

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

September 8, 2016
7:00 p.m.

Call to Order

Chairman Oddo called the September 8, 2016 Board of Commissioners meeting to order at 6:59 p.m.

Invocation by Commissioner Charles D. Rousseau

Commissioner Rousseau 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. Commissioner Ognio seconded the motion. The motion passed 5-0.

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.

Commissioner Barlow and the Board proclaimed September 17-23, 2016 as "Constitution Week in Fayette County. Ms. Betty Harrah, Regent, of the James Waldrop Chapter, Daughters of the American Revolution accepted the proclamation. Copies of the request and proclamation, identified as "Attachment 1," follow these minutes and are made an official part hereof.

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

Commissioner Rousseau and the Board proclaimed September 18-24, 2016 as "Surgical Technologist Week" in Fayette County. Ms. Nicole Bates accepted the proclamation and spoke about the responsibilities of surgical technologists. Copies of the request and proclamation, identified as "Attachment 2," follow these minutes and are made an official part hereof.

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.

Commissioner Barlow and the Board recognized Armed Forces Mission and Chaplain Kenneth Koon and they presented Major Koon with a plaque. Chaplain Koon spoke about the ongoing work of Armed Forces Mission and its intensive focus on serving Fayette County. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

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

Community Development Director Pete Frisina gave a PowerPoint presentation to the Board on the process of the Full Plan Update of the Fayette County Comprehensive Plan. It was noted that this Public Hearing was not intended for a Board vote but rather to allow citizens to speak about the process.

Chairman Oddo opened the floor to the public.

Normer Adams: Mr. Adams stated he moved to Fayette County thirty-five years ago because of good schools, large lots, and low crime. He told that while he lived in Fayette County he would commute to downtown Atlanta for work and as the numbers of years grew the amount of time it took to commute grew longer. He stated that he grew tired of the commute and bought a condo in Atlanta; finding that he liked the live-work-play atmosphere of living in the city. He suggested that Fayette County needed to access mass transit, via MARTA, so that millennials who do not want to live in downtown Atlanta can live in Fayette County while traveling to Atlanta. He further suggested that mass transit would attract millennials to Fayette County from Atlanta. He concluded that neighborhoods needed to be connected with golf cart paths so that people would not be required to get in their cars to go from place to place.

Brett Nolan: Mr. Nolan stated that he recently bought a house in Fayette County and that he is a millennial. He stated that he did not need MARTA in Fayette County to find the county attractive and that, instead, he found Fayette County attractive partly because it did not have MARTA. He pointed out that people have been coming to Fayette County for years and that he had lived in the county for a number of years. He said people love Fayette County precisely because it is not like Atlanta and he did not want to see mass transit come to Fayette County.

Steven Gulas: Mr. Gulas suggested that discussion about MARTA is premature. He said he moved to Fayette County about twenty-two years ago at a time when the county's plans were treated "like a piece of toilet paper." He stated that the job of the Board of Commissioners is to make sure the county has the infrastructure, water, roads, and other things needed to make the county work and be sustainable. He stated that developers coming to Fayette County would receive good returns on their investments but that it would take money away from people like him who would see their home values decrease. He said he moved to Fayette County due to low taxes and a good area, and he suggested that the county could stay that way with a focus on the basics.

Keith Larson: Mr. Larson stated that Comprehensive Plan Review should take a deep look at sustainability, improving community access to greenspace areas for passive recreation including public parks and nature areas. He said the county should look for new opportunities for the growing population and leveraging opportunities while development is underway so that the accessibility is there for new residents. He suggested that long-range opportunities include enhancing access to the county's waterways, adding new activities such as archery, and for improving the bicycle and pedestrian infrastructure investments that link residential areas to public areas while promoting a healthy lifestyle.

Bob Ross: Mr. Ross stated that the Declaration of Independence reads that “to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.” He stated that the phrase applied to the rights specified one sentence earlier in the Declaration of Independence, namely: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” Mr. Ross stated that governments are no instituted to provide I-Phones, subsidized commuting, and a host of other services. He stated that this country looks to the market to provide those needs while the government is established to secure individual rights. He reported that he has studied mass transportation and found it would cost an extraordinarily amount of money will providing transportation for very few people. He stated that MARTA currently loses about half a billion dollars per year and it is not an efficient way to move people around. Mr. Ross stated that providing mass transit was an improper use of government and that, based on an earlier attempt to expand mass transit, it would unfairly tax citizens who live in south Georgia who likely would not ride MARTA to fund the program. He thanked Mr. Frisina for his effort in this matter and for his outreach to the stakeholders. He mentioned that Fayette Visioning has four committees addressing many of these issues and he knew Mr. Frisina would work with the committees. He urged the Board to follow the plan once it is approved.

No one else spoke during the Public Hearing.

Commissioner Brown responded to Mr. Adams’ comments. He stated that he had researched the issue and it is determined that millennials really follow the jobs. He stated that Fayette County does not have the jobs that millennials generally want. Further, he stated that single millennials want other single millennials, and that Fayette County does not have many of those either. Commissioner Brown stated that once the millennials marry and start a family then Fayette County becomes an ideal place to live. He told about how he grew up in DeKalb County, which was very similar to Fayette County, but eventually DeKalb County did take in MARTA. He explained that DeKalb County only took in MARTA once it reached what was considered “critical mass” with a population growing over 400,000 citizens. He explained that Fayette County would have to increase its population by almost four times its current amount to reach that “critical mass.” He pointed out that DeKalb County has a lot of access to Interstate 85 while Fayette County does not. He explained that the best case scenario for Fayette County is to stay “as light as possible” while using as much traffic control as possible. He stated that fewer bodies driving fewer cars would be the only thing that could really help Fayette County. He questioned if the county and cities have the ability to sustain growth. Commissioner Brown stated that Gwinnett County is on the other side of the spectrum from Fayette County as it is declining even though it has mass transit available to it. He hoped many people would come to the meetings and discuss these matters. He added that many of the municipalities needed to consider the developments and how increased traffic would pass through Fayette County. He agreed with Mr. Ross that mass transit would not help Fayette County since, even if everyone rode MARTA downtown, they would still drive their vehicles around town.

Commissioner Barlow stated that over the last twelve months there have been six families who moved into his neighborhood. He reported that he has asked them what brought them to Tyrone. They have answered that the school system was one factor of their decision, but what is also mentioned is affordable housing and access to Interstate 85. He said they all travel downtown in order to have an environment to raise their children. He mentioned that one person moved from Suwanee and, in so doing, reduced the length of his commute time between 50% and 60%. He concluded that the millennials have come to Fayette County and the county will draw more as housing becomes affordable.

Commissioner Rousseau confirmed that participants need to be in good standing and that message needed to be communicated to the residents. He asked if notification of the next meeting had been airing on Fayette County’s Channel 23. Mr. Frisina replied that notification was being provided through Channel 23. Commissioner Rousseau stated it was extremely important that residents participate in the process since it will be eye-opening, informative, and instructive on how things happen. He spoke about some of the changes coming to the county, and he pleaded with the residents to attend the meetings and to provide serious input into the process that will set the blueprint for what can be seen in some neighborhoods. He asked the people to look at the corner lots and other lots in their neighborhood and then call Mr. Frisina to learn what could go on those lots. He was pleased with what Mr. Frisina laid out with regard to advising the public and he said it was the Board’s job to go to the community and encourage people to get engaged with the process.

Commissioner Ognio stated that Mr. Larson mentioned golf cart paths. He explained that the county had been working toward increasing golf cart paths even though it is an expensive proposition. He agreed that the county is in favor of expanding the golf cart paths and he hoped the county would get state funds based on transit needs.

Chairman Oddo stated that all the points were good and would be discussed. He encouraged everyone to come to the meetings and to be engaged. He stated that the County had dealt with recent rezoning requests and that, typically, the requests seem to increase the public's interest. He asked everyone to understand that the County does have a current plan in place and that each Commission Board tries to stick to that plan.

The Board took no action and gave no direction on this matter. A copy of this request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Ognio seconded the motion. The motion passed 5-0.

- 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. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.**
- 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. Copies of the request and Joint Funding Agreement, identified as "Attachment 6," follow these minutes and are made an official part hereof.**
- 7. Approval of the August 25, 2016 Board of Commissioners Meeting Minutes.**
- 8. Approval of the September 1, 2016 Board of Commissioners Special Called Meeting Minutes.**

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

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

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request.

Commissioner Brown moved to approve all the statements as written. Commissioner Ognio seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

- 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.**

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request. She stated that the first place prize would be a \$150 gift card funded from the Public Arts Committee's budget, and she stated that second and third place prizes would be gift cards donated by local restaurants. She noted that the awards were very similar to what was

provided in the 2015 competition. Mrs. Thompson further suggested that the Chairman of the Board of Commissioners could challenge the mayors or that the County Administrator could challenge the city administrator's. She suggested that the Fire Department could challenge the Sheriff's Office and that the Chamber of Commerce could issue its own challenge.

Commissioner Brown moved to approve the request with the addition of \$150.00 for the first-place prize. Commissioner Barlow seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

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

Public Arts Committee Chairwoman Donna Thompson briefed the Board on the committee's request. She described how the project could be implemented, how it could be used for educational purposes, and how it could help reduce mosquitos and the spread of the Zika Virus.

Chairman Oddo asked if the committee had considered working with the Extension Service with these birdhouses. Mrs. Thompson said the committee would consider working with Extension Services as part of the educational aspect of the project.

Commissioner Brown moved to approve the project as listed. Commissioner Barlow seconded the motion.

Commissioner Barlow thanked the Public Arts Committee for bring life and vision to the committee. He said he would be glad to help in any way while he remains a commissioner, but that he would also like to be the citizen advocate for Fayette County.

Commissioner Rousseau said he was very interested in this matter as it relates to insect control. He thought there should be a discussion with the Health Department. He thought it was interesting that the county could combat the Zika Virus with the birds instead of relying on insecticides that are making their own damage. He thought it was great that the committee was providing art while providing insect control at the same time.

The motion to approve the project as listed passed 5-0. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

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.

County Attorney Dennis Davenport stated there was a memo in the Agenda packet that was self-explanatory. He explained that there was a Homestead Exemption that was erroneously removed in 2008 for the subject property. He stated that the taxpayer is asking for a refund back to 2008, constituting a seven-year period, but the most that the law allows to issue a refund is for a three-year period. He recommended denial of the refund request for the years prior to 2013 but to approve refund for the years 2013 and forward.

Commissioner Brown moved to approve the disposition of tax refunds as recommended. Commissioner Ognio seconded the motion. The motion passed 5-0. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

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.

County Attorney Dennis Davenport stated this was the same type of issue as considered with New Business #12 with the refund request extending to the year 2010, but he stated this request was a little different since it involved an interplay of a federal agency along with state law. He stated that the federal agency makes a determination about whether or not

someone who has applied for the disability exemption under federal law receives that designation, which would apply to federal income tax issues and federal law type issues. He added that there is a disabled veteran's exemption under state law and the State of Georgia requires those who want an exemption to apply for the exemption. He stated that those who are eligible for the exemption can receive the exemption prospectively. Mr. Davenport stated that the taxpayer is asking to receive the exemption retroactively because the federal law applied retroactively with federal benefits. He stated there is no statutory provision in Georgia to allow for retroactive application so he recommended denial of the request as presented.

Commissioner Brown stated he did not like these types of cases since, if someone is a veteran and meets the criteria, they should get the money. He understood the state's provisions but he thought the county had the ability to offer the funding regardless. Mr. Davenport replied that the Board could approve the request in its totality if it chose to do so, however, the guidance from state law is otherwise.

Commissioner Rousseau pointed out that the State of Georgia was the key player in this particular request. He asked if the Board had ever considered having its Legislative Delegation take this matter to the state. Mr. Davenport replied that it could be a legislative proposal since it would take a General Law Amendment applying statewide. He stated without a change to the state law it would be difficult to approve this type of request. Commissioner Rousseau concluded that approving the current request would create a slippery slope.

Commissioner Brown stated that the process to get tax exemption was very cumbersome for the families. He spoke about a similar request that had come before him and how there was so much confusion with regard to getting the tax exemptions. He thought the confusion had more to do with government bureaucracy rather than the citizens' inability to follow procedure. He stated that if someone has qualified, suffered disability in the line of duty, or had a family who gave the ultimate sacrifice, then he would agree to give them the money. He stated that he did not have a problem setting precedence since it was worth setting precedence in these types of circumstances. He concluded that if they were qualified and were living in the county then he would not have a problem providing the money.

Commissioner Barlow asked Mr. Davenport for clarity. Mr. Davenport stated that the state law, as it pertains to a tax refund request, has a three-year limitation as far as how back one can go back to limit the payment of tax refunds. He added that there is nothing in state law that allows for retroactive application for tax exemption since all exemptions are prospective. He stated that the Board has the ability to apply the retroactivity and possibly to go past the three years, but any one of those two would set precedent from what has been done thus far. Commissioner Barlow asked if the Board approved a refund for the year 2013, 2014 and 2015 if it would be permissible within the guidelines as explained by Mr. Davenport. Mr. Davenport replied that it is consistent with the three-year limitation but it is inconsistent with the retroactive application. Mr. Davenport explained that the federal law would allow it for federal benefits but state law would not allow it for *ad valorem* property taxes.

Commissioner Brown moved, in the interest of fairness of the individual who served the county and was disabled in the process, to be awarded in the amounts on the memorandum for the years 2015, 2014, and 2013. Commissioner Barlow seconded the motion.

Commissioner Ognio stated that the real problem was not at the county level but rather it was with getting paperwork from the Veterans Administration. He understood what Mr. Davenport was stating and he agreed with the County Attorney. He was concerned that if the Board approved the request would it set the precedent for allowing for other refunds for those who are not veterans. Mr. Davenport agreed with Commissioner Ognio's concerns and he gave examples of how the new precedent could impact other requests.

Commissioner Brown stated if there is a seventy year old widow who has lived in the county for all the years and just did not apply for the exemption then he had no problem giving her the exemption since she was qualified five years earlier at age sixty-five. He agreed there was a problem at the federal level and that the problems have been in the news on a regular basis.

Commissioner Rousseau agreed with Commissioner Ognio's concerns and he asked if these types of requests could be precluded by saying only disabled veterans are able to be refunded. Commissioner Ognio gave an example of how requests could be similar but vary. Commissioner Rousseau stated that this was a sentimental issue, an equity issue, and that he wanted the state assist everybody by putting some provisions in by way of the legislative delegation. He stated that this approach would provide guidance without having the counties across Georgia deciding arbitrarily on their own how to handle these types of requests.

Chairman Oddo stated he had been thinking about this as well and it was one of those requests where a person could vote with his heart or with his head. He agreed this was a difficult request. He thought the county should do something that is generous to the citizens, but he agreed that the Board had to be very careful about doing something that is a major change or precedent changing. He liked Commissioner Rousseau's approach. He noted that while change must start somewhere, in the meanwhile the Board has to conform to state law. He repeated that he was in agreement with Commissioners Rousseau and Ognio and there had to be thought toward the ramifications.

Commissioner Barlow thanked Tax Commissioner George Wingo and his office for the service they provide, and he stated the information that he learned from the Tax Commissioner's office ultimately resulted with him saving money.

Commissioner Rousseau asked if the Board would have the Association of County Commissioners Georgia (ACCG), instead of the Local Delegation, champion the cause for changing the state law.

Tax Commissioner George Wingo: Fayette County Tax Commissioner George Wingo stated that any refund is retroactive. He stated that the code section that provides for refunds has a paragraph that says there can be a refund. He stated that the Veterans Administration is in the news and there are frequent requests for veteran's tax exemption to be considered and there are a few more coming to be considered. Mr. Wingo stated there is a court case in Douglas County where a veteran sued after his request was turned down. He stated that the court ruled that the federal mandated ruling cannot be modified by state government or local government, and he said the court allowed a limit of three years. He closed by saying the Board needed to consider how it would treat the veterans in the county.

Commissioner Brown clarified he made the motion without blinders and he knew the impact it would make. Commissioner Ognio wished there was a way to limit the approval to veterans agreed something needed to be done for veterans.

The motion to award in the amounts on the memorandum for the years 2015, 2014, and 2013 failed 2-3 with Chairman Oddo, Commissioner Ognio, and Commissioner Rousseau voting in opposition.

Mr. Davenport replied to Mr. Wingo's statement by explaining that the exemption is never applied retroactively. He stated that a tax refund request, by very nature, are retroactive based on state law. He stated that an exemption is never replied retroactively.

Commissioner Rousseau asked if there could be a new motion to take this matter to the Association County Commissioners of Georgia (ACCG) in order to advance the suggestion that this matter does not go away. County Administrator Steve Rapson, who is a veteran, stated he would ensure ACCG is approached for this matter to be in the legislative package. The Board agreed with Mr. Rapson's statement.

Chairman Oddo moved to approve 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. Commissioner Rousseau seconded the motion. The motion passed 3-2 with Commissioners Barlow and Brown voting in opposition. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

Steve Gulas: Mr. Gulas mentioned there would be an annexation arbitration hearing on September 21, 2016 at 10:00 a.m. and he asked if there would be a public hearing at the annexation arbitration. County Attorney Dennis Davenport stated he was not a part of the annexation arbitration and he was not sure if there would be a public hearing. Mr. Gulas replied that given the time of day that some people may want to take off work only if there is a public hearing. Mr. Davenport speculated there would probably be no public hearing. He explained that it was not a court proceeding but it was formal proceeding. He doubted there would be any public comment. Community Development Director Pete Frisina added that the meeting would be held in the Public Meeting Room.

Carol Carver: Ms. Carver commented on the Public Arts Committee. She said she has attended the meeting and watched them do their work while coming up with new ideas. She said it was exciting that they came up with the birdhouses. She stated the Board did a great job in putting the Public Arts Committee together, that the Public Arts Committee was awesome and doing great work. She said the Board should be proud of its committee.

ADMINISTRATOR'S REPORTS:

Contract Renewal:

- A. RFP #940-P, Renewal 1: Public Works Engineer of Record:** County Administrator Steve Rapson briefed the Board on this renewal.

Voting Delegate at the Legislative Leadership Conference: County Administrator Steve Rapson stated that the Legislative Leadership Conference would be held in Jekyll toward the end of September 2016. He stated that a Commissioner needed to be appointed as the Voting Delegate. He understood that only Commissioners Ognio and Rousseau were attending and he suggested that only one or the other be appointed. Commissioner Brown suggested Commissioner Rousseau be appointed to the position. Commissioner Rousseau agreed to the nomination.

Sailboat Regatta: County Administrator Steve Rapson reported that the Sailboat Regatta would take place on September 17-18, 2016 at Lake McIntosh. He encouraged everyone to attend.

Transportation Committee SPLOST Approval: County Administrator Steve Rapson stated that staff's proposed Transportation Special Purpose Local Option Sales Tax (SPLOST) was approved by the Transportation Committee. He stated that the information will be on the September 22, 2016 Board of Commissioners Agenda and that information is already posted on the website.

ATTORNEY'S REPORTS:

No Executive Session Items: County Attorney Dennis Davenport stated there were no items for Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Rousseau:

Thoughts Concerning the Veteran's Refund and Vote: Commissioner Rousseau said he was somewhat embarrassed that he could not vote in good conscious to provide the refund assistance to the disabled veteran. He was confident that each Commissioner on the Board was fully supportive of the veterans of Fayette County, however, he emphasized that the Board has to do its work correctly. He thought the Board approved reasonable steps to take in order to get guidance from the state. He apologized to the veterans for his vote. He spoke directly to Commissioner Barlow by thanking him for his service as a veteran, and he asked everyone to advocate on behalf of the Board as this matter is considered at the state level.

Thank You: Commissioner Rousseau said he appreciated the opportunity to work with his colleagues. He asked everyone to exercise their right to vote. He thanked staff for the things he has requested and is reviewing.

Commissioner Barlow:

Response to Mr. Larson's Comments: Commissioner Barlow stated that Mr. Larson, who spoke during the Public Hearing, made a presentation entitled *Complete Streets* to the Fayette County Chamber of Commerce. He stated that many were looking at how to enhance bicycle traffic in Fayette County. He concluded that Mr. Larson's presentation was excellent.

Grandparents and Kin National Recognition: Commissioner Barlow stated that Sunday, September 11, 2016 is the fifteenth anniversary of the 9 /11 attacks in New York City and Washington D.C. He also pointed out that Grandparents Raising Kin, which has stellar grandparents and great-grandparents who have adopted their kin, would also be recognized nationally as "Grandparents and Kin Raising Children Day" on September 11, 2016.

Thank Geneva Weaver and Fayette News: Commissioner Barlow thanked Geneva Weaver for checking into his comments that staff are doing too many things that are not necessary. He stated that the gentleman who writes the article for *The Citizen* lives in St. Petersburg, Florida and he does not have the benefit of seeing what is really going on in the audience. He thanked Mrs. Weaver for coming to the meetings and having the local paper attending the meetings. He thanked the *Fayette News* for the coverage it gives the Board of Commissioners.

Commissioner Brown:

Water Guardians to Clean Lake Peachtree: Commissioner Brown reported that the Water Guardians next project would be held on October 1, 2016 at 8:45 a.m. at Lake Peachtree. He said the lake would be cleaned up and trash would be picked up along the banks. He stated that everyone would meet at Battery Way and everyone was invited. He added there is a free t-shirt involved once someone applies.

Comments on the August 28, 2016 Board of Commissioners Meeting: Commissioner Brown spoke about the last Board of Commissioners meeting, which took the front page of the newspaper, by saying what is allowed and not allowed at the County Commissioner meetings are becoming more and more sporadic. He agreed with Commissioner Rousseau's comments at the last meeting that all of these issues need to be placed on the table and talked through. He said their needed to be discussion on protocol on how to handle some of these things.

Chairman Oddo Requested to Consider Recusing Himself from the Upcoming Annexation Arbitration: Commissioner Brown asked Chairman Oddo to seriously consider recusing himself from the annexation arbitration because he has an immediate relative on the Fayetteville City Council and because he owns investment real estate in the South Fayetteville Master Plan with the parcel being put into that plan. He stated that he was told by Fayetteville that they will ask their Planning Commission members who own real estate in the South Fayetteville Master Plan to recuse themselves of any dealings related to that property and situation.

Commissioner Ognio:

Question about Water Guardians Cleaning Lake Peachtree: Commissioner Ognio asked Commissioner Brown if the clean-up of Lake Peachtree applied only to Peachtree City residents only. Commissioner Brown replied that the opportunity was open for everyone and that it was a very good question.

Status on the Proposed Horse Park: Commissioner Ognio reminded everyone that he brought up an idea of a horse park some while back but that the issue appeared to be dead. He asked how the issue could be resurrected. County Administrator Steve Rapson stated he would reach out to the school board to find out where the matter is currently. He knew that the Board of Education's attorney was looking into the matter at one time.

Inman Heritage Event: Commissioner Ognio stated that the Inman Heritage Event would be held on September 16-18, 2016. He said it was a great family event with a lot of fun.

Comments on the August 28, 2016 Board of Commissioners Meeting and Clarity on the Role of Chairman and Vice

Chairman of the Board of Commissioners: Commissioner Ognio spoke about the August 28, 2016 Board of Commissioners meeting. He stated that there needed to be consistency at the meeting since it felt strange that Department Heads can present an item without a motion and a second, but a Commissioner has to have a motion and a second before he can present an item. He stated that at the last meeting, his item came up where he was asked to make a motion. He stated that he made a motion and it was seconded, but then the County Attorney got to explain the item. He said he was not complaining about not presenting his item, but he asked for consistency. He stated that when Commissioner Barlow's item came up, the Human Resources Director stepped up and Commissioners Barlow and Rousseau had discussion before a motion and second was made. Commissioner Ognio stressed there had to be consistency. He pointed out that when Commissioner Brown's items came up he had to make a motion and get a second before he could present his items. He stated that his point was there is no consistency and it gives the appearance that certain members of the Board get treated differently than others. He thought the presenter should be able to present their item without a motion and a second before there is a motion and a second to be discussed. He asked each of the Commissioners to review the last meeting to see what he was talking about. Commissioner Ognio stated that he overheard one Commissioner before the meeting explaining he would vote against anything the other commissioner brings forward, and he had a problem with that. He asked for votes to be based on merit and not on how one commissioner feels about the other. Commissioner Ognio stated that when an item is put on the Agenda it is prudent that the one who puts it on the Agenda takes extra effort to vet the item so that the item is clearly defined. He stated that putting the item on the Agenda before the deadline is part of the requirement, but communication is also needed and communication goes both ways. He stated that if the Chairman, Vice Chairman, County Administrator, or the County Attorney sees a problem with the request that person should contact the presenter so that the issues are worked out ahead of time. Next, Commissioner Ognio spoke about the duties of the Chairman and Vice Chairman stating they have limited authority and he delineated the duties. He stated that the Chairman and Vice Chairman does not speak on behalf of the Board without authority first being given by the Board. Commissioner Ognio stated this matter came up with regard to assigning more than one person to boards, authorities, and committees. He explained that the county's ordinances do not provide authority to the Chairman to sign checks but, instead, all it states is that the Chairman is responsible for the orderly conduct of the meeting by enforcing the rules of procedures, and that the Chairman should be impartial and conduct meetings. He stated that the Board operates as if it is the role of the Chairman is to sign documents and checks when, in reality, it is not. He hoped the Commissioners would review the information and determine what needs to be done. He stated that Commissioner Rousseau brought up the idea of having a session to settle issues, but until there is consistency these matters will not go away.

Chairman Oddo:

Reply to Commissioner Ognio's Comments: Chairman Oddo stated that he did not disagree with everything, but he pointed out the meetings would go much easier if everyone followed the same process; which not everyone does. He stated that Commissioners need to bring whatever items they have to discuss through the staff to get it vetted. He added that, typically, at that point, the staff would then make the presentation. He suggested that instead of looking for moments of failure it would be better if the Commissioners helped each other get through the meetings the same way each time. He agreed it was unbecoming the way the Board behaves at times. He said the Board could certainly make improvements with Commissioners not speaking over each other. He said Commissioner Ognio's comments were well taken and that the Board needs to look at what is already in place before trying to make new plans.

Anniversary of the 9/11 Attacks: Chairman Oddo pointed out that 9/11's impact was worldwide. He stated that he went to Columbia and saw a newspaper article of the fallen towers and the names of each person who was lost. He said the best thing the people could do was to support the military. He stated that both the Cities of Fayetteville and Peachtree City were putting on programs in remembrance of 9/11.

Chairman Oddo to Not Recuse Himself as Requested: Chairman Oddo replied to Commissioner Brown's comments saying any property he owns is not in the "Southside Master Plan." He stated many people own property in Fayette County so everyone has vested interest here. He appreciated Commissioner Brown's comments but said he would not be swayed by the fact that he owns property in the county. He concluded that he lives in the county and wants to see the best for the county too.

EXECUTIVE SESSION:

There were no Executive Session items.

ADJOURNMENT:

Commissioner Brown moved to adjourn the September 8, 2016 Board of Commissioners meeting. Commissioner Rousseau seconded the motion. The motion passed 5-0.

The September 8, 2016 Board of Commissioners meeting adjourned at 9:00 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 22nd day of September 2016. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk