer funded across the board increase at the previous meeting. Covering the last tax payer funded increases – pay increases caused what I believe to be a short sided budget that will have consequences down the road. I have consistently stated that I greatly disagree with the methodology used at the Carl Vinson Institute studies. We will exacerbate the FY 2017 situation by implementing another series of tax payer funded across the board increases in FY 2018. This will either mean reducing services or increasing taxes. I am not of the opinion that a Commissioner should be making such a decision on his way out of office. Rather the new Board composition who will be making the actual vote on the FY 2018 budget should be making this decision and the new Board of Commissioners should have accurate reliable data based on FY 2017 results. This funding should be going into areas where the county is weak, especially maintaining unkempt thoroughfares with trash pickup and mowing which have a significant impact on our community. This will have an impact on the FY 2018 budget. Thank you."

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Mr. Rapson asked for clarification regarding the miscalculation mentioned in Commissioner Brown's statement. He stated that he was not sure what the remark eluded to and asked for clarification.

Commissioner Brown stated that an across the board pay increase was voted on by the Board of Commissioners and at the County Retreat the Board was told that the revenue projections were not calculated as previously projected.

Mr. Rapson stated that the revenue projections were higher. Commissioner Brown stated that the County Administrator informed the Board that it would be new development which would be new tax that was not currently stated. Mr. Rapson inquired if Commissioner Brown was referring to "growth versus reassessments". Commissioner Brown stated yes. Mr. Rapson stated that he understood.

Vice Chairman Ognio stated that Peachtree City did their reevaluation with other counties that did not match up and ended up with a major increase and yet the County is proposing to do a comparison with Peachtree City. He stated that because they have been compared to the other counties, the County should not include Peachtree City. He stated that comparisons are terrible and it is hard to get "apples to apples and oranges to oranges". He stated that in the real business world that is not the way it works because it is a competitive issue and not a cycled increase issue and he has always had an issue with these type studies.

Chairman Oddo asked if adjustments could be made to the list of comparisons. Mr. Patterson stated "Absolutely."

Mr. Rapson stated that Peachtree City's approach to their pay and class study was radically different from what is being proposed. He stated that the purpose is to validate the positions based on the job duties, at the right classification and at the right grade for the starting pay; the minimum and maximum pay for the position. He stated that Peachtree City could be removed and it would have no impact on the findings. He agreed that Peachtree City should be removed and that the reason they were included was because as a county, the competition for the Sheriff's Department is the police officers being hired in the cities. He stated that they can be excluded if that is the Board's direction.

Commissioner Brown stated that he believes Carl Vinson Institute's methodology is conveniently flawed. He stated that Carl Vinson has a regional base line that includes Fulton, Cobb, DeKalb and Gwinnett counties and this county in no way compare with those counties.

Mr. Rapson stated that is why the County will dictate to Carl Vinson Institute in regards to how and what jurisdictions are included. He stated that if the Board is not comfortable with the matrix of the pay and classification system as a county, then that is a different discussion. He stated that it would require looking at every employee and setting the employee on some other type of system and scale and involves a more comprehensive study. He stated that type study is a \$150,000 to a \$175,000 evaluation. He stated if the Board would like a totally different system, then staff would need to have that direction from the Board, however that is not the recommendation of staff.

Chairman Oddo stated that every now and then it is good to see where the County stands. He stated that he thinks it is appropriate to conduct this study now after nine years of not having one.

Commissioner Rousseau stated that he wanted to be certain that whatever the outcome of the vote, beyond the initial outlay, that there is no other action item until the recommendations come before the Board. He stated that he realizes that Commissioner Barlow is capable of defending his own actions, however to suggest that he should not bring this item before the Board because he is leaving, would be a disservice as he currently sits, deliberates and votes on other matters, with equal weight until his term expires. He stated that Commissioner Barlow still has a responsible to perform his job duties. He continued that there is no other action item until the next Board is seated. He stated that individual will be here with the recommendation. He stated that it is wise and prudent to see where the County stands in fairness to the staff whom the County relies on.

Commissioner Brown stated that it will definitely have an impact on the FY 2018 budget. He stated that is why he thinks it would be more appropriate for the person that is going to vote on the FY 2018 budget to vote on the steps to get there.



Commissioner Rousseau stated that person would vote on this issue after a recommendation comes before the Board.

Commissioner Barlow stated that Commissioner Brown was being consistent. He stated that Commissioner Brown used a term, "I don't care about the staff's time." He stated that Commissioner Brown has not voted for any cost of living and so he has been very clear that he does not care about the individuals that perform the services for Fayette County. He asked the Chairman to call the vote.

Commissioner Brown stated that he does care about the employees.

Commissioner Barlow moved to call the vote. The motion passed 5-0.

Commissioner Rousseau moved to accept the recommendation to enter a contract with The Carl Vinson Institute of Government at the University of Georgia to conduct a compensation and classification study, beginning January 1, 2017 with a preliminary report submitted for review in May 2017, and a final report submitted in June 2017, at a cost of \$28,250, for recommendation purposes, with any changes to be brought before the Board of Commissioners for consideration once the report has been administered. Commissioner Barlow seconded. The motion passed 3-2 with Vice Chairman Ognio and Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.

**16. Consideration of Commissioner Brown's request to change the hours for fishing on county lakes, to sunrise to sunset to allow more prime fishing opportunities and to align hours of operation with other outdoor parks.**

Commissioner Brown moved to approve the hours for the lake to be consistent with other Fayette County parks, to promote consistency from sunrise to sunset that would include more daylight hours for park users that would be safer for the users of the lake and give more opportunities for fun for Fayette County families and the Board would be listening to the citizens for usability. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown presented a PowerPoint presentation that showed that patrons of the park would be in the dark with the current park open and close schedule. He stated that it is a safety issue when arriving to the park and it is too dark and patrons have to wait until sunrise. He stated that this would give citizens the opportunity to use the lake more in the light. He continued that there needs to be consistency with the parks. He stated that it is confusing.

Mr. Rapson explained the graph that was included as backup for the agenda item. He explained that the park opens at 6:30 a.m. on solar. He stated that this one is different because it is a water reservoir and the others are regular recreation parks. He stated that the graph shows the loss time if the time was changed to coincide with sunrise. He stated that the recommendation was taken to the Water Committee and it was recommended that the Board deny changing the hours to sunrise to sunset. He stated that one of the reasons was because people like to walk the trail before going to work and that would be loss time to enter the park. He stated that in the May and June timeframe the park is consistent with sunrise and sunset and it is adjusted for daylight savings time.

Commissioner Brown stated that Mr. Rapson was missing major points. He stated that there is no electricity in the parks. He stated that it is completely dark. He stated that if people are walking on paths in complete darkness then that should not be happening. He stated that it is a safety hazard and a liability. He stated that his proposal would offer more daylight that is not being offered currently.

Commissioner Rousseau stated that he was confused about what is being proposed. He inquired if the proposal was to bring consistency to the hours of operations.

Commissioner Brown stated "consistency and safety" and maximum enjoyment of the amenity.

Mr. Rapson stated that the motion before the Board is different than the request that was submitted. He stated that the request says, "Commissioner Brown's request to change the hours for fishing on county lakes, to sunrise to sunset to allow more prime fishing opportunities and to align hours of operation with other outdoor parks." He stated that when the Water Committee looked at the request it was about fishing and when focusing on fishing, there would be a loss of fishing hours with a sunrise and sunset schedule.

Commissioner Brown stated that patrons should not be fishing in the dark. Commissioner Brown read the recommendation from the Water Committee. "The Water Committee discussed the impact of changing the hours and recommended no changing. Changing the hours impacts all park visitors. There are safety concerns about allowing people to be in the park so close to dark and then having to locate someone still on the lake in a boat after dark." He continued that patrons would be in the dark with the current operating hours.

Mr. Rapson stated that fishermen want to be in the dark to be on the lake in the morning. He stated that what Commissioner Brown is referencing is the evening hours when staff is trying to clear the park.

Commissioner Brown stated that there is no consistency and this is not done across the board.

Chairman Oddo asked if referring to the staff report, how the request got to the staff. He asked Commissioner Brown if he brought the request to the staff.

Commissioner Brown stated yes. Chairman Oddo stated that he thinks he and Mr. Rapson brought it to the Water Committee. Commissioner Brown stated that he had a conversation with Mr. Rapson and asked him to take it to the Water Committee before the meeting.

Commissioner Barlow asked Marshal Chief Harold Myers to come to the podium. He asked Chief Myers if he was consulted.

Chief Myers stated that the only reason Lake Kedron does not have a gate is because there is a golf cart path that goes through the park. He stated that when he was comparing the sunrise to sunset compared to when the gate opens and closes, he looked at the gain or loss to visitors to the park. He stated that is what the graph is showing. He explained the graph. He stated that the gates were set to open at 6:30 a.m. because staff could not be there to open the gate at sunrise each time.

Commissioner Brown stated that the County spends a sizable amount of money installing surveillance cameras and you cannot see anything on those cameras in the dark. He stated that if darkness is a concern then the concern should be with the currently hours of operations and not the proposed hours because the proposed hours give more daylight hours.

Chief Myers stated that he thinks Commissioner Brown's main concern was fishing hours.

Commissioner Brown stated that no, his concern is about fishermen, paddlers and others who use the park. He stated that the County has the responsibility for the safety of the citizens to a degree. He continued that his concerns are consistency, safety and more park hours with more sunlight.

Justin Krohn and Andrew Pancake spoke regarding this issue and stated that they fish at Lake Horton all the time and the Marshal's office is always waiting on them to come out. He shared his experience fishing on the lake.

Chairman Oddo stated that if the concern was a safety issue then the request should have reflected that.

Commissioner Brown stated that the Water Committee made it a safety issue. He stated that the only thing that is cited in the memorandum from the Water Committee is safety.

Mr. Rapson asked Mr. Krohn and Mr. Pancake if they are at the park lined up to get on the lake before sunrise. Mr. Krohn stated that is true but that the months highlighted on the graph are mostly times that they are not fishing.

Commissioner Brown stated that the problem is that it is not just the fishing that is the issue. He stated that if someone is on the lake on a stand up paddle board (SUP) in the darkness, and the Marshal tells them to get back to shore...

Mr. Rapson interjected that paddle boats are not currently allowed on the County's reservoirs. Commissioner Brown stated that they are on the lake every day and every weekend in the dark and the county is going to be liable. He stated that safety should be the primary concern and not fishing which is why it is the only issue that the Water Committee mentioned and it is the reason the Board should go with the new plan.

Donna Rosser spoke regarding this item. She stated that she uses the parks and as a photographer she likes to get there early. She stated that she has a flashlight and that less light is better when taking the photographs. She stated that the winter light is wonderful and she does walk in the winter time during the darker hours.

Commissioner Brown stated that no one should be in the park walking in the dark. It is not safe.

Vice Chairman Ognio stated that there are gates controlled by timers. He stated that theoretically the gates will not be able to be opened according to the graph. He stated that there will need to be a time set for the timer.

Commissioner Brown stated that the sunrise and sunset can be scientifically projected. Vice Chairman Ognio stated that he understands that but the controllers are not set up that way. Commissioner Brown stated that staff is supposed to be there every day.

Mr. Rapson stated that the question has morphed into a different discussion. He stated that the request that was sent was focused on the fishing aspect of opening and closing. Commissioner Brown interjected, "No! No!" He stated that he made the request and that he said that he had been approached by some fishermen and other people who use the lake. He stated that he had been approached by kayakers, canoers, SUP and people who fish and people who walk at the lake. He insisted that staff not misrepresent what he was saying.

Chairman Oddo asked Mr. Rapson to finish his statement. Mr. Rapson stated that in the Board of Commissioners meeting package is a memorandum written by Commissioner Brown to the Board with the subject, "Change hours for fishing on county lakes". He then read the memorandum in part, that said, "I am asking my fellow Commissioners to consider changing existing regulations and ordinances for the hours of access to the county's water reservoirs to sunrise to sunset which would allow more prime fishing opportunities and align hours of operation with some of our other outdoor parks." He stated that is the question that the Water Committee considered and that the current discussion has morphed into something different. He stated that he suggests that staff be allowed to take what has been discussed and adjust the timing issues and then go to the Water Committee to see if the things that have been suggested can be done regarding sunrise and sunset without major impact.

Chairman Oddo stated that the Water Committee discussed the memo that was provided and not the safety after dark. He stated that he would like to table this item.

Commissioner Brown withdrew his original motion.

Commissioner Brown moved to table this discussion to the September 22, 2016 Board of Commissioners meeting. Commissioner Rousseau seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

The Board recessed at 9:20 p.m.

The Board returned from recess at 9:27 p.m.

**17. Consideration of Commissioner Brown's request to allow children 12 years and older to operate a canoe, kayak, and stand-up paddle board solo, to exempt children under the age of twelve participating in the RowAmerica Peachtree program provided they are directly supervised by a certified instructor and all safety guidelines are followed, and for the Recreation Department to explore related activities.**

Commissioner Brown stated that this is not in the form of a motion, but to see if the Board would like to move forward with a discussion.

Chairman Oddo asked Commissioner Brown if this was a request or an item for discussion.

Commissioner Brown moved to allow staff to move forward on provisions stated in Item #17. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Barlow expressed his concern that the slides presented had not been provided prior to the meeting. Commissioner Brown stated that it was the same information presented in the package.

Commissioner Brown stated that the County has requested exemptions through the Department of Natural Resources (DNR) for access to the water. He stated that he has been approached by families regarding the age requirement for solo paddling. He stated that if the Board is willing to pursue this issue, staff could be directed to see if DNR would allow ages 12 and up to paddle solo without a parent on the County's water reservoirs. He stated that the second part of the request is regarding the rowing program that consists of all ages. He stated that if there are eight 13 year old rowers in the boat then they would be violating the regulations. He stated that if the County could get an exemption for the regulation to allow the rowing program to have younger children participate in the program as long as there is a coach directly supervising and has been trained and certified along the water. He stated that he would like to see Parks and Recreation offer paddling and water safety courses as part of their curriculum. He stated this request is to see if the Board wanted to direct staff to explore these concerns.

Commissioner Barlow stated that this should have gone before the Parks and Recreation before coming to the Board.

Chairman Oddo stated that this item might have served better during Commissioner's Report instead of as an agenda item.

Mr. Davenport stated that he would not ordinarily have something to add to an item he has seen for the first time during the meeting. However, this item as written was sent to the Water Committee as well. He stated that two weeks ago the Water Committee asked him to research this item because of the request. He stated that the request he had was to allow children age 12 and up to operate a canoe, kayak or stand-up paddle board solo and that an exemption be created for younger children below age 12 participating in Row America, Peachtree rowing program, as long as those children are under the direct supervision of a certified instructor and all the safety guidelines are being followed. He stated that he could share his findings. Chairman Oddo asked him to proceed.

Commissioner Brown called a point of order. He stated that he thought the motion was to have staff to explore this item.

Mr. Davenport stated that as he stated he would not normally have information because he was presented for the first time at this meeting. He stated that he had a heads up because it was sent to the Water Committee. He stated that the Water Committee brought it to his attention and he informed the committee that he would need time to research it and the Water Committee tabled the item until their next meeting. He stated that he did research the item over the last two weeks and he has a report that he is happy to share with the Board of Commissioners if the Board would like to hear it verbally. He stated that he would give it to the Board in writing, however the two week deadline for it to be on the agenda had already passed.

Mr. Davenport reported that he had to look at several authorities when determining what Department of Natural Resources (DNR), Fayette County and the State of Georgia can and cannot do. He stated that the first place to look is in the Official Code of Georgia. He stated that the Official Code of Georgia has statutes of General Application and statutes of Local Applications. He stated that General Application applies to everybody in the state and there are statutes of General Application that deal specifically with this issue. He stated that DNR is a state agency and one of their jobs is to take the statutes and create rules and regulations as "gap fillers" to make the statute easier to enforce. However, DNR cannot make rules and regulations that conflict with the state statutes because the state statutes control. He stated that if DNR puts a regulation to enforce that conflicts with state statute, then that regulation is no good. He stated that if DNR authorizes an exemption to a general statute, then that exemption is no good. He continued that in terms of the Reservoir Management Plan, it is not a statute of General Application or Local Application. He stated that it is a document that is approved by Environmental Protection Division (EPD) and engineer for a reservoir and has nothing to do with general or local statutes. He stated that exemptions can be made to the Reservoir Plan through EPD, because it is approved through EPD. He explained that it is not the General Assembly because it is not a general statute. He stated that when looking at the general statute the terms are important. He stated that a Class A water vessel is defined as anything less than 16 feet in length and a water vessel is anything on the water. He stated that ages 12-15 years old, must be accompanied by an adult or must take a boating course to be certified to be solo on the water. He stated that the state defines "accompanying" as being in the vessel with the child. He stated that if a child is age 12-15 years old and there is not a parent, guardian or adult in the vessel with them, they must have a certification from a boating course to paddle solo on a Class A water vessel. He stated that the County has two classifications. He urged the Board to keep in mind that these are amendments that were made by the state in 2013 to be applicable in 2014. He stated that the County code says if someone is 14 years old they can paddle solo. He stated that is not correct and the County needs to amend the code to be consistent with the amendment to state law. He stated that the County code also says that if a person is 12 or 13 years old, they can paddle a vessel accompanied by an adult. He stated that unlike the state the County does not define what "accompanied by" means. He stated that if the term is not defined it is difficult, if not impossible, to enforce. He suggested that the Board makes the County code mirror the state law language in regards to "being accompanied by". He stated that there is a portion of state law that says that a child under 12 years old can operate a Class A water vessel as long as he or she is accompanied by parent, legal guardian or an adult and if the vessel is mechanically propelled by a less than 30 horse powered motor. He stated that DNR has looked at that statute and determined that if the vessel is does not have that mechanically proportion then the adult does not have to be in the boat. He stated that DNR fails to see that conflicts with the other provision. He stated that if a 12-15 year old cannot use a water vessel solo, then it is ridiculous to think an 11 year old can use a water vessel solo without a certification. He stated if DNR regulations conflict with state law there is a problem. He stated that DNR regulations says that children under 11 years old can operate the Class A water vessels as long as they are not mechanically propelled by a less than 30 horse power. He stated that is not true. He stated that the County cannot look to the agency [DNR] for an exemption when the agency is wrong. He stated that his advice is to amend the code to reflect state law and as for DNR, their rules will not trump state law. He stated that he sees no bases in law to have any type of exemption from state law for an operator under 12 years old or to allow anyone age 12-15 years old to operate a Class A water vessel unless they are accompanied by an adult, meaning the adult is in the vessel or have a certification from a boating program. He stated that there should be no talk of exemptions



because there are no exemptions from state law. He stated that his recommendation is to amend the code, but not allow the exemptions.

Commissioner Brown stated that he had not seen the conflicting DNR material and that he was looking at state law. He stated that there is a significant problem with the rowing program because they are predominantly over 16 feet. He stated that he suggests getting an exemption through state law as he did as mayor in Peachtree City for the golf carts.

Commissioner Brown amended his motion to direct staff to explore the possibility of bringing back to the Board a set of ordinance amendments that are aligned with state law for approval and to look at a possibility of a legislative remedy for the January session at which time there can be exemptions created for the rowing program and paddling and to have the Parks and Recreation program explore paddling and water safety courses. Vice Chairman Ognio amended his second. The motion passed 5-0. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.

**18. Consideration of Commissioner Brown's request to adopt Resolution 2016-12 to improve Voter Access and Participation in Fayette County, and by so doing formally changing the polling hours of every Tuesday and Thursday within the 21-day advanced early voting period to 10:00 a.m. to 7:00 p.m., and to use fund balance in an amount not-to-exceed to \$69,000.00 to pay for the extended hours.**

Commissioner Brown moved to allow discussion on this issue before taking action. Vice Chairman Ognio seconded. The Board took no action with a 2-2-1 vote with Commissioner Rousseau abstained. Further discussion followed.

Chairman Oddo asked why the need to make a motion to discuss the item. Commissioner Brown stated that the top page of the agenda request was different and not what he had written and some of the backup material that was presented, he did not supply was different what he had intended.

Chairman Oddo stated that could have been done by vetting the item through staff before bringing it to the Board. Commissioner Brown stated that the not-to-exceed \$69,000.00 and to extend the hours beyond normal business hours using the existing business hours as the base was not what he was proposing. He stated that he contacted the Secretary of State's office and his proposal was to skew the hours on certain days instead of using the normal, 8:00 a.m. to 5:00 p.m. hours to be 10 a.m. to 7:00 p.m. which would allow the majority of the population to reach a polling place without having to take time off work. He stated that the gentleman he spoke with said that he had "heartburn" with that request. He stated that he offered an amended resolution. He read the amended resolution as proposed.

Commissioner moved to adopt Resolution 2016-12 as amended. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Rousseau asked if the Board had jurisdiction over this decision.

Mr. Davenport stated that this is a general statue issue and it says that the office will be open during normal business hours and for that department, normal business hours is 8:00 a.m. to 5:00 p.m. He stated that the Board has the ability to expand the hours. He stated that he attended the Board of Elections meeting on Tuesday. He stated that the Board of Election stated that they cannot change the hours prior to the upcoming election. He stated that part of the discussion was a report from Elections Officer Leigh Combs decreasing the number of precincts. He stated that the Board of Elections is moving forward with decreasing the precincts to nineteen. He stated that this is not just a matter of expanding the hours, but it is also a matter of man power and capacity and personnel and the two hours makes a difference.

Board of Election Member Addisen Lester spoke regarding this matter. He stated that after polling other counties, they were advised not to shift the hours and that if they were to extend the hours, it would serve better to do it for five consecutive days. He stated that they asked if there was an increase in voters and the corresponding county replied that there was not an increase. He stated that the Board of Elections has to look at how much it is willing to pay for the convenience of a few if it does not increase voter turnout. He stated that 19 precincts might be where the Board of Elections ends up, but he requested that the Board not tie them to 19 in case analysis show a different result.

Commissioner Brown responded to some of the comments made.

Commissioner Barlow stated that this item should have been vetted through the Board of Elections before coming to the Board. He stated that the federal law states that the employer has to allow individuals to vote.

Board of Election Member Aaron Wright stated that the Board of Elections agreed with the intention to improve access for all voters. He stated that the Elections Board is of the like mind in repairing some of the things that have happen with the last administration and previous leadership. He stated that if the Board of Commissioners would allow them to implement the changes and new ideas that they have, the Board might like them. He stated that one of the concerns with the Resolution is the specifics. He stated that he realizes that Commissioner Brown is looking at past suggestions, but the Board of Elections is looking at doing things even more different than what was presented in the past.

Commissioner Brown asked if the decrease in the precincts would have to come before the Board of Commissioners for approval.

Mr. Davenport stated that it is difficult to say. He stated that Title 21 of the Code is regarding elections and it includes the formation of precincts. He stated he could not say definitely, but that is what the Board of Elections does.

Mr. Lester stated that no change will be made without the Commissioners, municipalities, citizen and the community being informed and educated on why the change is being made and what the changes will consist of.

Commissioner Brown withdrew his motion and asked the Board of Election to pursue the consolidation and to bring the Board the proposal. A copy of the request and the amended Resolution 2016-12, identified as "Attachment 17," follows these minutes and is made an official part hereof.

#### **19. Consideration of Commissioner Brown's request to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech.**

Commissioner Brown moved to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech and to committee to standing behind the media's legal rights to government records without fear of retribution by virtue of the first amendment of the Constitution and laws allowing access to government documentation and that the Board would request that our judiciary always comply with Open Records Law and acknowledge our democratic form of government that stands upon government openness and transparency and protection of our liberties as written in the Resolution. The motion died for lack of a second. Vice Chairman Ognio then offered a second for discussion purposes. Further discussion followed.

Commissioner Brown stated that there was recently a well-publicized incident where a member of the judiciary in the state of Georgia, not only tried to stop a member of the media from having access to public documents related to expenditures of the court, but also had the district attorney of that jurisdiction file felony charges against the newspaper publisher and his 70 year old attorney. He stated that she had them both thrown into jail and had them post a significant bond and forced them to take

a mandatory drug test at their own expense. He stated that the judge in question was also the chairman of the Judicial Qualification Committee which is the body that oversees judicial conduct. He stated that after much pressure she has since resigned as the chairperson of the Judicial Qualification Committee.

Vice Chairman Ognio stated that he is all for open records but he wish the Resolution did not go into detail about Judge Weaver. He stated that if the Resolution was provided without the names he would feel better.

Commissioner Brown stated that all the references are not from the Board of Commissioners and have been sighted in the Resolution. He stated that there has been three judges removed from Fayette County and they control that entire domain. He stated that if the Board does not want to vote on this he understands, but he thinks the Board should "tell it like it is".

Chairman Oddo stated that he had an article from the Atlanta Journal about Fayette County that says, "City rejects 150 days zoning moratorium". He stated that while there are accuracies, he does not think they are known for being perfect. He stated that he shares the same concerns as Vice Chairman Ognio by naming specific people. He stated that he could support a stand on judicial integrity in general, but he could not support a Resolution that was not vetted by the legal department.

Commissioner Brown stated that the liability falls on the people who made the statements.

Mr. Davenport read a paragraph from the Resolution that did not provide quotations. He stated that when that type statement is made, the Board is saying that the judge filed frivolous felony charges. He stated that there could be an article in the paper that says she did that, but that comment is not attributed to an article in the paper. He stated that it is a statement being made by the Board of Commissioners in a Resolution and it has the potential for liability. He stated this is still a pending litigation and if this Resolution is approved the Board would be opening the County up for potential liability.

Commissioner Brown stated that the statement was coming from the references listed.

Mr. Davenport stated that everywhere there is a quote there are quotation marks. He stated that the portion he read does not have quotation marks and it attributes the comments to the writer of the Resolution and the writer would be the Board of Commissioners if this is passed. He stated that if Commissioner Brown would like to add quotations around the phrase and attribute it to another source then that is allowed, however without the quotation marks, from a legal perspective, that is potentially a liable statement.

Commissioner Brown amended his motion to remove paragraph six.

Commissioner Barlow called for the question.

Vice Chairman Ognio seconded the amended motion.

The vote to call the question passed 5-0.

Chairman Oddo read the motion as Commissioner Brown's request to adopt Resolution 2016-13- A Resolution in Opposition of Judicial Intimidation and in Favor of Open Government and Free Speech. The vote failed 1-4 with Commissioners Oddo, Ognio, Barlow and Rousseau voting in opposition. A copy of the request, identified as "Attachment 18," follows these minutes and is made an official part hereof.

## **20. Consideration of Commissioner Brown's request to discuss Hospital Authority appointments by the Board of Commissioners.**

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.fayettecountygga.gov](http://www.fayettecountygga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

Commissioner Brown moved to discuss Hospital Authority appointments by the Board of Commissioners. Vice Chairman Ognio seconded. Further discussion followed.

Commissioner Brown stated that the Board of Commissioners have made a point to have representation on the Hospital Authority Board. He stated that most recently it was Jack Krakeel the County Manager and after that, Commissioner Oddo. He stated that there is an \$85,000,000 bond issue with no representation on the authority. He stated that becomes an item of Executive Session and that is why there has been traditionally someone from the Board on the Authority. He stated that he would ask all Commissioners if they have committed to applying for a position, for the point of representing the Board, that the representative contact the Board immediately and the Board could take a proactive step to get someone else on the board.

Hospital Authority Vice Chairman Darryl McKinney read the following prepared statement into the record:

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"On behalf of our chairperson, Dr. Tami Randahl Morris, who is unable to attend this evening, and the rest of our board (Dr. Loida Bonney, James Oliver, and Lavonia Stepherson), I have the following statement to make.

The Fayette County Hospital Authority was established in 2000 as a way to finance much-needed health care services for our residents. Because the bonds we authorize are in the millions of dollars, it is imperative that our work is transparent, ethical and legal. We are an independent body charged with evaluating and approving financing options for our community. We are not and have never been involved in local politics in any way.

According to state law, the county commissioners may submit 3 names for each opening on our board. For our election in July, Commissioners Brown and Barlow submitted a total of nine names, three for each of three openings on our board. Unfortunately, they put two existing board members on the same slate. We voted to re-elect Lavonia Stepherson. We appreciated that Commissioner Charles Oddo, recognized her value to the Authority, and removed his name for consideration. It should be further noted that the Authority has ample interaction and communication with the county in the county attorney is our legal representative also the county clerk serves as our note taker and provides the minutes for all the meetings timely, usually within a couple of days after the meeting. And these notes are available for public record. We are not obligated by law or by any political processes to elect a county commissioner to fill what is intended- by state law- to be a slot for a representative of the community.

In closing, we would like to emphasize that we do not take lightly comments that cast aspersions on our Authority Board, our Authority work, or our process.

Our meetings are always open and we encourage the public, as well as elected officials, to attend.

We are not and have never been involved in local politics. We need to keep it that way.

And for clarification in my sixteen years we have never had an executive session. All of our meetings are open to anybody who wants to come and all our meetings are published. Thank you for giving me the opportunity."

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Chairman Oddo also read his prepared statement into the record:

"Tonight the integrity of this Board of Commissioners is called into question by the conduct of Commissioner Brown, and I cannot let that go unchallenged. This room and this dais are intended to conduct the people's business, not politics. And here we are conducting politics because of Commissioner Brown, and for that I apologize to everyone in the audience this

evening or watching us on live stream, to the citizens of Fayette County, to Mrs. Stepherson, to the Hospital Authority, and to all those who applied for one of the three positions on the Hospital Authority.

Unfortunately Commissioner Brown purports to use this official meeting for a discussion on appointments to the Hospital Authority, when in reality it is a thinly veiled personal attack on my character, that of our nominee to the Hospital Authority, and to the Authority and the Hospital itself with his mantra of 'backdoor politics.' Commissioner Brown's opinion is contained in two emails he wrote and attached to this agenda item. They are replete with vitriol, and serve as his evidence for an ostensibly innocuous discussion.

Further, the agenda this evening is another example of what happens when this Board of Commissioners, and this group of five individuals, permits one commissioner to dictate the agenda. Five items on tonight's agenda were added by Commissioner Brown, and in not one case did Commissioner Brown seek staff input, or our county attorney's input. That's not how this process works. But that's not the subject...let's get back to the point of this agenda item.

The past month's activities should be eye-opening to the public, not because of how I have conducted myself, but quite the contrary, because of how Commissioner Brown has conducted himself.

Four years ago, I swore a simple oath ... 'that I will well and truly discharge the duties of Commissioner for Fayette County, in all matters which require my official action, to the best of my knowledge and skill, and I will so act as in my judgement will be most conducive to the welfare and best interests of the entire county.' That is what I did in this situation. That is what I have always done. That is what I will always do.

So what happened?

The Hospital Authority was established by the Board of Commissioners on Feb 2, 2000, and it was determined that a Hospital Authority would serve the citizens through financing projects as provided by the Hospital Authorities Law. It is the only function of our Hospital Authority.

According to our Press Release, 'The Fayette County Board of Commissioners would like to inform all interested and eligible Fayette County citizens that three positions on the Fayette County Hospital Authority are available, not two and one commissioner, but three positions.'

Two members of the Hospital Authority, including myself, wished to continue and be reappointed. Prospective members are nominated by the Board of Commissioners to the Hospital Authority. The Authority selects from among those nominees.

An Interview Committee comprised of Commissioners Brown and Barlow was formed to interview applicants for three positions. Nine applicants were chosen. The Interview Committee created three groups of three applicants each for every 'available' position and forwarded the nominations to the Board of Commissioners for approval. I put 'available' in quotation marks because in reality, only two positions were available under Commissioner Brown's scenario, even though we advertised three, and the applicants expected three. Both expiring members reapplied, again, one of whom was me, were placed in one group of nominees, meaning we were in competition with each other, for one position and only one could be reappointed. I recused myself from the vote pertaining to my nomination.

After the Board of Commissioners approved the nominees, the three groups of three nominees for each open position, were then forwarded to the Hospital Authority. Inasmuch as the Authority was presented with three specific groups of nominees for each position, the question becomes whether the groupings of applicants were coincidence...or planned to force one sitting member from the Authority under the façade of a transparent process.



Per Commissioner Brown's repeated assertion of his 'strong desire' as he said in his email on August 8, for a commissioner to be appointed, it now makes sense he would attempt to influence the outcome. The two applicants unfortunate enough to be grouped with me had absolutely no chance of being considered for appointment by the Authority, if the Authority cowed to Commissioner Brown's demand to choose a commissioner.

It is important to note that the Application for appointment to the Hospital Authority Board says, 'The Fayette County Hospital Authority is comprised of five volunteer members who serve for four-year terms.' It does not say: one of whom is a member of the Fayette County Board of Commissioners.

Let me be clear, the Board of Commissioners advertised its intention. If the Board of Commissioners' intention was anything less, that message should have been conveyed in the press release. Otherwise, there is no transparency. Three positions were advertised, and three positions should have been available to each applicant. In Commissioner Brown's scenario, three positions were advertised, but only two positions were available. The hypocrisy and lack of transparency of Commissioner Brown's actions, followed by his finger-pointing, truly disappoints.

According to Commissioner Brown, the Board of Commissioners made it clear they wanted representation on the Hospital Authority. On the contrary, Steve Brown made it clear he wants a commissioner. There is no direction from the Board of Commissioners indicating this was a board desire, nor should there be inasmuch as the Hospital Authority is independent of the Board of Commissioners and under no legal obligation to select a commissioner.

So the question, why, then, interview and nominate two individuals if the selection was pre-determined? That is hardly transparent, open, honest, government. Yet Commissioner Brown persisted with the charade, giving false hope to two citizens who wanted to serve, knowing that he never intended they be appointed. As a matter of fact, Commissioner Brown, not only is that not transparent, that is unethical and dishonest.

Honesty and transparency would require:

- 1) We advertise two citizen positions and one commissioner position, or
- 2) Nominate three commissioners to one position from which the Hospital Authority could fill one position.
- 3) Or as I felt obliged to do, withdraw my name and defer to the citizen duly appointed by the Selection Committee and nominated by this Board of Commissioners.

According to Commissioner Brown, 'I am tired of backdoor politics'. What on earth is Commissioner Brown talking about?

The definition of backdoor is secret or surreptitious; clandestine, devious, underhanded; it describes perfectly what Commissioner Brown's been doing in this case. If there were backdoor politics it would be Commissioner Brown's attempt to manipulate the appointment process outside of the public's view. He attempted to maneuver two legitimate applicants out of contention by stating to the Hospital representative, in his words, Commissioner Brown's words, 'the strong desire to have a commissioner from the Board of Commissioners on the authority board'. The two citizen applicants, two other citizen applicants, had no chance of being accepted if Steve Brown had succeeded in co-opting the process.

However, Commissioner Brown did not anticipate that the other players would refuse to operate in any way that was not honest and open... not the applicants, not the Hospital CFO, not the Hospital Authority, not the other member of the selection committee, none of them. By withdrawing my name, his plan was derailed and his ulterior motives were made transparent and he quite literally lost his cool.

He immediately fired off two emails, hurling invectives and disparaging not only my name, as has been his practice for nearly two years, but also the Hospital Authority and the applicant to whom I deferred, with his backdoor politics reference.

Not content to merely castigate in emails, Commissioner Brown slapped this discussion on tonight's agenda, and included as his support for the discussion, the very same emails, filled with his insincere 'crocodile tears.'

According to Commissioner Brown, the Board of Commissioners made it clear they wanted representation. Fact is the Board of Commissioners has not 'made it clear.' Commissioner Brown certainly has made past references of his desire to have commissioners on boards, and I offered my service. However, there is no official direction from the BOC stating a commissioner must be appointed to the Hospital Authority. Further, I did not pledge, as Commissioner Brown wrote in his email, to be a BOC representative as Commissioner Brown stated in his email.

Pledge by definition is to formally promise to give or do something. I offered my service. I was honored to serve and I would have been honored to continue to serve. According to Commissioner Brown, 'Oddo gave no warning to his colleagues.' The fact is, I only became aware of the situation shortly before the hospital authority meeting on July 19 in a conversation I had with our County Attorney, who also serves as the attorney for the Hospital Authority.

I decided to withdraw my name as events of the meeting unfolded. I stand by that decision tonight. So we are clear about my feelings that day, the following is an excerpt from my time record pertaining to the events I recorded for July 19:

July 19, 2:00 pm, Hospital Authority Meeting - meeting to appoint new members. Somehow, my name and the name of Lavonia Stepherson, another member were put in competition with each other. So, I withdrew my name. I would have liked to have remained on the Board, but deferred to a citizen with an obvious desire to serve Fayette County.

The fact is, I looked forward to a full term on the Hospital Authority, and was extremely disappointed I would miss that opportunity due to Commissioner Brown's backdoor maneuvering. If there is any offense to be taken as Commissioner Brown claims he has in his email on August 8, sixteen, it is I, and others, that should be offended, not Commissioner Brown.

According to Commissioner Brown, 'I believe the Chairman's behavior is disingenuous and irresponsible. I have serious doubts about the motivations behind these moves.' For the record, any motives to be questioned are those of Commissioner Brown. Any disingenuousness is on the part of Commissioner Brown. It is Commissioner Brown who implied that the preference of the BOC is for a commissioner on the Hospital Authority, when in fact, that is his preference. The BOC has never officially had such a preference at any...at any of my time here. It is Commissioner Brown who interviewed two citizens for a position on the Hospital Authority, knowing full well he had no intention that the Hospital Authority appoint either to that position. It is Commissioner Brown who professes transparency while he practices invisibility by clearly attempting to maneuver this appointment behind closed doors. It is Commissioner Brown who manipulated the process by creating groups of nominees for each position, and who forced the Hospital Authority into a position to choose between two members it clearly did not want to do. It is Commissioner Brown who stated in his August 8<sup>th</sup> email that the citizen candidate '... was an ideal candidate for the McIntosh Trail Community Service Board which she also applied for and the intention was to place her in that position in lieu of the Hospital Authority' yet continued his charade as he nominated her to the Hospital Authority. It is Commissioner Brown who attempted to direct the Hospital Authority behind the scenes, over whose selection process the Board of Commissioners has no legal authority, by emphatically stressing to the Hospital CFO who participated in my interview, that a commissioner must be selected, thereby effectively disqualifying two otherwise qualified citizens who were nominated for the position they believed was available. It is Commissioner Brown who complains loudly about my lack of communication, yet when learning I had withdrawn my name, made no attempt to ask why, choosing instead to unleash emails that vehemently condemned me. It is Commissioner Brown who further took it upon himself, without communicating his intent, nor seeking approval from the Board of Commissioners, to attempt to void a duly taken vote of the Board of Commissioners by asking a hospital official to call the now appointed citizen, and ask her to resign from the Hospital Authority. It is Commissioner Brown who upon being refused, by this official, again took it upon himself, without

communicating his intent and without direction from this Board, personally called this citizen, now a member of the Hospital Authority, and whose husband Commissioner Brown was aware passed away only a day after she was appointed to her position, to tell her 'we' did not think she was a...she was suitable for the position and urged her to resign so that someone else could be appointed. That is despicable.

[In response to Commissioner Brown's inaudible comment], Oh, I'm sure that's not what you said. Just to um, divert a little bit, as Commissioner Brown says, 'never trust a politician.' Back to my comments here. It is Commissioner Brown who by his actions has demeaned the selection process and by extension the Board of Commissioners. It is Commissioner Brown who has cast the perception of backroom politics over the Hospital Authority. It is Commissioner Brown who has clearly made a mockery of his promise of open and transparent government.

Further, according to Commissioner Brown, in his reference to a potential new liaison position considered by the Authority to give the Board of Commissioners a representative at the Authority table, he stated, 'A 'liaison' is not allowed in executive session.' Well we just heard that they have not had any executive sessions however, the fact is that is false. An invitation of the Hospital Authority, at the invitation of the Hospital Authority, a liaison would be allowed in executive session, exactly as the Board of Commissioners conducts its own executive sessions. Further, it is a moot point in any event inasmuch as executive session content is confidential, a fact Commissioner Brown is aware of, and that content may not be divulged outside of the participants in executive session. Commissioner Brown knows this, yet has struggled with in the past. So even if I was a member of the Hospital Authority, divulging any content of any executive session to the Board of Commissioners would not be permitted. Again, Commissioner Brown knows that.

According to Commissioner Brown, the point of having a commissioner on the authority, was to insure transparency and avoid possible surprises. How ironic, in the name of transparency and openness, Commissioner Brown's conduct has been anything but. Fact is, even without a commission member, the Board of Commissioners has representation via the County Attorney who serves as the Authority attorney, and the County Clerk, who serves as the Authority's Secretary and prepares the meeting minutes. Commissioner Brown knows this. Further, the Hospital Authority meetings are open to the public. Any Commissioner may freely attend Authority meetings "to insure transparency and avoid possible surprises" as Commissioner Brown claims he wants to do.

According to Commissioner Brown, 'The failure of leadership has taken out the accountability factor for the Board of Commissioners and I am offended by Chairman Oddo's offer to be the new liaison after abandoning his pledge to be the Board of Commissioners' representative on the authority's board... I am tired of the backdoor politics.' The fact is, Commissioner Brown, leadership is being confronted with right and wrong and choosing the right way. That is exactly what I did here.

Failure of leadership surreptitiously manipulates the process and outcome, as you have attempted to do. Failure of leadership unilaterally attempts to void a duly enacted vote of the Board of Commissioners, as you have attempted to do. If there is any offense to be taken, it is by Mrs. Stepherson, who is more than qualified for a position on the Hospital Authority, and yet who has endured Commissioner Brown's intense pressure to resign her position, telling her that she was not suited for the Authority. I personally cannot contemplate such conduct. And if there is any offense to be taken, it is by the Hospital Authority whose reputation is sullied by Commissioner Brown's implication that its five members are involved in backdoor politics. And if there is any offense to be taken, it is by the third citizen in our group of nominees who took time to offer his service, took time to be interviewed, and who Commissioner Brown led on to believe had fair opportunity to be appointed. And if there is any offense to be taken, Commissioner Brown, it is by me, whom you have publicly disparaged and defamed, as you have done countless times over the past two years. And if there is any offense to be taken, Commissioner Brown, it is especially by those citizens who have blindly placed their faith in you to be honorable and transparent. The fact is if there is

anyone who should be tired of any misconduct, it is me, tired of Commissioner Brown's continual attacks on my integrity and that of any other person or group that doesn't walk in lock step with the commissioner.

As I close, I will again apologize to all you who are here with us this evening and have endured this, to the citizens of Fayette County, to Mrs. Stepherson, to the Hospital Authority, to the Fayette Piedmont Hospital, and to all those who applied for one of the three positions on the Hospital Authority. And quite honestly, Commissioner Brown you should apologize, but I won't hold my breath. Those are my comments and I will bring this back to the dais."

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Chairman Oddo moved to close the discussion. Commissioner Barlow seconded.

Commissioner Brown objected to closing comments. He said, "Don't make those comments and then close this thing. That is ridiculous. If you're gonna...if you're gonna put the target on somebody's back, be man enough to take the response."

Commissioner Barlow said, "No! You're not man enough to do it. You do it behind his back. You send all these emails, you blog, blogs as Husband and Father of Two, he blogs as Up and Atom... just read those comments and you will see. He is not man enough to say it to your face!"

Commissioner Brown said, "No I do not. No I do not."

Commissioner Rousseau called for point of order.

Chairman Oddo stated that this is a motion for discussion. He stated that he has made his points and Commissioner Brown has made his points.

Commissioner Brown stated that he would like to continue the discussion.

Mr. Davenport interjected that there was not a vote made on the original motion to discuss this item. He stated that there was a second to discuss the item, but no vote was recorded. He stated that once the vote has been made it is appropriate to make a new motion, but not until then.

Commissioner Brown moved to discuss Hospital Authority appointments by the Board of Commissioners. Vice Chairman Ognio seconded. The motion passed 3-2 with Chairman Oddo and Commissioner Barlow in opposition.

Commissioner Brown stated that he has been frustrated and he has been very open with his frustration. He stated that he has been open about it because it is on the agenda. He stated that he never told Mrs. Stepherson that she was not suited. He stated that he told Mrs. Stepherson, in the committee meeting that she was a sure win for the McIntosh Trail Community Service Board, because she already has community service board training and he would like to appoint her to that spot. He stated that is why she was grouped with Chairman Oddo, because she was never intended to be on the Hospital Authority because she had already applied to McIntosh Trail and she said that would be wonderful.

He continued that he, the CFO Scott Wolfe from the hospital and Commissioner Barlow was on the Selection Committee for the applicants. He stated that all the groupings were made by Scott Wolfe, David Barlow and Steve Brown. He stated that he met in the committee meetings and there are minutes for those meetings. He stated that they were all listed as being present. He stated that the Selection Committee put those groupings together with the express purpose of putting Chairman Oddo on the Authority, so that there would be Board representation. He stated that he asked Chairman Oddo to do it and he has no apologies for that. He stated that the Board has a fiduciary responsibility to the taxpayers. He stated that if it goes in executive session, he has someone on the Board that is a part of that meeting, who would have the obligation of standing up

for whatever is in the best interest of the Board of Commissioners and the citizens they represent. He stated that a liaison can be invited into executive session, but if the liaison is not invited there is no representation in executive session. He stated that he told Chairman Oddo personally, in front of Scott Wolfe, what the committee was trying to do. He stated that the Selection Committee had a discussion afterwards for that reason. He stated that he makes no apologies for wanting to put a member who is elected by the constituents and representing the best interest of the fiduciary responsibilities of the county. He stated that in regards to the lack of communication, he found out that Chairman Oddo withdrew from Tami Morris, who is the new chairperson, at a rowing event, days after the fact, at Lake McIntosh. He stated that he never received a word from anybody that "you did it, or was thinking about doing it or that you had done it. Nothing from you to any of our colleagues." He stated that is not leadership. He stated that is not the first time he has called Chairman Oddo "down" on that. He said, "If you say you are going to do this, I expect you to do it. As a colleague, I expect you to keep your word and do it. And if you don't I would love to have the honor of being able to know that you are going to withdraw so we could try to do something different. I don't think that is very difficult to try to come up with."

Commissioner Brown stated that the three applicants per spot is a state law requirement. He stated that since the Selection Committee told Commissioner Oddo that they wanted him on the Authority, he knew very well that they expected him to do that. He stated that is why the groups of three were assembled that way, because they knew Mrs. Stepherson was going on the McIntosh Trail Community Service Board. He stated that way she could serve in a capacity on a board that she was exceptionally qualified for. He stated that if Chairman Oddo wanted to change his plan in mid swing, after committing that he would do it, that is his prerogative, but it is his prerogative to get "pissed off when you do something like that and don't tell us." He stated that he was angry and he is sorry. He stated that he told Chairman Oddo exactly what the intentions were and if he had any problems with it he should have "lit his pants on fire and gone running down the hall, saying, 'I want no part in it.'"

Chairman Oddo stated that Commissioner Brown proved his point. He stated that everything took place outside the public view. He stated that the public thought there were three positions available. He stated that Commissioner Brown is trying to pull him into the situation. He stated that he knew about it, but he did not follow through the way Commissioner Brown expected because he put another member in the group with him that wanted to be reappointed. He stated that Mrs. Stepherson stated emphatically that she wanted to be reappointed to the Hospital Authority. He stated that put him in a position during the meeting, to decide if there was a duly nominated citizen that was volunteering her time, if he should continue, knowing that it was prearranged, or should he pull out. He stated that it was transparent. He stated that he did what he should have done. He stated that the next time the Board advertises for a position, they can change the advertisement if that is the Board's desire and if the Hospital Authority decides to select the Commissioner that is nominated, that is fine.

Mr. McKinney returned to the podium to speak in his own capacity and not as a Hospital Authority member. He stated that when Chairman Oddo withdrew his name from consideration, he told Chairman Oddo that what he did was a classy act and he stands by that statement.

Commissioner Barlow moved to close the discussion. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part hereof.

#### **PUBLIC COMMENT:**

There were no public comments.

#### **ADMINISTRATOR'S REPORTS:**

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.fayettecountygga.gov](http://www.fayettecountygga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).



**Millage Rate Special Called Meeting:** Mr. Rapson stated that September 1, 2016 at 10:00 a.m. is the Special Called Meeting to establish the county's millage rate, as well as the Fayette County Board of Education.

**Docks at Lake Horton and Lake McIntosh:** Mr. Rapson reported that the dock work would start on September 12, 2016.

**Sailboat Regatta:** September 17 and 18 is the Sailboat Regatta at Lake McIntosh.

#### **ATTORNEY'S REPORTS:**

**Executive Session:** Three Items of Threaten Litigation and Review of Executive Session Minutes.

#### **COMMISSIONERS' REPORTS:**

##### **Vice Chairman Ognio:**

**Transportation Committee:** Vice Chairman Ognio stated that the Transportation Committee is having issues with appointing a secretary. He stated that no one in the group is stepping up to take the role of secretary. He stated that he was hoping to get some assistance with the appointment.

**Iman Heritage:** He announced that September 17-19 is Iman Heritage Day. He encouraged citizens to attend.

**Labor Day:** He wished everyone a Happy and safe Labor Day weekend.

##### **Commissioner Rousseau:**

**Mediation suggested:** Commissioner Rousseau stated that he would highly recommend bringing in a third party to "get some things out". He stated that the Board gets things out but it does not resolve anything. He stated that it is disconcerting because of the accusations and miscommunication. He stated that he would like to have staff explore resources from ACCG or through RFP. He stated that the Board talked about policy versus practice and practice gets the Board in trouble. He stated that he would like the Board to consider a retreat to lock in on specific issues: establishing protocols for the Board, for agenda items and for parliamentary procedures. He stated that he has no problem with the Board not agreeing with one another. He stated that the problem is how far the Board would go with the disagreement that results in taking the Board away from the mission and responsibility of the Board. Commissioner Rousseau stated that he would draw up the RFP if needed.

##### **Commissioner Barlow:**

**Thank you:** Commissioner Barlow thanked the audience for remaining throughout the meeting.

**Agenda items:** He stated that the items that were discussed on the agenda were placed there by Commissioner Brown without vetting through staff first. He stated that none of the other Commissioners do that. He stated that until that happens there will always be long drawn out discussions.

**Comments to Chairman Oddo:** Commissioner Barlow stated that he would like to lift up Chairman Oddo. He stated that the Chairman gets "beat up on" and the backstabbing from Commissioner Brown's office is tremendous. He stated that he blogs and it is shameful that he will not use his own name.

##### **Commissioner Brown:**

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.fayettecountygga.gov](http://www.fayettecountygga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at [www.livestream.com](http://www.livestream.com).

**Comments:** Commissioner Brown stated that he would agree to disagree with Commissioner Barlow. He stated that he is probably the only person that gets accused of being too open and too blunt with comments and hiding comments behind something else, all at the same time. He stated that he does not know how that can be played on both sides. He stated that he does not know who the blogger is, but he would be happy to give his honest comment at any time as he has always done.

**Water Guardian:** He stated that the Water Guardian event was held at Lake McIntosh and there were all ages involved. He stated that they pulled two car tires out of the lake and two plastic chairs and that is the only time there has been a "double-double". He thanked Mr. J.R. Romas who cooked lunch for everyone. He also thanked CH2MHill who donated some of the hamburgers and hot dogs.

**Thank you to Commissioner Rousseau:** Commissioner Brown stated that he agrees with Commissioner Rousseau. He stated that he has been on three iterations of the County Board of Commissioners and he feels like he is "stuck in the mud." He stated to be honest, the Board has to figure out what is the system. He stated that for the past two months the procedure has been to present the agenda item then make the motion, and tonight it was make the motion then present. He stated that the Board needs to communicate. He stated that it is embarrassing when one of the Commissioners has to find out what is going on in the newspaper. He thanked Mr. McKinney for his service and his time.

**Chairman Oddo:**

**Thank you:** Chairman Oddo thanked everyone for attending and stated that communication is key.

**EXECUTIVE SESSION:**

**Three Threatened Litigation and Review of the August 11, 2016 Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 11:29 p.m. and returned to Official Session at 11: 45 p.m.

**Return to Official Session and Approval of the Executive Session Affidavit:** Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the affidavit. Commissioner Brown seconded the motion. The motion passed 5-0.

**August 11, 2016 Executive Session Minutes:** Commissioner Ognio moved to approve the August 11, 2016 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Ognio moved to adjourn the August 25, 2016 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The August 25, 2016 Board of Commissioners meeting adjourned at 11:45 p.m.

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Tameca P. White, Chief Deputy County 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 8<sup>th</sup> day of September 2016. Referenced attachments are available upon request at the County Clerk's Office.

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Tameca P. White, Chief Deputy County Clerk

## Consent Agenda #8

### 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

### Special Called Meeting

September 1, 2016

10:00 a.m.

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### Call to Order

Chairman Oddo called the September 1, 2016 Board of Commissioners' Special Called Meeting to order at 10:00 a.m.

### Acceptance of Agenda

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

### NEW BUSINESS:

#### 1. Consideration of Resolution 2016-11 adopting the 2016 Property Tax Millage Rates.

Chief Financial Officer Mary Parrott gave a short PowerPoint presentation to the Board concerning the proposed 2016 Property Tax Millage Rate. Mrs. Parrott closed her presentation informing the Board that that Board was enacting a \$1.3 million reduction in taxes for Fayette County's citizens. She explained that the rollbacks enacted in the years 2014, 2015 and 2016 have resulted in a cumulative loss of revenue in the amount of \$7.1 million in taxes.

The Board did not have any questions and no one from the public commented.

Commissioner Ognio moved to adopt Resolution 2016-11 adopting the 2016 Property Tax Millage Rates. Commissioner Barlow seconded the motion.

Commissioner Brown stated he did not have any problem with the millage rates and the direction they are going. He stated that his concern was with the budget and that he had already cited his issues with the budget. He stated there is a nexus between setting the millage rates and budgets, and he said he was worried about their outcomes in future years. He stated he related his concerns in previous year and that his concerns were well documented in the minutes.

The motion to adopt Resolution 2016-11 adopting the 2016 Property Tax Millage Rates passed 4-1 with Commissioner Rousseau voting in opposition. Copies of the request, Resolution 2016-11, associated documents, and the PowerPoint presentation, identified as "Attachment 1," follow these minutes and are made an official part hereof.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the September 1, 2016 Board of Commissioners' Special Called Meeting. Commissioner Ognio seconded the motion. The motion passed 5-0.

The September 1, 2016 Board of Commissioners meeting adjourned at 10:07 p.m.

\_\_\_\_\_  
Floyd L. Jones, County Clerk

\_\_\_\_\_  
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 8<sup>th</sup> day of September 2016. Referenced attachments are available upon request at the County Clerk's Office.

\_\_\_\_\_  
Floyd L. Jones, County Clerk



# COUNTY AGENDA REQUEST

Page 54 of 76

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

Fayette County's Public Arts Committee recommends approval of its Mission, Vision, and Purpose statements (Exhibit A.) This requirement was also discussed at the March 10, 2016 Board of Commissioners meeting during the adoption of Ordinance 2016-02.

The proposed statements have been created based on Ordinance 2016-02, Section 2-501 which reads, in part:

The first order of business for the members of the Public Arts Committee is to formulate the vision and long-range goal(s) of the Public Arts Committee and to forward same to the Board of Commissioners within 60 days of the effective date of creating the Public Arts Committee.

Exhibit B provides Ordinance 2016-02.

+

## What action are you seeking from the Board of Commissioners?

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

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

# **PUBLIC ARTS COMMITTEE**

## **MISSION, VISION, and PURPOSE STATEMENTS**

### **EXHIBIT A**

## **Fayette County Public Art Committee**

The Mission, Vision and Purpose Statements listed below were approved by the Public Arts Committee on August 15, 2016.

### **Mission:**

“The Fayette County Public Arts Committee strives to create a stimulating environment with opportunities, inspiration, innovation and creativity by acquiring, cultivating and performing responsible stewardship of public arts.”

### **Vision:**

“Our vision is to be recognized as a community that is connected and enriched through the arts, committed to artists and their disciplines as integral elements of economic vitality and development, and is a leader in promoting the arts.”

### **Purpose:**

“Our purpose is to cultivate an environment for all forms of public art by identifying and developing opportunities for art and artists that express the spirit and values of our community, thereby enhancing the quality of life of our citizens.”

**PUBLIC ARTS COMMITTEE**

**ORDINANCE 2016-02**

**EXHIBIT B**

COUNTY OF FAYETTE

STATE OF GEORGIA

ORDINANCE NO.

2016-02

AN ORDINANCE BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY TO PROVIDE FOR AN ADVISORY COMMITTEE TO BE KNOWN AS THE FAYETTE COUNTY PUBLIC ARTS COMMITTEE; TO PROVIDE FOR TERMS OF OFFICE; TO PROVIDE FOR THE INITIAL MEMBERSHIP; TO PROVIDE FOR THE FILLING OF VACANCIES; TO PROVIDE FOR THE TAKING OF AN OATH; TO PROVIDE FOR A REQUIREMENT OF REGULAR MEETINGS; TO PROVIDE FOR REMOVAL OF MEMBERS; TO PROVIDE FOR COMPENSATION; TO PROVIDE FOR QUALIFICATIONS; TO PROVIDE FOR OFFICERS; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES FOR FAYETTE COUNTY PERTAINING TO THE ESTABLISHMENT OF BOARDS AND COMMISSIONS BE AMENDED BY ADDING A NEW DIVISION TO PROVIDE FOR THE ESTABLISHMENT OF THE FAYETTE COUNTY PUBLIC ARTS COMMITTEE AS FOLLOWS:

**Section 1.** By adding a new division with appropriate sections to Article VI of Chapter 2 to be numbered and to be entitled as follows:



#### DIVISION 4. FAYETTE COUNTY PUBLIC ARTS COMMITTEE

**Section 2.** By adding a section to Division 4 creating the Fayette County Public Arts Committee to be numbered and to read as follows:

Sec. 2-501. Created; purpose and intent.

In order to make recommendations to the Board of Commissioners of Fayette County as to find ways to use art to enhance the County's reputation, to contribute to the civic environment, and to enrich the lives of citizens and visitors through the involvement of amateur and professional artists to integrate public arts throughout Fayette County. The Fayette County Public Arts Committee is hereby created and established and aims to acquire, cultivate, and perform responsible stewardship of public arts to enhance the dignity of the County through the commitment to artists and their disciplines as integral elements of economic vitality and development. The Fayette County Public Arts Committee offers opportunities and support to citizens, emerging students, amateur and professional artists, arts education resources, and public beautification arts projects. Its mission is to change the way our community approaches arts and culture. The goal of the Fayette County Public Arts Committee is to become a leader in the arts through conceptualizing, implementing, organizing, and executing art projects and programs for our citizens. The first order of business for the members of the Public Arts Committee is to formulate the vision and long-range goal(s) of the Public Arts Committee and to forward same to the Board of Commissioners within 60 days of the effective date creating the Public Arts Committee.

**Section 3.** By adding a section to Division 4 for the organization of the Fayette County Public Arts Committee to be numbered and to read as follows:

Sec. 2-502. Organization.

(a) Membership. The Fayette County Public Arts Committee shall consist of eleven (11) members appointed by the Board of Commissioners of Fayette County. To be eligible for appointment a candidate must be a Fayette County citizen.

(b) Terms. The terms of the members shall be for two (2) years, except that in the appointment of the first Fayette County Public Arts Committee under the terms of this section, five (5) members shall be appointed for a term of one (1) year, and six (6) members shall be appointed for a term of two (2) years. All successive terms shall be for two (2) years. The eleven (11) members shall be selected by the Board of Commissioners of Fayette County. The terms of all members shall begin on the first day of the month following the month in which the Public Arts Committee is activated. All members of the Fayette County Public Arts Committee shall, if necessary, hold over until their successors are appointed and qualified. The successors shall be appointed in the same manner as the initial members in the month immediately preceding the expiration of the members' respective terms of office. Any member of the Fayette County Public Arts Committee may be re-selected and re-appointed to serve a succeeding term.

(c) Oath of office. All persons who serve as a member of the Fayette County Public Arts Committee shall first execute and file with the County Clerk an oath obligating himself/herself to faithfully and impartially perform the duties of his/her office with such oath to be administered by the Chairman of the Board of Commissioners.

(d) Vacancies; removal. A vacancy in membership shall be filled for the unexpired term in the same manner as the members being replaced were selected. The

Board of Commissioners shall also have the power to remove any member of the Fayette County Public Arts Committee for cause by a majority vote of the members of Board of Commissioners.

(e) Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties if such expenses are approved by the County Administrator.

(f) Quorum. Six (6) members of the Fayette County Public Arts Committee shall constitute a quorum. A vacancy on the Fayette County Public Arts Committee shall not impair the right of the quorum to exercise all rights and perform all the duties of the Fayette County Public Arts Committee.

(g) Meetings. The Fayette County Public Arts Committee shall meet on a regular basis with the meetings occurring the third Monday of each month. The Board of Commissioners shall provide a meeting room for the Fayette County Public Arts Committee.

(h) Project Concept. The Fayette County Public Arts Committee shall request approval from the Board of Commissioners for a project concept that provides a general description, location, and scope of the proposed project during a Board of Commissioners meeting. On any project concerning a call for artists or a permanent art feature, the Board of Commissioners shall give final approval on the winning artist's proposal prior to awarding the project and funding.

(i) Project Recommendations. The Fayette County Public Arts Committee shall fill out and complete a "Project Request Form" (Exhibit A), based upon the



approved project concept, for the Board of Commissioners' final consideration and approval.

(j) Public Arts Committee Minutes. The Fayette County Public Arts Committee shall provide approved meeting minutes of each Public Arts Committee meeting to the Fayette County Clerk.

(k) Any other committee in existence for the same purpose as the Public Arts Committee shall cease to exist on the first day of the calendar month subsequent to the effective date of this Ordinance.

**Section 4.** By adding a section to Division 4 for the election of a chairman and vice chairman, the issuance of bylaws, recommending body and allowable expenditures of the Fayette County Public Arts Committee to be numbered and to read as follows:

Sec. 2-503. Election of chairman and vice chairman; bylaws; miscellaneous.

The Fayette County Public Arts Committee shall elect a chairman and vice chairman from among its members who are not elected officials. Any chairman or vice chairman who announces or qualifies for an elected office shall be deemed disqualified to serve as chairman or vice chairman of the Public Arts Committee. The terms of the chairman and vice chairman shall be for one (1) year. The Fayette County Public Arts Committee shall appoint a secretary. The secretary does not have to be a member of the Fayette County Public Arts Committee. The Fayette County Public Arts Committee shall devise its own bylaws, which shall be supplied to the County Administrator and approved by the Board of Commissioners. The Fayette County Public Arts Committee shall be a recommending body and will provide its recommendations to the Board of Commissioners through its chairman. Any incidental expenditures of the Fayette County

Public Arts Committee shall be within the amounts appropriated for such purpose by the Board of Commissioners.

**Section 5.** By reserving additional sections for future use within this Division, sections 2-504 through 2-520.

**Section 6.** This ordinance shall take effect 60 days from its adoption by the Board of Commissioners of Fayette County.

**Section 7.** All other ordinances and parts of ordinances in conflict with this ordinance shall be deemed repealed.

**SO ORDAINED** this 10<sup>th</sup> day of March, 2016.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)



By:

Charles W. Oddo  
CHARLES W. ODDO, Chairman

ATTEST:

Floyd L. Jones  
Floyd L. Jones, County Clerk

APPROVED AS TO FORM:

[Signature]  
County Attorney



## FAYETTE COUNTY PUBLIC ARTS COMMITTEE - PROJECT REQUEST FORM

Project Code:  PAC Approval

Project Name:

Estimated Total Cost:  Estimated Useful Life:

Project Description:

Department:

Department Contact(s):

Start Date (estimate):  Completion Date (estimate):

Additional comments:

### Anticipated Costs - Direct & Indirect

Materials	\$ Amount
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total project cost	\$0

Expenses	
Labor	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Labor Hours	0.0

Equipment	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total Equipment Hours	0.0

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

The Scarecrows began two years ago as a community involvement project. It allows participants from across Fayette County to create a Scarecrow at the County Administrative Complex. Participants will bring their own supplies and can build Scarecrows on Saturday, October 15 or Sunday, October 16, 2016. Scarecrows will attach to a metal pole which will be provided. Shredded paper will also be provided.

The Public Art Committee will secure a judge to select the winners for 1st, 2nd and 3rd place. This judge should have no connection to the County or participants. Prizes will be awarded. Guidelines will be similar to previous years.

The Public Arts Committee does not anticipate the need to purchase additional poles and is requesting the Buildings and Grounds Department to assist with placing the poles.

A Project Request Form is included as backup in support of this request.



## What action are you seeking from the Board of Commissioners?

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

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

This community-wide project began two years ago and is increasing with popularity.

## FAYETTE COUNTY PUBLIC ARTS COMMITTEE - PROJECT REQUEST FORM

Project Code:  PAC Approval  8/15/2015

Project Name:  
 Scarecrows

Estimated Total Cost:  Estimated Useful Life:

**Project Description:**

The Scarecrows began two years ago as a community involvement project. It allows participants to create a Scarecrow at the County Administrative Complex. Participants bring their own supplies and will build Scarecrows on Saturday, October 15 or Sunday, October 16, 2016. Scarecrows will attach to a metal pole which will be provided. Shredded paper will also be provided. The Public Arts Committee will secure a judge to select the winners for 1st, 2nd and 3rd place. The judge should have no connection to the county, committee, or participants. Prizes will be awarded. Guidelines will be similar to previous years.

At this time we do not anticipate having to purchase additional poles. Public Works will be needed to assist with placing the poles.

Department:  Public Arts Committee

Department Contact(s):  Donna Thompson / Tina Brown

Start Date (estimate):  Completion Date (estimate):

**Additional comments:**

This is a continuation of a project that has been held for two years.

**Anticipated Costs - Direct & Indirect**

Materials	\$ Amount
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<b>Total project cost</b>	<b>\$0</b>

Expenses	
Labor	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<b>Total Labor Hours</b>	<b>0.0</b>

Equipment	Hours
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<b>Total Equipment Hours</b>	<b>0.0</b>

# COUNTY AGENDA REQUEST

Page 67 of 76

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

The Public Arts Committee would like to have a signature project in the County. The project is "Birdhouses." A Project Request Form is attached as support for this request.

This will be an ongoing, never ending project of decorated birdhouses that will be marketed under the banner: "Art is Home in Fayette County". The birdhouses can be any design, size and material (gourds, wood or ceramic). The birdhouses can be placed on the owner's property or donated to go to spaces in the community, like the Southern Conservation Trust properties, cart paths, lakes, golf courses, schools, etc.

There is historical relevance to the Williamsburg Bird Bottle, which is made from ceramic and dates back to the 1700s. There is potential to partner with local new media and publications for a "Show Us Your Birdhouse" photo of the week. The project could have its own Facebook page for sharing photos of birdhouses, locations, building plans, or decorating ideas. This project involves the whole community- all ages and skill levels- and it is a benefit to the Fayette community.

## What action are you seeking from the Board of Commissioners?

Approve the Public Arts Committee's recommended "Birdhouses" project.

## If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

This project will strongly support the idea shared by Comm. Randy Ognio at the August 11, 2016 BOC meeting - with his desire to see birdhouses and bat houses placed around the lakes for mosquito control, especially with regard to the spread of Zika virus.

FAYETTE COUNTY PUBLIC ARTS COMMITTEE - PROJECT REQUEST FORM			
Project Code:		PAC Approval	8/15/2016
Project Name:			
Birdhouses			
Estimated Total Cost:		Estimated Useful Life:	
Project Description:	<p>The Public Arts Committee would like to have a signature project in the County and that project is Birdhouses. It will be an ongoing, never-ending project of decorated birdhouses that will be marketed under the banner: "Art is Home in Fayette County".</p> <p>The birdhouses can be simple or complex, modern or traditional and all shapes, sizes and materials (gourds, wood or ceramic). Residents can build their own, groups can partner to build and sell (like 4-H or Scouts). Even the do-it-yourself stores can host a birdhouse building workshop. The Birdhouses can be placed on the owners property or donated to go to spaces in the community like the Southern Conservation Trust properties, cart paths, lakes, golf courses, schools, etc. There is historical relevance to the Williamsburg Bird Bottle - made from ceramic; dates back to the 1700s. There is the potential to partner with local news media and publications for a "Show Us Your Birdhouse" photo of the week. The project could have its own Facebook page for sharing photos of Birdhouses, locations, building plans or decorating ideas. This project involves the whole community - all ages and skill levels, and is a benefit to the community. This project will support the idea shared by Commissioner Randy Ognio at the August 11, 2016 Board of Commissioners meeting - with his desire to see birdhouses (martins) and bat houses placed around the lakes for mosquito control, especially with regard to the spread of Zika virus.</p>		
Department:	Public Arts Committee		
Department Contact(s):	Donna Thompson / Tina Brown		
Start Date (estimate):		Completion Date (estimate):	
Additional comments:			
Anticipated Costs - Direct & Indirect			
Materials		\$ Amount	
Total project cost		\$0	
Expenses			
Labor	Hours		
Total Labor Hours		0.0	
Equipment	Hours		
Total Equipment Hours		0.0	

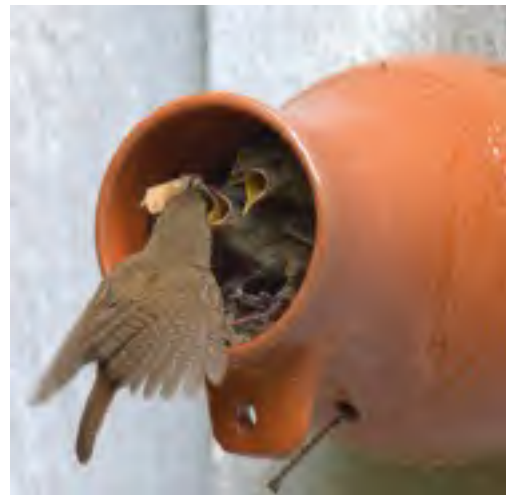


## Project: Birdhouses

**Do-It-Yourself Stores** offer Birdhouse Workshops, similar to this example.



**Williamsburg Bird Bottle.** These birdhouses date back to 18th Century Williamsburg and while one might think it was for bird watching, actually the bottles served a more practical purpose as nesting birds helped with insect control near homes, kitchens and stables.



**Martins** are known for eating mosquitos.



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Ben and Jane Carpenter have requested refunds in the aggregate amount of \$791.80. This request is based on an application for and age 65 homestead exemption when it was found that the property had been put into an estate due to the probate list in tax year 2008. Mr. Ben Carpenter, Sr. passed away in 2007. Ben Carpenter, Jr. has lived in the residence since June 1996 and the homestead was removed in tax year 2008 per the probate list.

The Tax Assessor's Office and the County Attorney have reviewed the request. They recommend approval of tax refunds in the aggregate amount of \$206.19 for the years 2013 - 2015, and the recommend denial of tax refunds in the aggregate amount of \$585.61 for the years 2008 - 2012.

## What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refunds for Ben and Jane Carpenter, in the aggregate amount of \$206.19, as recommended by the County Attorney.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

## MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C.

Date: September 1, 2016

Re: Tax Refund Request – Mr. Ben Albert Carpenter

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Mr. Ben Albert Carpenter and Mrs. Jane Carpenter have owned and resided at property located at 405 Cimaron Park (Lot 54 of Planterra Ridge) since 1996. Mr. Ben Carpenter, Sr. also resided at that the property with his son beginning in 1996. A standard homestead exemption was applied to the property soon thereafter. In June of 2007, Mr. Ben Carpenter, Sr. passed away. His name and address were placed on the probate list. As a result, the Board of Tax Assessors Office erroneously removed the homestead exemption from the property, under the mistaken belief that Mr. Ben Carpenter, Sr. was the owner of the subject property.

The error was discovered when Mr. Ben Albert Carpenter applied for the over 65 Homestead Exemption in 2016. It was discovered at that time that no homestead had been applied since 2008. Mr. Carpenter then provided a death certificate documenting the passing of his father in 2007. The prior homestead exemption had been removed as if his father had been the owner of the subject property.

It is therefore recommended, that Mr. Ben Albert Carpenter be granted a refund. The error existed for tax years 2008 forward, however O.C.G.A. § 48-5-380 limits any refund of local property taxes to those payments made in the 3 years preceding the request for refund. Denial of the refund requested for 2008 through 2012 is therefore recommended. Approval of the refund, based upon erroneous removal of a homestead exemption for 2013, 2014, and 2015 is recommended. The recommended refund is in the following amounts:\$67.01 for 2015, \$69.26 for 2014 and \$69.92 for 2013.

A total refund in the amount of \$206.19 is recommended.

<b>Refund Requests</b>	<b>BOC</b>			<b>07.14.2016</b>		
<b>Owner/Parcel</b>	<b>Year(s)</b>	<b>Property</b>	<b>Basis for Request</b>	<b>Recommendation</b>	<b>Reason</b>	<b>Amount Per Year</b>
Carpenter, Ben and Jane 06-1706-025	2013 2014 2015	Residential	Taxpayer came in to apply for age 65 homestead exemption and found that his property had been put into an estate due to the probate list in tax year 2008.	Approve	Taxpayer brought in death certificate of Ben Carpenter, Sr. who had passed away in June, 2007. Ben Carpenter, Jr. has lived in the residence since June, 1996 and the homestead was removed in tax year 2008 per probate list.	2015 - \$67.01 2014 - \$69.26 2013 - \$69.92
Carpenter, Ben and Jane 06-1706-025	2008 - 2012	Residential	Taxpayer came in to apply for age 65 homestead exemption and found that his property had been put into an estate due to the probate list in tax year 2008.	Deny	Taxpayer has been sent an assessment notice each year showing the name of the Estate and homestead removal of L1. Our records have been corrected for tax year 2016 and forward.	2012 - \$69.66 2011 - \$69.77 2010 - \$67.50 2009 - \$67.50 2008 - \$311.18
<b>Total Number Requested</b>	<b>8</b>					
<b>Total Amount Requested</b>	<b>\$791.80</b>					
<b>Total Number Approved</b>	<b>3</b>					
<b>Total Amount Recommended for Approval</b>	<b>\$206.19</b>					

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

On May 19, 2016, Peter L. Davis brought a judgment order effective January 1, 2010 to apply for the LDV2 Veterans Exemption. He is requesting the exemption to apply back to 2010 with any refunds due. Failure to apply shall constitute a waiver of an exemption, however, Mr. Davis could not apply without this letter that took seven (7) years to receive.

The Tax Assessor's Office and the County Attorney have reviewed the request. They recommend denial of tax refunds in the aggregate amount of \$7,658.50 for the years 2010 - 2015.

## What action are you seeking from the Board of Commissioners?

Deny the disposition of tax refunds, as requested by Peter L. Davis, in the aggregate amount of \$7,658.50.

## If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

## MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C.

Date: September 1, 2016

Re: Tax Refund Request – Mr. Peter Davis – Disabled Veterans’ Homestead Exemption

In May 2016 Mr. Peter Davis filed his application for Disabled Veterans’ Homestead Exemption with the Fayette County Tax Commissioner’s Office. To support the claim for exemption, the application was accompanied by the required documentation from the Department of Veterans’ Affairs concerning his disability and service. The Department of Veterans’ Affairs found that Mr. Davis was a disabled veteran. In addition, for purposes of Federal Law, the disability was applied retroactively from the point in 2010 that Mr. Davis submitted his request for consideration as disabled to the Department of Veterans Affairs.

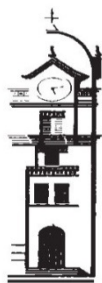
In Georgia, exemptions from local property taxation are strictly construed. In order to qualify for the Disabled Veterans’ Homestead Exemption, an application must be submitted to the Tax Commissioner’s Office. Until that time, no such exemption can exist. Unlike Federal Law, there is no provision for retroactive application for the Disabled Veterans’ Homestead Exemption. The Tax Commissioner’s Office received the application for Disabled Veterans’ Homestead Exemption from Mr. David in May 2016. Prior to that date no exemption existed. There has been no erroneous or illegal assessment or collection of tax from Mr. Davis to trigger a refund. The requested refund is recommended for full denial.

Year	Amount	Recommendation
2010	\$3524.39	Deny
2011	\$792.05	Deny
2012	\$814.17	Deny
2013	\$825.07	Deny
2014	\$848.95	Deny
2015	\$853.87	Deny

Total denied: \$7658.50



<b>Refund Requests</b>	<b>BOC</b>			<b>07.14.2016</b>		
<b>Owner/Parcel</b>	<b>Year(s)</b>	<b>Property</b>	<b>Basis for Request</b>	<b>Recommendation</b>	<b>Reason</b>	<b>Amount Per Year</b>
Davis, Peter L. 06-1407-001	2013 2014 2015	Residential	On May 19, 2016, taxpayer brought judgement order effective 1/1/2010 to apply for the LDV2 Veterans Exemption. He is requesting the exemption to apply back to 2010 with any refunds due.	Deny	Failure to properly apply shall constitute a waiver of an exemption however Mr. Davis could not apply without this letter that took 7 years to receive.	2015 - \$853.87 2014 - \$848.95 2013 - \$825.07
Davis, Peter L. 06-1407-001	2010 2011 2012	Residential	On May 19, 2016, taxpayer brought judgement order effective 1/1/2010 to apply for the LDV2 Veterans Exemption. He is requesting the exemption to apply back to 2010 with any refunds due.	Deny	Failure to properly apply shall constitute a waiver of an exemption however Mr. Davis could not apply without this letter that took 7 years to receive.	2012 - \$814.17 2011 - \$792.05 2010 - \$3,524.39
<b>Total Number Requested</b>	<b>6</b>					
<b>Total Amount Requested</b>	<b>\$7,658.50</b>					
<b>Total Number Approved</b>	<b>6</b>					
<b>Total Amount Recommended for Approval</b>	<b>\$0.00</b>					



*Fayette*  
COUNTY

"WHERE QUALITY  
IS A LIFESTYLE"

**PURCHASING DEPARTMENT**  
140 STONEWALL AVENUE WEST, STE 204  
FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-305-5420  
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: July 28, 2016

Subject: RFP #940-P, Renewal 1: Public Works Engineer of Record

A function common to county and municipal public works departments is the use of professional engineering services related to infrastructure design, construction management, and other activities related to ownership and operation of the public right of way and publicly-owned property. There is an ongoing need for engineering services for both budgeted projects and emergency situations.

To go through a sealed bid or proposal process each time engineering services are needed is cumbersome, and delays work that impacts the public's transportation throughout the county. It is common practice for local governments to contract with a professional services firm to serve as the "on-call engineer" or Engineer of Record.

On July 9, 2015, the Board of Commissioners awarded Tetra Tech the annual contract to serve as Public Works Engineer of Record for Fiscal Year 2016. This request is to renew the contract for Fiscal Year 2017. Since it is a contract that establishes hourly rates for services as needed, a not-to-exceed amount is not included. The Public Works Department has confirmed that they are satisfied with the work of the contractor, and recommends renewal.

Specifics of the proposed contract are as follows:

Contract Name	940-P: Public Works Engineer of Record
Renewal Number	Renewal #1
Vendor	Tetra Tech
Not-to-Exceed Amount	N/A – Amounts included in each Task Order issued
Budget	Varies by Task Order