Consent Agenda #12

Minutes

Board of Commissioners
March 11, 2014
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in Official Session on March 11, 2014 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

Commissioners Present:	Steve Brown, Chairman Charles Oddo, Vice Chairman David Barlow Allen McCarty Randy Ognio
Staff Present:	Steve Rapson, County Administrator Floyd L. Jones, County Clerk Tameca P. White, Deputy Clerk Patrick Stough, Assistant County Attorney

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Call to Order, Invocation, and Pledge of Allegiance

Chairman Brown called the March 11, 2014 Board of Commissioners meeting to order at 7:00 p.m.

Commissioner Barlow gave a brief PowerPoint presentation on attendance at the 85th Annual Department of Community Health meeting. A copy of the PowerPoint presentation, identified as “Attachment 1", follows these minutes and is made an official part hereof.

Commissioner Barlow asked Rabbi Louis Feldstein of the Congregation of B’nai Israel to give the Invocation. Rabbi Feldstein then gave the Invocation.

Commissioner Ognio led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Brown moved to accept the Agenda, to add into the Presentation / Recognition portion of the Agenda the March for Meals request and certificate, to add the March 7, 2014 Special Called Meeting Minutes to the Agenda, and to move New Business Item #17 to the front of the New Business portion of the Agenda. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

(For the purpose of these Minutes, the Agenda items have been renumbered to include the Fayette Senior Services’ recognition and to include the March 7, 2014 Special Called Meeting Minutes.)

PRESENTATION / RECOGNITION:

1. Proclamation recognizing Congregation B'nai Israel and its contribution to the Fayette County community.

Commissioner Barlow read the recognition for Congregation B'nai Israel. Ms. Sharon Hudgins, President of B'nai Israel, thanked the Board for its recognition of the congregation. Copies of the request and of the recognition for Congregation B'nai Israel, identified as "Attachment 2", follow these minutes and are made an official part hereof.

2. Proclamation of March 15, 2014 as "Master Gardener Extension Volunteer Day."

Commissioner Allen McCarty read a proclamation for March 15, 2014 as "Master Gardener Extension Volunteer Day." Agricultural and Natural Resource Agent Kim Toal accepted the proclamation on behalf of the Master Gardeners and spoke briefly about the work of the Master Gardeners and how to become involved with the program. Copies of the request and proclamation, identified as "Attachment 3", follow these minutes and are made an official part hereof.

3. Recognition and presentation of four newly promoted Fire and Emergency Services officers to the rank of Lieutenant.

Fire Chief David Scarbrough presented four members of the Fayette County Fire Department, along with their family and friends, to the Board of Commissioners in recognition of their promotions to the rank of Lieutenant. Judge Fletcher Sams officiated the oath of office for each of the lieutenants, and the County Commissioners congratulated the new lieutenants on their promotions.

The newly promoted lieutenants are: Matthew Lanza, Jeffery Roach, Ryan Sanders and Brandon Gibby.

A copy of the request, identified as Attachment 4", follows these minutes and is made an official part hereof.

4. Recognition and resolution commending the Association of County Commissioners of Georgia (ACCG) on the occasion of its 100th anniversary.

Commissioner Oddo read the resolution recognizing the ACCG's 100th Anniversary. Mr. Ross King, Executive Director of the ACCG, spoke briefly on the ACCG's work with Fayette County. Copies of the request and proclamation, identified as "Attachment 5", follows these minutes and is made an official part hereof.

5. Recognition of Fayetteville, Tyrone, and Peachtree City for being numbered as among the 50 safest cities in Georgia.

Chairman Brown spoke about the honor Fayette County has to have three of its cities recognized as among the 50 safest cities in Georgia. He then invited the elected representatives from Peachtree City, Tyrone, and Fayetteville to be recognized on behalf of their cities. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part hereof.

6. Recognition of Fayette Senior Service's participation in the national March for Meals campaign that will take place through the entire month of March, and of Community Champions Week that will occur from March 17-21, 2014.

Chairman Brown recognized Fayette Senior Service's work with the March for Meals campaign, and he spoke about the Meals on Wheels program in the county. He then read a certificate on behalf of the Board recognizing Fayette Senior Service's work. Mrs. Nancy Meaders, Director of Fayette Senior Services, commented on the needs and work in the community. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.

PUBLIC HEARING:

7. Consideration of Petition Number RP-051-14 for the Revision of a Recorded Plat for McNiel Farms Subdivision by adding nine (9) lots as McNiel Farms, Phase II.

Mr. Joseph "Joey" Scanlon, of Scanlon Engineering Group and representing the Scarbrough Group, spoke to the Board about the need to pass Petition Number RP-051-14. He gave a PowerPoint presentation, explaining how the properties were designed in phases on Swanson Road. He spoke about a recent property acquisition from the Flower's family, and that he wanted to use the property as Phase II of McNiel Farms. He said the zoning was in place, that he was able to meet the setbacks, and that they were in agreement with Fayette County to give the needed right-of-way to straighten Swanson Road. He said there was no need for additional infrastructures.

Commissioner Oddo asked if there was a study on the septic system that would be installed. Mr. Scanlon replied that the study had been done and it was good soil for a septic system.

No one else spoke in favor of or in opposition to this petition.

Community Development Director Pete Frisina provided additional insight on Petition RP-015-14. He said that the applicant was just asking permission to move ahead since they still have to go through the platting process. It was pointed out that the Planning Commission approved this request with a 4-0 vote.

Commissioner Oddo moved to approve Petition Number RP-051-14 for the Revision of a Recorded Plat for McNiel Farms Subdivision by adding nine (9) lots as McNiel Farms, Phase II. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.

8. Consideration of staff's request to adopt Resolution 2014-07 pertaining to the "Fayette County 2013 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2014-FY2018)" and to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs.

Community Development Director Pete Frisina spoke briefly about his request to adopt 2014-07. He stated that it was time to submit the annual report on impact fees to the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA). He reminded the Board that Fayette County, and the towns of Tyrone, Brooks and Woolsey all participate in this program in order to fund the county's fire service. He informed the Board that the report had been completed and he thanked the Finance Department for

providing the financial information included in the report. He reported that each of the participating jurisdictions is in the process of participating in their portion of the reporting process. Mr. Frisina told the Board that in 2013 the County collected $131,000.00 for fire impact fees throughout all jurisdictions, and he pointed out that in 2012 the County only collected $33,000.00. He asked the Board to adopt the transmittal resolution and authorize staff to transmit the material to the Atlanta Regional Commission and the Department of Community Affairs.

No one spoke in favor of or in opposition to this request.

Commissioner Ognio pointed out that both Swanson Road and Kelly Road were on the Fayette County Comprehensive Plan Amendment Short Term Work Program Update FY2014 -FY2018- Public Works list, but that the funding for both roads had been pulled. He asked for those roads to be removed from consideration.

Commissioner Ognio moved to adopt Resolution 2014-07 pertaining to the "Fayette County 2013 Annual Report on Fire Services Impact Fees, including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and Short-Term Work Program (FY2014-FY2018)," to transmit the document to the Atlanta Regional Commission and the Department of Community Affairs, and with the amendment of removing Swanson Road and Kelly Road from Page 5 of the County Comprehensive Plan Amendment Short Term Work Program Update FY2014-FY2018- Public Works. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Resolution 2014-07, identified as "Attachment 9", follow these minutes and are made an official part hereof.

CONSENT AGENDA:

Commissioner Oddo moved to approve Consent Agenda Items 9-13. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

9. Approval of staff's recommendation to approve mid-year budget adjustments for Fiscal Year 2014. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.

10. Approval of staff's recommendation to add Stillbrook Estates Phase III to the Fayette County Street Light Program. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part hereof.

11. Approval of the Water System's recommendation to waive parking fees at Lake McIntosh Park for out-of-county participants in the Sailboat Regatta planned for August 2-3, 2014. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part hereof.

12. Approval of the Water Committee's recommendation to allow for the insertion of flyers or other informational material for recurring events throughout Fayette County. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part hereof.

13. Approval of the February 27, 2014 Board of Commissioners Meeting Minutes.

OLD BUSINESS:

There were no Old Business items on the Agenda.

NEW BUSINESS:

14. Consideration of the Selection Committee's recommendation to reappoint Mr. Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2014 and expiring January 31, 2018.

Commissioner Ognio moved to approve the Selection Committee's recommendation to reappoint Mr. Addison Lester to the Fayette County Board of Elections for a term beginning February 1, 2014 and expiring January 31, 2018. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part hereof.

15. Consideration of staff's recommendation to adopt Ordinance 2014-03 revising provisions pertaining to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations.

Chairman Brown pointed out that there was an additional document on the dais entitled Proposed Changes for Section 3-42 (c) and Proposed Changes for Section 3-43(b).

Code Enforcement Officer Kathy Hobbs reported that this recommendation was a housekeeping measure on the alcohol ordinance that was updated by the Board in 2013. She said that the referendum had not been held for on-premises consumption at the time the previous ordinance was adopted by the Board of Commissioners, and she stated that this effort would add on-premises consumption and the hours allowed per state law. Secondly, she stated that Ordinance 2014-03 would update the identification process, and she reminded the Board that at the time the original ordinance was written there was not a possibility of having an identification machine. She stated that the current Board voted to allow for the purchase of an identification machine, and therefore, the ordinance needed to be revised. She added that the ordinance requires employees who serve alcohol to wear their license at all times while at work.

County Administrator Steve Rapson added that the document on the dais was simply the red-line version of the ordinance before the Board.

Commissioner Barlow moved to accept staff's recommendation to adopt Ordinance 2014-03 revising provisions to alcoholic beverages, identification cards for employees of licensees, and to days and hours of operations, to include proposed changes for Section 3-42 (c) and proposed changes for Section 3-43 (b). Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2014-03, identified as "Attachment 15", follow these minutes and are made an official part hereof.

16. Consideration of staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts.

Code Enforcement Officer Kathy Hobbs informed the Board that she had been approached by several jurisdictions within the county that are in the process of adopting this same type of ordinance. She said the ordinance is based off Cobb County's model ordinance where they did a study that showed the impact of underage drinking in a community. She said Ordinance 2014-04 makes it easier for the Sheriff's Office to go to a home where there is an adult, more than 21 years of age, who is providing alcohol to non-family members, who are less than 21 years of age, and to charge them with the county ordinance.

Commissioner Oddo moved to accept staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts. Commissioner Barlow seconded the motion.

Becky Smith and Dawn Oparah: Ms. Smith and Ms. Oparah, representing Fayette FACTOR, jointly approached the public speaking podium to speak about Ordinance 2014-04. Ms. Oparah commended the staff for making the recommendation to adopt Ordinance 2014-04, and she wanted to share with the Board that almost three years ago, Fayette FACTOR got money from the state, cities, and counties to look at underage drinking and social hosting. She stated that the goal was to have all of the local law enforcement working together to have a similar ordinance so that there would be enforced areas throughout the county in order or prevent social hosting. She asked for the opportunity, based on previous studies and findings, to help tweak the ordinance should there be any revisions that have to be made.

Ms. Smith reiterated that Fayette FACTOR had hoped to gain the community support through presentations and by going to homeowners associations, civic groups, and different organizations in order to share the gathered information that alcohol is a problem among teens. She pointed out that the current ordinances that are in place do not really provide law enforcement with anything to hold the adults responsible if they deny that they had any idea alcohol was on the premises. She said Fayette FACTOR wanted to gain support from the community so that there would not be push back from the community when law enforcement comes to break the parties up.

Commissioner Barlow recalled that he was at a Fayette FACTOR meeting where he saw the first presentation on this issue, and that he was there when a young man spoke about how he had access to alcohol every morning before he went to school. He said the number one issue that he recalled was the deniability from the adults. He explained that the adults were saying, "My child doesn't do that," and that the child was saying, "Yes we do." He said the parents were denying this problem since they did not want to deal with it. Commissioner Barlow also recalled that the biggest offense was coming from Peachtree City residents since they are denying that they have an issue; although it is all over Fayette County.

Ms. Oparah replied that Fayette FACTOR conducted a community assessment to determine how communities deal with social norms and underage drinking. She explained that on a scale of one through nine, with nine being the highest, Fayette County was scored a two. She stated that the community was not ready, and that there was a meeting with community leaders in May 2012 where the leaders stated they did not need a social host ordinance. She passed pamphlets to each Commissioner showing the work of Fayette FACTOR as it relates to social hosting.

Commissioner Barlow asked if Fayette FACTOR engaged the school system in 2012 about social hosting. Ms. Oparah said the Fayette County Board of Education has been on board with this initiative since its inception. She closed that Fayette FACTOR, as a nonprofit organization, will continue to work on this issue and with all the community leaders in order to save lives.

Officer Hobbs informed the Board that she received an email inviting her to a meeting later in the week. She said she would not be able to make the meeting, but encouraged the requestor to get together to study and, if needed, to strengthen the ordinance.

Don Haddix: Mr. Haddix agreed that Peachtree City had problem areas that needed to be dealt with, but he explained that there were extenuating factors that needed to be considered. He pointed out that while Peachtree City has problems, it does not tolerate its problems. He said this is a hard issue to deal with, that it is an issue that needs to be dealt with, and that there were parents in denial. He added that there are parents who are not even home to even know what is going on, and that makes the issue extremely hard to deal with. Mr. Haddix stated that when "these things go down" some of the kids do not even live in Fayette County. He said there are guns and drugs involved, that the situation is sad, and that the police descend on the parties immediately. Mr. Haddix said he was concerned with the issue of coordination, and he agreed that there has to be coordination between the Sheriff's Office and the police departments throughout the entire county. He emphasized that he supported Ordinance 2014-04, but he stressed that it needed to be a smooth operation through cooperation.

Larry Younginer: Mr. Younginer informed the Board that he supported Ordinance 2014-04, but that he wanted the wording to "be done correctly" so that the Sheriff does not have the authority to arrest the innocent. He stated that social media allows that any time someone has a party scheduled, that a lot more people show up than who were invited and they bring things that are unwanted. He said it was a lot easier now for a parent to not know what is involved in a party than it was before. He said the ordinance needed to be rewritten in such a way that innocent parents who are dealing with uninvited minors will not be arrested.

No one else spoke in favor of or in opposition to this request.

The motion to accept staff's recommendation to adopt Ordinance 2014-04 enacting provisions to Social Hosts passed unanimously. Copies of the request and Ordinance 2014-04, identified as "Attachment 16", follow these minutes and are made an official part hereof.

17. Discussion of Hoop Houses and Detached Rooms in association with zoning regulations for accessory structures.

Community Development Director Pete Frisina stated that two months ago he did not know what a hoop house was, but that he knows a lot more about them now. He stated that recently there have been two residents who are interested in putting hoop houses on their property, that both of the properties are zoned as residential, and that crops can be grown under the County's residential zoning provisions. He said both residents grow crops, and that a hoop house is a very inexpensive way to construct a greenhouse-type structure that is very inexpensive. He said the hoop house allows gardeners to extend growing seasons for their crops. He added that one resident informed him of a federal program to subsidize the materials; consisting of bent tubular aluminum or PVC framing with plastic or cloth coverings. Mr. Frisina added that hoop houses can be small but they can also be very big. He explained that the current zoning ordinance

states a person can have up to 1,800 square feet of accessory square footage on their property. He added that there is a provision that if a person has five or more acres in residential zoning that they may be able to get up to 3,600 square feet of accessory square footage on their property. He stated that the issue at hand is that the County was not addressing hoop houses and similar structures when the accessory uses were written. He stated that the hoop houses do not meet the requirements in terms of materials and architectural requirements that the County has on typical accessory structures. He asked for the Board's permission to work on this matter. He said staff had already spoken to the Planning Commission about this matter, and he asked for the Board's guidance on the matter. He explained that these types of structures would have to have a special section in the Zoning Ordinance to alleviate some of the architectural requirements. He added that the staff would need to get with the Permits and Inspections Department to see what, if any, inspections they would need to look at. He pointed out that they were not permanent structures and they are not put into a foundation, but that no one wanted them to be picked up by a heavy wind and blown into the neighbor's yard. He said the County wanted to ensure that the hoop houses were maintained. He also suggested that hoop houses would be specifically used to grow plants or crops, and not serve, as an example, as storage for household items.

Chairman Brown suggested that the hoop houses should be scalable based on lot sizes. He thought they should also stay in good repair. He added that seasonal provisions could be considered. Mr. Frisina replied that it was his understanding that the frames could stay up year round but that there would be some seasons where the sheeting could be taken off of the hoop house. Chairman Brown asked if someone would want a metal skeleton of that structure sitting in a yard all summer long.

Commission McCarty reminded the audience of his position that people should , depending on their lot size, have up to half a dozen chickens to keep out bugs, to produce eggs, and to fertilize the garden.

Commissioner Barlow said that the small hoop house looked like square foot gardening that people could read about, and he suggested that the hoop designation came about because someone had square foot gardening that they wanted to cover up during the winter so they could do more gardening. He thought that if the hoop house was maintained to the square foot gardening that they would be fine. He pointed out that there is a gentleman who does organic growing in Peachtree City, that he has been to the gentleman's property, and that he has five or six hoop houses so that he can garden throughout the year. He said the man's hoop houses have irrigation and power installed with them, but he also has the acreage to support the hoop houses. Mr. Frisina replied that this issue really would not apply to A-R zoned property.

Commissioner Oddo stated that he likes giving the people liberty to do what they want with their property, but he agreed to have staff study the issue and come up with suggested limits. He asked how a greenhouse differed as an additional structure per the county's ordinance. Mr. Frisina replied that the current county ordinance reads that greenhouses would be built out of typical greenhouse materials such as steel and glass. He added that greenhouses have foundations as well. He said the basics for accessory structures include solid walls, foundations, and roofs. He said hoop houses have tubular framing with some kind of film draped on them. Commissioner Oddo suggested that, if a person had a big enough unit, they could conduct a business out of it. Mr. Frisina replied that the County would not want the business portion of it to be in a residential lot. Commissioner Oddo replied that he liked to see people sell their vegetables and that the ability to sell vegetables gives a little rural flavor to Fayette County that should not be lost.

Commissioner Ognio said he was concerned with the safety of hoop houses, and he suggested that the wind load on the hoop houses and their round structure would catch wind; becoming very dangerous objects. He suggested that the hoop houses would have to be properly anchored to the ground. Mr. Frisina replied that was one of the reasons the Buildings Permit and Inspection Department would be brought in on this matter.

Mr. Frisina then asked the Board for permission to work on studying detached rooms. He stated that there were many houses in Fayette County with detached rooms. He said he did not think the county wanted to consider detached rooms as accessory structures because of the way they are attached to the house. He said staff wanted to look at a few houses with detached rooms to see if there is a way to qualify what really is a detached accessory structure and what is an integral part of a home. Chairman Brown suggested that the distance from the main structure could be a consideration. Mr. Frisina added that the relationship of what the structure is could also determine whether the structure is a detached home or an accessory structure.

Code Enforcement Officer Kathy Hobbs added that it was her understanding that State of Georgia's Agriculture Department allowed for produce that is grown on site to be sold on site.

The Board agreed to allow staff to look into matters pertaining to hoop houses and detached rooms, but did not take official action on these matters. A copy of the request, identified as "Attachment 17", follows these minutes and is made an official part hereof.

18. Consideration of the request from the Fayette County Chamber of Commerce and Fayette County Development Authority for Fayette County to support the Fayette Visioning Initiative in the amount of $10,000.00.

County Administrator Steve Rapson reported that this request came from the Fayette County Chamber of Commerce asking for Fayette County to support the Fayette Visioning initiative. He added that the memo attached to the request outlined the information that would be used by the County for the 2017 Comprehensive Plan. He explained that those deliverables are what was being recommended for approval with a $10,000.00 contribution.

Commissioner McCarty moved to approve New Business Item 18. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 18", follows these minutes and is made an official part hereof.

19. Consideration of the March 7, 2014 Special Called Meeting Minutes.

Chairman Brown informed the audience that the Commissioners had copies of the March 7, 2014 Special Called Meeting Minutes on the dais, and that the minutes could be obtained from the County Clerk.

Commissioner Oddo moved to approve the March 7, 2014 Special Called Meeting Minutes. Commissioners Ognio and McCarty seconded the motion. No discussion followed. The motion passed unanimously.

PUBLIC COMMENT:

Roy Bishop: Mr. Bishop said it seemed that the curb-straightening project for Westbridge Road had hit a snag. He said the pavement that had been laid was sinking where it meets the bridge, that the "topping" of the asphalt was lacking so it was making a lot of noise and had a large bump that could knock a vehicle out of alignment. He asked the Board to give the project a boost and to complete the project. County Administrator Steve Rapson said he would ensure that Mr. Bishop was updated on the progress of the work.

Emory McHugh: Mr. McHugh spoke about his professional background. He said he wanted to comment on Fayette County's finances. First, he thanked the Fayette County voters for defeating the Stormwater SPLOST and questioned why the issue was even on the ballot since Chairman Brown and Commissioner McCarty voted against the creation of the utility, and since Commissioner Ognio spoke passionately about its evils during public comments at that meeting.

Second, he suggested that county staff was using accounting terminology such as "revenues" and "expenses" inappropriately. He said he thought there might be a training problem with staff, so he submitted an Open Records Request in December 2013 to ascertain whether the County Administrator and the Chief Financial Officer had completed a sufficient number of Continuing Education Hours to maintain their active license as a Certified Public Accountant. He stated that in response to the Open Records Request from "the most transparent county government that has ever been in existence," he received a reply from the County Clerk informing him that since it would take six hours of staff time to obtain the information the cost would be $86.99 plus copy fees. He stated that he replied that he communicated to the County Clerk that six hours was excessive and provided suggestions on how to quickly fulfill the search. Mr. McHugh told the Board that he received another communication from the County Clerk saying the Finance Department could do the search within two hours at a cost of $28.99. He said he agreed to the cost provided that he would receive a signed statement from the employee who did the work that it actually took two hours to provide the information. Mr. McHugh replied that when he showed up to retrieve the records, they were given to him at no cost. Mr. McHugh said that once he received the material from the County, along with a response from the City of Union City saying it had no responsive records, he put the material on a spreadsheet and concluded that he was unable to tell whether the individuals received the necessary training to hold an active CPA license.

Third, Mr. McHugh said he again wanted to take the "most transparent county government to task" by pointing out that on January 6, 2012 and on February 14, 2013, the audit firm that performed the annual financial audits did a public presentation about the results of the audit. He pointed out that the most recent audit was completed in December but that there has not been an open, public discussion that has taken place. Mr. McHugh then stated that during the recent ice storms he printed out the County's financial statements. Mr. McHugh then provided additional personal background, saying he served on the Review Committee for the Government Finance Officers Association which awards the Certificate of Achievement for Excellence in Financial Reporting. He added that he has done a lot of financial reviews, as well as prepared financial statements in the past. He said during his recent review of the County's financial statements that he made several findings. He asked the people to look at Page 23 of the County's Comprehensive Annual Financial Report (CAFR), it could be observed that the county staff has concluded that the governmental activities had a change in net financial position of -$7,212,323.00. He said if someone was looking at the county from a business perspective, staff is reporting that Fayette County lost $7.2 million in Fiscal Year 2013. Mr. McHugh then asked for people to look at Page 45 of the CAFR, and he said it provides the same statements on a governmental accounting basis. He said the modified accrual basis is a "kind of a cash flow accounting thing," and it showed that the same governmental activities lost $13,684,930.00. He concluded that from either of those two perspectives, whether as a business or as a government, the county is experiencing a great deal of financial distress. Mr. McHugh anticipated that the Commissioners would say they are not responsible for the financial distress, but he responded that Commissioner McCarty voted for the budget that was approved for Fiscal

Year 2013. He added that all five of the present Commissioners were in office for six months during that period, and that they did negative budget adjustments just like they did as part of the Consent Agenda. He said the current Board of Commissioners were the ones who made a decision to give away $17.5 million of Local Option Sales Tax (LOST) to the cities.

Commissioner Barlow interjected into Mr. McHugh's comments saying that the Commissioners had heard this "diatribe" before, and he recommended to Chairman Brown that Mr. McHugh be stopped from giving further public comments. He added that County Administrator Steve Rapson had already addressed the LOST issue, that Mr. McHugh was throwing around a bogus figure. He added that Mr. McHugh had already shared with the Board that he is the smartest guy in the County, knowing more than Mr. Rapson or Mrs. Parrott combined, and that the Board understood that he was brilliant with what he does and that everybody else are losers. Commissioner Barlow insisted that he would not sit in the meeting and have Mr. McHugh continue to put bogus information on the record. He then, once again, asked Chairman Brown to stop Mr. McHugh.

Chairman Brown addressed Mr. McHugh, saying he had beaten the LOST issue to death. Mr. McHugh asked to be provided the opportunity to complete his comments. Chairman Brown replied that the Board and staff had heard Mr. McHugh speak for up to fifteen minutes at a time on the LOST negotiations. Mr. McHugh replied that he was more than half way through his comments.

Mr. McHugh stated that if there are any citizens who want to take the time to review the financial information on the website that he would like to point out a couple of things that will assist them on understanding the information being presented. He asked people to look at the Table on Page 29 of the CAFR, and stated they would notice a difference in the transfer category for FY2012 and FY2013. He suggested that the reason for that difference is that $539,650.00 has been credited back against expenditures in the FY2013 presentation. He explained that, in effect, it skews the numbers so that FY2013 looks better than FY2012. He continued stating that if the figures are compared on an apple to apple basis, it would be discovered that the total expenses for FY2013 were actually more, not less, than FY2012– and that was after the Early Retirement Program was implemented in FY2012.

Mr. McHugh then asked people to look at the statistic tables on Page 135 of the CAFR; he stated that the Government Accounting Standards Board (GASB) Statement 44 requires that the difference be noted in the footnote section. He explained that this is an important disclosure so that people looking at comparative financial information are actually able to understand it.

Mr. McHugh continued saying that another intriguing set of accounting entries could be found on statements provided on Pages 47-49. He said they show the results of operations for the Stormwater Utility Fund. He said the first thing worthy of noting is the difference between the Accounts Receivable numbers between the two fiscal years. He said on Page 31 of the CAFR the reason given for the difference is that there was a delay in the billing pending the outcome of the SPLOST vote. He stated that if someone looked at the record, it would be discovered that the two billings actually occurred very closely in timing since it occurred in November of the years in question. Mr. McHugh suggested that basic Accounting 101 dictates that if there is a calendar year and someone is being charged for it, half of the revenue should go in for half a year and the other half of the revenue should go in the other year. He suggested that if that does not happen, then the person is over billed. Mr. McHugh stated his next finding in the Stormwater Utility Fund is that staff reported $155,604.00 in unearned revenue. He said he was unsure how it could be unearned if someone is being charged for it since the revenue should be going for the services received with stormwater. Mr. McHugh continued saying he was unsure what has been done with the money that did reside in the Capital Projects Funds that had been allocated by previous Boards to address stormwater infrastructure problems that do exist.

He then spoke about the "tabular contacts" provided on Page 74 of the CAFR. He said the Commissioners should be particularly interested in the $10,070,183.00 that is shown as an increase and the $1,197,566.00 shown as a decrease in Construction and Progress. He asked people to look at the capital outlay numbers on Page 45, he suggested that the vast majority of the increases in Construction and Progress come from the Capital Projects Fund. He said the problem is that about $2 million of the SPLOST fund should be shown as an intergovernmental expenditure, not as a capital outlay. He said the Board of Commissioners decided to give that money to the City of Fayetteville for the Hood Avenue intersection improvement. He stated that Mr. Lynn Robinson and Mr. Joe Morton got the numbers right, but that the county is booking the money as an intergovernmental revenue. He concluded that it means that $9 million, not $7 million, has been lost. He also thought it was interesting that the number in Construction and Progress did not change much, and he concluded that the numbers were not being depreciated; meaning expenses are being understated.

Mr. McHugh then pointed out that another finding was located on Page 90 under the caption of Prior Period Adjustments. He thought that the county staff found it necessary to go back and consider the small transponders on the top of the county's water meters as capital assets, even though their costs fall well under the threshold for capitalization as defined on Page 63 as an asset "having an individual cost of more than $5,000.00." He explained that the transponder is a silver looking disc about the size of a small saucer that sits on top of a meter box that transmits water usage data, and that its individual cost is only about $300.00. He said the reason given in the report is that it was determined that these purchases extended the useful life, but he concluded that the explanation did not make sense, if a person is replacing an old unit with a new unit, it is a simple replacement. He thought it was interesting that the transponders were expensed the first time they were installed. He mentioned that the Revenue Bonds issued by the Water System have a Rate Covenant, and basically it is a promise by the county that they will set rates where net revenues will cover the debt service on the bonds by 120%. He stated that in return for the risk reduction, the bond holders take a lower interest rate. Mr. McHugh stated that during the preparation of the FY2012 statements, he brought to the attention of the Chief Financial Officer that it was his belief that the county was not meeting its required metric, and that it was obvious that his suspicions were well founded since staff determined that they had to capitalize the transponders in order to meet the bond covenant.

Mr. McHugh then stated that there was one final thing in the financial statements that brought home the point he tried to make during the last budget hearing on capital maintenance, and he asked people to look at the schedule on Page 126 of the CAFR pertaining to Vehicle Replacement Fund. He stated that the County has accumulated only $3.4 million in cash through its internal service charges to replace more than $12 million in depreciation recognized on its vehicles and machinery. He suggested that somewhere down the road, the county taxpayers will have to come up with the additional $8.6 million shortfall.

He stated that final issue he had to talk about relates to Consent Agenda Item #8. He stated that if a person looked at the first bullet point, it could be observed where the county decided to reimburse itself out of the unspent Criminal Justice Center proceeds that were found hidden in the bank somehow. He said with the last refunding, the Board had given affidavits that the project was deemed as incomplete. He thought it was interesting that $394,230.50 had been transferred to a Project Contingency Account. He said this budget maneuver is the same thing that the current Board harped on the previous Board about, namely, taking money out of fund balance.

Commissioner McCarty pointed out that Mr. McHugh had mentioned he had voted in favor of a budget, and he asked if he was the only Commissioner to vote for the budget. Mr. McHugh replied that Commissioner McCarty was not the only commissioner to vote for the budget. Commissioner McCarty asked why Mr. McHugh directed his comments to him. Mr. McHugh said he wanted to make sure that Commissioner McCarty would not wash his hands and claim to have nothing to do with it. Commissioner McCarty replied that he had never made that statement.

Commissioner McCarty also asked Mr. McHugh if his taxes had gone up. Mr. McHugh replied that his taxes had not increased, but that government was about sustainability of services. Commissioner McCarty asked Mr. McHugh if he received the same services. Mr. McHugh replied that Commissioner McCarty had not listened to him since he would have understood the financial condition the county was getting into.

Frank DeStadio: Mr. Destadio said he was a 15-year resident of Fayette County, a veteran of the United States Air Force, and that he attends Commissioners meetings for many different reasons. He commended the Board since he had never been to a meeting before where the Board allowed people to stand up and talk about whatever they wanted to talk about, but he thought it was very stressful at times. He thought it was not very wise to allow some people like attorneys to plead their case as if they were in front of a Grand Jury for prolonged periods of time or for individuals to read about their personal opinions for twenty or more minutes. He recalled that the Board and Mr. Rapson received an award from an organization that recognized their due diligence with the budget and their financial records. As a Fayette County citizen, Mr. DeStadio asked the Board to reconsider some opportunity for people to speak but with some kind of limit since it is taking too long to listen to someone's personal opinion.

Larry Younginer: Mr. Younginer said when he leaves home to come into Fayetteville he often takes State Route 279 to State Route 314. He told the Board that several years ago, State Route 279 was slightly redirected to make it more of a ninety-degree turn with State Route 314, and in so doing the four-way stop was replaced with traffic lights. He reported that when a person is traveling south on State Route 279 they have to get within 100-yards of the light before they can see it, and for a person driving north on State Route 279 that driver would be within 150-yards of the light before they could see it. He suggested that it would be a lot safer if there were an offset light on State Route 279 indicating the status of the actual traffic light since there have been several accidents in the area that he attributed to drivers not knowing the traffic signal until they are at the signal. Chairman Brown agreed that Mr. Younginer made a good point.

Commissioner Charles Oddo: Commissioner Oddo stated that he had confidence in the Fayette County Finance Department, that it is staffed with very capable people, and that while he appreciated Mr. McHugh's concerns he thought Mr. McHugh was stressing just a little too much. He reiterated that the County had good people working for it, and he was proud to be a part of it.

ADMINISTRATOR'S REPORTS:

Appointment of an Official County Representative for ACCG County Roll Call: County Administrator Steve Rapson reported that the Association of County Commissioners Georgia is celebrating their 100th anniversary and that the association had asked the County to appoint an official from the County to represent Fayette County at the ACCG County Role Call on April 12, 2014. He stated that he was uncertain what the duties would entail but that it would probably be a flag ceremony. Chairman Brown asked if the official would also be the voting member, and Mr. Rapson replied that he thought that was the case. Commissioner Barlow volunteered to represent Fayette County at the Roll Call, and the Board consented to have Commissioner Barlow represent Fayette County.

Update on Swanson Road and Kelly Drive: County Administrator Steve Rapson reminded the Board that Swanson Road was brought up earlier in the meeting. He then informed the Board that both Swanson Road and Kelly Drive were dirt-paved roads whose projects were tabled during the budget process earlier this year. He explained that being tabled from the budget does not mean that those projects have been swept away, but that they have simply been tabled until funding is available in the operating budget to facilitate taking care of existing roads that are already paved. He reported that the homeowners on Kelly Drive and Swanson Road have already been notified about this matter.

Response to Mr. Emory McHugh's Public Comments: County Administrator Steve Rapson said he wanted to respond to some of the highlights from Mr. McHugh's comments. He said that he would not go over his professional background since he would let balanced budgets and efficiencies speak for him. He stated that, in regards to Mr. McHugh's differences concerning revenues, recognition, and much of the accounting structure, that Mr. McHugh wrote a very detailed report when he was terminated by the County that the auditors disagreed with after their review. Mr. Rapson thought it was ironic that Mr. McHugh would speak at this meeting since on the March 27, 2014 Agenda, which is the next County Commission meeting, the Board would hear the audit presentation. Mr. Rapson added that the County has a clean audit, and he stated that the County would receive its recognition of getting the Distinguished Budget Award. Concerning Mr. McHugh's comments about CPA records, Mr. Rapson told the Board that both he and Chief Financial Officer Mary Parrott have their CPA records, that both he and Mrs. Parrott are current with the Secretary of State's Office, that they have met all of their hours and then some, and that he was not sure where Mr. McHugh's concerns were coming from. Pertaining to the audited financial information, Mr. Rapson said he was not sure what Mr. McHugh was referencing, but he did know that Mr. McHugh was referencing the Local Option Sales Tax (LOST) which was negotiated. He emphasized that "saying $17.5 million numerous times does not make that real," but that the current Board would take credit for $2.5 million that was settled but $15 million of that was given away by the previous administration when they started at fifty-percent. Mr. Rapson said Mr. McHugh did make one comment that he did agree with, namely, his statistical comment since it is an audit adjustment that was made that the auditors agreed with pertaining to the prior period adjustment. He explained that in addition to the Criminal Justice proceeds, Mr. McHugh takes issues with how the County was treating that, but those proceeds are being treated not only with the approval of the auditors but also with the approval of the Bond Counsel. Mr. Rapson understood that Mr. McHugh has strong opinions, that he appreciated Mr. McHugh's passion he has for being a CPA, but that it does not always make someone right in this situation.

ATTORNEY'S REPORTS:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Assistant County Attorney Patrick Stough reported that one item of Pending Litigation, one item of Threatened Litigation, and review of the February 27, 2014 Executive Session Minutes and of the March 7, 2014 Executive Session Minutes needed to be considered in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow: Commissioner Barlow said he was not trying to usurp Chairman Brown's authority, but that Mr. McHugh was going over the same ground as before, and that he had already spewed his diatribe from months back, and he did not think either the citizens or the Board needed to sit in the room and listen to it over again. He said he appreciated that Chairman Brown responded to the comments since he responded the exact same way the last time. He suggested that Mr. McHugh was not living in reality, that he is a disgruntled ex-employee with Fayette County, and he thought when there is an individual like that come to the meeting that the Board should have the right to have the Marshals escort him out of the building if he is going to be spewing nonsense. Commissioner Barlow added that if Mr. McHugh wants to come to a meeting and make a valid point, then there would not be one person on the Board of Commissioners that would ask him to stop and that everyone was interested in what every citizen has to say.

Commissioner McCarty: Commissioner McCarty asked why Mr. McHugh was singling him out as being the one he named who voted on the item since it was something "we all had a hand in."

Commissioner Oddo: Commissioner Oddo replied that tax season here and reminded everyone to be cognizant of that matter. He then said that a "very little bird" told him something and he asked the Board to congratulate Deputy County Clerk Tameca White for one year with Fayette County. Chairman Brown added that Ms. White "does a great job running the County, and that he appreciated it." Commissioner Oddo added that many of the Commissioners would be traveling to Tifton, Georgia, and that he would take the last course before he would become Certified. He said the training wheels would then come off and he would be an official Commissioner. He closed by wishing everyone a wonderful St. Patrick's Day.

Chairman Brown: Chairman Brown thought it was great that County Administrator Steve Rapson and Fire Chief David Scarbrough did their promotions at the Board of Commissioners meetings. He thought the promotion ceremony was really well done, that it means much to the families, and it is a great opportunity to celebrate their achievements. He said the parents and spouses who attended the meeting were glowing. He thanked Chief Scarbrough for bringing the promotion ceremony to the Board of Commissioners meeting. Chairman Brown then responded to Mr. McHugh's comments by saying Mr. McHugh is correct when he speaks about Fayette County having the most open format in the State of Georgia. He stated that Mr. McHugh would have been kicked out of meetings a long time ago, or he would have been reduced to three minutes, anywhere else across the state. He pointed out that most of the people who speak during Public Comment come with respect, integrity, stating facts, stating heartfelt comments, and many times praising the County on various items. He stated that the Board is all about free speech and being able to give people the ability to say what they want. He asked that the Board not allow a few rotten apples ruin it for everybody. Chairman Brown pointed out that Mr. McHugh used to work for the County, that he became disgruntled and left the County, that the County actually hired him back many years later, and that Mr. McHugh again became disgruntled and left again. He said it has been an on-and-off relationship with Mr. McHugh over the years and that he beats things to death. Chairman Brown thought it was interesting that Mr. McHugh was claiming that the County was losing a lot of money through the Local Option Sales Tax, but the truth is that the previous Board of Commissioners, with a three-member voting leverage, were trying to force a formula onto the cities that was not practical and was not fair. Chairman Brown pointed out that there were several mayors sitting in the audience who could verify what he was saying. He said the LOST negotiations went into arbitration and nothing happened. He said the LOST negotiations then went into a lawsuit for a year and nothing happened. He then stated that the current Board came into office and looked at how to work out a deal with the cities to try to find the best win-win situation available. Chairman Brown stated that Mr. McHugh labels that effort as "a huge loss" and "a defeat" and believes the County is losing unincorporated tax dollars. Chairman Brown emphasized that all the Board of Commissioners did was to work with the cities. He stated that the Board was working under a motto that "If the cities are thriving, the County is thriving." He closed that Mr. McHugh has opinions, that he freely gives them, and that most of them are not worth the paper they are written on. But he repeated that it was important not to let a couple of bad apples ruin a great program that Fayette County has where it is the most open and transparent government out there where people are able to give their say. He acknowledged that there are people who speak for longer periods of time, but it "is great stuff", and often it is information that needs to be heard and that can change the direction the County is working in. He said the people of Fayette County bring a lot of information to the table for the County's consideration. He thought it was great to see people in the audience, and he recalled coming to County Commission meetings prior to the current Board being elected into office, and that the meeting included six staff members and a couple of citizens. He said now people are coming to the meetings, they are speaking out and are being a part of their government, and that they feel welcome to the meetings where they are able to give comments that are listened to and acted upon. He thanked Ms. Oparah and Ms. Smith for coming to the meeting and giving their comments.

Commissioner Ognio: Commissioner Ognio commented that on the Local Option Sales Tax negotiations saying the County came really close, if there had been no settlement, to both the cities and the County losing the lawsuit altogether. He said that, due to the Board's cooperative effort with the cities, the LOST was kept. He thought Mr. McHugh needed to review LOST's history and what was really accomplished.

Commissioner McCarty: Commissioner McCarty stated that anyone, anywhere in the world with an internet connection, can look at tonight's meeting live as it happens, as well as the next meetings, and all of the meetings are put in a file where previous meetings can be viewed. He asked how much more open a government can be than that.

EXECUTIVE SESSION:

Pending Litigation, Threatened Litigation, and Review of Executive Session Minutes: Chairman Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The Board recessed into Executive Session at 9:02 p.m. and returned to Official Session at 9:18 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to exit Executive Session and for the Chairman to sign the Executive Session Affidavit. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

February 27, 2014 Executive Session Minutes and March 7, 2014 Executive Session Minutes: Chairman Brown moved to approve the February 27, 2014 Executive Session Minutes and the March 7, 2014 Executive Session Minutes. Commissioner Oddo seconded the motion. No discussion followed. The motion passed unanimously. A copy of the Executive Session Affidavit, identified as "Attachment 19", follows these minutes and is made an official part hereof.

ADJOURNMENT:

Chairman Brown moved to adjourn the March 11, 2014 Board of Commissioners meeting. Commissioner McCarty seconded the motion. No discussion followed. The motion passed unanimously.

Chairman Brown adjourned the March 11, 2014 Board of Commissioners meeting at 9:18 p.m.

_____ _____

Floyd L. Jones, County Clerk Steve Brown, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27th day of March 2014.

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Floyd L. Jones, County Clerk