

## BOARD OF COUNTY COMMISSIONERS

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

## FAYETTE COUNTY, GEORGIA

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



140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## MINUTES

April 13, 2017  
7:00 p.m.

---

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

### Call to Order

Chairman Eric Maxwell called the April 13, 2017 Board of Commissioners meeting to order at 7:01 p.m. A quorum of the board was present.

### Invocation by Commissioner Charles Oddo

Commissioner Charles Oddo offered the Invocation.

### Pledge of Allegiance

Boy Scout Walter Reeves led the audience in the Pledge of Allegiance.

### Acceptance of Agenda

Vice Chairman Randy Ognio moved to accept the agenda as written. Commissioner Charles Rousseau seconded. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

- 1. Recognition of the promotion of Jeffery Jarrard and Daniel Lewis to the position of Lieutenant.**  
Fire Deputy Chief Tom Bartlett introduced Jeffery Jarrard and Daniel Lewis and their families. He explained the prerequisites for the position. The Loyalty Oath was administered by Chairman Maxwell. There was a pinning ceremony that followed. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.
- 2. Proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week".**  
Chairman Maxwell on behalf of the Board presented the 911 Director Bernard Buster and the staff with a proclamation recognizing April 9-15, 2017 as "National Telecommunicators Week". Mr. Buster presented Jason Passmore with the Telecommunicator of the Year award. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.
- 3. Proclamation recognizing April as "National Alcohol Awareness Month" in Fayette County.**  
Commissioner Oddo on behalf of the Board presented members of Fayette Factor/AVPride with a proclamation recognizing April as "National Alcohol Awareness Month". Dawn Oparah and a student spoke briefly about social hosting in Fayette. A 3-minute PowerPoint presentation was shown. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.

4. **Proclamation recognizing April 22, 2017 as "Earth Day" and Fayette County's celebration of Earth Day.**  
Vice Chairman Ognio on behalf of the Board presented a proclamation recognizing "Earth Day". Environmental Management Director Vanessa Birrell introduced staff member, Nancy Howard. Ms. Howard encouraged citizens to attend the Earth Day event on Saturday, April 22, 2017. A copy of the request, identified as "Attachment 4", follows these minutes and is made an official part thereof.
5. **Proclamation recognizing April 2017 as "Safe Digging Month in Fayette County".**  
Commissioner Rousseau on behalf of the Board presented a proclamation recognizing April 2017 as "Safe Digging Month in Fayette County". Water System Utility Services Manager Matt Bergen and staff spoke briefly about using safe digging practices. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part thereof.
6. **Proclamation recognizing April 2017 as "Confederate History and Heritage Month" and April 26, 2017 as "Confederate Memorial Day."**  
Commissioner Brown on behalf of the Board presented the Sons of the Confederate with a proclamation recognizing April 2017 as "Confederate History and Heritage Month" and further recognized April 26, 2017 as "Confederate Memorial Day". Mitch Crabbe and other members of the Sons of the Confederate veterans were present to accept the proclamation. Mr. Crabbe gave brief comments regarding the purpose of this recognition and assured everyone that this organization's purpose was to honor those who had served and not to divide anyone.

**PUBLIC HEARING:** None.

**CONSENT AGENDA:**

Commissioner Rousseau requested to move items #7 and #8 for discussion. Commissioner Steve Brown moved to accept the Consent Agenda with the exception of items #7 and #8 for discussion. Vice Chairman Ognio seconded. The motion passed 5-0.

7. **Approval of staff's recommendation to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents.**

Commissioner Rousseau stated that the County created a vendor performance sheet and he did not see one attached to this request. He asked if the County had done business with this vendor in the past.

County Administrator Steve Rapson stated that this particular vendor was the Engineer of Record for the county and concerning Georgia Bridge & Concrete, staff followed the normal procurement regulations and they were the lowest bidder of eight bids. He stated that the County had not done business with this vendor before.

Mr. Rapson addressed the Special Purpose Local Option Sales Tax (SPLOST) sign in the room. He stated that citizens will be seeing more of the signs. He stated that the Board funded over \$6 million for Category 1 projects and this was one of those projects.

Commissioner Rousseau asked if staff made any attempts to verify that the vendors are "good vendors" in terms of doing business with neighboring counties.

Mr. Rapson stated that vendors are required to give references and the Purchasing Director Ted Burgess checks those.

Commissioner Rousseau moved to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents. Commissioner Charles Oddo seconded. Discussion followed.

Vice Chairman Ognio thanked staff for getting multiple bids on the project.

Chairman Maxwell stated that the Board could request the bid package for review. Mr. Rapson stated yes. He stated that as long as the vendor was meeting the specifications, staff would chose the lowest bidder. He explained the process.

Commissioner Maxwell asked that staff give an explanation whenever the lower bidder was not being used. Mr. Rapson assured the Board that the information would be provided whenever that was the case.

Commissioner Rousseau moved to award Bid #1206-B Lee's Mill Culvert Replacement for Fiscal Year 2017 to the low bidder, Georgia Bridge & Concrete, LLC and authorization for the Chairman to execute the contract and related documents. Commissioner Charles Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part thereof.

**8. Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72.**

Commissioner Rousseau asked if the County had done business with this vendor before and did a performance evaluation accompany the request.

Mr. Burgess stated that the County had done business with this vendor before. He stated that the most recent work was \$16,000 and \$17,000 and that the performance evaluations were conducted only for work at \$50,000 or more. He stated that staff would lower the required amount for evaluation if requested by the Board.

Commissioner Rousseau stated that he was not prepared to do that. He stated that he did not want to weigh down the staff.

Mr. Rapson stated that there probably should been an evaluation form because this was the only vendor presented and if the vendor was doing a bad job, we would not want to continue the relationship.

Commissioner Rousseau moved to approve the bid from Blount Construction Company, Inc. for Bid #1273-B HA 5, High Density Mineral Bond in the amount of \$157,098.72. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part thereof.

**9. Approval of staff's request to execute the Georgia Department of Transportation's Contract for Acquisition of Right-of- Way for the pedestrian bridge project over SR 54 near Piedmont Fayette Hospital (PI No. 0012878). A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part thereof.**

**10. Approval of staff's request to execute the Design Build Memorandum of Understanding (MOU) between the Georgia Department of Transportation and Fayette County Water System and authorization for the Chairman to**

**execute the contract and related documents.** A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part thereof.

11. **Approval of the Public Arts Committee's request for Concept Approval to develop Lantern Parade educational events and host Lantern Parades in partnership with other community events.** A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part thereof.
12. **Approval of the Final Project and Budget for the expanded 4th Annual Scarecrow Competition.** A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part thereof.
13. **Approval of the Water Committee's recommendation to approve the request for the Dragon Boat Races to be held at Lake McIntosh on September 22, 23, and 24, 2017.** A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part thereof.
14. **Approval of the March 23, 2017 Board of Commissioners Meeting Minutes.**
15. **Approval of the March 29, 2017 Special Called Meeting Minutes.**

#### **OLD BUSINESS:**

16. **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. This item was tabled at the March 23, 2017 Board of Commissioners meeting.**

Commissioner Brown stated that the Board had already seen the language presented. He thanked the County Attorney Dennis Davenport for his work on drafting the policy. He stated that he appreciated the feedback from the Board as well. He stated that out of a population of 110,000 in the county, only about 100 are doing van pool. He stated that the odds that there would be another case, beyond the gentleman who had made this request, for the County to be asked to provide assistance through this policy is not likely.

Delvonnie Burgess asked if the request was for an ordinance. Commissioner Brown stated that it was a policy. She asked if that meant it was a law.

Mr. Davenport stated that this was an internal mechanism for the County to authorize, if approved, additional uses of County's parking facilities. He stated that it was not being proposed in ordinance form because the Board had to give direction. He stated that it could evolve into an ordinance. He stated that one issue was that the policy could conflict with an ordinance already on the book and if the policy moves forward then the issue with the ordinance would be amended to address the issues of the policy.

Mrs. Burgess stated that there was a possibility that this could become an ordinance. She stated that for that reason she would ask that the Board not support the request. She stated that government was overreaching with this request.

Commissioner Brown stated that there are many policies and many ordinances and they all affect people's lives. He stated that he does not know how this one was different.

Commissioner Brown moved to approve to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. Chairman Maxwell seconded. Discussion followed.

Vice Chairman Ognio stated that he worries about issues with having cars parked there and how to control what cars are parked there. He stated that he knows there are not many citizens that fit in this category, but if a policy was made for one citizen, would the Board then make a new policy for a citizen with a different issue. He stated that was a bad precedent to set.

Commissioner Brown stated that he did not know how this one was different from any other policy or ordinance that the Board creates.

Commissioner Oddo stated that he had some concerns. He stated that he appreciated the intention, but there are concerns. He stated that his concern was the need to do this. He stated that he sees the Board's function as being able to provide services that cannot be otherwise provided. He stated that the gentleman was managing the situation. He stated that there was nothing like this and this would create a new process. He stated that this would require staff to monitor the parking and enforcement. He stated that he also had a problem with saying that someone must be physically disabled in order to have the pool. He stated that there are liabilities that the county would be subject to. He stated that he did not see the need for this policy at this time.

Commissioner Rousseau stated that he read through the information and wanted to know how staff would identify those individuals who are part of the pool. He asked who would be responsible for administering the forms, will a sticker be issued and what was the fee for the sticker. He stated that this had been discussed over the last few months and if there were a large contingency of people who could use the service then he would think that they would have come to the Board and that has not happen. He asked what the penalty was if someone violated the policy. He gave an example of someone having a weapon in their vehicle that was parked on County property.

Mr. Rapson stated that administratively it would be handled by Parks & Recreation. He stated that Finance would have to be involved to purchase the stickers and enforcement would probably fall under the Marshals and Sheriff's department. He stated that staff had concerns with someone having to prove disability. He stated that there was an administrative burden with tracking the vehicles to be sure that no other van pool vehicles are parked in the area. He stated that the other concern was regarding the parking overnight that currently conflicts with county ordinance.

Commissioner Brown stated that citizens park in the county parking lots every day and they are not doing county business. He stated that parking in the parking lot was not an issue. He stated that the County enforces all the policies and all the ordinances. He stated that it was easy to enforce because the van pool vehicles are marked. He stated that in terms of verifying individuals with disabilities, this policy uses the same criteria that the state uses to determine disabled parking.

Commissioner Rousseau stated that this was different than people parking on county property. He stated that this was entering into a contractual agreement and the Board was establishing policy.

Commissioner Brown stated that it was harmless.

Vice Chairman Ognio stated that there was a gap between not being able to drive and being able to drive something adaptable to the disability. He stated that if someone was able to drive at all they would not need to park there. He stated that he did not know how staff was going to be able to make the determination.

Commissioner Brown stated that there would have to be no church or shopping center that would allow someone to park in their parking lot before the request would come to the County. He stated that most of the van pools are done in the shopping centers and churches.

Chairman Maxwell stated that he had reviewed the report from Mr. Davenport and he was pleased with the amount of work done and that the scope was limited.

Commissioner Brown moved to approve to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents. Chairman Maxwell seconded. The motion failed 2-3 with Commissioners Rousseau, Ognio and Oddo voting in opposition. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part thereof.

### **NEW BUSINESS:**

**17. Consideration of staff's recommendation to increase the level of service on right-of-way mowing on State Routes and local roads and to purchase \$255,879 of equipment for proposed new crew.**

Road Department Director Steve Hoffman stated that staff had been working on this recommendation over the past year. He presented a brief PowerPoint regarding this request. He stated that the request includes three new tractors, two batwing mowers, a crew truck, a weed eater and four full time staff.

Mr. Rapson stated that the \$255,879 was for the equipment purchase. He stated that the request was for one senior equipment operator at \$49,352 and two equipment operators at \$95,036. He stated that there were conversations about dialing the position back to an equipment operator at \$47,518 plus a road maintenance worker for a total of \$91,000 and terminating the agreement with Coweta County for \$68,250 to pick up trash. He stated that one of the reasons to ask for the equipment was because if the budget was approved in June to hire the staff, then the equipment would need to be delivered.

Mr. Hoffman stated that if the equipment was purchased in July it would be late August or September for delivery. He stated that mowing season was down to a stop at that time. He stated that the current contract with Coweta County was a twenty-year old contract between both counties and the Georgia Department of Transportation (GDOT). He stated that basically the County pays for a guard with the \$68,250 and GDOT furnishes transportation for the inmates and the inmates work in the county every other week. He stated that the County are not receiving the service because the warden states that the buses broke down and they cannot get the inmates here. He stated that staff was recommending terminating the contract.

Commissioner Oddo asked when does the contract end and how much notice was required to end the contract. Mr. Hoffman stated that the County could terminate the contract with written notice at any time. He stated that it was an automatic renewal.

Commissioner Rousseau asked why it had not already been terminated.

Mr. Rapson stated that staff made attempts to work with Coweta to get the level of service expected from the contract. He stated that staff was still dissatisfied, so the intent was to terminate the contract.

Mr. Hoffman stated that he had reached out to Coweta County to get a schedule and did not receive anything from them.



Mr. Rapson stated that the County would send a thirty-day notice. He stated that one of the things he spoke to Mr. Hoffman about was if the contract was terminated in conjunction with the equipment order, then there would be enough in salary savings from the contract to implement the employees before July 1.

Vice Chairman Ognio asked if the employees would be seasonal. Mr. Hoffman stated that they would be full time employees and that there was other work for them to do beyond mowing season.

Mr. Rapson stated that he knows there are concerns about the budget not being balanced, but that staff was working diligently on that. He stated that if the equipment was not ordered it would not be ready for the mowing season.

Vice Chairman Ognio asked if this would impact the paving crews. Mr. Hoffman stated no.

Commissioner Brown stated that he had complained about this well before Mr. Hoffman arrived. He stated that it was one of the top complaints in north Fayette. He stated that he had watched the private company cutting the grass in the Town of Tyrone and they are "knocking it out". He stated that proved that with a motivated staff and the right equipment the grass could get mowed. He stated that he was anticipating getting employees that are motivated with the right equipment and he was expecting the same results shown by the private company.

Commissioner Rousseau stated that he was very disappointed in the state and that he was disappointed that this was allowed to go on for so long. He stated that the County was paying the full time salary of an individual from Coweta and it had taken too long to address the issue. He stated that he would like for the Board to consider instructing the County Administrator to terminate the contract and to send the proper notification regardless of the vote. He stated that the Town of Tyrone, City of Fayetteville, and other corridors of the county have private contracts or do the work themselves; however the state would not grant the County the opportunity to enter into a private contract. He stated that one of the issues he had was how the grass was left after it had been cut. He stated that the corridor was the gateway into the county. He stated that he would like to examine a proposal that the County orders the equipment and seasonal staff until a decision can be made about permanent staff.

Commissioner Rousseau moved to have the County Administrator to terminate the agreement and to send notice to Coweta County to terminate. Commissioner Brown seconded. Discussion followed.

Fayette resident Ms. Linda Camp asked if the dollar amount was \$6,800 or \$68,000. The response was \$68,000.

Commissioner Rousseau moved to have the County Administrator to terminate the agreement and to send notice to Coweta County to terminate. Commissioner Brown seconded. The motion passed 5-0.

Commissioner Rousseau stated that he was open to supporting the request particularly for the equipment. He stated that he was not sure about the budget impact regarding reoccurring years. He stated that he was not sure if the Board should rather look at hiring seasonal staff to get through the mowing season and discuss the details at the retreat.

Mr. Rapson stated that the best way would be to authorize the County Administrator and Chief Finance Officer to look at the Road and Public Works departments' budget to hire three seasonal workers and staff would attempt to incorporate in FY 2018 the other two workers.

Mr. Hoffman stated that his department has six seasonal positions budgeted in the current budget. He stated that there are not a lot of applicants for the position.

Commissioner Brown moved to purchase \$255,879 for equipment as stated in the documents. Vice Chairman Ognio seconded. Discussion followed.

Ms. Camp asked was the motion only for the equipment. The response was yes. She stated that the County was supplementing SR 54 and Highway 74. She asked if SR 314 was a state road. The response was yes. She asked if there was a reason the County was not supplementing that road as well.

Mr. Rapson stated that SR 54 and Highway 74 was done as a beta sight to determine if this was feasible. He stated that it was now being expanded to all the state routes including SR 314.

Vice Chairman Ognio asked when staff would expect to receive the equipment once it had been ordered. Mr. Hoffman stated two to three weeks. Vice Chairman Ognio stated that we would not need staff in this budget year.

Mr. Rapson stated that staff would not be hired until the equipment was scheduled for delivery.

Vice Chairman Ognio stated that he would like the Board to push GDOT to grass the medians. He stated that it would make the esthetics better and possibly decrease the number of times needed to mow.

Commissioner Rousseau stated that if the full time person was the route that the Board wanted to take he would not support waiting to hire them until the equipment came in. He stated that the staff could be hired, trained and get acclimated to the County's way of operating. He stated that he would like to consider the business community creating a gateway project or donating some shrubbery.

Commissioner Brown moved to purchase \$255,879 for equipment as stated in the documents. Vice Chairman Ognio seconded. The motion passed 5-0.

Commissioner Brown asked if the approval of the staff would have to come back to the Board. Mr. Rapson stated that he would notify the Board via email.

Commissioner Rousseau stated that he would prefer it that way.

Vice Chairman Ognio stated that having it come back to the Board on an agenda would allow citizens to see what was being voted on.

Commissioner Rousseau moved to waive the timeline for this agenda item and to have the staff address the issue and to have it come back to the Board at the April 25 Board of Commissioners meeting. Commissioner Brown seconded.

Commissioner Oddo asked was it necessary to make an exception to have it placed on the April 25 meeting.

The motion was rescinded because the deadline for the agenda had passed.

This item will be placed on the May Board of Commissioners agenda. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part thereof.

**18. Consideration of staff's recommendation to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.)**



Mr. Rapson stated that this item was regarding Patridge Point in the Quail Hollow Subdivision. He stated that it was a safety issue for the road. He stated the Contingency Fund would be used to fund the project. He stated that it was not part of the 2017 SPLOST program. He stated that originally the work was to be done in-house, but the pipes were too big on that road and it had to be outsourced. He stated that this project was a good example of why money was needed to continue to be funded in the General Fund on an ongoing basis.

Commissioner Oddo moved to approve to amend the 2017 Stormwater CIP Budget to reallocate \$75,183 from the 508 Stormwater Contingency Fund to Stormwater Projects-Replacement/Upgrades (5509I.) Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part thereof.

**19. Consideration of Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election.**

Chief Finance Officer Mary Parrott stated that the SPLOST had been mentioned several times. She stated that she was requesting that the Board approve Resolution 2017-06 to allow staff to get started on the SPLOST projects and when the money from the SPLOST starts to come in the County would pay itself back. She stated that the tax starts July 1 and the County would receive the first report from the Department of Revenue by the end of August and would start receiving the funds at that time.

Mr. Rapson stated that the process would allow the County to expedite the projects prior to the first check being issued in September. He stated that the County was in a different situation than most of the cities since the Board approved some loans they were incorporated into the package. He stated that all the municipalities would be adopting the same type resolution.

Commissioner Brown stated that he would like to see what mechanism staff would use to show the public where the money would be spent and on what projects. He stated that he would like to see that presentation at the retreat.

Commissioner Oddo moved to approve Resolution 2017-06 for reimbursement of funds for various projects to be funded by Special Purpose Local Option Sales Tax (SPLOST) proceeds as approved by the March 21, 2017 Special Election. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part thereof.

**20. Consideration of staff's recommendation to repeal Stormwater Utility.**

Environmental Management Director Vanessa Birrell stated that she would like the Board to consider the repeal of the stormwater utility.

Vice Chairman Ognio moved to approve to repeal Stormwater Utility. Commissioner Oddo seconded. Discussion followed.

Chairman Maxwell asked how much the County collected in a single billing cycle for stormwater utility. Ms. Birrell stated that it was approximately \$500,000 once a year. He stated that this motion was not paired with the SPLOST vote. He

stated that during his campaign he said he would work to get rid of the stormwater utility so he was in support of the item. He stated that if this was approved there would be no more stormwater bill.

Mr. Rapson stated that there was currently \$394,000 of uncollected revenue. He stated that there would be stormwater bills going out for those who have not paid the bill. He stated that the Board would have to decide, once the county cannot collect anymore, to turn it over to a collection agency.

Chairman Maxwell stated that there would be no new bills.

Mr. Rapson stated that staff was not recommending an amnesty because of all the people who have paid their utility bill over the past five years.

Commissioner Rousseau stated that he would like to introduce a discussion about how to go about collecting those funds.

Mr. Davenport stated that if the motion was to repeal the stormwater utility then there would be nothing left on the books to use as a basis to collect the stormwater fees. He stated that the Board might consider a sunset date for that part of the stormwater utility that had already been billed prior to the motion. He stated that otherwise if it was repealed in its entirety there would be no basis to collect.

Vice Chairman Ognio stated that he would like to make a vote to bring the stormwater to a zero balance. He stated that he was concerned about the sunset and the collection and how long it would take to collect.

Mr. Davenport stated the sunset was the only way to collect. He stated that if the Board wanted to go after past due stormwater utility then the Board should not repeal the stormwater in its entirety. He stated that if the Board was going to leave something on the books at least have that something be the ability to collect for bills that are due from property owners prior to the vote.

Vice Chairman Ognio stated that the motion should include the County Attorney to craft a repeal for the stormwater utility and to include a sunset revision. Mr. Davenport stated that sunset would be for the purpose of collecting past due debt. Vice Chairman Ognio stated yes.

The previous motion was rescinded.

Vice Chairman Ognio moved to table this item to the April 25, 2017 Board of Commissioner meeting to have the County Attorney draft a repeal for the Stormwater Utility with a sunset revision. Commissioner Brown seconded. Discussion followed.

Commissioner Rousseau stated that he would like to know the cost to go to collection. He stated that the County may want to offer an amnesty. He stated that he would like to have that information so that he can have a discussion.

Mr. Rapson stated that another option was to sell the receivables to a collection agency. He stated that the flip side was that the collection agency would be calling on the behalf of the County and some are aggressive. He stated that was the quickest way to get from under this issue.

Vice Chairman Ognio moved to table this item to the April 25, 2017 Board of Commissioner meeting to have the County Attorney draft a repeal for the Stormwater Utility with a sunset revision. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 18," follows these minutes and is made an official part thereof.

**21. Consideration of Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented.**

Mr. Davenport stated that the evolution of this item was initially the County ordinance that calls for reciprocity between Fayette County and other jurisdictions to recognize their decals and registration for motorized carts and for them to recognize the County's. He stated that there was some issues with whether or not all the jurisdictions would recognize the County's decal. He stated that there was a cart path system that crosses jurisdictional lines and being used by people on a regular basis by people outside of our jurisdiction. He stated that there are two choices. He stated that the County could fine people for having motorized carts not registered in unincorporated Fayette County or recognize those that registered outside of Fayette County as long as they are registered at one of the jurisdictions. He stated that the proposed amendments does that. He stated that it recognizes that if someone had registered a motorized cart with any jurisdiction in Fayette County, then the County would recognize that registration and would not require that the motorized cart also be registered in unincorporated Fayette County in order to travel on the paths in unincorporated Fayette County.

Commissioner Brown moved to approve Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented. Commissioner Oddo seconded. Discussion followed.

Commissioner Rousseau stated that this item was to allow carts from other jurisdictions to drive on paths in unincorporated Fayette County with no fee. Mr. Davenport stated that as long as the cart was registered in one of the jurisdictions. Commissioner Rousseau asked was it true that Peachtree City charges a fee to register a motorized cart to drive on their paths. The response was yes. He stated that he was not in favor of this item. He stated that he would rather have the discussion again. He stated that he was 100% opposed to allowing Peachtree City to have the privilege to drive on unincorporated paths while they charge unincorporated residents to drive on their paths. He stated that it was not a good neighbor policy and it was wrong.

Commissioner Brown stated that one of the issues was that the entire southern part of Peachtree City funnels down to the Starr's Mill complex and the County had hundreds of students and parents who take kids to school and are filtering down on the County's system. He stated that if the Board does not do something to recognize the other decals then it would cause problems for those students.

Mr. Davenport stated that there was an ordinance that carts that use the paths in unincorporated county have to be registered in unincorporated county. He stated that would be several hundred carts that travel on that path.

Commissioner Oddo stated that there was not a lot of money tied to the cart registrations in Fayette County. He stated that he was not against them using the unincorporated county paths. He stated that the way to look at it was to look at it as just "Fayette County" and anyone with a cart can drive on the paths in "Fayette County".

Mr. Rapson stated that he would be happy to speak to Peachtree City. He stated that Peachtree City's fee was designed to take care of the cart paths and the County's fee was on the premise of public safety.

Commissioner Rousseau stated that his concerns had nothing to do with the fees that are being collected, but it had to do with being partners in the community.

Vice Chairman Ognio stated that if the County wanted to expand the cart paths there was a need to show unity to get GDOT to buy-in to helping with the cart system. He stated that it would be easier to get funds as a county. He stated that GDOT would rather give funds to a county that was on the same page. He stated that it would be great if Peachtree City would take over the registering of all the carts and have just one sticker.

Commissioner Rousseau stated that he would like to do a trial period during the SPLOST to waive the fee.

Chairman Maxwell stated that he attends a monthly meeting between the County Administrator, the Mayor and the City Manager and he will have it added to the agenda for discussion.

Vice Chairman Ognio stated that when he said that he wants Peachtree City to handle all the registration, he was referring to them making all permit cost the same across the board.

Commissioner Brown moved to approve Ordinance 2017-01; Motorized Carts to amend the Fayette County Code of Ordinance, Article III of Chapter 26, Section 26-57, by deleting Subsection (d) "Registration/transfer requirements" in its entirety, and replacing it with a new Subsection (d) to be approved as presented. Commissioner Oddo seconded. The motion passed 3-2 with Commissioners Ognio and Rousseau voting in opposition. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part thereof.

**22. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06.**

Mr. Davenport briefed the Board that this request was an item that was part of the Board's legislative package dealing with Disabled Veterans Homestead Exemption. He stated that there was a general law proposed amendment to the Disabled Veterans Homestead Exemption and it passed the House and got into the Senate and the proposed amendment would allow a retroactive up to three years for this exemption. He stated, however that it did not come before a vote in the Senate. He stated that this was the first year of a two year session and it will come back in the 2018 session. He stated that in light of that, the request before the Board was for the Disabled Veterans Homestead Exemption for 2016. He stated that Mr. Ghimire received his letter in February 2017 stating his disabled status and he submitted it to the County in February 2017 and he will receive the exemption for 2017, however Mr. Ghimire wants it to apply to 2016. He stated that would be a retroactive application similar to those before the Board in the past. He stated that Mr. Ghimire was sent a letter inviting him to attend the meeting. He stated that his recommendation was to deny the request for 2016.

Mr. Ghimire was not present.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06. Commissioner Rousseau seconded. Discussion followed.

Vice Chairman Ognio stated that it was disappointing that the State did not take this issue up in their session.

Commissioner Oddo moved to deny the disposition of tax refunds, as requested by Ritesh Ghimire for tax year 2016 in the amount of \$2,112.06. Commissioner Rousseau seconded. The motion passed 3-2 with Chairman Maxwell and Commissioner Brown voting in opposition. A copy of the request, identified as "Attachment 20," follows these minutes and is made an official part thereof.

**23. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payer.**

Mr. Davenport stated that this request was from Jacqueline Maxwell. Chairman Maxwell confirmed that he was no relation to Jacqueline Maxwell. Mr. Davenport stated that the request was for an error that was made within the County's office that removed a host of exemptions from Ms. Maxwell. He stated that Ms. Maxwell brought it to staff's attention and the adjustments were made appropriately. He stated that her request was to receive a tax refund for 2016 in the amount of \$841.10 and he recommends approval based on the errors made in the County's offices.

Ms. Maxwell was present.

Commissioner Brown asked if the Board needed to note that the payment was to go to Bank of America. Mr. Davenport stated that the payment had already occurred. He stated that the payment occurred erroneously and he wanted to be sure there was a record of a vote from the Board of Commissioners to justify the payment.

Commissioner Oddo moved to approve the disposition of tax refunds, as requested by Jacqueline Maxwell for tax year 2016 in the amount of \$841.10 to be paid to Bank of America as the payer. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 21," follows these minutes and is made an official part thereof.

**PUBLIC COMMENT:**

Linda Camp made public comments regarding the lack of water pressure at a fire hydrant at her home during a fire and she spoke regarding her desire for the Board to take action to have two assistants put in the budget to service the Commissioners' constituents.

**ADMINISTRATOR'S REPORTS:**

Mr. Rapson stated that this was the first he had heard of this situation. He stated that staff would address Ms. Camp's concerns. He stated that not getting a response was unacceptable and he would get an answer.

**Selection Committee-Joint Development Authority**

Mr. Rapson stated that he needed the Board to select a Selection Committee for an appointment to the Joint Development Authority (JDA) comprised of Fayette County, Meriwether County and Coweta County. He stated that there was a recommendation from the Development Authority to appoint Dr. Luis Matta for the JDA.

Vice Chairman Ognio stated that this was the same authority that he was told was not active. He stated that there was conversations about abolishing this authority.

Mr. Davenport stated that state law was such that it identified tier one, tier two and tier three counties for economic development purposes. He stated that tier one was the higher income, tier two less than and tier three was the lowest. He stated that if the

County was in a joint development authority with a tier three county the County would have the ability to receive job tax credits based on the alliance with a tier three county and development authority. He stated that the statute had been changed over the years and he was not sure specifically how it worked presently.

Commissioner Brown stated that the County had obviously not appointed anyone in four years because he had been with the County for seven years and had not ever appointed anyone to this authority. He asked was this created by a legislative act or an intergovernmental agreement.

Mr. Davenport stated that it was the statutory foundation that allowed the County to create a joint development authority. He stated that the County did not have to create one. He stated that each county approved a resolution that created the joint authority.

Commissioner Brown asked to see the new laws regarding this item.

Carlotta Ungaro stated that when the legislative was changed there was an additional tier added. She stated that it was still \$500 tax credit per job. She stated that if the County opts out of this the County would have the worse tax credits in the state. She stated that would mean Fayette County would be the only county not in a joint development authority in the state. She stated that they are required to meet four times a year and the Board would not see any action from them other than the companies that locate here or expand here and apply for the tax credit receive an extra \$500 per job. She stated that not having that tax credit would be a disadvantage to the County.

Mr. Davenport stated that after speaking with the County Clerk, this was a very old joint development authority. He stated that he would put together a memo and determine the term and have this brought before the Board at the May 11 Board of Commissioners meeting.

Vice Chairman Ognio stated that this came about because the development authority wanted to have another joint authority with Fulton County. He stated that if they had not been meeting four times a year was the authority even valid anymore.

Mr. Davenport stated that in order to take one of these entities out of existence the Board would have to vote to remove them.

Chairman Maxwell requested that Mr. Rapson invite Development Authority Chairman Darryl Hicks and/or Director Joan Young to the meeting.

### **Lake Peachtree Spillway**

Mr. Rapson stated that in Stage 1 Peachtree City would lower Lake Peachtree by eight feet in late August. He stated that in the next seven weeks there would be a dam prior to where the spillway would be built. He stated that the plan was to lower Kedron two feet and to raise Lake Peachtree by two feet.

Commissioner Brown stated that the request was to lower Lake Kedron by two feet but since the County was the authority on that body of water, wouldn't the County have to agree to lower Lake Kedron.

Mr. Rapson stated that he instructed the leadership at Peachtree City that the County needs an official notification from the Mayor and Council to do Lake Peachtree as well as Lake Kedron. He stated that since Lake Kedron was our water reservoir it would route through the Water Committee and then come before the Board for a vote.

### **Reminder of meeting change**

Mr. Rapson reminded everyone that the next meeting will be held on Tuesday, April 25, 2017.

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).



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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items of threatening litigation, one pending litigation and review of the Executive Session minutes for March 23, 2017 and March 29, 2017.

### **COMMISSIONERS' REPORTS:**

#### **Commissioner Oddo:**

##### **Upcoming Events**

Commissioner Oddo stated that there would be an event on May 6 in conjunction with Suds on the Square at the Fayetteville First Baptist Church for those who are advocates of antique cars. He stated that the same day there would also be a car show at Partner's Pizza in Fayetteville.

##### **Thomas Jefferson's birthday**

He stated that today was the birthday of Thomas Jefferson and he thought it was important to remember that Mr. Jefferson, almost 100 years before the Confederate War, offered the inspiring words that guided the country through a difficult time until today. "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." He stated that this nation was not perfect, but that he takes pride that as people we try to be.

##### **Tax season**

Commissioner Oddo reminded everyone that the tax deadline was approaching. He wished everyone a safe and Happy Easter.

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

##### **Blood drive**

Vice Chairman Ognio stated that there was a blood drive being held at Fayetteville First United Methodist Church.

##### **Public Arts Committee**

He stated that he would like to see some martin bird houses being put up around the lakes because mosquito season was approaching. He stated that he wondered where the Public Arts Committee was with the martin houses. He stated that he was wondering why the Public Arts Committee was not doing some type art event for Easter. He stated that he would like to see the committee go back to receiving gift cards donated from restaurants to give away as prizes.

#### **Commissioner Brown:**

##### **Water Guardians**

Commissioner Brown stated that the County held the Water Guardian event at Lake McIntosh. He showed the pictures from the event. He stated that he was always amazed at what comes out of the lakes. He thanked CH2M Hill, Engineer for the Water System, for donating the food for the volunteers for the entire year. He stated that the new dates will be posted soon.

##### **Regatta**

He stated that the Regatta was taking off and there were people coming from all over the southeast to attend. He stated that the interest from the youth was incentive for the Board to keep working with the legislature to get them to lower the age that the youth

can be in a boat by themselves under supervision. He stated that he really believes this will be a varsity high school sport. He encouraged parents to get their kids involved in rowing if they are looking for a sport.

### **Chairman Maxwell**

#### **Job Fair**

Chairman Maxwell stated that Representative David Scott was holding his 14<sup>th</sup> Annual Job Fair on April 28, 2017. He stated that he would like to have the information posted to the County's website.

Commissioner Rousseau asked if staff had determined if this would be an opportunity for the County to participate. Mr. Rapson stated that he would forward the information to Human Resource Director Lewis Patterson to find out.

#### **100 days update**

Chairman Maxwell gave his "100 days" update. He thanked the county employees and specifically the County Administrator. He stated that he wanted to let the Board know that he really appreciated how each one of them have helped him. He stated that one of his first meetings was with other government agencies to move forward with the SPLOST vote. He stated that this was the Board giving the county residence the opportunity to vote on whether to have a one cent tax increase and it was passed on March 21 by a two to one margin. He stated that he met with Georgia Department of Transportation concerning the intersection improvement of Interstate 85 and Highway 74. He stated that he and Town of Tyrone Mayor Eric Dial was very disappointed by that meeting. He stated that a follow up letter was written and there was a positive response from GDOT and they indicated, in writing, that the project had been moved up three years. He stated that around the same time, the County received a letter from GDOT concerning a bridge over CSX railroad track. He stated that GDOT will be financing a great deal of that. He stated that GDOT Representative Sam Wellborn came and met with the County at a Transportation Committee meeting and he did not know of any other time where that had happened recently. He stated that he wanted to acknowledge the parking lot improvements at the County complex. He stated that for the first 100 days he was proud of where the county had ended up. He stated that he was pleased with the County Commission. He stated that the issue with the water pressure. He stated that he wanted to let Ms. Camp know that the Board tries to do the best responding to emails. He stated that out of the many emails, most are answered within minutes.

### **EXECUTIVE SESSION:**

**Two Items of Threatening Litigation, One Pending Litigation and Review of the March 23, 2017 Executive Session and March 29, 2017 Special Called Executive Session Minutes:** Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:24 p.m. and returned to Official Session at 10:45 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Oddo seconded the motion. The motion passed 5-0.

**Approval of the March 23, 2017 Executive Session Minutes:** Vice Chairman Ognio moved to approve the March 23, 2017 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

**Approval of the March 29, 2017 Special Called Executive Session Minutes:** Vice Chairman Ognio moved to approve the March 29, 2017 Special Called Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 3-0-2 Chairman Maxwell and Commissioner Rousseau were absent.

**ADJOURNMENT:**

Vice Chairman Ognio moved to adjourn the April 13, 2017 Board of Commissioners meeting. Commissioner Brown seconded the motion. The motion passed 5-0.

The April 13, 2017 Board of Commissioners meeting adjourned at 10:45 p.m.

---

Tameca P. White, County Clerk

---

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25<sup>th</sup> day of April 2017. Referenced attachments are available upon request at the County Clerk's Office.

---

Tameca P. White, County Clerk