

## BOARD OF COUNTY COMMISSIONERS

Randy Ognio, Chairman  
Charles W. Oddo, Vice Chairman  
Edward Gibbons  
Eric K. Maxwell  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## Minutes

October 10, 2019

6:30 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 6:30 p.m.

### Call to Order

Chairman Randy Ognio called the August 8, 2019 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

### Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Commissioner Charles Rousseau offered the Invocation and led the Board and audience in the Pledge of Allegiance.

### Acceptance of Agenda

Vice Chairman Charles Oddo moved to accept the agenda as written. Commissioner Edward Gibbons seconded. The motion passed 5-0.

### PROCLAMATION/RECOGNITION:

1. **Recognition of Senior Financial Analyst, Amanda Schoonover, for earning the Level 1 Local Finance Officer Certification in pursuing professional development in governmental finance, accounting, budgeting, and public finance topics.**

Assistant Chief Financial Officer Sheryl Weinmann, on behalf of the Board, acknowledged Senior Financial Analyst, Amanda Schoonover, for earning the Level 1 Local Finance Officer Certification. Ms. Weinmann commended Amanda for her hard work and dedication.

### PUBLIC HEARING:

### PUBLIC COMMENT:

*Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.*

### CONSENT AGENDA:

Commissioner Gibbons moved to accept the Consent Agenda with the exception of item #4. Vice-Chairman Oddo seconded. The motion passed 5-0.

2. **Approval of staff's recommendation for Board of Commissioners to approve the bid from Blount Construction Company, Inc. for Bid #1724-B HA 5, High Density Mineral Bond in the amount of \$285,580.74.**

3. **Approval of staff's recommendation for Board of Commissioners to approve the bid from C.W. Matthews Contracting Company, Inc. for Bid #1714-B Resurfacing McDonough Road and Ramah Road in the amount of \$594,267.24.**
4. **Approval of the September 26, 2019 Board of Commissioners Meeting Minutes.**

Chairman Ognio stated that there was an error on page 23 of the October 10, 2019 agenda package within the September 26, 2019 Board of Commissioners Meeting Minutes which recorded him as Vice-Chairman rather than Chairman. Chairman Ognio asked to have position corrected.

Chairman Ognio moved to approve the September 26, 2019 Board of Commissioners Meeting Minutes with the correction. Commissioner Gibbons seconded. The motion passed 5-0.

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

5. **Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Jon and Jaynene Davatz, for tax year 2018 in the amount of \$344.08.**

County Attorney Dennis Davenport stated that the initial property valuation for assessment of Jon and Jaynene Davatz property included a finished basement, however upon a visit to the property it was determined that the basement was unfinished. Mr. Davenport continued stating that based on the error a tax refund was due to Jon and Jaynene Davatz for tax year 2018. Mr. Davenport stated that no tax refund was needed or recommended for tax year 2017 because Jon and Jaynene Davatz were not billed for taxes on the property by Fayette County nor did they pay the taxes to Fayette County.

Commissioner Rousseau moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Jon and Jaynene Davatz, for tax year 2018 in the amount of \$344.08. Vice-Chairman Oddo seconded. The motion passed 5-0.

6. **Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Douglas and Iris Gibbs for tax year 2018 in the amount of \$265.06.**

Mr. Davenport stated that Douglas and Iris Gibbs appealed the valuation of their property for tax year 2018, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of Douglas and Iris Gibbs's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of 265.06.

Mr. Gibbs stated that he felt his request was only being half fulfilled and that he had concerns regarding a partial refund for tax year 2017.

Mr. Davenport started that the tax refund request discussed tonight was only for tax year 2018, and that he could review and discuss a partial tax refund request for tax year 2017 offline.

Commissioner Gibbons moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Douglas and Iris Gibbs for tax year 2018 in the amount of \$265.06. Vice-Chairman Oddo seconded. The motion passed 5-0.

**7. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Eric Hohenstein, for tax year 2018 in the amount of \$566.82.**

Mr. Davenport stated that Eric Hohenstein appealed the valuation of their property for tax year 2017, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of Mr. Hohenstein's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of \$566.82

Vice-Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by Eric Hohenstein, for tax year 2018 in the amount of \$566.82. Commissioner Gibbons seconded. The motion passed 5-0.

**8. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by David and Sheree Kern, for tax year 2018 in the amount of \$334.53.**

Mr. Davenport stated that David and Sheree Kern appealed the valuation of their property for tax year 2017, the appeal was resolved triggering a three-year freeze on the property, in accordance with the law. Mr. Davenport stated that due to a system error the three-year freeze was dropped from the 2018 property assessment of David and Sheree Kern's property. As a result the property value automatically increased. The error, documented in the assessment and appeal record for 2018, caused an increase in the property valuation and tax liability. Mr. Davenport stated that the refund provisions operate to return taxes assessed and collected either in error or illegally or return taxes that were voluntarily or involuntarily overpaid by the taxpayer. Mr. Davenport concluded stating that a partial refund in the amount attributed to the erroneous value increase in 2018 was recommended in the amount of \$334.53.

Commissioner Maxwell asked for clarification on how the refund requests were being generated.

Mr. Davenport stated that generally a refund request is submitted by an individual taxpayer via the Tax Assessors Office in review of their property file.

Commissioner Maxwell stated that his concern was that the County was waiting for citizens to bring the error to the Tax Assessors attention, he suggested taking a more proactive approach to reach out to the residents that would have been affected by the system error.

County Administrator Steve Rapson stated that in coordination with Tax Assessors Office the County would review those resident who went through the appeal process and may have been affected by the system error and initiate the refund request if applicable.

Vice-Chairman Oddo moved to approve the County Attorney's recommendation to approve a disposition of tax refund, as requested by David and Sheree Kern, for tax year 2018 in the amount of \$334.53. Commissioner Gibbons seconded. The motion passed 5-0.

**9. Consideration of the County Attorney's recommendation to deny a disposition of tax refund, as requested by Paulette Malloy, for tax year 2016, 2017 and 2018.**

Mr. Davenport stated that from Ms. Malloy tax refund request claimed that she had been assessed for a finished basement. Second, she claimed that she was not informed of her appeal rights. Mr. Davenport stated that in response to the claim of assessment for finished basement, the assessors made a site visit to her property to measure the home. Measurement of the basement revealed a full basement with 325 square feet of finished area. The property record card had the home valued with a full basement with only 300 finished square feet of basement area. They also found a previously unrecorded and unassessed deck. Mr. Davenport stated that Ms. Malloy also claims that she was unaware of her right to appeal her assessment. A record review revealed that in accordance with the law, Ms. Malloy was mailed an assessment notice in each of the tax years at issue. That notice includes a synopsis of taxpayer appeal rights, including instructions on initiation of an appeal. Mr. Davenport concluded stating that a denial of the refund of local property taxes is recommended in this case. No taxes have been assessed and collected either in error or illegally.

Ms. Malloy stated there were some discrepancies in the information presented by Mr. Davenport. She stated that her basement was not finished nor was her garage. Ms. Malloy stated that she discussed this information with the Tax Assessors Office during the property site visit.

Mr. Davenport recommended tabling discussion of this agenda item based on information stated by Ms. Malloy.

Commissioner Gibbons moved to table. Commissioner Rousseau seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

**A: Quote #1673-A: Concrete Pipe Annual Contract – Contract Award Approval**

Mr. Rapson provided the Public Works "Hot" Project Update stating that:

**Graves Road**

Graves Road was opened to all traffic on Friday September 20<sup>th</sup>, 2019. Guardrail installation and final striping would complete this project by the first week of October 2019.

**Dogwood Trail – no change**

Dogwood Trail is currently closed to thru-traffic. Utility relocations was in progress and expected to be complete by the end of October 2019. Clearing and erosion control activities began this week and are expected to be completed by next week. Some of the drainage structures and smaller pipe have been delivered and would be stored onsite, the arch culvert structure would be delivered and installed in December 2019. The contractor's current schedule showed the road opening in mid-February and a final completion in late February 2020.

### **Starr's Mill Tunnel (Robinson Road) Project**

Tunnel was moved to Robinson Rd based on input from the FCBOE and progress was delayed as staff finalized details with Peachtree City; staff anticipates construction in summer break of 2020.

The SPLOST referendum allocated \$900,000 to the tunnel project. Fayette County and the Consultant had been negotiating scope and cost. A revised Task Order was received for County review on 9/26/19. Fayette County was requesting a pre-design field meeting with Peachtree and the Consultant.

### **Kenwood School Project**

Paving, concrete work, final grading and grassing are complete, mulch would be finished 9/27/19. The striping contractor (Peek) planned to finish the work in stages starting this week and would be complete sometime next week. See pictures of the asphalt, concrete and grading.

### **Swanson Road Paving Project**

Road Department crews have finished all items on the punch list, only thing left is to get some gradual rainfall for the seed to germinate.

### **Redwine Road Timber Bridge**

Road Department has started replacing boards and the work is progressing without problem. Approximately 20% of the decking would be replaced. The work would be completed by end of October.

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

County Attorney Dennis Davenport stated that there were no items for executive session.

### **COMMISSIONERS' REPORTS:**

Commissioner Maxwell stated that he appreciated the Public Works "Hot" Project Updates for the various projects through the County.

Commissioner Rousseau thanked both staff for their participation in and his colleagues for their attendance at the HOA Bootcamp on Oct. 5<sup>th</sup>. Commissioner Rousseau stated that he had received a number of calls with good feedback acknowledging increased traffic flow regarding the North Fayette project queuing lane addition. He commended all those involved in making that project a success.

Chairman Ognio stated that he would like for the Board to begin discussion about the County's Legislative package, he noted design standards as a topic as well as bridge funding. Chairman Ognio stated that he would like to wish Mayor Eric Dial a Happy Birthday.

Commissioner Rousseau stated that he would like to discuss adding to the County's Legislative package concerns regarding the 4% budget cuts the Governor was requesting which would have a serious impact on various Health Services.

### **EXECUTIVE SESSION:**

**ADJOURNMENT:**

Commissioner Gibbons moved to adjourn the October 10, 2019 Board of Commissioners meeting. Vice-Chairman Oddo seconded. The motion passed 5-0.

The October 10, 2019 Board of Commissioners meeting adjourned at 7:11 p.m.

---

Marlena Edwards, Deputy County Clerk

---

Randy C. Ognio, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24th day of October 2019. Referenced attachments are available upon request at the County Clerk's Office.

---

Marlena Edwards, Deputy County Clerk