

BOARD OF COUNTY COMMISSIONERS

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

FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

ACTION AGENDA

December 8, 2016

7:00 p.m.

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

Call to Order

Chairman Oddo called the December 8, 2016 Board of Commissioners meeting to order at 7:01 p.m. Vice Chairman Ognio was absent from the meeting.

Invocation by Commissioner Charles Rousseau

Commissioner Rousseau recognized that the meeting would be the last meeting for Commissioner Barlow and asked that he would give the Invocation. Commissioner Barlow gave the Invocation.

Pledge of Allegiance

Commissioner Barlow led the Board and the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the agenda. Commissioner Brown seconded. The motion passed 4-0 with Vice Chairman Ognio absent.

PROCLAMATION/RECOGNITION:

1. Recognition of Commissioner David Barlow for four (4) years of service on the Fayette County Board of Commissioners.

Chairman Oddo and the Board of Commissioners recognized Commissioner Barlow for four years of service to the community. Chairman Oddo read some background information about Commissioner Barlow and his service. Commissioner Barlow's wife, Cherie Barlow was also present to receive the recognition. Commissioner Barlow thanked the citizens, the staff and everyone who supported him. He also thanked his wife.

2. Recognition of Tax Commissioner George Wingo for twenty-four (24) years of service in the Fayette County Tax Commissioner office.

Chairman Oddo announced that Tax Commissioner George Wingo was unable to attend. Chairman Oddo read a brief biography of George Wingo. The Board thanked Mr. Wingo for his service.

3. Recognition of winners of the 2016 Model Water Tower Competition and the Fayette County Water System staff.

Water System Director Lee Pope recognized the staff who organized the competition. Water System staff member Joseph Spann recognized Peachtree City Water and Sewer Authority Technical Manager Keisha Thorpe, the teachers and the winning students who participated in the 2016 Model Water Tower competition. The Board congratulated all that participated.

4. Recognition of the Fayette County Parks and Recreation for achieving the District 4 Georgia Recreation and Park Association Special Event Award.

The Board of Commissioners recognized the Fayette County Parks and Recreation department for achieving the District 4 Georgia Recreation and Park Association Special Event Award for their work with the 2016 Balloons Over Fayette event. Director Anita Godbee was present to accept and explain the criteria for the award. Mrs. Godbee thanked Fayette County for all the hard work that was done as a team to have a successful event.

5. Presentation of an overview of the McIntosh Trail Community Service Board.

Mr. Michael Hubbard presented a PowerPoint presentation of an overview of the McIntosh Trail Community Service Board to the Board of Commissioners.

PUBLIC HEARING:

6. Consideration of Ordinance 2016-22, Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Article III. -General Provisions, Section 110-93 Concerning Septic Tanks and Drain Field Line Setbacks.

Community Development Director Pete Frisina read the Introduction to Public Hearings into the record and briefed the Board that the State's setbacks for septic tanks and drain field line was ten (10) feet and the County ordinance is set at that same level. He stated that this would be a change to the County ordinance to reflect the new five (5) foot setbacks in the State's requirements.

Commissioner Brown asked Mr. Frisina if he foresees any problems with the new five foot restriction. Mr. Frisina stated that Environmental Health stated that it was not a problem and that is why the State lowered the setback.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Brown moved to approve Ordinance 2016-22, Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Article III. -General Provisions, Section 110-93 Concerning Septic Tanks and Drain Field Line Setbacks. Commissioner Rousseau seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

7. Approval of staff's recommendation to approve Allam Syed Hafeez's application for a retail license to sell alcoholic beverages at 1467 Highway 92 North, Fayetteville, Georgia 30214.

Mr. Frisina confirmed that the Board received the new forms that was created by the County Code Enforcement. The Board did receive the new form on the dais.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Brown moved to approve Allam Syed Hafeez's application for a retail license to sell alcoholic beverages at 1467 Highway 92 North, Fayetteville, Georgia 30214. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

8. Approval of staff's recommendation to approve Akber Uddin's application for a retail license to sell alcoholic beverages at 2708 Highway 92 South, Fayetteville, Georgia 30214.

No spoke in favor of this item.

No spoke in opposition of this item.

Commissioner Brown moved to approve Akber Uddin's application for a retail license to sell alcoholic beverages at 2708 Highway 92 South, Fayetteville, Georgia 30214. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

CONSENT AGENDA:

Commissioner Brown requested to remove Consent Agenda items #18 and #19 for discussion. Commissioner Rousseau requested to remove item #21.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #18, #19 and #21. Commissioner Barlow seconded. The motion passed 4-0 with Vice Chairman Ognio absent.

- 9. Approval of the Public Arts Committee's request for Concept Approval to develop art opportunities at the 2017 Balloons Over Fayette event.**
- 10. Approval of the Public Arts Committee's request for Concept Approval for the Spring Chalk Art event as an annual event and to utilize Chalk Art as a supporting feature at other local events.**
- 11. Approval of the Public Arts Committee's request for Concept Approval to develop a Lecture Series program specific to Art.**
- 12. Approval of the Public Arts Committee's request for Concept Approval to develop and host Pop-Up Shows.**
- 13. Approval of the Public Arts Committee's request for Concept Approval to develop art programs in partnership with the Southern Conservation Trust.**
- 14. Approval of Ordinance 2016-23 to establish provision adopting the International Fire Code and to amend the Fayette County Code of Ordinances, Chapter 12, as it pertains to fire prevention and protection.**

15. **Approval to convert the part-time positions' funding back into two full-time Firefighter/EMT positions with the available budget of \$68,721.00 included in the Fire Fund's FY 2017 operations budget.**
16. **Approval of the proposed 2017 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents.**
17. **Approval to enter into an Intergovernmental Agreement with Peachtree City for paving the portion of Redwine Road within the City's limits and for the City to reimburse the County for cost of materials, estimated to \$28,000.00.**
18. **Approval of the staff's recommendation to award a contract on Bid # 1144-B Firing Range and Observation Tower in the amount of \$432,020.00 to Gene Barber Contracting, Inc. for the construction of a firing range, observation tower and shoot house.**

Commissioner Brown stated that in relations to the firing range and observation tower, is this the last expenditure on this project. He stated that the project is getting bigger and bigger.

Mr. Rapson stated that at the April 2016 Board of Commissioner Retreat staff presented the Sheriff's master plan for the facility. He stated that so far they have completed the long-range shooting range and the grading of the area for the short-range. He stated that this item is for the observation tower and the shoot house. He stated that the shoot house plan from the Retreat is identical to what is being presented to the Board. He stated that the remaining portion that would be funded by the Board is the training facility which is a renovation. He stated that the budget is sufficient for this request and the Sheriff has committed to purchasing the equipment, furniture and fixtures. He stated that the only thing not funded in the original master plan is the road course for the Sheriff's vehicles.

Commissioner Brown stated that he was asking if this is the last expenditure on the shooting range.

Mr. Rapson stated that this would be the last piece to complete the shooting range. Commissioner Brown was confirming that this would be the last check for the shooting range. Mr. Rapson confirmed that it would.

Further discussion followed.

Commissioner Brown moved to award a contract on Bid # 1144-B Firing Range and Observation Tower in the amount of \$432,020.00 to Gene Barber Contracting, Inc. for the construction of a firing range, observation tower and shoot house. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

19. Acknowledgment of Sheriff Barry H. Babb's decision to dispose of county property.

Commissioner Brown stated that Vice Chairman Ognio raised a good point and he shared the sentiment regarding the use of GovDeals and setting minimums to gain more money on the items.

Commissioner Rousseau stated that he had a conversation with Mr. Rapson and the Sheriff and learned there is a difference in the items that are seized and the ones purchased through the County's procurement process. He stated that in this instance it is the Sheriff's decision.

Commissioner Brown moved to approve Sheriff Babb's decision to dispose of the county property as is. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

20. Approval of the Interim County Clerk's recommendation to adopt the 2017 County Commissioner Meeting Schedule.

21. Approval of the November 10, 2016 Board of Commissioners Meeting Minutes.

Commissioner Rousseau stated that on page 86 of the agenda package, two paragraphs under New Business, the last sentence, he would like to change the sentence from "He stated that he wants the cities to know what the fund is." to "He stated that he wants the cities to know what the cost would be."

Commissioner Rousseau moved to approve the November 10, 2016 Board of Commissioners Meeting Minutes with the change as identified. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

OLD BUSINESS:

22. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks. This item was tabled from October 13, 2016 Board of Commissioners meeting.

Commissioner Brown stated that he met with the various entities. He asked Mr. Rapson to brief the Board regarding this item.

Mr. Rapson stated that through the Recreation Department there is an Association Agreement with the Peachtree City Rowing Club who has a relationship with RowAmerica. He stated that because of that relationship RowAmerica falls under the agreement that is done with all other associations such as football and softball. He stated that staff reviewed the Association Agreement and it gives the club the ability to go into the park before and after hours with some type of access. He stated that staff will install a key access in the parks to determine who is entering and exiting the parks. He stated that he would notify the Sheriff's office and the Water Committee of the arrangements of the agreement. He stated that everyone is on the same page with the arrangement of the agreement.

Further discussion followed.

No vote was taken on this item.

NEW BUSINESS:

23. Consideration of Chairman Charles Oddo's recommendation to hold a Special Called Organizational meeting on January 5, 2017.

Chairman Oddo read the revised item into the record: Consideration of Chairman Charles Oddo's recommendation to hold a Special Called Organizational meeting on January 5, 2017 and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the Chairman or his designee to make an appointment to the Board of Health at said meeting.

No one spoke regarding this item.

Commissioner Brown moved to approve to hold a Special Called Organizational meeting on January 5, 2017 and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the

Chairman or his designee to make an appointment to the Board of Health at said meeting. Commissioner Barlow seconded. Discussion followed.

County Attorney Dennis Davenport asked if a time was mentioned.

Mr. Rapson stated that a majority of the Board agreed to 6:00 p.m.

Commissioner Brown amended the motion to approve to hold a Special Called Organizational meeting on January 5, 2017 at 6:00 p.m. and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the Chairman or his designee to make an appointment to the Board of Health at said meeting. Commissioner Barlow amended the second. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

24. Consideration of Chairman Charles Oddo's recommendation to hold a Special Called meeting on January 6, 2017 between Fayette County, City of Fayetteville, City of Peachtree City, Town of Tyrone, Woolsey and Brooks to discuss the proposed 2017 Special Purpose Local Sales Tax (SPLOST) referendum.

No one spoke regarding this item.

Commissioner Brown moved to approve to hold a Special Called meeting on January 6, 2017 at 6:00 p.m. between Fayette County, City of Fayetteville, City of Peachtree City, Town of Tyrone, Woolsey and Brooks to discuss the proposed 2017 Special Purpose Local Sales Tax (SPLOST) referendum. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

25. Consideration of the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County.

Commissioner Rousseau stated that in keeping with the intent of the County's Ethic Ordinance, he would have to recuse himself from the debate and voting of this agenda item, due to the applicant's donation to his campaign beyond the amount that he could participate in this item.

Public Works Director Phil Mallon briefed the Board regarding this item. He stated that Fayette County entered to an agreement with the City of Fayetteville in August 2013 regarding the Pinewood Development. He stated that one of the conditions associated with the agreement was for the County to fund the construction of a tunnel on Veteran's Parkway or Sandy Creek. He stated that as the development has progressed over the years, the City of Fayetteville recently wrote a letter to all the Commissioners requesting reconsideration of the agreement.

Commissioner Brown asked if the site for the bridge had been determined.

Mr. Mallon stated that it would coincide with the main entrance.

Further discussion followed.

Commissioner Brown moved to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County. Commissioner Barlow seconded. Discussion followed.

Dennis stated that the change occurred fairly quickly and there was no language submitted for the Board to approve. He stated that this request is in concept only to make the change from tunnel to bridge. He stated that if it meets the Board's favorable consideration, the motion might read, "conditioned upon...agreed upon language between city and county staff". He stated that he would be more comfortable having that as part of the motion.

Commissioner Brown amended the motion.

Commissioner Brown amended the motion to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County and to have staff and the County Attorney to review the language to ensure it is acceptable prior to execution. Commissioner Barlow amended the second. Discussion followed.

Mr. Rapson stated that he would like to request that the Board also include the dollar amount of \$754,934.00, and to include that percentage completion.

Commissioner Brown amended the motion to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County and to have staff and the County Attorney to review the language to ensure it is acceptable prior to execution and to contribute \$754,934.00 as part of a percentage completion to the agreement. Commissioner Barlow amended the second. The motion passed 3-0-1 with Vice Chairman Ognio absent. Commissioner Rousseau recused himself from the vote.

26. Consideration of staff's recommendation to award IFB #1215-B to J.M. Clayton Company, in the amount of \$216,500.00, for lighting at McCurry Park's Soccer Field #22 and Soccer Field #23.

Parks and Recreation Director Anita Godbee stated that in 2013 the department began a process of refurbishing the sports lights on all the facilities due to some safety concerns and some overall operational cost. She stated that there has been 21 different sports field lightings refurbished at McCurry, Kiwanis, and Brooks parks. She stated that the request is for the refurbishment of soccer fields #22 and #23. She stated that the notices were submitted through emails to contractors through web based process, the Georgia Procurement Registry, advertised on the county's website, Fayette County News and Comcast Channel 23. She continued that four companies submitted bids for Invitation for Bids (IFB) #1215-B and due to funding constraints, staff changed that the lights would be replaced with the high intensity discharge lights instead of the LED lights.

Commissioner Brown commended that the lighting is impressive at the County's fields.

Commissioner Rousseau requested a list of what parks are completed and what is still needed be provided to the Board.

No one spoke regarding this item.

Commissioner Brown moved to award IFB #1215-B to J.M. Clayton Company, in the amount of \$216,500.00, for lighting at McCurry Park's Soccer Field #22 and Soccer Field #23. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

27. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15.

Mr. Davenport briefed the Board that this request is similar to other request for the Disabled Veterans Homestead Exemption. He stated that in this request the veteran involved received a letter in October 2016 certifying that her disability be effective in 2010. He stated that as a result her request was made for tax refunds for 2013, 2014 and 2015. He stated that the record reflects that the house was not owned until after 2013. He stated that for 2014 and 2015 it meets with the same issue as before. He stated that it is a timing issue where the exemption was not applied for because the information from the federal government was not available then. He stated that when a veteran applies for exemption it is applied prospectively. He stated that this issue is part of the legislative package from the Board of Commissioners to the legislative in order to find a solution since typically exemptions are not applied retroactively.

Mr. Williamson stated that he was speaking on his wife's behalf regarding this issue. He stated that his wife was told to come to the Commissioners meeting in order to receive a refund. He asked why was she told that if she was not going to be refunded. He stated that she has submitted paperwork showing that she was 100% disabled from the time she purchased the property. He stated that there are new proposals coming down the track and that the Board should not deny her request.

Chairman Oddo stated that there is a process in the works to elevate this type situation, however from his stand point the Board can only follow the rules that are currently in place.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15. The motion to deny died for a lack of a second.

Commissioner Rousseau asked if the legislation acts on the legislative package request sent by the Board could the request for 2014 and 2015, if the legislation approves the request, be brought back to the Board.

Mr. Davenport stated that for typical tax refund request it can back three years. He stated that this is an issue that if the legislator chooses to do so, they would not be limited by three years if they wanted to take a different approach. He stated that they could go back more than three years or that they will not change anything.

Further discussion followed.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15. Commissioner Rousseau seconded. Further discussion followed. The motion failed 2-2 with Commissioners Barlow and Brown voting in opposition to deny. Vice Chairman Ognio was absent.

Commissioner Brown moved to approve Disabled Veterans Homestead Exemption as requested by Ora Williamson for the year 2014 in the amount of \$2,007.72 and for the year 2015 in the amount of \$2,062.39 in appreciation for her service, knowing that the delay in notification on her disable status was not her fault, but the fault of the federal government. Commissioner Barlow seconded. No discussion followed. The motion failed 2-2 with Chairman Oddo and Commissioner Rousseau voting in opposition to approve. Vice Chairman Ognio was absent.

28. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Wyatt Martin, in the aggregate amount of \$702.47.

Mr. Davenport briefed the Board that this request is different from the Disabled Veterans Homestead Exemption. He stated that this request involves a mistake in the measuring of square footage of the home. He stated that the mistake first appeared in tax year 2014 and the person filing the request is requesting a refund for 2013, 2014 and 2015. He stated that because it did not apply in 2013 there is nothing to consider for a refund. He stated that it was applied in 2014 and 2015 at

aggregate amount of \$702.47 due to the error in square footage. He stated that the error was corrected in 2016 so there would be no reason to approve a request for 2016. He stated that the recommendation is to only approve for tax years 2014 and 2015.

No one spoke regarding this item.

Commissioner Brown moved to approve the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Wyatt Martin, in the aggregate amount of \$702.47. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

29. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

Commissioner Brown stated that he was approached by a local citizen, Scott Hooper about this request. He stated that Mr. Hooper has a disability that prevents him from driving. He stated that Mr. Hooper is part of a van pool in Fayette County that takes him to his place of employment. He stated that most people live adjacent to the parking lot or they drive their personal vehicles to the parking facility to board the van. He stated that he is at the disadvantage that he cannot drive at all. He stated that he sent an email correspondence related to Vice Chairman Ognio's questions. He read the statement into the record.

Mr. Hooper thanked the Board for considering this item and he thanked Commissioner Brown for presenting this item.

Mr. Rapson stated that if the Board would like to have van pool on government property staff will evaluate the property and come to the Board with recommendation.

Mr. Davenport stated that he and Commissioner Brown had discussions and the handicap issue was discussed. He stated that the County currently does not allow anyone to park on County property overnight. He stated that the County would need to change that ordinance to allow parking on property overnight to occur. He continued that if the Board limit parking to handicap, the parking lot is not being used for its intended purpose which is the recreational support on the fields. He mentioned a number of questions to address prior to making a decision.

Further discussion followed.

Commissioner Brown moved to table this item to the February 9, 2017 Board of Commissioners meeting. Commissioner Barlow seconded. The motion passed 4-0 with Vice Chairman Ognio absent.

PUBLIC COMMENT:

There was no public comments.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the Administrative offices will be closed for Christmas on December 23 and December 26.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that he had four items Real Estate Acquisition, one Real Estate Disposition, two Threaten Litigation and the Review of the November 10, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Each Commissioner offered comments.

EXECUTIVE SESSION:

Four Items of Real Estate Acquisition, One Real Estate Disposition, Two Threaten Litigation and Review of the November 10, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

The Board recessed into Executive Session at 10:08 p.m. and returned to Official Session at 11:07 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Rousseau moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

Approval of the November 10, 2016 Executive Session Minutes: Commissioner Brown moved to approve the November 10, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

ADJOURNMENT:

Commissioner Brown moved to adjourn the December 8, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

The December 8, 2016 Board of Commissioners meeting adjourned at 11:07 p.m.

Tameca P. White, Interim County Clerk