

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

AGENDA

April 9, 2020

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 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Proclamation to recognize April as Safe Digging Month in Fayette County. (pgs. 3-4)

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:

2. Approval of staff's recommendation to add Longboat II subdivision to Fayette County's Street Light Program. (pgs. 5-17)
3. Approval of staff's recommendation for the Board of Commissioners to enter into an agreement between Fayette County and the Town of Brooks allowing Fayette County to act on behalf of the Town of Brooks to maintain compliance with the Metropolitan North Georgia Watershed Planning District Water Management Plan. (pgs. 18-25)
4. Approval of a request from the Griffin Judicial Circuit Adult Felony Drug Court to accept a supplemental grant award for FY 2020 from the Criminal Justice Coordinating Council (CJCC) of \$13,856. (pgs. 26-29)
5. Approval of the March 12, 2020 Board of Commissioners Meeting Minutes. (pgs. 30-33)
6. Approval of the March 16, 2020 Emergency Called Meeting Minutes. (pgs. 34-36)

OLD BUSINESS:

NEW BUSINESS:

7. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Richard Anwyl, for tax years 2017, 2018 and 2019 in the aggregate amount of \$2,659.82. (pgs. 37-43)
8. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Wesley O. Saunders, for tax year 2018 in the amount of \$236.63. (pgs. 44-47)
9. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by KH Peachtree LLLP, for tax year 2018 in the amount of \$8,010.11. (pgs. 48-51)
10. Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Chad and Noreen Perret, for tax years 2017, 2018 and 2019 in the aggregated amount of \$10,213.29. (pgs. 52-55)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 3 of 55

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Proclamation to recognize April as Safe Digging Month in Fayette County.

Background/History/Details:

April marks the beginning of digging and excavation activity everywhere. Cities and counties throughout Georgia recognize April as Safe Digging Month to remind everyone to call 811 before they dig to protect the public from injuries and prevent damages to vital utility infrastructure.

What action are you seeking from the Board of Commissioners?

Proclamation to recognize April as Safe Digging Month in Fayette County.

If this item requires funding, please describe:

None.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA

SAFE DIGGING MONTH

Proclamation

WHEREAS, Thousands of times each year, the underground infrastructure in Georgia is damaged by those who do not have underground lines located prior to digging, resulting in service interruption, environmental damage and threat to public safety; and

WHEREAS, In 2005, the Federal Communications Commission designated 811 to provide contractors and homeowners a simple number to contact utility operators to request the location of underground lines at the intended dig site; and

WHEREAS, The Fayette County Utility Coordinating Committee, a stakeholder-driven organization dedicated to the prevention of damage to underground utilities in Georgia, promotes the National 811 Notification System in an effort to reduce these damages; and

WHEREAS, Damage prevention is a shared responsibility; by using safe digging practices, the contractors and homeowners of Fayette County can save time, money and help keep our infrastructure safe and connected.

NOW THEREFORE, the Fayette County Board of Commissioners do hereby proclaim the month of April 2020, as **SAFE DIGGING MONTH** in Fayette County; and encourage contractors and homeowners throughout Fayette County to always call 811 before digging. *Safe digging is no accident!*

So, proclaimed this 9th day of April 2020,

Randy C. Ognio, Chairman

COUNTY AGENDA REQUEST

Page 5 of 55

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to add Longboat II subdivision to Fayette County's Street Light Program.

Background/History/Details:

The property owners in the subdivision know as Longboat II are petitioning the Board of Commissioners to add Longboat II into the Fayette County Street Light Program.

The Board of Commissioners created Fayette County Street Light Districts in September 1983. The street light ordinance was amended in November 2014 to require a \$100 application fee and prepayment of two (2) years worth of street light bills to cover expenses incurred by Fayette County until the charges could be recouped with the tax bills. Longboat II has paid Fayette County the required amounts and presented a petition representing 100% homeowner notification and 91.3% approval in Longboat II.

The estimated monthly charge is \$98. Longboat II has paid the \$100 application fee and the first two (2) years prepayment for street lights. The twenty-three (23) parcels in Longboat II will join the existing twenty-three (23) parcels in the Longboat street light district on the 2021 Property Tax Bill. The anticipated street light assessment for the forty-six (46) parcels in the Longboat street light district on the 2021 Property Tax Bill is \$88 per parcel.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to add Longboat II subdivision to Fayette County's Street Light Program.

If this item requires funding, please describe:

These additional lights will cost \$98.00 per month per Coweta Fayette EMC. Longboat II has prepaid the amounts required to become a street light district until the cost may be added onto the property tax bill and the county reimbursed.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY PETITION FOR STREET LIGHTING

WE, THE UNDERSIGNED, ALL BEING PROPERTY OWNERS OF THE STREET LIGHT DISTRICT LONGBOAT PHASE II, DO HEREBY PETITION THE FAYETTE COUNTY BOARD OF COMMISSIONERS FOR THE PLACEMENT OF STREET LIGHTS THROUGH OUR SUBDIVISION OR STREET(S).

EACH OF US DOES HEREBY PLEDGE AND CONSENT TO THE LEVYING OF A LIEN BY FAYETTE COUNTY AGAINST PROPERTY WE OWN FOR THE PURPOSE OF PAYMENT OF THE COST OF AND OPERATING THE STREET LIGHTS. THERE ARE 23 NUMBER OF LOTS CURRENTLY EXISTING IN STREET LIGHT DISTRICT LONGBOAT PHASE II, AND EACH OWNER AS SHOWN ON THE TAX RECORDS HAS AFFIRMATIVELY SIGNED THIS PETITION OR INDICATION FOR DISAPPROVAL IS NOTED HEREIN.

THIS PETITION REPRESENTS 22 AFFIRMATIVE VOTES, OR 96 % OF THIS DISTRICT TO BE EFFECTED IN THIS REQUEST. YOUR SIGNATURE ON THIS PETITION INDICATED THAT YOU HAVE READ AND FULLY UNDERSTAND ALL INFORMATION ON THE REVERSE SIDE OF THIS FORM.

Personally appeared before me, a Notary Public, the undersigned affiant, who says on oath that he, she is one of the subscribing witnesses to the within instrument; that each of said witnesses say the execution and delivery of the same by each grantor therein for the purpose set forth; and that each of said witnesses signed the same as purported.

Sworn to and subscribed before me,

this 24TH day of February, 20 20.

Stephany Benson
(Subscribing Witness)

Michelle Thill
Notary Public



Fayette County, State of Georgia

FAYETTE COUNTY STREET LIGHTING PROGRAM SIGNATURE SHEET

Phase II, lot 10

Lot #(s)

Joseph Reeves, Felicia Reeves

Property Owner(s)

110 Puddle Ct, Peachtree City, GA 30269

Address (Street & No.)

Yes

No

(Check yes or no for each signature)

Joseph W. Reeves

Signature

☒

☐

Felicia Reeves

Signature

☒

☐

Bonnie B.

Witness

Lot #(s)

Property Owner(s)

Address (Street & No.)

Yes

No

(Check yes or no for each signature)

Signature

☐

☐

Signature

☐

☐

Witness

Lot #(s)

Property Owner(s)

Yes

No

(Check yes or no for each signature)

FAYETTE COUNTY STREET LIGHTING PROGRAM SIGNATURE SHEET

LOT #9

Lot #(s)

NOBLE IWUAGWU / EBERE OBIEGBU

Property Owner(s)

150 CREEKRISE DRIVE, PEACHTREE
Address (Street & No.) CITY, GA 30269

Yes

No

(Check yes or no for each signature)

Imagru

Signature



Signature



Witness

Lot #(s)

Property Owner(s)

Address (Street & No.)

Yes

No

(Check yes or no for each signature)

Signature



Signature



Witness

Lot #(s)

Property Owner(s)

Yes

No

(Check yes or no for each signature)

FAYETTE COUNTY STREET LIGHTING PROGRAM SIGNATURE SHEET

1-2-3-4-6-17-18-19
Lot #(s)

Jeff Lindsey Communities
Property Owner(s)

140 Village Circle, Senoia GA Yes No (Check yes or no for each signature)
Address (Street & No.) 30276


Signature

☒ ☐

Signature


☐ ☐

Stephany Benson
Witness

20
Lot #(s)

Lindsay Shaw LLC
Property Owner(s)

140 Village Circle, Senoia GA Yes No (Check yes or no for each signature)
Address (Street & No.) 30276


Signature

☒ ☐

Signature

☐ ☐

Stephany Benson
Witness

Lot #(s)

Property Owner(s)

Yes No (Check yes or no for each signature)

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

16
Lot #(s)

Minesh and Seema Patel
Property Owner(s)

155 Padale Court
(Street & No.)

Minesh Patel
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

Seema Patel
Signature

☒ ☐

[Signature]
Witness

15
Lot #(s)

Jelana Bostic
Property Owner(s)

160 Padale Ct
(Street & No.)

Jelana Bostic
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

[Signature]
Signature

☒ ☐

Seema Patel
Witness

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

12
Lot #(s)

MINDY GIL & Kevin Oh
Property Owner(s)

130 Paddle CT
(Street & No.)

[Signature]
Signature

[Signature]
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

☒ ☐

[Signature]
Witness

21
Lot #(s)

David & Taweyla Wilson
Property Owner(s)

125 Creekrise Drive
(Street & No.)

[Signature]
Signature

[Signature]
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

☒ ☐

[Signature]
Witness

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

13

Lot #(s)

Richard & Priscilla Bolden

Property Owner(s)

140 Paddle Ct.

(Street & No.)

Kent R. H.

Signature

Priscilla Bolden

Signature

Yes

No

(Check yes or no for each Address signature)



Seema Patel
Witness

14

Lot #(s)

Kaylyn Walton & Dustin Walton

Property Owner(s)

150 Paddle Court

(Street & No.)

Kaylyn Walton

Signature

Dustin Walton

Signature

Yes

No

(Check yes or no for each Address signature)



Seema Patel
Witness

FAYETTE COUNTY STREET LIGHTING PROGRAM
SIGNATURE SHEET

22
Lot #(s)

Jae Shin.
Property Owner(s)

115 Creekrise Dr.
(Street & No.)

[Signature]
Signature

Young K In
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

☒ ☐

[Signature]
Witness

#17
Lot #(s)

Allan & Laverne Williams
Property Owner(s)

130 Creekrise Dr
(Street & No.)

[Signature]
Signature

[Signature]
Signature

Yes No (Check yes or no for each Address signature)

☒ ☐

☒ ☐

[Signature]
Witness

FAYETTE COUNTY STREET LIGHTING PROGRAM SIGNATURE SHEET

Lot #(s)

Tyran + Tasha Boudreaux
Property Owner(s)

120 Paddle Court
(Street & No.)

Yes No (Check yes or no for each Address signature)

Tasha P. Bondreaf
Signature

☒ ☐

Tyrone D Bondrean
Signature



Seema Rao
Witness

5

Lot #(s)

Lot #(s) Hyp. Piment
Property Owner(s)

120 Bryant Court
(Street & No.)

Yes No (Check yes or no for each Address signature)

Signature

☒ ☐

Signature _____

☐ ☐ Seema Par
Witness

February 7, 2020

CERTIFIED/RETURN RECEIPT

Juan Hernandez Trust
105 Creekrise Drive
Peachtree City, GA 30269

RE: Street Lights for Longboat Phase II

Juan Hernandez Trust:

Longboat Phase II is in the process of making the street lights part of the Street Light District for Fayette County. The other neighbors have signed the petition to make this happen. The street light expense will become a part of your property tax bill each year. This will keep the HOA from having to include it as part of their budget. Phase I Longboat street lights are part of the property tax so it is the goal of the HOA to have the entire subdivision billed the same way.

I am enclosing a signature sheet for you to sign and return to me so that your vote can be counted agreeing to the street lights becoming a part of your property tax bill. I am enclosing a stamped envelope for your convenience. My goal is to take the signed petitions to Fayette County on February 22, 2020.

Thank you for your time.

Sincerely,

Stephany A. Benson

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

PEACHTREE CITY, GA 30269

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.95

Sent To: **JUAN HERNANDEZ TRUST**
Street and Apt. No., or PO Box No.: **105 Creekrise Dr.**
City, State, ZIP+4®: **Pt. GA**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Senolia, GA 30269
FEB 08 2020
02/08/2020

February 7, 2020

CERTIFIED/RETURN RECEIPT

Mr. and Mrs. Joseph Reeves
110 Paddle Court
Peachtree City, GA 30269

RE: Street Lights for Longboat Phase II

Dear Mr. and Mrs. Reeves:

Longboat Phase II is in the process of making the street lights part of the Street Light District for Fayette County. The other neighbors have signed the petition to make this happen. The street light expense will become a part of your property tax bill each year. This will keep the HOA from having to include it as part of their budget. Phase I Longboat street lights are part of the property tax so it is the goal of the HOA to have the entire subdivision billed the same way.

I am enclosing a signature sheet for you to sign and return to me so that your vote can be counted agreeing to the street lights becoming a part of your property tax bill. I am enclosing a stamped envelope for your convenience. My goal is to take the signed petitions to Fayette County on February 22, 2020.

Thank you for your time.

Sincerely,

Stephany A. Benson

2018 0360 0001 7298 5850

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

PEACHTREE CITY, GA 30269

Certified Mail Fee	\$3.55
Postage	\$0.55
Total Postage and Fees	\$6.95

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$2.85
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Sent To: **JOSEPH REEVES**
Street and Apt. No., or PO Box No.: **110 PADDLE COURT**
City, State, ZIP+4®: **PEACHTREE CITY GA 30269**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here: **FEB 08 2020**

Thanks,
Norman

Lot #(s)

Property Owner(s)

(Street & No.)

Signature

Signature

(Check yes or no for each Address signature)

☒☒ ☐

Witness

Lot #(s)**Property Owner(s)**

(Street & No.)

Signature

Signature

Yes No

(Check yes or no for each Add signature)

□ □

□ □

Witness

COUNTY AGENDA REQUEST

Page 18 of 55

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation for the Board of Commissioners to enter into an agreement between Fayette County and the Town of Brooks allowing Fayette County to act on behalf of the Town of Brooks to maintain compliance with the Metropolitan North Georgia Watershed Planning District Water Management Plan.

Background/History/Details:

Fayette County and the Town of Brooks are both members of the Metropolitan North Georgia Watershed Planning District (MNGWPD). It is state law for members of the District to implement the MNGWPD Water Management Plan; one of the most comprehensive regional water management plans in the country covering water supply and conservation; watershed protection; wastewater management; and public education and participation.

A cooperative utilization of existing resources for the administration and enforcement of the Water Management Plan for the District is a cost effective means of serving each jurisdictions respective constituents without placing an appreciable burden on the County.

This agreement in its entirety is attached as backup.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation for the Board of Commissioners to enter into an agreement between Fayette County and the Town of Brooks allowing Fayette County to act on behalf of the Town of Brooks to maintain compliance with the Metropolitan North Georgia Watershed Planning District Water Management Plan.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY OF FAYETTE**STATE OF GEORGIA**

**METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT AGREEMENT
BETWEEN FAYETTE COUNTY AND BROOKS**

THIS AGREEMENT is made and entered into this ____ day of _____, 2020, by and between FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, hereinafter referred to as the “County,” and the TOWN OF BROOKS, a municipal corporation of the State of Georgia, acting by and through its Mayor and Council, hereinafter referred to as the “Town,” the County and the Town sometimes collectively referred to as the “Parties” and sometimes individually referred to as “Party,” for the purpose of the Town contracting with the County for the County to take all necessary actions on behalf of the Town for the Town to be, and to remain, in compliance with the Water Management Plan of the Metropolitan North Georgia Water Planning District, hereinafter referred to as the “Water District.”

W I T N E S S E T H:

WHEREAS, the County and the Town are both members of the Water District; and

WHEREAS, the Water District has implemented one of the most comprehensive regional water management plans in the country, covering water supply and conservation, watershed protection, wastewater management and public education; and

WHEREAS, access to clean water is important for our safety and vitality. Stormwater and wastewater management are critical to prevent water pollution and ensure the health of our ecosystems; and

WHEREAS, the County, and all member jurisdictions of the Water District, are required to adopt certain minimum standards for the protection of our water resources and for public education; and

WHEREAS, the County employs substantial resources to exercise its due diligence in the consistent implementation of the water management plan from the Water District; and

WHEREAS, the Town, as a member of the Water District, recognizes that the requirements of the implementation of the water management plan from the Water District must be consistently reviewed and enforced in addition to supplying sufficient public education of same; and

WHEREAS, the Town desires for the County to enter into an agreement with the Town for the County to provide all necessary actions on behalf of the Town to be, and to remain, in compliance with the Water Management Plan of the Water District; and

WHEREAS, the County and the Town have authority to enter into this Agreement pursuant to the powers vested in each party by the Constitution of the State of Georgia, including, but not limited to, Article 9, Section 3, Paragraph 1.

NOW, THEREFORE, for and in consideration of the mutual premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the County and the Town hereby agree as follows:

1.

The Parties deem a cooperative utilization of existing infrastructure and resources for the administration and enforcement of their respective rights, duties, and responsibilities in the implementation and review of the Water Management Plan for the Water District to be a cost-

effective means of serving the general health, safety and welfare of their respective constituents residing in the County and the Town, and hereby contract to that end.

2.

The County shall provide for the Town, consistent with the level of service provided by the County throughout the unincorporated area of the County, all services required by or related to the implementation, administration, enforcement, oversight and supervision of compliance with provisions of the Water Management Plan as set out by the Water District, including, but not limited to, acting on behalf of the Town in a responsive matter to surveys, audits, or issues before any technical review committee, with all concomitant rights and responsibilities contained therein.

3.

The Town agrees and transfers to the County its rights to bill and collect fees and charges for the County's services at the rates set by the County's usual schedule of fees and charges, as such schedule now exists, or as it may be hereafter amended, throughout the term of this Agreement, for and on behalf of the Town. To that end, the Town will immediately adopt an ordinance or resolution setting its fees and charges for the aforementioned services to an amount equal to the amount currently existing on the County's schedule of fees and charges. The Town also agrees that, whenever the County changes its schedule of fees and charges for these services, the Town shall adopt an ordinance or resolution setting its fees and charges to the new amount equal to the amount being charged by the County.

4.

The County has been, or will be, provided copies of all ordinances which the Town is required to adopt by the Water District for the implementation of the Water Management Plan,

hereinafter the “Water Plan Ordinances.” The Town will furnish the County copies of all amendments thereto during the term of this Agreement. The County agrees that the Water Plan Ordinances are substantially the same as those ordinances in the County. The Town requests, and the Parties agree, that actions taken by the County within the Town’s limits shall be taken on the Town’s behalf by agents, officers, and employees of the County, with like effect as if such persons were the agents, officers, and employees of the Town, except those actions under the Water Plan Ordinances which are specifically required to be taken by the Town’s governing authority. The Parties agree that when the agents, officers, and/or employees of the County are acting on behalf of the Town in the administration and enforcement of the Water Plan Ordinances, the agents, officers, and/or employees of the County remain the agents, officers, and/or employees of the County and are in no way to be considered agents, officers, and/or employees of the Town except for the limited purposes in this Agreement.

5.

All enforcement measures under the Water Plan Ordinances, if any, will require that the agents, officers, and/or employees of the County have the authority to enforce the Water Plan Ordinances. Upon the execution of the Agreement, the Town agrees to swear in all those agents, officers, and employees of the County prior to any enforcement action being taken. The authority for the agents, officers, and employees of the County to enforce the Water Plan Ordinances shall be duly conveyed by the Town at an open and public meeting, and the Code of Ordinances for the Town of Brooks shall so reflect the agents, officers, and employees of the County who are authorized to enforce the Water Plan Ordinances.

6.

The Town shall be added to the County liability insurance policy and agrees to pay for any additional premiums charged as a result of this coverage. Such policy of insurance shall cover the County, including its officers, agents, and employees, for any loss or damage arising out of the commission or omission of any act pursuant to this Agreement. The Town shall further indemnify the County against any and all claims, actions, damages, including reasonable attorney's fees, obligations, liabilities and liens arising out of such provision of governmental services by the County, or by the County's presence within the Town limits in furtherance of this Agreement.

7.

The term of this Agreement shall be for a period beginning on the date of execution and continuing until June 30, 20____. Thereafter, this Agreement shall automatically renew for successive twelve (12)-month terms beginning July 1, 20____ and ending June 30, 20____, unless terminated pursuant to Paragraph 10 herein.

8.

The validity, interpretation, and performance of this Agreement with each of the obligations and duties set forth herein shall be governed by the laws of the State of Georgia.

9.

This Agreement constitutes the full and complete agreement between the Town and the County with respect to the subject matter contained herein. All promises, representations, terms, conditions, agreements, or other understandings related to the subjects addressed in this Agreement are set forth in this document.

10.

This Agreement constitutes the complete understanding between the Parties in this matter. All previous agreements in conflict with this Agreement are hereby repealed. No other agreement, statement or promise relating to the subject matter of this Agreement that is not contained herein shall be valid or binding unless in writing and signed by the Parties.

11.

If any portion of this Agreement is found to be unenforceable, the remained of this Agreement shall continue in full force and effect and bind the Parties hereto.

12.

This Agreement may be terminated by either Party with or without cause by giving the other Party written notice of termination at least six (6) months prior to the annual expiration of this Agreement. Such notice shall be considered delivered and the service thereof completed three (3) days following the deposit, in the United States mail, of said notice, either certified or registered, with sufficient postage affixed thereon, addressed to the other Party at the official address set forth in Paragraph 13.

13.

The official addresses for notification purposes as to each Party shall be as follows:

Fayette County:

County Clerk
140 West Stonewall Avenue
Fayetteville, Georgia 30214

Brooks:

Town Clerk
Mayor and Council of the Town of Brooks
961 Highway 85 Connector
Brooks, Georgia 30205

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their seals
on the date first above written.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
RANDY OGNIO, Chairman

ATTEST:

Tameca P. White, County Clerk

MAYOR AND COUNCIL FOR THE
TOWN OF BROOKS, GEORGIA

(SEAL)

By: _____
DANIEL C. LANGFORD, JR., Mayor

ATTEST:

Stacey Collins, Town Clerk

COUNTY AGENDA REQUEST

Page 26 of 55

Department: Griffin Judicial Circuit Adult Felony

Presenter(s): Superior Court Judge W. Fletcher Sam

Meeting Date: Thursday, April 9, 2020

Type of Request: Consent #4

Wording for the Agenda:

Approval of a request from the Griffin Judicial Circuit Adult Felony Drug Court to accept a supplemental grant from the Criminal Justice Coordinating Council (CJCC) in the amount of \$13,856.

Background/History/Details:

The Griffin Judicial Circuit Adult Felony Drug Court offers alternative sentencing to defendants who have non-violent felony charges. The defendant must be approved by the District Attorney's Office and the Drug Court team. The defendant must spend a minimum of 24 months in an intense recovery program managed by the court. The Griffin Judicial Circuit Adult Felony Drug Court depends on grants to help sustain our program. The main grants the court focuses on are the annual and supplemental grants from CJCC and the Council of Accountability Court Judges (CACJ).

What action are you seeking from the Board of Commissioners?

Approval of a request from the Griffin Judicial Circuit Adult Felony Drug Court to accept a supplemental grant award for FY 2020 from the Criminal Justice Coordinating Council (CJCC) of \$13,856.

If this item requires funding, please describe:

No funding is required by the County for this supplemental grant.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Stacy Bayer

Subject: FW: Contingent Supplement Award

-----Original Message-----

From: Shameeka Hill <shameeka.hill@cjcc.ga.gov>

To: >; Judge Sams <fletcher@fayettecountyga.gov>

Cc: Taylor Jones <taylor.jones@georgiacourts.gov>; Ursula Kelley <ursula.kelley@cjcc.ga.gov>

Sent: Tue, Mar 24, 2020 12:20 pm

Subject: Contingent Supplement Award

Dear Griffin Judicial Circuit Drug Court,

Your court was awarded a supplemental grant in the amount of \$13,856 contingent upon the outcome of the FY20 amended budget. On 3/17 the Governor signed House Bill 792 restoring funding to accountability courts for fiscal year 2020. To that end, CACJ in conjunction with CJCC, is prepared to release your court's supplemental grant funds for quarter #4 (April 1 – June 30, 2020).

Please review the following information/instructions in regards to this release of funds:

- The court will be required to submit a letter to the CACJ Funding Committee. This letter should include details of how the funds will be spent in the final quarter of this fiscal year, as well as a commitment to obligate all funds in support of the court. **This letter should be signed by the court and sent back to CJCC by March 31, 2020 via email.** If you are able to spend part but not all of the supplemental award in quarter #4 please include those details in your letter. **Please also include the partial amount of awarded funds that can be utilized.**
- If you are NOT able to spend the award please let your CJCC grant specialist know asap. **Failure to let your grant specialist know by March 31, 2020 will result in CACJ retaining the funds for reallocation purposes.**

Releasing these funds is a time sensitive matter for all involved. Please be mindful of your county policies on accepting grant funds. Will accepting these funds require BOC approval? If so, are you able to make an agenda in time? Will you be able to discuss with your finance department in time? CACJ is not deterring the court from accepting these funds in support of your court but instead posing questions to help guide your next steps.

In viewing Georgia's accountability courts as a whole – all 163 programs – de-obligations from a county in North Georgia has an impact on a court in the metro area, as well as a court operating in the southern part of our state. We all must work together to best utilize the state funds allocated to us by the legislature.

Please contact your CJCC grant specialist Shameeka.hill@cjcc.ga.gov with any questions.

Thank you for your dedicated service to Georgia's accountability courts.

Respectfully,

Shameeka Hill

Grants Specialist, Grants Policy Division

[Criminal Justice Coordinating Council](#)

104 Marietta St. NW, Suite 440, Atlanta, GA 30303

D: 404.654.1796 | O: 404.657.1956

<image001.png>

<image002.jpg>

<image003.png>

<image004.png>



Griffin Judicial Circuit
Adult Felony Drug Court

Fayette County Justice Center
One Center Drive
Fayetteville, GA 30214
770-716-4211

Fayette County
Pike County
Spalding County
Upson County

March 23, 2020

Criminal Justice Coordinating Council,

Thank you for the notice of the award of the supplemental grant in the amount of \$13,856. The following information includes the details of how the funds will be spent in the final quarter of this fiscal year, as well as a commitment to obligate all funds in support of the court.

- Per our court's adopted COVID-19 policy, surveillance has been increased for each participant.
- Due to treatment being conducted in an on-line environment, we will increase individual treatment sessions for our participants during this stressful time.
- Due to COVID-19, we have increase drug testing for all phases. Also, we have had an increased use of Kratom which has also required the need for increased confirmations.

The Griffin Judicial Circuit Adult Felony Drug Court commits to obligating all funds in support of the court. Thank you.

Sincerely,


W. Fletcher Sams, Superior Court Judge
Griffin Judicial Circuit
Adult Felony Drug Court

BOARD OF COUNTY COMMISSIONERS

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

Item #5



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

March 12, 2020

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 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the March 12, 2020 Board of Commissioners meeting to order at 6:30 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Charles Oddo

Vice Chairman Charles Oddo offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

PUBLIC COMMENT:

CONSENT AGENDA:

Vice-Chairman Oddo moved to accept the Consent Agenda as written. Commissioner Gibbons seconded. The motion passed 5-0.

1. **Approval of staff's request to accept a Georgia County Internship Program (GCIP) grant award in the aggregate amount of \$2,607.60 to hire an Environmental Education intern and approval of the Grant Agreement.**
2. **Approval of Resolution 2020-03 to update the schedule of fees assessed for an emergency activation fee for drinking water.**
3. **Approval of the February 27, 2020 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

4. **Consideration of Commissioner Eric Maxwell's request to recognize "Good Friday" by giving County employees a day off on April 10, 2020. This item was tabled at the February 27, 2020 Board of Commissioners meeting.**

Commissioner Maxwell stated that when the 2020 County Holiday schedule was release in late November or December of 2019, he noticed that Easter was not a County recognized holiday. Commissioner Maxwell stated that he discussed the holiday schedule with Mr. Rapson. Commissioner Maxwell stated that he initiated a request for an analysis of other counties and various agencies and organizations holiday schedules. Commissioner Maxwell stated that as provided in the backup information included in the agenda package Fayette County is not the most generous in regards to paid holidays. Commissioner Maxwell stated that also provided in the backup information was a listing of county employees recognized for their "years of service". Commissioner Maxwell stated that he felt the county had a host of loyal employees some of which have served Fayette County 20, 25, 30, and even 40 years. Commissioner Maxwell acknowledged that the County does recognize these individuals at varying levels. Commissioner Maxwell stated that he felt adding Easter as an official holiday being recognized on the Friday before Easter, would be a nice gesture to staff and a way of showing appreciation for loyal service to Fayette County. Commissioner Maxwell acknowledge that this additional holiday would following the same protocol as other county recognized holidays in regards to operations of the county jail and public safety. Commissioner Maxwell stated that the addition of the Easer holiday would only be for one year, as a trial.

Commissioner Maxwell moved to recognize Easter as a holiday for Fayette County and to honor it on the Friday before Easter "Good Friday". Motion failed due to lack of second.

Commissioner Maxwell moved to recognize Easter as a holiday for Fayette County; and to observe it as a floating holiday which could be selected by each employee. Motion failed due to lack of second.

Commissioner Maxwell moved to add an additional holiday to the Fayette County schedule, which would be observed at the discretion of the employee. Commissioner Gibbons seconded.

Commissioner Maxwell asked Mr. Rapson about the \$25,000 cost referenced in the agenda package and if that would remain the same cost with the additional of a "floating" holiday.

County Administrator Steve Rapson stated that the mechanics of adding a holiday is the same for either format be it a specific day or a floating day. Mr. Rapson continued stating that anyone physically working would be compensated for that whereas public safety employees that were not working would bank that through an accrual. Mr. Rapson stated that the \$25,000 is the net impact of what that accrual would be. Mr. Rapson stated that in reality that accrual would be higher but typically individuals would use that eight hours during the course of the next 90- 120 days.

Mr. Rapson stated that a floating holiday could be implemented with each employee making a holiday selection at the beginning of each year, with department head approval.

Vice-Chairman Oddo stated that the item morphed turning into three different motions. Vice-Chairman Oddo stated that he had not had an opportunity to review and think on the changed motion and additional information. Vice-Chairman Oddo stated that he didn't feel comfortable with making decisions on the spot without having all the information and time to digest it appropriately. Vice-Chairman Oddo stated that he felt the 10-paid holidays the county currently observed was sufficient. Vice-Chairman Oddo stated that he has continually supported staff merit increases during the budget season in spite of challenges. Vice-Chairman Oddo stated that he felt this should have been presented during the next budget year. Vice-Chairman stated that he would prefer to support county staff through the budget process via annual pay increases when possible.

Chairman Ognio stated that he was in agreement with Vice-Chairman Oddo. Chairman Ognio stated that what was being discussed was completely different than the originally agenda item. Chairman Ognio stated he felt county staff does excellent work, but the \$25,000 made be needed in other areas the near future. Chairman Ognio stated he would not be able to support this item at this time.

Commissioner Maxwell withdrew his motion.

NEW BUSINESS:

5. **Consideration for staff to modify the existing GEMA Hazard Mitigation Grant Program (HMGP) grant application to include the rehabilitation of Kozisek Dam (2017 SPLOST project 5509C) and to provide the additional required local funding match of 25 percent if the grant is awarded by GEMA.**

Environmental Management Director Bryan Keller stated that grant funding was available statewide through a Hazard Mitigation Grant Program (HMGP) to assist counties with implementing the County's Hazard Mitigation Plan. Mr. Keller stated Longview Dam had previously been included in the existing GEMA Hazard Mitigation Grant Program (HMGP) and was requesting, at the admonition of the State, to add Kozisek Dam to the application.

Commissioner Gibbons moved to approve modification to the existing GEMA Hazard Mitigation Grant Program (HMGP) grant application to include the rehabilitation of Kozisek Dam (2017 SPLOST project 5509C) and to provide the additional required local funding match of 25 percent if the grant is awarded by GEMA. Commissioner Rousseau seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

County Administrator Steve Rapson advised the Board, that the Fayette County Board of Education was closing schools on Friday March 13th. Mr. Rapson acknowledged that both Fayette County Water Systems were recognized for certificate of merit for "Outstanding Water Systems of the Year" in their categories. Mr. Rapson stated that the County had created a Coronavirus page on the website with various updates, information, and related links all geared at keeping citizens informed.

A: Contract #1764-B: Water System Administrative Building TPO Roof Replacement

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

Commissioner Gibbons stated that he was able to participate in a ride-along during a shift with the Sheriff's Office. Commissioner Gibbons stated that it was an eye-opening experience and a long 14-hours. Commissioner Gibbons stated that he wanted to recognize everyone he interacted with during that shift because of their impeccable conduct. Commissioner Gibbons recognized Lt. R. Hallett, Sgt. T. Grier, Cpl. E. Marrero, Investigator Chris Kent, Deputy K. Davis, Deputy S.J. Glad, Deputy S.C. Smith, and Deputy S.R. Taylor.

Commissioner Rousseau stated that he received an email that discussed various changes that included information regarding updated operations, he asked which changes were recommendation and which had been implemented.

Mr. Rapson stated that within the Fire Department the following activities were suspended: business inspections and pre-fire planning activities; and public relation events had been halted. Mr. Rapson stated that within the Justice Center the Courts are still open for the Griffin Circuit, but could be shut down by the Judicial, if deemed an emergency and that would be based on the Chief Justice. Mr. Rapson stated that within Information Technology Department the County had purchased additional laptops. He added that he requested all department heads to comprise a continual of operations plan, in an effort to ramp up the ability for employees to telecommute. Mr. Rapson stated that any major software and hardware upgrades were halted, he added that the County was encouraging residents to utilize online processes and procedures for various county functions such as accessing permits or making payments. Mr. Rapson stated that within the Recreation Department the Senior, Special Olympic, and therapeutic programming had been suspended. Youth Soccer Association suspended all activities. Mr. Rapson stated that it was

determined that some citizens who had failed to make water payments and shutoff was required, may be self-quarantined and water was essential to sanitize their homes. Mr. Rapson stated that in those situations the customer would be flagged and the water would not be turned off until the quarantine time ended.

Commissioner Rousseau asked for, in reference to Mr. Rapson's operations updates, a copy of the county's Continuous Operation Plan (COP). Commissioner Rousseau stated although the Continuous Operation Plan was designed for situation other than a pandemic, he was sure Mr. Rapson would be analyzing it for revisions to fit current needs and advise the Board appropriately of those operational recommendations. Commissioner Rousseau stated that he had serious concerns regarding senior citizens and various activities within the county as they are a part of those at higher risk to COVID-19 and also the sanitation of the voting machine during the election to mitigate the spread of the virus. Commissioner Rousseau stated that he wanted to be kept in the loop of County operational recommendation prior to them being implemented, so that he was fully informed and aware and could accurately advise citizens. Commissioner Rousseau congratulated Vanessa Tigert, Water Systems Director and the Water Department for their accomplishments.

Vice-Chairman Oddo stated that he had an opportunity to participate in the reading program with Fayette County Public Schools, and was invited to read at Inman and Spring Hill Elementary Schools. Vice-Chairman Oddo stated that it was a privilege and brought him joy to interact with the students and encouraging them to engage in reading.

Commissioner Rousseau stated that he wanted the Board to weigh the issue of not turning off residential water during this pandemic, not just for quarantined citizens but across the board. Commissioner Rousseau stated water was vital to maintain required hygiene protocol to combat the virus.

Mr. Rapson stated that a suspension of water shutoff could be implemented.

Commissioner Rousseau moved to temporarily suspend for 90-days, turning off residential customer water for non-payment or any related issue; for public health reasons. Commissioner Gibbons seconded. The motion passed 5-0.

Chairman Ognio encourages citizens to follow recommended hygiene procedures such as washing your hands and/or using hand sanitizer, being mindful of your interactions with others when out in public.

EXECUTIVE SESSION:

ADJOURNMENT:

Commissioner Gibbons moved to adjourn the March 12, 2020 Board of Commissioners meeting. Vice Chairman Oddo seconded. The motion passed 5-0.

The March 12, 2020 Board of Commissioners meeting adjourned at 7:12 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 12th day of April 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

BOARD OF COUNTY COMMISSIONERS

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

Item #6



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
Emergency Special Called**

March 16, 2020
9:00 a.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 6:30 p.m.

Call to Order

Chairman Randy Ognio called the March 16, 2020 Board of Commissioners Emergency Special Called meeting to order at 9:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Edwards Gibbons

Commissioner Edwards Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Oddo moved to accept the agenda as written. Chairman Ognio seconded. The motion passed 5-0.

OFFICIAL SESSION:

1. **Consideration of staff's recommendation to close county offices to the public in an abundance of caution due to the Coronavirus (COVID-19).**

PUBLIC NOTICE
*Special Called Meeting for
Fayette County Board of Commissioners*

Please be informed that the Fayette County Board of Commissioners will hold a Special Called Meeting on Monday, March 16, 2020 at 9:00 a.m. to discuss closing county offices to the public in an abundance of caution due to the Coronavirus (COVID-19).

This meeting will take place in the Public Meeting Room, located at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Suite 100, Fayetteville, Georgia 30214.

The public is invited to attend.

Tameca P. White, County Clerk
Fayette County Board of Commissioners
March 15, 2020

###

County Administrator Steve Rapson stated that as most are aware concerns of the spread of COVID-19 had increased; public schools had closed along with surrounding cities and counties. Mr. Rapson stated that the goal for Fayette County was to take a measured approach and recommended closing the Fayette County Offices to public access. Mr. Rapson stated that County staff would still report to work answering phone requests, responding to emails, and process citizen request via online applications. Mr. Rapson specified that the County would be closed to the public included: the Stonewall Administrative Complex, the library, and recreational facilities. Mr. Rapson stated for clarification that there were other offices and agencies, such as the Board of Elections Office and the Tax Commissioner's Office, who utilize the Stonewall Administrative Complex, but were governed separately and would have to take separate action regarding operational changes. Mr. Rapson stated that the recommendation was to close access to the public from March 16- 20 2020, or extend it through March 27, 2020, if approved the recommendation would be to cancel the March 26, 2020 Board of Commissioners Meeting.

Chairman Ognio stated for clarification that these recommendation did not apply to the bodies and offices that are governed separately, nor for the Constitutional Officers within Fayette County.

Mr. Rapson stated that he had spoken to Judge Edwards regarding operational changes for the courts. Mr. Rapson stated that Judge Edwards advised that the courts were working from home and tele-conferencing as enacted by the State Chief Justice, but were awaiting final guidance regarding closures. Mr. Rapson stated that he had also spoken with the Chairman of the Elections Board and currently no decisions had been made regarding the process for handling early voting, but the Special Election had been postponed until May. Mr. Rapson stated in regard to those offices the public would have access, as well as to the County Health Department.

Chairman Ognio asked what the timeframe of the closure would be. He stated that at the end of that timeframe he would be comfortable giving the County Administrator the authority to extend it, if necessary.

Mr. Rapson stated that if recommendations were approved to close public access to county offices through March 27th, he would recommend having a special called meeting on March 26th to discuss a possible extension, if necessary.

Vice-Chairman Oddo asked if a special called meeting was conducted on the 26th would it be open to the public.

Mr. Rapson stated yes it would be open for the public to attend.

Chairman Ognio stated that he was in favor of giving the County Administrator the authority to make the decisions, when necessary. Chairman Ognio stated that the purpose of the closure was to encourage social distancing, he asked "why host a meeting that the public is invited to attend, were we're telling them that they really shouldn't attend." Chairman Ognio did acknowledge that Tax Commissioner Kristie King was present at meeting, and advised that she would be making her announcement regarding the tax Commissioners Office later.

Commissioner Maxwell stated for reiteration from his understanding based on the discussion the Boards would be giving the County Administrator full the authority to make decisions, giving him the ability to close offices, if necessary.

Commissioner Rousseau suggested modifying the authority given to the County Administrator to only be related to operational decisions as opposed to also allowing policy changes.

Mrs. Rapson stated that he wasn't sure how he could be allowed to make some of the operational decision and it not affect a policy, various changes and decision would be closely linked.

Commissioner Gibbons stated that he has been involved in crisis action and management in the past and knew well the difference between assistance and micromanagement. Commissioner Gibbons stated that he felt in this instance the Board should utilize the assistance the County Administrator provided.

Vice-Chairman Oddo stated that at any time the Board had concerns, they could always arrange a special called meeting.

Mr. Rapson stated that he would continue to communicate and keep the Board informed and up-to-date with all issues, changes, decisions, and/or concerns as they arise. Mr. Rapson stated the he would need a form of latitude to make various decisions as circumstances present themselves as this was a fluid situation.

Chairman Ognio moved to approve staff's recommendation to close county offices to the public immediately through March 27, 2020 in an abundance of caution due to the Coronavirus (COVID-19); and to give County Administrator authorization to make all decision as necessary, with the exception of other bodies or constitutional bodies in the County. Commissioner Gibbons seconded. The motion passed 5-0.

Tax Commissioner Kristie King advised that there were various functions and procedures that are performed by her office that would require in-person interactions, so she would not at this time be closing to the public. Mrs. King continued stating that the safety of the citizens and her staff was a big concern. Mrs. King stated that she would be going half-staff with a rotating schedule. Mrs. King stating that she would be adding some logistical procedures for those that enter the office to maintain recommended social distancing protocol.

ADJOURNMENT:

Chairman Ognio moved to adjourn the March 16, 2020 Emergency Special Called Meeting. Vice Chairman Oddo seconded. The motion passed 4-0. Commissioner Gibbons was absent

The March 16, 2020 Emergency Special Called meeting adjourned at 9:30 a.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 9th day of April 2020. Referenced attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Deputy County Clerk

COUNTY AGENDA REQUEST

Page 37 of 55

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Richard Anwyl, for tax years 2017, 2018 and 2019 in the aggregate amount of \$2,659.82.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this request.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Richard Anwyl, for tax years 2017, 2018 and 2019 in the aggregate amount of \$2,659.82.

If this item requires funding, please describe:

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

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

MEMORANDUM

To: Fayette County Board of Commissioners
 From: McNally, Fox, Grant & Davenport, P.C.
 Date: March 18, 2020
 Re: Tax Refund Request – Mr. Richard Anwyl-parcel 0720 026

On January 13, 2020 Mr. Richard Anwyl made a request for refund based upon a failure in the application of homestead exemption to his residence at 1145 Brittany Way in Fayetteville.

Mr. Anwyl applied for his homestead exemption on March 20, 2014. At that time, he met all legal requirements to qualify for the exemption. He owned the home for which application was sought, was a resident of Georgia and occupied the home at 1145 Brittany Way as his primary residence. Furthermore, he made the application for exemption prior to April 1. Mr. Anwyl was approved by the Board of Assessors for homestead exemption for tax year 2014. However, in early 2015 the assessors became aware of a discrepancy between Mr. Anwyl's residential address and his mailing address. The discrepancy triggered the removal of the homestead exemption and forwarding of a notice of removal to Mr. Anwyl. In response, Mr. Anwyl filed a formal change of address with the assessors. The assessors did not re-apply the exemption.

The refund provisions are designed to return taxes that have been assessed and collected erroneously. Although the initial removal of this homestead was proper under the circumstances, the failure to reinstate the exemption following taxpayer notification of an address change was erroneous. This error caused an increase in the taxes collected on this parcel for each tax year following the 2015 removal. A refund of this increase is recommended.

All tax years prior to 2017 are time barred by the Statute of Limitations. The recommended refund for the overpayment in tax years 2017, 2018 and 2019 are set forth below.

TAX YEAR	AMOUNT	RECOMMENDATION
2017	\$ 798.70	APPROVAL
2018	\$ 903.15	APPROVAL
2019	\$ 957.97	APPROVAL

Total recommended refund = \$2,659.82

Pamela White

From: Rick Anwyl <
Sent: Monday, January 13, 2020 10:29 AM
To: Pamela White
Subject: re: Homestead Exemption Refund / R. Anwyl

External Email Be cautious of sender, content, and links

Dear Pamela White,

Please let this serve as a formal request for a Homestead Exemption tax refund related to my property at: 1145 Brittany Way, Fayetteville Ga. 30214. The last number of years I have not been receiving my Homestead Tax Exemption.

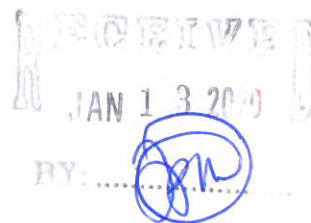
Thank you for assistance in regards to this matter.

Most Sincerely....Rick

ANWYL LTD. LLC.

Richard R. Anwyl

404 626 6504
1145 Brittany Way
Fayetteville, Ga. 30214
www.rickanwyl.com



PARID: 0720 026
ANWYL RICHARD R

1145 BRITTANY WAY

Tax Year	Address	HS	PTC
2020	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214		
2019	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214	L3	0.00 *
2018	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214	L3	957.97 + 903.15 + 798.70 + 2,659.82 *
2017	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214	L3	
2016	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214		
2015	ANWYL RICHARD R 1145 BRITTANY WAY FAYETTEVILLE GA 30214		
2014	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	L2	
2013	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	L1	
2012	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	L1	

\$ 957.97 - 2019
\$ 903.15 - 2018
\$ 798.70 - 2017

TAX DIGEST ADJUSTMENT

2011	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	YEAR	2017, 2018, 2019	BILL #	
2010	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	E & A		NOD	
2009	ANWYL RICHARD R 400 TRABERT AVE NW ATLANTA GA 30309	REASON	HSE Dropped Off - Refund		
2008	SIGNATURE / DATE	Robin Sharp		1/13/2020	

APPLICATION FOR HOMESTEAD EXEMPTION(S)

EXEMPTION CODE: **L3** TAX YEAR: **2015** PARCEL ID #: **0720 026**

APPLICANT: ANWYL RICHARD R

DOB: [REDACTED] 1949 AGE: 65 SSN #: [REDACTED]

Alien Registration#:

APPLICANT2:

DOB: AGE: SSN #:

Alien Registration #:

MAILING ADDRESS: 1145 BRITTANY WAY
FAYETTEVILLE, GA 30214

SITUS ADDRESS: 1145 BRITTANY WAY

To the Tax Commissioner of Fayette County, Georgia:

In accordance with the provisions of the State Constitution and laws authorizing Homestead Exemption not to exceed \$2000 in value, I hereby make application for Tax exemption on the following described property.


Land Lot #	072	District:	01	Number of Acres/Lot Size:	2	Market Value:	143,350
Kind of House:	1 STORY / BRICK	Rooms:	4	Date Purchased:			
From Whom?							
Kind of Conveyance?		Recorded Book #:	1716	Page #:	586		
Purchase Price Land and Improvements:							
Is there a lien on the Property? YES		What Kind? MORTGAGE		Amount of Lien:			
How Payable? E		To Whom Payable? BANK OF GEORGIA					
Are you in the Military Service? NO							
Is any of the above property rented? NO		What part?					
Is any of the above property used for business purposes? NO		How much?					
What kind of business? N							

COMPLETE TAXPAYER AFFIDAVIT ON REVERSE SIDE

FAYETTE COUNTY SENIOR 50 PERCENT SCHOOL TAX EXEMPTION

The homestead of each resident of Fayette County who is totally and permanently disabled or sixty five (65) years of age or older and who, together with each member of his/her family who resides in the household, has net Georgia taxable income of \$15,000 or more for the preceding calendar year, shall be exempt from Fayette County School District taxation in the amount of 50 % of the assessed value of the homestead, as defined by 1985 Georgia Law # 780, Act # 174, for the year 1986 and future years.

GEORGIA TAXABLE INCOME FROM YOUR GEORGIA TAX RETURN
GEORGIA TAXABLE INCOME OF ALL OTHER MEMBERS OF YOUR HOUSEHOLD
TOTAL

STILL WORKS


I, the undersigned claimant, do solemnly swear that the above statements made in support of this application are true and correct, that I am the bona fide owner of the property for which this tax exemption is claimed, that I actually occupied same as my residence on January 1 of the year for which this tax exemption is claimed, that on January 1 of the year for which this tax exemption is claimed, I was 65 years of age or older (or disabled) and my Georgia Taxable Income together with the net Georgia Taxable Income of each member of my family who resides in the homestead is as stated above and that no transaction has been made in collusion with another for the purpose of obtaining this tax exemption contrary to law.

Claimant  3/23/15 Date 03/23/2015

Claimant _____ Date 03/23/2015

Exemptions - Applications - Fayette, GA - Production - Internet Explorer

http://10.112.100.106/iasworld/maintain/Transact.aspx?bdtMaskedPin=07-20+*-026&selYear=2015&userYear=&sellur=000&chkShowHistory=1&chkShowChanges=&chkShowDeactivated=1&PinValue=&pin=&trans_key=&windowId=637142541530996916&submitFlag=false&TransPopUp=&A(



Exemptions - Applications

Tax Year: 2015 Jur: 000 FAYETTE

Search | Select Transaction | New Window

History ☒ Deactivated ☒ Show XML 144 0 of 0

Parcel ID: 07-20 -026

ANWYL RICHARD R

1145 BRITTANY WAY

2015



PRIOR YEAR - 2015

Application Applicants Owners Details Summary Exp Values Notes Notes 1

App#	Case No	Ex.Code	Who	When	Ver	Record	Status
1	2014002215	L2	TCONNER	09-APR-2015 09:14 AM	1	Deactivated	
1	2015002530	L3	JBENTON	22-APR-2015 03:36 PM	1	Deactivated	
1	2014002215	L2	EOY ROLL	03-NOV-2014 10:12 AM	0	History	
1	2015002530	L3	TCONNER	09-APR-2015 09:14 AM	0	History	

Case #: 2014002215 *

Exemption Code: L2

Application #: 1 *

Date of Application: 20-MAR-2014

Application Status: A

Reason:

Applicant: ANWYL RICHARD R

Applicant 2:

Address: 400 TRABERT AVE NW

ATLANTA GA 30309

Daytime Telephone:

Fax Number:

Email:

School Date: 2/29

Age Verification: DL: DRIVER'S LICENSE

Income Verification:

Type here to search

11:59 AM
1/10/2020



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Fayetteville, Georgia 30214

770-305-5400

www.fayettecountyga.gov

April 2, 2020

Richard Anwyl
1145 Brittany Way
Fayetteville, GA 30214

RE: Tax Refund Request

Dear Mr. Anwyl,

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 9, 2020 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads 'Marlana Edwards'. The signature is fluid and cursive, with the first name 'Marlana' being more prominent than the last name 'Edwards'.

Marlena Edwards
Deputy County Clerk

Cc: Joel Benton, Chief Tax Assessor
Kristie King, Tax Commissioner
Ali Cox, Assistant County Attorney

COUNTY AGENDA REQUEST

Page 44 of 55

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, April 9, 2020

Type of Request: New Business #8

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Wesley O. Saunders, for tax year 2018 in the amount of \$236.63.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this request.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Wesley O. Saunders, for tax year 2018 in the amount of \$236.63.

If this item requires funding, please describe:

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

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

MEMORANDUM

To: Fayette County Board of Commissioners
From: McNally, Fox, Grant & Davenport, P.C.
Date: March 18, 2020
Re: Tax Refund Request – Wesley O. Saunders – Parcel 07-3119-006

On behalf of Mr. Wesley O. Saunders, a tax refund is requested for tax year 2018. The partial refund is recommended based upon the inadvertent removal of a tax freeze. The removal of the freeze caused an increase in property value and thereby an overpayment of local property tax on this parcel for tax year 2018.

In order to diligently discharge its duties to assign a value to every tax parcel in Fayette County and assess each for taxation, the Fayette County Tax Assessors utilize a mass appraisal system. If a taxpayer is dissatisfied with the valuation of his property under this system, he/she may file an appeal of the value. Each year, each taxpayer is notified of this value and of his right to appeal within 45 days of the notice. If an appeal is filed, it will trigger a procedure whereby the property is individually examined and possibly re-valued. If such re-valuation occurs, the law dictates that this new value be placed on the parcel for the year under appeal and the next two tax years. This is referred to as a “freeze” in value. Mr. Saunders filed such an appeal on the above listed parcel for 2017. The property was re-valued under that appeal. The value for 2017 was correctly entered, assessed and taxes thereon were paid. However, due to a computer software glitch, the freeze was dropped for 2018 and 2019. As a result, the property value was increased under the mass appraisal system. This error was not discovered until after the 2018 tax bill was paid. However, it was caught and corrected for the 2019 assessment and billing. The assessors have notified the taxpayer of the error and the forthcoming 2018 refund. In addition, the assessors have corrected the system error to prevent this error in the future.

The refund provisions operate to return taxes assessed and collected either in error or illegally. In this case a system failure caused the removal of a legally mandated freeze in value. This error, documented in the assessment record for 2018, allowed an inadvertent increase in the property value placed on this parcel. This increase caused the tax liability to increase as well. A partial refund, in the amount attributable to the erroneous value increase on this parcel in 2018, is recommended.

The error was corrected for 2019. A partial refund of \$236.63 for tax year 2018 is recommended. This calculation is set forth in Cart A below and is based on the difference in value set forth in Chart B below.

CHART A

PARCEL	TAX YEAR	AMOUNT	RECOMMENDED ACTION
07-3119-006	2018	\$ 236.63	Approval
		<hr/>	
TOTAL REFUND		\$ 236.63	APPROVAL

CHART B

PARCEL	2018 VALUATION	FREEZE VALUE	DIFFERENCE
07-3119-006	\$ 389,550.00	\$ 361,950.00	\$ 27,600.00
			<hr/>
TOTAL DIFFERENCE IN VALUE			\$ 27,600.00



BOARD OF COMMISSIONERS
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April 2, 2020

Wesley O. Saunders
110 Hermitage PL
Peachtree City, GA 30269

RE: Tax Refund Request

Dear Mr. Saunders,

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 9, 2020 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marlena Edwards", is written over a light blue circular stamp.

Marlena Edwards
Deputy County Clerk

Cc: Joel Benton, Chief Tax Assessor
Kristie King, Tax Commissioner
Ali Cox, Assistant County Attorney

COUNTY AGENDA REQUEST

Page 48 of 55

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, April 9, 2020

Type of Request: New Business #9

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by KH Peachtree LLLP, for tax year 2018 in the amount of \$8,010.11.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this request.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by KH Peachtree LLLP, for tax year 2018 in the amount of \$8,010.11.

If this item requires funding, please describe:

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

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

MEMORANDUM

To: Fayette County Board of Commissioners
 From: McNally, Fox, Grant & Davenport, P.C.
 Date: March 18, 2020
 Re: Tax Refund Request – KH Peachtree LLLP– Parcels 07-4501-003, Parcels 07-4501-004, Parcels 07-4501-005, Parcels 07-4501-006, Parcels 07-4501-007, Parcels 07-4501-009, Parcels 07-4501-010, Parcels 07-4501-011, Parcels 07-4501-012, Parcels 07-4501-013, Parcels 07-4501-014, Parcels 07-4501-015

On behalf of KH Peachtree LLLP , a partial tax refund is requested for tax year 2018. The refund is recommended based upon the inadvertent removal of a tax freeze following an appeal of value. The removal of the freeze caused an increase in property value and thereby an overpayment of local property tax on each of the above listed these parcels for tax year 2018.

In order to diligently discharge its duties to assign a value to every tax parcel in Fayette County and then assess each for taxation, the Fayette County Tax Assessors utilize a mass appraisal system. If a taxpayer is dissatisfied with the valuation of his property under this system, he/she may file an appeal of the value. Each year, each taxpayer is notified of this value and of his right to appeal within 45 days of the notice. If an appeal is filed, it will trigger a procedure whereby the property is individually examined and possibly re-valued. If such re-valuation occurs, the law dictates that this new value be placed on the parcel for the year under appeal and the next two tax years. This is referred to as a “freeze” in value. KH Peachtree filed an appeal on the above listed parcels for 2017. The properties were re-valued under that appeal. The value for 2017 was correctly entered, assessed and taxes thereon were paid. However, due to a computer software glitch, the freeze was dropped for 2018 and 2019. As a result, the property value was increased under the mass appraisal system. This error was not discovered until after the 2018 tax bill was paid. However, it was caught and corrected for the 2019 assessment and billing. The assessors have notified the taxpayer of the error and the forthcoming 2018 refund. In addition, the assessors have corrected the system error to prevent this error in the future.

The refund provisions operate to return taxes assessed and collected either in error or illegally. In this case a system failure caused the removal of a legally mandated freeze in value. This error, documented in the assessment record for 2018, allowed an inadvertent increase in the property value placed on these parcels. This value increase caused the tax liability to increase. A partial refund, in the amount attributable to the erroneous value increase on each of the above listed parcels in 2018, is recommended.

The error was corrected for 2019. A partial refund of \$8,010.11 for tax year 2018 is recommended. This calculation is set forth in Chart A below and is based on the differences in value set forth in Chart B below.

CHART A

PARCEL	TAX YEAR	AMOUNT	RECOMMENDED ACTION
07-4501-003	2018	\$1,616.32	Approval
07-4501-004	2018	\$1,368.77	Approval
07-4501-005	2018	\$ 522.57	Approval
07-4501-006	2018	\$1,169.97	Approval
07-4501-007	2018	\$ 620.08	Approval
07-4501-009	2018	\$ 497.10	Approval
07-4501-010	2018	\$ 342.88	Approval
07-4501-011	2018	\$ 265.79	Approval
07-4501-012	2018	\$ 414.90	Approval
07-4501-013	2018	\$ 87.35	Approval
07-4501-014	2018	\$ 270.25	Approval
07-4501-015	2018	\$ 834.13	Approval
TOTAL REFUND		\$8,010.11	APPROVAL

CHART B

PARCEL	2018 VALUATION	FREEZE VALUE	DIFFERENCE
07-4501-003	\$645,400.00	\$518,670.00	\$126,830.00
07-4501-004	\$594,700.00	\$487,295.00	\$107,405.00
07-4501-005	\$457,400.00	\$416,395.00	\$ 41,000.00
07-4501-006	\$527,400.00	\$435,595.00	\$ 91,805.00
07-4501-007	\$431,500.00	\$382,845.00	\$140,460.00
07-4501-009	\$416,400.00	\$377,395.00	\$ 39,005.00
07-4501-010	\$392,400.00	\$365,495.00	\$ 26,905.00
07-4501-011	\$349,900.00	\$329,045.00	\$ 20,855.00
07-4501-012	\$357,000.00	\$324,445.00	\$ 32,555.00
07-4501-013	\$288,000.00	\$281,145.00	\$ 6,855.00
07-4501-014	\$304,200.00	\$282,995.00	\$ 21,205.00
07-4501-015	\$527,800.00	\$462,348.00	\$ 65,452.00
TOTAL DIFFERENCE IN VALUE			\$720,332.00



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April 2, 2020

KH Peachtree, LLLP
3007 Scarlet Oak Lane
Gainsville, GA 30504

RE: Tax Refund Request

Dear Madam or Sir,

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 9, 2020 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink that reads "Marlena Edwards". The signature is fluid and cursive, with the first name "Marlena" being more prominent than the last name "Edwards".

Marlena Edwards
Deputy County Clerk

Cc: Joel Benton, Chief Tax Assessor
Kristie King, Tax Commissioner
Ali Cox, Assistant County Attorney

COUNTY AGENDA REQUEST

Page 52 of 55

Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, April 9, 2020

Type of Request: New Business #10

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve a disposition of tax refund, as requested by Chad and Noreen Perret, for tax years 2017, 2018 and 2019 in the aggregated amount of \$10,213.29.

Background/History/Details:

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

A memo from the County Attorney is provided as backup with an explanation to approve this request.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Chad and Noreen Perret, for tax years 2017, 2018 and 2019 in the aggregated amount of \$10,213.29.

If this item requires funding, please describe:

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

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

MEMORANDUM

To: Fayette County Board of Commissioners

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

Date: March 18, 2020

Re: Tax Refund Request –Chad and Noreen Perret -parcel 0718 200005

Chad and Noreen Perret own a home at 203 Carriage Lane in Peachtree City. Mr. and Mrs. Perret are requesting a partial refund of the taxes paid in tax years 2017, 2018 and 2019 based on an error made in calculating the square footage of their home.

The Mr. and Mrs. Perret purchased a vacant lot upon which to build a home in May of 2015. In 2016 the home building commenced. By January 1 of 2017, the assessment date for tax year 2017, the home was 87% complete. The assessors compiled the data at their disposal and assessed the home at 87% value for the 2017 assessment. The same data was used for assessment at 100% complete for the 2018 and 2019 tax years.

The Perret home was assessed with the aid of building sketches. Although these sketches are accurate as to the outside measurements of the home, a January 2020 site visit revealed that the interior, finished square footage measurements were incorrect. The estimate of interior square footage was too large. The home was estimated to contain 8,755 square feet of finished area. The January 10, 2020 measurement by the assessors revealed an interior finished square footage of 5,837. A difference of 2,918 square feet.

A refund of local property taxes is recommended when taxes have been assessed and collected either in error or illegally. In this case, the taxpayer was assessed and paid taxes on finished square footage that does not exist in this home. This overpayment was due solely to an erroneous estimate in square footage in the assessor's record. A site visit confirmed that error. A partial refund is recommended for tax year 2017, 2018 and 2019. The error has been corrected for future tax years.

Year	Amount	Recommendation
2017	\$ 3,192.01	Approval
2018	\$ 3,419.21	Approval
2018	\$ 3,602.07	Approval
TOTAL RECOMMENDED REFUND: \$10,213.29		

Denise West

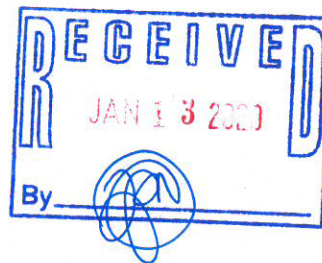
From: Noreen Perret (Zone Director 012) <Noreen.Perret@ros.com>
Sent: Saturday, January 11, 2020 10:39 AM
To: Denise West
Cc: Chad Perret
Subject: Perret_ 203 Carriage Lane PTC (Tax Overpayment)

***External Email* Be cautious of sender, content, and links**

Denise,

Thank you again for your help this week. Below is a recap of our situation with our Fayette County Property Tax:

Chad and Noreen Perret
 203 Carriage Lane
 Peachtree City, Ga 30269
 Map Code : 071820005



- We moved into our newly built home in February of 2017.
- We did not receive tax bills at our new address as the Tax office did not have the correct address on file
- In September 2019 I went to the Tax assessor office and asked about our property tax. At that time I was told our address was incorrect and it was changed to the correct address in the system but never realized our square footage was incorrect.
- In December 2019 we called the Tax Assessor's office to see what was listed for our square footage. The Square footage was listed at 8,755 square feet. I asked if someone could come out a verify because there was a difference of 2,918 square foot from what was on my original house plans.
- Initially we only knew that our home was assessed at \$1,667,800 – we did not realize the square footage was wrong.
- Our home was reassessed on 1/10/2020 and the correct square footage was placed into the system (5837 square feet)

Due to a large mistake made by an employee of the Tax Assessors office, we are requesting a refund for our overpayment of property taxes from 2017 – 2019.

Again, thank you for your assistance Denise. I have to say that the Tax Assessors office has been extremely professional and helpful in my due diligence to find the real issue with my property tax.

Noreen Perret
 678-392-7231

Noreen Perret | Director, Zone 12
 Ross Stores, Inc. | www.Rossstores.com | Cell: 678-392-7231
Noreen.perret@ros.com

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April 2, 2020

Chad and Noreen Perret
203 Carriage Lane
Peachtree City, GA 30269

RE: Tax Refund Request

Dear Mr. and Mrs. Perret,

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, April 9, 2020 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 6:30 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marlina Edwards", is written over the typed name.

Marlena Edwards
Deputy County Clerk

Cc: Joel Benton, Chief Tax Assessor
Kristie King, Tax Commissioner
Ali Cox, Assistant County Attorney