



#### BOARD OF COMMISSIONERS

Charles Oddo, Chairman  
Pota Coston, Vice Chair  
David Barlow  
Steve Brown  
Randy Ognio



#### STAFF

Steve Rapson, County Manager  
Dennis Davenport, County Attorney  
Floyd Jones, County Clerk  
Tameca P. White, Deputy County Clerk



#### MEETING LOCATION

Public Meeting Room  
Administrative Complex  
140 Stonewall Avenue  
Fayetteville, GA 30214



#### MEETING TIMES

2<sup>nd</sup> and 4<sup>th</sup> Thursday each month 7:00 pm



#### COMMISSION OFFICE

Administrative Complex  
Suite 100  
140 Stonewall Avenue  
Fayetteville, GA 30214  
Phone: 770.305.5200  
Fax: 770.305.5210



#### WEB SITE

[www.fayettecountyga.gov](http://www.fayettecountyga.gov)



#### E-MAIL

[administration@fayettecountyga.gov](mailto:administration@fayettecountyga.gov)

## Agenda

Board of Commissioners  
April 9, 2015  
7:00 P.M.

Call to Order  
Invocation by Commissioner Barlow  
Pledge of Allegiance

Acceptance of Agenda

#### PROCLAMATION /RECOGNITION:

1. Recognition of Andrew Fleming, a local 8-year-old, who will host an event to Fight Hunger on Global Youth Service Day 2015.
2. Recognition of Fayette County's Master Gardener Extension Volunteers' work in 2014.
3. Proclamation of Earth Day and Fayette County's Earth Day Celebration on April 18, 2015.

#### PUBLIC HEARING:

#### CONSENT AGENDA:

4. Approval of a request from Clerk of Court Sheila Studdard for an additional \$32,300.00, for jury scripts, with said funding to be utilized from the fund balance.
5. Approval of the disposition of tax refunds, in the amount of \$123.56, as recommended by the Tax Assessor's Office.
6. Approval of the March 26, 2015 Board of Commissioners Meeting Minutes.

#### OLD BUSINESS:

7. Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings. This item was tabled at the March 26, 2015 Board of Commissioners meeting.
8. Consideration of Commissioner Brown's request to revise the County Administrator's spending limit to \$50,000.00, with said revision to include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where more than \$50,000.00 could be spent on a particular purchase or multi-year contractual arrangement. This item was tabled at the March 26, 2015 Board of Commissioners meeting.

**NEW BUSINESS:**

9. Consideration of Commissioner Brown's recommendation to adopt Resolution 2015-04- A Resolution on Fayette County Development Authority Tax Abatement Policy.
10. Consideration of Chairman Oddo's recommendation to disband the Justice Center Park Committee.

**PUBLIC COMMENT:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department: Board of Commissioners

Presenter(s): Chairman Charles W. Oddo

Meeting Date: Thursday, April 9, 2015

Type of Request: Proclamation/Recognition

## Wording for the Agenda:

Recognition of Andrew Fleming, a local 8-year-old, who will host an event to Fight Hunger on Global Youth Service Day 2015.

## Background/History/Details:

When six-year old Andrew Fleming's mother asked him what business he wanted to do for the summer last year, he said he wanted to help people. He started Andrew's Fun & Helpful Community, and he held a drive to collect items for the foster children of Bloom. Then, last year, when he was seven-years old, Andrew held a food drive on May 10, 2014, benefiting the Fayette Samaritans. At that time, he received help from the Sodexo Foundation in the form of a grant.

This year, Andrew, now eight-years-old, using the grant he received, through his organization known as Andrew's Fun & Helpful Community, will host another food drive to benefit Fayette Samaritans. Fayette Samaritans provides food and clothing, along with financial assistance for selected emergency needs. They have been serving Fayette County residents for over 20 years.

This year's food drive will be held on Global Youth Service Day, Saturday, April 18, 2015 from 10:00a.m. to 1:00p.m. The event location is Downtown Fayetteville at Jack Day Park at the Gazebo, in front of the Administrative Complex. This family community event will feature a clown balloon artist, giveaways, and the opportunity to help one less child go without food. Donations of non-perishable items are requested. There will be a prize for the person who brings the most items.

## What action are you seeking from the Board of Commissioners?

Recognition of Andrew Fleming, a local 8-year-old, who will host an event to Fight Hunger on Global Youth Service Day 2015.

## If this item requires funding, please describe:

Not Applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request? Yes

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

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

Andrew and his efforts were recognized at the May 8, 2014 Board of Commissioners meeting. Andrew is one of 100 young leaders across the country awarded \$400.00 grants to organize projects to help end childhood hunger. Grantees will educate and mobilize their peers around the issue, creating solutions to end childhood hunger through awareness, service, advocacy, and philanthropy activities. Global Youth Service Day is celebrated in more than 135 counties and in all fifty states.

**Fayette County Board of Commissioners**

**Recognizes**

**ANDREW FLEMING**

**For your passion to “help people” by providing children with food and  
for your inspiring gift to make others aware of the need in our  
community to reduce childhood hunger one child at a time.**

**The Fayette County Board of Commissioners say, “Thank you, Andrew!”  
for leading the way to “Stamp Out Hunger” in Fayette County.**

**So recognized this 9<sup>th</sup> day of April 2015**

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**Charles W. Oddo, Chairman**



## COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Fayette County's Master Gardener Extension Volunteers' work in 2014.

Background/History/Details:

Fayette County's Master Gardener Extension's volunteers service the citizens by educating residents on safe and effective gardening practices, natural resources protection, and conservation under the direction of the University of Georgia's Extension Service.

Through their volunteer work, the Master Gardener Extension Volunteers have assisted citizens with plant clinics, school programs, manning phone hotlines, demonstration gardens, and other outreach programs. Last year, the Master Gardener Extension Volunteers contributed 4,069 hours, traveled 22,204 miles, and provided 49,01 pounds of fresh vegetables and fruit to non-profit organizations. Their efforts equate to \$156,360.00 in volunteer labor, travel, and services.

What action are you seeking from the Board of Commissioners?

Recognition of Fayette County's Master Gardener Extension Volunteers' work in 2014. A faux check will be presented to the citizens of Fayette County representing the contribution the Master Gardeners have made to the citizens.

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 AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Proclamation of Earth Day and Fayette County's Earth Day Celebration on April 18, 2015.

Background/History/Details:

April 22, 2015 is the worldwide observance and 45th Anniversary of Earth Day. The annual celebration of Earth Day encourages citizens to become involved in improving their local environment and to become aware of global conditions.

The eighth consecutive annual Fayette County Earth Day Festival, as hosted by the Town of Tyrone, is on April 18, 2015. The Town of Tyrone and Fayette County governmental departments are active supporters and contributors to this event.

The Fayette County Earth Day Festival provides an opportunity for Fayette County citizens to come together for the common good of the environment, and it encourages local communities to contribute to building a healthy society by addressing issues such as energy use, clean water, and waste management.

The goal of the Fayette County Earth Day Festival is to encourage Fayette County residents to contribute to a sustainable environment and economy in their homes and community while protecting, caring for, and appreciating the environment.

What action are you seeking from the Board of Commissioners?

Proclamation of Earth Day and Fayette County's Earth Day Celebration on April 18, 2015.

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:



## FAYETTE COUNTY BOARD OF COMMISSIONERS

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### 2015 Earth Day

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#### A PROCLAMATION

- WHEREAS,** April 22, 2015 is the worldwide observance and 45<sup>th</sup> Anniversary of Earth Day; and
- WHEREAS,** The annual celebration of Earth Day encourages citizens to become involved in improving their local environment and aware of global conditions; and
- WHEREAS,** The eighth consecutive annual Fayette County Earth Day Festival, hosted by the Town of Tyrone, is on April 18, 2015; and
- WHEREAS,** The Town of Tyrone and Fayette County governmental departments are active supporters and contributors to this event; and
- WHEREAS,** The Fayette County Earth Day Festival provides an opportunity for Fayette County citizens to come together for the common good of the environment; and
- WHEREAS,** Local communities can contribute to building a healthy society by addressing issues such as energy use, clean water, and waste management; and
- WHEREAS,** The goal of the Fayette County Earth Day Festival is to encourage Fayette County residents to contribute to a sustainable environment and economy in their homes and community while protecting, caring for, and appreciating our environment; and
- NOW, THEREFORE, WE, THE FAYETTE COUNTY BOARD OF COMMISSIONERS** do proclaim April 22, 2015 as

#### **“Earth Day”**

and April 18, 2015 as Fayette County’s celebration of Earth Day and in doing so ask our citizens to support environmental initiatives in Fayette County and encourage others to undertake similar actions.

So proclaimed this 9<sup>th</sup> day of April 2015,

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CHARLES ODDO, Chairman

## COUNTY AGENDA REQUEST

Department: Clerk of Court

Presenter(s): Sheila Studdard

Meeting Date: Thursday, April 9, 2015

Type of Request: Consent

### Wording for the Agenda:

Approval of a request from Clerk of Court Sheila Studdard for an additional \$32,300, for jury scripts, with said funding to be utilized from the fund balance.

### Background/History/Details:

Clerk of Court Sheila Studdard has written the County requesting emergency funds to be paid to the jury account from the Fayette County general fund. She reports that the Fayette County jury process is in need of funding to ensure the Judicial Process is not negatively operationally impacted.

The Clerk of Court has written that over the past several years she has worked with Fayette County to balance the Fayette County budget, and in doing so has allowed significant cuts within the jury line item. Historically, the allotment for the jury account is \$112,000, however, Fayette County funded the jury account with \$58,000 FY14; and increasing it to \$69,900 in FYFY15. The Courts were able to properly serve the public and accommodate the demand for jury trials with overages that had accumulated in the jury account from prior years. Those funds have been reduced due to the number of jury trails this fiscal year.

The reconciled balance as of February 2015 is \$8,361. For the first two weeks of March and including the Grand Jury, the Clerk of Court has issued \$12,425 in jury scripts. The projection of jury trails through the remainder of this fiscal year are the basis of this request.

### What action are you seeking from the Board of Commissioners?

Approval of a request from Clerk of Court Sheila Studdard for an additional \$32,300 for Jury Scripts with said funding to be utilized from the fund balance.

### If this item requires funding, please describe:

This request is for an additional \$32,300 to be provided to the Clerk of Court, utilizing fund balance, for jury scripts (Acct. No. 10020180-523973.)

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 Yes

### Staff Notes:



# FAYETTE COUNTY SUPERIOR COURT

*Office of Sheila Studdard*  
*Fayette County Superior Court Clerk*

March 23, 2015

Mr. Steve Rapson  
Fayette County Administrator  
140 Stonewall Ave  
Fayetteville, GA 30214

Re: Jury Budget

Dear Steve:

As you know my office has worked with you over the past several years to balance the Fayette County budget. Specifically, I have allowed significant cuts within the jury line item. The historical allotment for the jury account is \$112,000.00 (see attached spreadsheet), however in FY2014 Fayette County funded the jury account with only \$58,000.00. The Courts were able to properly serve the public and accommodate the demand for jury trials because of the overages that had accumulated in the jury account from prior years.

In FY2015, the jury account was funded with \$69,900.00 during the budget process. The account has no accumulated overage. The reconciled balance as of February 2015 is \$8,361.09. For the first two weeks of March and including the Grand Jury, I have issued \$12,425.00 in jury scripts.

I am respectfully requesting emergency funds be paid to the jury account from the Fayette County general fund. The Fayette County jury process is in desperate need of funding. The jury is a function of the Judicial Process that affects many agencies and is funded by county tax dollars. I have discussed this issue with Chief Judge Christopher Edwards and he is aware of this letter to you.

For your reference needs, I am attaching to this request is a spreadsheet outlining the needs for the remaining of FY2015 and a historical perspective of county funds to the jury account. Also, for informational purposes, I am providing a copy of the Bank Reconciliation from July 2014 thru June 2015 and the current bank statement from Wells Fargo. I am hopeful you will see the urgent need for your help.

# FAYETTE COUNTY SUPERIOR COURT

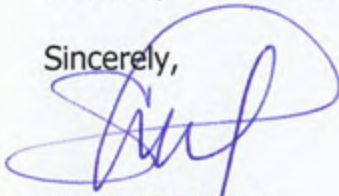
*Office of Sheila Studdard*  
*Fayette County Superior Court Clerk*

Page 2  
Mr. Rapson  
March 23, 2015

If I need to make this request in some other format or if you have any questions, please let me know as soon as possible by calling me directly at 770-490-7474.

I thank you in advance for your assistance with this matter.

Sincerely,



Sheila Studdard  
Clerk of Courts

Enclosures

cc: Chief Judge Christopher C. Edwards  
Judge Tommy R. Hankinson  
Judge W. Fletcher Sams  
Judge R. Mack Crawford  
Judge Jason B. Thompson



Requested funds for the Fayette County Jury Account			
FY2015			
TRIAL WEEK	JUDGES ON BENCH	JURORS SUMMONED	TOTAL PAID TO JURORS ON JURY
3/23/15	TRH/JBT	300	\$ 7,200.00
4/20/15	CCE/JBT	250	\$ 5,950.00
4/27/15	Benefield/JBT	200	\$ 7,375.00
5/4/15	CCE	150	\$ 2,325.00
5/18/15	JBT	200	\$ 3,525.00
6/22/15	RMC/JBT	250	\$ 5,925.00
<b>TOTAL</b>			<b>\$ 32,300.00</b>

Historical Payments to the Jury Account		
FY 2009		\$ 112,000.00
FY 2010		\$ 112,000.00
FY 2011		\$ 112,000.00
FY 2012		\$ 142,000.00
FY 2013		\$ 84,000.00
FY 2014		\$ 58,000.00
FY2015		\$ 69,900.00

Fayette County, Georgia  
Bank Reconciliation  
July 2014 thru June 2015

FINANCIAL INSTITUTION:

Wells Fargo

Account Name

FC Superior Court - Jury Account

Account Number:

[REDACTED]

Balance

Financial Institution STATEMENT Balance

2/28/2015

\$ 26,411.09

Additions:

\$

-

Deductions:

Outstanding Checks

18,050.00

Financial Institution RECONCILED Balance

\$ 8,361.09

GENERAL LEDGER

Account Name

Sup Ct - Jury Account

Wells Fargo

Account Number:

[REDACTED]

Balance 6/30/14

\$ 1,461.09

Additions:

Deposits

Interest

July	\$ 4,325.00
August	69,600.00
September	-
October	-
November	-
December	-
January	-
February	-
March	-
April	-
May	-
June	-
	73,925.00

\$ 73,925.00  
75,386.09

Deductions:

Checks Written

Checks Voided

848871 - 848956	July	5,975.00	
848957, 905104 - 905208	August	4,025.00	ck#848958-848975
848976 - 848993			ck#905001-905103
905209 - 905424	September	10,975.00	ck#905409-905416
905425 - 906088	October	22,175.00	ck 905424-905592,
906089 - 906235	November	3,650.00	ck 905761-905871
906236 - 906332	December	7,375.00	
906333 - 906537	January	8,775.00	
906538 - 906660	February	4,150.00	
	March		
	April		
	May		
	June		

Reconciling adjustment (75.00)

General Ledger RECONCILED Balance

7/31/2014 Reconciled Balance and General Ledger Agree

67,025.00  
\$ 8,361.09  
\$ 75,386.09

Prepared by:

Rhonda Fox

FEB

# Govt Advantage Int Ckg - State/Muni

Account number: [REDACTED] February 1, 2015 - February 28, 2015 ■ Page 1 of 2



DCWC11DYOY 025979



FAYETTE COUNTY BOARD OF COMMISSIONERS  
(FAYETTE COUNTY SUPERIOR COURT CLERK)  
ATTN: SHEILA STUDDARD  
1 CENTER DR  
FAYETTEVILLE GA 30214-8401

## Questions?

Call your Customer Service Officer or Client Services  
**1-800-AT WELLS** (1-800-289-3557)  
5:00 AM TO 6:00 PM Pacific Time Monday - Friday

Online: [wellsfargo.com](http://wellsfargo.com)

Write: Wells Fargo Bank, N.A. (182)  
PO Box 63020  
San Francisco, CA 94163

## Account summary

### Govt Advantage Int Ckg - State/Muni

Account number	Beginning balance	Total credits	Total debits	Ending balance
[REDACTED]	\$32,711.09	\$0.00	-\$6,300.00	\$26,411.09

## Interest summary

Year to date interest and bonuses paid	\$0.00
Total interest and bonuses earned in 2014	\$0.00

## Debits

### Checks paid

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
848645	25.00	02/09	906404*	25.00	02/20	906453	25.00	02/05
905178*	25.00	02/05	906430*	25.00	02/06	906456*	75.00	02/09
905449*	25.00	02/13	906433*	25.00	02/17	906457	50.00	02/17
905454*	50.00	02/05	906434	50.00	02/04	906458	50.00	02/02
905492*	75.00	02/09	906435	75.00	02/13	906459	50.00	02/23
905542*	25.00	02/26	906436	75.00	02/10	906460	75.00	02/05
905728*	25.00	02/25	906437	50.00	02/04	906461	75.00	02/04
906108*	25.00	02/06	906438	75.00	02/06	906462	75.00	02/06
906335*	25.00	02/09	906439	75.00	02/13	906464*	50.00	02/09
906339*	25.00	02/03	906440	25.00	02/20	906465	50.00	02/03
906342*	25.00	02/17	906441	50.00	02/23	906466	50.00	02/23
906347*	25.00	02/19	906442	50.00	02/05	906467	50.00	02/05
906348	25.00	02/02	906443	50.00	02/09	906468	75.00	02/06
906349	50.00	02/04	906444	75.00	02/04	906469	50.00	02/10
906368*	25.00	02/05	906445	50.00	02/03	906472*	50.00	02/18
906373*	25.00	02/05	906446	75.00	02/18	906473	50.00	02/04
906382*	50.00	02/17	906447	50.00	02/13	906474	50.00	02/03
906386*	25.00	02/03	906448	75.00	02/19	906477*	50.00	02/05
906390*	25.00	02/02	906450*	50.00	02/03	906478	50.00	02/02
906401*	25.00	02/17	906451	50.00	02/05	906479	50.00	02/13
906402	25.00	02/03	906452	25.00	02/03	906480	75.00	02/04

DCWC11DYOY 025979 NNNNNNNNN NNN NNN 001 001 182 070357 11127592.1.1



Checks paid (continued)

Number	Amount	Date	Number	Amount	Date	Number	Amount	Date
906481	75.00	02/04	906504	50.00	02/27	906529	25.00	02/24
906482	50.00	02/11	906505	50.00	02/03	906530	50.00	02/03
906483	50.00	02/04	906506	50.00	02/09	906531	50.00	02/03
906484	50.00	02/09	906507	75.00	02/04	906532	50.00	02/06
906485	50.00	02/25	906509*	75.00	02/18	906533	50.00	02/05
906486	50.00	02/04	906510	75.00	02/04	906534	75.00	02/03
906487	50.00	02/06	906511	50.00	02/03	906535	75.00	02/04
906488	25.00	02/13	906512	75.00	02/04	906536	75.00	02/05
906489	75.00	02/04	906513	50.00	02/02	906537	75.00	02/09
906490	25.00	02/23	906514	75.00	02/02	906539*	25.00	02/24
906491	50.00	02/09	906515	75.00	02/06	906540	25.00	02/24
906493*	75.00	02/11	906516	75.00	02/04	906543*	25.00	02/25
906494	25.00	02/23	906517	50.00	02/23	906544	25.00	02/24
906495	50.00	02/05	906518	50.00	02/04	906546*	25.00	02/24
906496	75.00	02/09	906520*	75.00	02/05	906549*	25.00	02/23
906497	75.00	02/05	906521	75.00	02/09	906551*	25.00	02/25
906498	50.00	02/03	906522	25.00	02/03	906552	25.00	02/25
906499	25.00	02/03	906524*	75.00	02/06	906555*	25.00	02/27
906500	50.00	02/11	906526*	50.00	02/09	906556	25.00	02/23
906501	75.00	02/17	906527	75.00	02/05	906558*	25.00	02/26
906502	75.00	02/05	906528	50.00	02/02	9060471*	75.00	02/09
906503	50.00	02/03	906529	25.00	02/03			
\$6,300.00		Total checks paid						

\* Gap in check sequence.

\$6,300.00 Total debits

Daily ledger balance summary

Date	Balance	Date	Balance	Date	Balance
01/31	32,711.09	02/10	28,186.09	02/20	27,111.09
02/02	32,386.09	02/11	28,011.09	02/23	26,811.09
02/03	31,636.09	02/13	27,711.09	02/24	26,686.09
02/04	30,536.09	02/17	27,461.09	02/25	26,536.09
02/05	29,636.09	02/18	27,261.09	02/26	26,486.09
02/06	29,111.09	02/19	27,161.09	02/27	26,411.09
02/09	28,311.09				
Average daily ledger balance		\$28,220.01			

070358



## COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the disposition of tax refunds, in the amount of \$123.56, as recommended by the Tax Assessor's Office.

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 and the appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A request from Bala R. Pant is recommended for approval in the amount of \$123.56.

What action are you seeking from the Board of Commissioners?

Approval of the disposition of tax refunds, in the amount of \$123.56, as recommended by the Tax Assessor's Office.

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:

<b>Refund Requests</b>	<b>BOC</b>		<b>4/9/2015</b>			
<b>Taxpayer</b>	<b>Year(s)</b>	<b>Property</b>	<b>Basis for Request</b>	<b>Recommendation</b>	<b>Reason</b>	<b>Amount Per Year</b>
Pant, Bala R. (07-0312-002)	2014	Residential	New owner as of 2/10/14 is requesting value reduction and adjusted tax bill	Approve	BOA agreed to match sales price of \$85,000 for 2014	\$123.56
<b>Total Number Requested</b>	1					
<b>Total Amount Requested</b>	<b>\$123.56</b>					
<b>Total Number Approved</b>	1					
<b>Total Amount Recommended for Approval</b>	<b>\$123.56</b>					





## *Minutes*

Board of Commissioners  
March 26, 2015  
7:00 P.M.

The Board of Commissioners of Fayette County, Georgia, met in an Official Meeting on March 26, 2015 at 7:00 p.m. in the Public Meeting Room of the Fayette County Administrative Complex, 140 Stonewall Avenue, Fayetteville, Georgia.

**Commissioners Present:**

Charles Oddo, Chairman  
Pota Coston, Vice Chair  
David Barlow  
Steve Brown  
Randy Ognio

**Staff Present:**

Floyd L. Jones, County Clerk  
Tameca P. White, Chief Deputy County Clerk  
Dennis Davenport, County Attorney

**Staff Absent:**

Steve Rapson, County Administrator

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**Call to Order**

Chairman Oddo called the March 26, 2015 Board of Commissioners meeting to order at 7:04 p.m.

**Invocation by Commissioner Brown**

Commissioner Brown offered the Invocation.

**Pledge of Allegiance**

Chairman Oddo led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Brown moved to accept the Agenda as published and to table New Business Items 16 and 17 to the April 9, 2015 Board of Commissioners regularly scheduled meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

**PROCLAMATION /RECOGNITION:**

1. **Recognition of Fayette County's E-911 Communication Director, Cheryl Rogers, for her thirty-six years of service in public safety and for earning the E-911 Director of the Year Award for the State of Georgia.**

Chairman Charles Oddo, the Board of Commissioners, and Assistant Communications Director Peggy Glaze recognized Communications Director Cheryl Rogers for her thirty-six years of service in public safety and for earning the E-911 Director of the Year Award for the State of Georgia. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. **Recognition in honor of Christian City's 50th anniversary.**

Commissioner Barlow and the Board honored Christian City's 50<sup>th</sup> anniversary. Special recognition was given to Ms. Rose Marie Harper who was the first female Fayette County Commissioner, who served as Chair to the Fayette County Board of Commissioners, and who is the founder of Christian City. Ms. Rose Marie Harper, Christian City Chairman of the Board Michael Johnston and Chief Operating Officer Phil Kouns thanked the Board for the recognition spoke about the ongoing work of Christian City. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. **Proclamation of Friday, March 27, 2015, as "Advo-Kids Casa Day."**

Commissioner Coston and the Board proclaimed Friday, March 27, 2015 as "Advo-Kids Casa Day" in Fayette County. Representatives of Advo-Kids Casa spoke about the work of Advo-Kids Casa. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. **Proclamation of April 2015 as "Safe Digging Month in Fayette County."**

Commissioner Brown and the Board proclaimed April 2015 as "Safe Digging Month in Fayette County." A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

**PUBLIC HEARING:**

Community Development Director Pete Frisina read the *Introduction to Public Hearings* rules into the record, and he introduced the first item of Public Hearing. A copy of the Introduction to Public Hearings, identified as "Attachment 5," follows these minutes and is made an official part hereof.

5. **Public Hearing concerning staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License (License #C14-000473) from Tushar Patel and Yijay H. Parikh to Kalpeshbhai Patel, doing business as Fayetteville Chevron Food Mart, LLC., which is located at 1488 Highway 92 North, Fayetteville, Georgia.**

Mr. Frisina stated that staff had reviewed the request to transfer an existing 2014 Retail Alcohol, Beer, and Wine License from Tushar Patel and Yijay H. Parikh to Kalpeshbhai Patel, and he said the review concluded that everything was "okay."

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

Commissioner Brown moved to approve staff's recommendation to transfer an existing 2014 Retail Alcohol, Beer and Wine License (License #C14-000473) from Tushar Patel and Yijay H. Parikh to Kalpeshbhai Patel, doing business as Fayetteville Chevron Food Mart, LLC., which is located at 1488 Highway 92 North, Fayetteville, Georgia. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.

6. **Public Hearing of Petition No. 1243-15, Fland Land, LLC., Owner, Donna Black, Agent, request to rezone 132.14 acres from R-70 to C-S to develop a Single-Family Residential Conservation Subdivision, with said property being located in Land Lot(s) 49, 79 and 80 of the 7th District and fronting on Lees Lake Road and Coastline Road. Staff recommends approval with one (1) condition.**

Community Development Director Pete Frisina introduced Public Hearing #6. He reported that earlier in the afternoon that it came to staff's attention that there was a material error in the yield plan associated with the request. He said the error was not caught by staff but it impacts the rezoning and impacts the material provided to the Board of Commissioners. Mr. Frisina stated that the Planning Commission was also unaware of the material error and recommended that the petition be returned to the Planning Commission.

Commissioner Ognio moved to send Petition No. 1243-15 back to the Planning Commission.

Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.

7. **Public Hearing of Petition No. RP-055-15, Carter Rocky Fork, LLC., Owner, and Donna Black, Agent, request to approve of the Revision of the Recorded Final Plat for Rock Fork Subdivision to change Lot 15 from a building lot to a common area for a centralized mail kiosk and open space, with said property being located in Land Lot(s) 140 & 149 of the 5 District and fronting on Rocky Fork Boulevard.**

Community Development Director Pete Frisina introduced Petition No. RP-055-15. Agent Donna Black briefed the Board on this request. Ms. Black explained that this request would allow for a centralized mail kiosk as required by the post office.

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

Commissioner Barlow moved to approve Petition No. RP-055-15, Carter Rocky Fork, LLC., Owner, and Donna Black, Agent, request to approve of the Revision of the Recorded Final Plat for Rock Fork Subdivision to change Lot 15 from a building lot to a common area for a centralized mail kiosk and open space, with said property being located in Land Lot(s) 140 & 149 of the 5 District and fronting on Rocky Fork Boulevard. 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. Public Hearing on Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval.**

Community Development Director Pete Frisina briefed the Board on Ordinance 2015-05. He reminded the Board that this issue was first brought to the Board on April 24, 2014 when a citizen requested the ability to host weddings on A-R property. Mr. Frisina further reminded the Board that it had directed the Planning Commission to look into the request and to return to the Board with recommendations. He said the Planning Commission and staff have been reviewing this issue and that this issue is growing in popularity. Mr. Frisina stated that the proposed ordinance would amend the current Zoning Ordinance that would allow Wedding and Event Facilities in Agricultural-Residential (A-R) Zoning and would provide conditional uses applied to those who want these events on their property. Mr. Frisina then elaborated on the proposed conditions for having wedding and event facilities on A-R zoned properties.

Commissioner Brown asked if an event sketch was required for each event. Mr. Frisina replied that the requestor would only have to submit one event sketch, but if there were future changes then the County would request that the requestor would notify the County.

Commissioner Ognio said staff and the Planning Commission did a good job with this request.

**Larry Mapp:** Mr. Larry Mapp, representing the North Fayette Community Association, spoke in favor of Ordinance 2015-05. He told the Board that he was impressed with the details of the proposed ordinance. He said he was a detailed oriented person and it appeared this ordinance covered all the bases.

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

Commissioner Brown moved to adopt Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval. Commissioner Coston seconded the motion.

Chairman Oddo said he had been watching the issue develop all along and he stated that the citizens, Mr. Frisina, staff, and Commissioner Ognio had worked hard on the proposed ordinances. He said the ordinance was really well done.

The motion to adopt Ordinance 2015-05 - an ordinance to amend the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, as amended, specifically Section 110-3 Definitions, Section 110-25 A-R, Agricultural-Residential District, and Section 110-169 Conditional Use Approval passed unanimously. Copies of the request and Ordinance 2015-05, identified as "Attachment 9," follow these minutes and are made an official part hereof.

**9. Public Hearing on Ordinance 2015-06 - an ordinance to amend the Fayette County Code of Ordinances Chapter 110. Zoning Ordinance, As Amended, Specifically Article VII. Zoning Board of Appeals and Article IX. Policies, Procedures, and Standards Governing Amendments.**

Community Development Director Pete Frisina briefed the Board on Ordinance 2015-06. He stated that the proposed ordinance was developed based on the Special Called Meeting held on August 19, 2014 when

County Attorney Dennis Davenport spoke to the Board about procedures specifically pertaining to rezonings, the Planning Commission, and the Board of Commissioners. He said the proposed ordinance made changes recommended by Mr. Davenport at that meeting, and he briefly explained the changes to the Commissioners. Mr. Frisina then answered questions from the Board.  
No one spoke in favor of or in opposition to this request.

Commissioner Ognio moved to adopt Ordinance 2015-06 - an ordinance to amend the Fayette County Code of Ordinances Chapter 110. Zoning Ordinance, As Amended, Specifically Article VII. Zoning Board of Appeals and Article IX. Policies, Procedures, and Standards Governing Amendments. Commissioner Coston seconded the motion. No discussion followed. The motion passed unanimously. Copies of the request and Ordinance 2015-06, identified as "Attachment 10," follow these minutes and are made an official part hereof.

**10. Public Hearing on the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214.**

Environmental Management Director Vanessa Birrell briefed the Board on the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214. She said the public hearing was required by the Environmental Protection Division (EPD) for the permitting process, and she reminded the Board that this subject had come to its attention two times in the previous three years. Mrs. Birrell stated that the county's older inert landfill was closed and this effort was to open a new inert landfill. She stated that the inert landfill would be filled in three phases over the next seventy years; making it a great asset for Fayette County.

Commissioner Brown asked what goes into an inert landfill. Mrs. Birrell replied that the Public Works Department and the Water System places building materials that they cannot recycle into the inert landfill. Commissioner Brown asked if concrete was being recycled, and Mrs. Birrell replied that certain concrete was being recycled for certain purposes.

No one spoke in favor of or in opposition to the proposed issuance of a permit for an Inert Landfill Facility.

Commissioner Ognio moved to approve the proposed issuance of a permit for an Inert Landfill Facility located at 221 First Manassas Mile Road, Fayetteville, Georgia 30214. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.

**CONSENT AGENDA:**

Commissioner Barlow moved to approve the Consent Agenda. Commissioner Ognio seconded the motion. No discussion followed. The motion passed unanimously.

- 11. Approval of a request from Mr. Morris Lewis, owner and developer of Trustin Lake Subdivision, to approve the change of a road name from Edna Ruth Lane to Trustin Lake Drive. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.**
- 12. Approval of the March 10, 2015 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

13. **Discussion and consideration of staff's recommendation of a revised conceptual design and cost estimate for the Justice Center Park. This request was last discussed at the March 10, 2015 Board of Commissioners meeting.**

Public Works Director Phil Mallon reminded the Board that this issue was returning to the Board based on direction given by the Board at the March 10, 2015 meeting, and he quickly briefed the Board on the revised conceptual design and cost estimate for the Justice Center Park before he turned the briefing over to Commissioner Brown.

Commissioner Brown also briefed the Board saying the scaled-down version of the Justice Center Park was not what was conceived by the Justice Center Park by any measure. He said what was left did not meet minimum expectations and leaving the pavilion out of the park essentially left the heart out of the park. Commissioner Brown suggested that a natural path was not appropriate for the park since it would not allow easy travel for senior citizens or parents pushing children in strollers. Commissioner Brown then spoke about the needs associated with the Heritage Park Fountain and the preliminary efforts the Public Arts Committee has taken to consider renovating the fountain. Commissioner Brown suggested that the money meant for the Justice Center Park could be applied to the money for the existing fountain. He said fixing the fountain would fix a legitimate safety hazard. He also suggested that the Board would want to consider not getting a Request for Proposals (RFP) from local artists who may want to fix the fountain since the process could defeat the stated overall goal.

Commissioner Coston asked Commissioner Brown if the fountain would be operational or would it be a sculpture. Commissioner Brown replied that it would be a functional fountain. He said there was some discussion about using the water component in conjunction with some type of sculpture.

Chairman Oddo asked what would come of the traditional use of the Christmas tree at Heritage Park. Commissioner Brown suggested that the Christmas tree could be placed at the Historic County Courthouse or in the open space next to the fountain at Heritage Park.

**Mayor Greg Clifton:** City of Fayetteville Mayor Greg Clifton discussed how the City of Fayetteville anticipated using Heritage Park and the property at the Historic County Courthouse for city events such as the Lighting of the Christmas tree. He said the current plan was to hold the Christmas festivities on the southwest corner of the Historic County Courthouse. Discussion followed.

Commissioner Brown moved to take the budget for the Justice Center Park, Line Item #5110H, to be committed to the Heritage Park Fountain, and to shelve the plans for the Justice Center Park. Commissioner Barlow seconded the motion.

Chairman Oddo asked for the motion to be amended so that it would include that the Board would be kept regularly updated of the Public Art Committee's meetings. Commissioner Brown stated that the minutes of the Public Art Committee Minutes could be distributed to the Board, and that other material could be supplied at the request of the Board of Commissioners.

Commissioner Brown amended his motion to take the budget for the Justice Center Park, identified as Line Item #5110H, and commit its funds to the Heritage Park Fountain, to shelve the plans for the Justice Center

Park, and to keep the Board regularly informed of any Committee activities via the minutes and other requested communication. Commissioner Barlow seconded the amended motion. No discussion followed. The motion passed unanimously. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.

**NEW BUSINESS:**

**14. Consideration of the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential.)**

Community Development Director Pete Frisina briefed the Board on the City of Fayetteville's annexation of 467 Veterans Parkway, and he answered questions from the Board. Commissioner Ognio asked why the city wanted the property, but Mr. Frisina stated he could only speculate on that answer. He speculated that this smaller property prevents the larger property from being annexed. Commissioner Ognio asked what would keep the area R-70.

Commissioner Brown said he was concerned about having an "avalanche of PCD" in the area and he suggested other uses for the area. He wanted to make sure the area was "not on the verge of falling off the cliff."

Commissioner Brown moved to not pose an objection to the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential). Commissioner Coston seconded the motion. 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 the City of Fayetteville's annexation of two separate parcels located at and near 475 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to PCD (Planned Community Development).**

Community Development Director Pete Frisina briefed the Board on the City of Fayetteville's annexation of two separate parcels located at and near 475 Veterans Parkway, and he answered questions from the Board. He stated that the city's proposed zoning would raise the intensity and density of what is currently allowable with the County's R-70 zoning. He said the city's proposed zoning would give flexibility for mixed uses such as multi-family, mixed in commercial use, and small-scale commercial use. He said the proposed city zoning would also allow for two hotels, and it would provide for a tunnel under Veterans Parkway. Mr. Frisina stated that, in his opinion, this proposed annexation would form a core of housing that would support the nearby school and studio. Mr. Frisina recommended that the Board not object to the proposed annexation even though it raises the intensity and land use density.

Commissioner Brown suggested that the County include in its verbiage to the City of Fayetteville a request for immediate action on the tunnel beneath Veterans Parkway.

Commissioner Ognio said he had a lot of concerns with this request and that it had virtually no citizen input. He said he did not want to see the land developed that way, and he was concerned that if the City allowed a lot of businesses in the area that it would hurt the businesses currently in downtown Fayetteville along

State Route 85. Commissioner Brown agreed with Commissioner Ognio's concerns, and he asked for the city to avoid creating a big retail area in the annexed property.

**Mayor Greg Clifton:** City of Fayetteville Mayor Greg Clifton spoke to the Board about this annexation request and answered questions and concerns from the Board.

Commissioner Brown moved to send correspondence to the City of Fayetteville stating the County does not oppose the annexation of two separate parcels located at and near 475 Veterans Parkway and the rezoning of said property from R-70 to PCD, and to ask the city to take considerations to put some restraints allowing the expeditious implementation of the multiuse path tunnel under Veterans Parkway and to include language in the county's response related to maximum size of the box in conjunction with retail. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 4-1 with Commissioner Ognio voting in opposition. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.

**16. Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings.**

New Business #16 was tabled to the April 9, 2015 Board of Commissioners meeting during the Acceptance of the Agenda. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.

**17. Consideration of Commissioner Brown's request to revise the County Administrator's spending limit to \$50,000.00, with said revision to include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where more than \$50,000.00 could be spent on a particular purchase or multi-year contractual arrangement.**

New Business #17 was tabled to the April 9, 2015 Board of Commissioners meeting during the Acceptance of the Agenda. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part hereof.

**PUBLIC COMMENT:**

**Bob Sinclair:** Mr. Sinclair, representing St. Gabriel Catholic Church, reminded the Board that the church had sent a letter to each Commissioner stating its position regarding the road project to reconfigure the intersection at State Route 92 and Antioch Road. He asked if the Commissioners had received the letter, and each Commissioner replied they had received the church's letter. Mr. Sinclair asked if the letter could be entered into the public record. Chairman Oddo replied that the letter had been forwarded to the State of Georgia. The Board informed Mr. Sinclair that Public Works Director Phil Mallon could provide information on how to contact the Georgia Department of Transportation, and it stated that the Georgia Department of Transportation would hold a public hearing where it could include the letter in their record.

**Emory McHugh:** Mr. McHugh spoke for approximately 25 minutes. Mr. McHugh focused on Commissioner Brown's "admission that he had made mistakes and that he wanted to correct some of the erosion of internal controls." He stated that the Tea Party has undermined the control structure of the Fayette County government and how the control structure of Fayette County resembles DeKalb and Gwinnett Counties. Mr. McHugh then gave several examples of how he believes the control structure of Fayette County has been compromised. During his comments,



Chairman Oddo asked Mr. McHugh to refrain from specifically naming staff members. Mr. McHugh also spoke about the internal controls regarding placement on the Public Facilities Authority, the purchasing policies, and the 2000 Public Facilities bonds to pay for renovations to the old jail. He spoke about what he anticipates could be staff's wording as to why the "Operating Transfers Out" category exceeded the "Adopted Budget" by \$8 million. He pointed out that the County capitalized meters in the Water Enterprise Fund even though they did not meet its own definition of Capital Assets, and he suggested that the County did so in order to artificially meet the rate covenants on the revenue bonds. Mr. McHugh stated that the County has utilized Internal Service Funds that do not follow the generally accepted accounting principles, and he said the County is disguising deficit funding of vehicles and equipment through the Vehicle and Equipment Replacement fund. Mr. McHugh also gave several other examples of what he believes are the result of a lack of internal controls in Fayette County government. Mr. McHugh closed his comments speaking about why he does not remain at Commissioners' meetings after giving public comment, suggesting that Commissioner Coston obtain a copy of the study prepared by the Eaves Consulting Group as it relates to completing Kenwood Park, and venting about a recent Open Records Request and the responses he had received related to it. Mr. McHugh left the room after giving his public comments.

**Frank Gardner:** Mr. Gardner suggested that Mr. McHugh take all of his concerns to the Attorney General. He said if Mr. McHugh was willing to make accusations then he should have facts to back them up.

#### **ADMINISTRATOR'S REPORTS:**

There was no Administrator's Report.

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

There was no Attorney's Report.

#### **COMMISSIONERS' REPORTS:**

**Commissioner Barlow:** Commissioner Barlow thanked everyone for "hanging in there with us." He stated that Wednesday, March 25, 2015 was Medal of Honor Day throughout the United States, and that he had spent time reading about the soldiers, their feats, and the physical harm they endured. He said he could not say enough about what they have done, and he thought the nation was beginning to embrace how valuable veterans are. Commissioner Barlow stated that there are 22,000 veterans who live in Fayette and Coweta Counties, and how some of the veterans need support. He said he wanted to recognize the Medal of Honor winners.

**Commissioner Brown:** Commissioner Brown stated that on Saturday, March 28, 2015, the "Suds on the Square" event would take place at the Historic County Courthouse. He said the event was sponsored by the Kiwanis Club and the proceeds would go to charity. Commissioner Brown replied to some of Mr. McHugh's comments.

**Commissioner Ognio:** Commissioner Ognio replied to Mr. McHugh's comments saying for a man to blame the Tea Party for all the problems was interesting. He pointed out that even though Mr. McHugh has problems with the County's transparency that there are few other boards that would give Mr. McHugh the amount of time that Fayette County gives for him to make his public comments. Commissioner Ognio said he did not understand where Mr. McHugh was coming from, but he agreed that he still did not like the "Stormwater Tax." Commissioner Ognio stated that the problem was that there are stormwater infrastructures that were not maintained in the past necessitating the "stormwater tax." Commissioner Ognio agreed that there are always ways to improve transparency, but that the current Board is much more transparent than previous boards. He said he was open to suggestions on how to make

the County more transparent. Commissioner Ognio then thanked the County's Emergency Management Services (EMS) who assisted his cousin who, despite their best efforts, passed away from an aneurism. He said his cousin was already brain dead when help arrived, but he thanked EMS personnel for doing all they could do.

**Commissioner Coston:** Commissioner Coston expressed sympathy for Commissioner Ognio and said she would pray for his family. She noted that this meeting had gone long so she had no report to give.

**Chairman Oddo:** Chairman Oddo stated that the Fayette Senior Services would hold its first annual Spring Fling on March 28, 2015, and he encouraged everyone to attend. He expressed sympathy for Commissioner Ognio's family. Chairman Oddo also spoke about the recent passing of former Fayette County Commissioner and Chairman George Patton and of the impact he made for Fayette County. Chairman Oddo also noted that Mr. Matt Bergen's father recently passed away, and that Mr. Bergen works for the Fayette County Water System. He said Mr. Bergen was at the meeting for the "Safe Digging" Proclamation. Chairman Oddo closed stating there would be a Georgia Department of Transportation public meeting on April 28, 2015 from 4:00 p.m. until 7:00 p.m., and that information about the meeting would be posted to the County's website.

**EXECUTIVE SESSION:**

There was no Executive Session.

**ADJOURNMENT:**

Commissioner Brown moved to adjourn the March 26, 2015 Board of Commissioners meeting. Commissioner Barlow seconded the motion. No discussion followed. The motion passed unanimously.

The March 26, 2015 Board of Commissioners meeting was adjourned at 9:38 p.m.

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Floyd L. Jones, County Clerk

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Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 9th day of April 2015. Referenced attachments are available upon request at the County Clerk's Office.

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Floyd L. Jones, County Clerk

## COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

### Wording for the Agenda:

Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings. This item was tabled at the March 26, 2015 Board of Commissioners meeting.

### Background/History/Details:

Commissioner Brown has written a memo asking for an official declaration that the Board of Commissioners approves all policy and procedure changes by vote at the BOC meetings (see "Exhibit A").

On April 25, 2013, based on Board direction given at the April 5, 2013 Retreat, the Fayette County Board of Commissioners approved Consent Agenda # 7: Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer (see "Exhibit B"). The Agenda request, accompanying the minutes, is included in the support documentation (see "Exhibit C").

Commissioner Brown is asking the Board to "make all policy and procedure changes subject to an official vote of the Board of Commissioners.

### What action are you seeking from the Board of Commissioners?

Consideration of Commissioner Brown's request for the Board of Commissioners to approve all policy and procedure changes by official votes during Board of Commissioner's meetings.

### 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:

EXHIBIT A

COMMISSIONER BROWN'S MEMO



"WHERE QUALITY  
IS A LIFESTYLE"

## MEMORANDUM

From: Commissioner Steve Brown

Date: March 6, 2015

To: Board of Commissioners

Cc: County Administrator

Subject: Official declaration that the Board of Commissioners approves all policy and procedure changes by vote at BOC meetings (March 26, 2015 Board of Commissioners meeting agenda)

Chairman and Commissioners,

At the April 5, 2013 Board of Commissioners Retreat, there was a consensus opinion to allow the County Administrator and several other top staff members to change county government policy and procedures at-will without official approval of the Board of Commissioners.

Prior to the retreat, the talk around the policy and procedure changes was certain policies were not in alignment with what was deemed good operating procedure, requiring a number of changes. Staff was be allowed to facilitate some of those changes, promising to keep the Board informed.

At the retreat, the commissioners were informed that proposed changes would be emailed to the Board, and if any one Commissioner had a problem with the proposed changes then the issue would be placed on the next available agenda for consideration.

Several problems have arisen from this process. Red-lined revisions were not sent on most policy and procedure changes to the Board. In several instances, challenges arose to potential changes and the items were never placed on a meeting agenda for a vote.

Finally, the Board of Commissioners is ultimately responsible for the policies and procedures of the county government and the actions derived from the consensus opinion at the 2013 retreat created an erosion of accountability issue. This environment opens the door to government corruption and citizen distrust which is not desired.

I ask that we act to make all policy and procedure changes subject to an official vote of the Board of Commissioners to promote both accountability and transparency.

**EXHIBIT B**

**APRIL 25, 2013 BOARD OF  
COMMISSIONERS MINUTES**

**CONSENT AGENDA #7**

Nonconforming Status (LNS) rezoning procedure. Commissioners Ognio and Barlow seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request and Ordinance 2013-02, identified as "Attachment 5", follow these minutes and are made an official part hereof.

**PUBLIC COMMENT:**

**Henry Dickerson:** Mr. Dickerson submitted a written petition against the Stormwater fees to the Board, which was signed by many of the residents living near Lake Horton. He questioned the need for residents to pay Stormwater fees when their water runs into Lake Horton, questioned how the collected funds were being spent, and suggested that the Board would not be reelected since nobody in Fayette County was happy about receiving a Stormwater bill. A copy of the written petition, identified as "Attachment 6", follows these minutes and is made an official part hereof.

**Lee Hearn:** Mr. Hearn questioned the Board's transparency in the following areas: 1) LOST renegotiations and agreements, 2) Approval of Cigna as the employees' new health insurance provider, 3) the Board "sticking it to the employees" by taking away health insurance benefits; 4) removing public safety personnel from the Pension Board, 5) not informing the citizens about how they want to address roads for Fayette County's future and potentially exposing Fayette County due to decisions made about the intersection of West Fayetteville Bypass and State Route 92, and 6) not maintaining the rural character of Fayette County by rezoning land for Pinewood Studios. Mr. Hearn closed saying his family has paid taxes into Fayette County for over 100 years, that he has a deep love for Fayette County, and that was why he would continue coming to the meetings.

**Wayne Kendall:** Mr. Kendall said he wanted to talk about Commissioner Ognio's item at the April 11, 2013 meeting concerning referring former County Attorney Scott Bennett to the State Court Solicitor Jamie Inagawa. He pointed out that Mr. Inagawa had previously sued Fayette County, and in doing so he had hired Mr. Richard P. Lindsey as his attorney. He said that Mr. Lindsey was the same attorney Mr. Bennett allegedly hired to sue Fayette County, so there could be a conflict of interest. Mr. Kendall suggested that the Board of Commissioners could call for a civil investigative grand jury to investigate several issues that he contended were still lingering. Mr. Kendall then enumerated those outstanding issues that he thought should be investigated. He then repeated that the Board could call for a civil investigative grand jury, and he explained how the process could work.

**Frank Gardner:** Mr. Gardner said at the last meeting he said something about the parking at Lake Horton. He publically thanked Water System Director Tony Parrott for calling him and explaining the situation to him. He said he had to admit that if he was sitting in Mr. Parrott's seat, he would likely make the same decision. He thought coming to the Board meeting and expressing his opinion and getting feedback was good, and he thanked the Board for that.

**CONSENT AGENDA:**

Commissioner Barlow moved to accept the Consent Agenda. Commissioner Ognio seconded the motion.

Captain Doug Morris, who has served as a Fayette County firefighter for 27 years, spoke in opposition to Consent Agenda Item 7. He specifically commented on the portion of the Consent Agenda pertaining to the loss of retirement benefits. His three main points were: 1) the benefit retirement was in existence before the Defined Benefit Plan was put into place, and it was part of the decision people used to switch to a Defined Benefit Plan, 2) removing the retirement benefit would specifically target long-term, loyal employees, and 3) this action would compel public safety workers to remain on the job until they were 65 years old, and that there were problems with having active police officers and firefighters who are that old. He implored the Board not to remove the retirement benefits.

County Administrator Steve Rapson largely agreed with Mr. Morris, but added that keeping the benefit in place created a large fiscal impact, and he explained the nature of fiscal impact.

Commissioner Oddo said he appreciated Mr. Morris' concerns, but that there were many things he wanted to have but could not afford to have. He said he wanted to do many things but did not have the funding to do so. He added that the Board has responsibility to the taxpayers and to the staff, but it also has a fiduciary responsibility that cannot be ignored.

Mr. Rapson spoke about two benefits the County has enacted to replace the outgoing benefit; namely, the ability for County employees to purchase family health insurance at the County's rates and to participate in a Health Savings Account (HSA).

Chairman Brown said there were no easy decisions, but that the County was in a real bind. He said the Board did not take pride in taking anything away from anybody. He said the County is in a really bad situation, and that the Board had opportunities to do things years ago when both he and Commissioner McCarty were on the Board, and those requests were voted down each time. He said the County is where it is, that the Board promised its constituents that it would provide a balanced budget, and that the County would do whatever it takes to get to the balanced budget. He said this action had nothing to do against anybody who is employed with the County but that the constituents are the number one responsibility.

The motion to approve the Consent Agenda passed 4-0 with Commissioner McCarty being absent.

5. **Approval of Finance policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**
6. **Approval of Human Resource policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part hereof.**
7. **Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part hereof.**
8. **Approval of staff's recommendation to award Bid #873- Grass Mowing Services to Star Valley Landscapes Solutions, BeautyScapes Management, Inc., and TrueGreen Landcare, LLC., at an aggregate amount of \$83,390.80, and authorization for the Chairman to sign related contracts. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part hereof.**
9. **Approval of the April 5, 2013 Board of Commissioners Retreat Minutes and the April 11, 2013 Board of Commissioners Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**



EXHIBIT C

APRIL 25, 2013 BOARD OF  
COMMISSIONERS MINUTES

CONSENT AGENDA #7 SUPPORTING  
MATERIAL

## COUNTY DEPARTMENT AGENDA REQUEST

Department: Administration

Presenter(s): County Administrator Steve Rapson

Meeting Date: April 25, 2013

Type of Request: Consent

## Wording for the Agenda:

Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and Human Resources Director; and to delegate the authority to amend Finance policies and procedures to the County Administrator and Chief Financial Officer.

## Background/History/Details:

Both the Human Resource and Finance policy and procedures were amended as part of the annual Fayette County Board of Commissioner Retreat. This delegation of authority will enable the County Administrator and respective Department Head to make changes to the existing policy and procedures in a timely and more efficient manner.

Any policy and procedures will be sent via e-mail to all Board of Commissioners for their input prior to being implemented.

## What action are you seeking from the Board of Commissioners?

Approval of staff's request to delegate the authority to amend Human Resources policies and procedures to the County Administrator and Human Resources Director; and to delegate the authority to amend Finance policies and procedures to the County Administrator and Chief Financial Officer.

## If this item requires funding, please describe:

Not Applicable.

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

Back-up Material Submitted? No

## STAFF USE ONLY

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

Approved by County Clerk Yes

Administrator's Approval

## Staff Notes:

# COUNTY AGENDA REQUEST

Department: Board of Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, April 9, 2015

Type of Request: Old Business

## Wording for the Agenda:

Consideration of Commissioner Brown's request to revise the County Administrator's spending limit to \$50,000.00, with said revision to include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where more than \$50,000.00 could be spent on a particular purchase or multi-year contractual arrangement. This item was tabled at the March 26, 2015 meeting.

## Background/History/Details:

Commissioner Brown has written a memo asking for an official declaration to change the spending limits of the County Administrator to \$50,000.00.

On April 25, 2013, based on direction received at the April 7, 2013 Retreat, the Board of Commissioners approved Consent Agenda #7: "Approval of staff's request to delegate the authority to amend the Human Resources policies and procedures to the County Administrator and the Human Resources Director, and to delegate the authority to amend Finance policies and procedures to the County Administrator and the Chief Financial Officer." The request passed on Consent 4-0-1 with Commissioner McCarty being absent (see "Exhibit B"). The approved request included Policy 250.01 (see "Exhibit C"). The policy includes the following language: "The Chairman or County Administrator is authorized to sign properly procured contracts that are less than \$200,000 and budgeted (pg 7; H. Contracts.)

Commissioner Brown states that the Board of Commissioners is ultimately responsible for the tax revenue collected by the county government.

## What action are you seeking from the Board of Commissioners?

Approval of Commissioner Brown's request to revise the County Administrator's spending limit to \$50,000.00, with said revision to include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where more than \$50,000.00 could be spent on a particular purchase or multi-year contractual arrangement.

## If this item requires funding, please describe:

Not Applicable.

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

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

## **EXHIBIT A**

### **COMMISSIONER BROWN'S MEMO**



"WHERE QUALITY  
IS A LIFESTYLE"

## MEMORANDUM

From: Commissioner Steve Brown

Date: March 6, 2015

To: Board of Commissioners

Cc: County Administrator

Subject: Official declaration to change the spending limits for the County Administrator (March 26, 2015 Board of Commissioners meeting agenda)

Chairman and Commissioners,

Previously, the Board of Commissioners granted the County Administrator the ability to enter into contracts, purchasing decisions and the like up to \$200,000 per occurrence without an official vote of approval of the Board of Commissioners.

Several problems have arisen from this process. The willingness to execute such duties by the County Administrator is certainly appreciated, but the Board of Commissioners is ultimately responsible for the tax revenue collected by the county government and we do not want to raise fiduciary accountability issues.

I ask that we revise the spending limit without Board approval to \$50,000 to promote both accountability and transparency. This limit should include the sum total of any multi-year contracts, contingencies and possible options that create a scenario where the more than \$50,000 could be spent on a particular purchase or multi-year contractual arrangement.

**EXHIBIT B**

**April 5, 2013 Board of Commissioners**

**Minutes**

**Consent Agenda 7**

Nonconforming Status (LNS) rezoning procedure. Commissioners Ognio and Barlow seconded the motion. No discussion followed. The motion passed 4-0 with Commissioner McCarty being absent. A copy of the request and Ordinance 2013-02, identified as "Attachment 5", follow these minutes and are made an official part hereof.

**PUBLIC COMMENT:**

**Henry Dickerson:** Mr. Dickerson submitted a written petition against the Stormwater fees to the Board, which was signed by many of the residents living near Lake Horton. He questioned the need for residents to pay Stormwater fees when their water runs into Lake Horton, questioned how the collected funds were being spent, and suggested that the Board would not be reelected since nobody in Fayette County was happy about receiving a Stormwater bill. A copy of the written petition, identified as "Attachment 6", follows these minutes and is made an official part hereof.

**Lee Hearn:** Mr. Hearn questioned the Board's transparency in the following areas: 1) LOST renegotiations and agreements, 2) Approval of Cigna as the employees' new health insurance provider, 3) the Board "sticking it to the employees" by taking away health insurance benefits; 4) removing public safety personnel from the Pension Board, 5) not informing the citizens about how they want to address roads for Fayette County's future and potentially exposing Fayette County due to decisions made about the intersection of West Fayetteville Bypass and State Route 92, and 6) not maintaining the rural character of Fayette County by rezoning land for Pinewood Studios. Mr. Hearn closed saying his family has paid taxes into Fayette County for over 100 years, that he has a deep love for Fayette County, and that was why he would continue coming to the meetings.

**Wayne Kendall:** Mr. Kendall said he wanted to talk about Commissioner Ognio's item at the April 11, 2013 meeting concerning referring former County Attorney Scott Bennett to the State Court Solicitor Jamie Inagawa. He pointed out that Mr. Inagawa had previously sued Fayette County, and in doing so he had hired Mr. Richard P. Lindsey as his attorney. He said that Mr. Lindsey was the same attorney Mr. Bennett allegedly hired to sue Fayette County, so there could be a conflict of interest. Mr. Kendall suggested that the Board of Commissioners could call for a civil investigative grand jury to investigate several issues that he contended were still lingering. Mr. Kendall then enumerated those outstanding issues that he thought should be investigated. He then repeated that the Board could call for a civil investigative grand jury, and he explained how the process could work.

**Frank Gardner:** Mr. Gardner said at the last meeting he said something about the parking at Lake Horton. He publically thanked Water System Director Tony Parrott for calling him and explaining the situation to him. He said he had to admit that if he was sitting in Mr. Parrott's seat, he would likely make the same decision. He thought coming to the Board meeting and expressing his opinion and getting feedback was good, and he thanked the Board for that.

**CONSENT AGENDA:**

Commissioner Barlow moved to accept the Consent Agenda. Commissioner Ognio seconded the motion.

Captain Doug Morris, who has served as a Fayette County firefighter for 27 years, spoke in opposition to Consent Agenda Item 7. He specifically commented on the portion of the Consent Agenda pertaining to the loss of retirement benefits. His three main points were: 1) the benefit retirement was in existence before the Defined Benefit Plan was put into place, and it was part of the decision people used to switch to a Defined Benefit Plan, 2) removing the retirement benefit would specifically target long-term, loyal employees, and 3) this action would compel public safety workers to remain on the job until they were 65 years old, and that there were problems with having active police officers and firefighters who are that old. He implored the Board not to remove the retirement benefits.

County Administrator Steve Rapson largely agreed with Mr. Morris, but added that keeping the benefit in place created a large fiscal impact, and he explained the nature of fiscal impact.

Commissioner Oddo said he appreciated Mr. Morris' concerns, but that there were many things he wanted to have but could not afford to have. He said he wanted to do many things but did not have the funding to do so. He added that the Board has responsibility to the taxpayers and to the staff, but it also has a fiduciary responsibility that cannot be ignored.

Mr. Rapson spoke about two benefits the County has enacted to replace the outgoing benefit; namely, the ability for County employees to purchase family health insurance at the County's rates and to participate in a Health Savings Account (HSA).

Chairman Brown said there were no easy decisions, but that the County was in a real bind. He said the Board did not take pride in taking anything away from anybody. He said the County is in a really bad situation, and that the Board had opportunities to do things years ago when both he and Commissioner McCarty were on the Board, and those requests were voted down each time. He said the County is where it is, that the Board promised its constituents that it would provide a balanced budget, and that the County would do whatever it takes to get to the balanced budget. He said this action had nothing to do against anybody who is employed with the County but that the constituents are the number one responsibility.

The motion to approve the Consent Agenda passed 4-0 with Commissioner McCarty being absent.

5. **Approval of Finance policy and procedure amendments as outlined during the April 5, 2013 Retreat. A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part hereof.**
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9. **Approval of the April 5, 2013 Board of Commissioners Retreat Minutes and the April 11, 2013 Board of Commissioners Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**



## **EXHIBIT C**

### **Policy 250.01 (Attachment 7)**

**Refer to Page #7; Section H.- Contracts**

## COUNTY DEPARTMENT AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Finance policy and procedure amendments as outlined during the April 5, 2013 Retreat.

**Background/History/Details:**

The following finance policy and procedure amendments were presented and discussed during the annual Fayette County Board of Commissioner Retreat.

- a. 210.01 P-Card (Pages 1-3 of the backup)
- b. 250.01 Purchasing Policy & Procedures (Pages 6-13 of the backup)
- c. 300.09 Travel (Pages 14-26 of the backup)

These policy and procedure amendments are presented for your formal consideration and approval.

**What action are you seeking from the Board of Commissioners?**

Approval of Finance policy and procedure amendments as outlined.

**If this item requires funding, please describe:**

Not Applicable.

Has this issue come before the Commissioners in the past?

If so, when?

Do you need audio-visual for the presentation?

Back-up Material Submitted?

### STAFF USE ONLY

Approved by Finance

Reviewed by Legal

Approved by Purchasing

Approved by County Clerk

Administrator's Approval

**Staff Notes:**

**FAYETTE COUNTY  
POLICIES AND PROCEDURES**

**Purchasing – Procuring Goods / Services  
Policy & Procedures  
250.01**

**PURPOSE**

~~The Fayette County Purchasing Department procures materials, supplies, equipment and services for county departments, ensuring quality, timely delivery and maximum dollar savings under the supervision of the Fayette County Board of Commissioners. One of the main functions of the Purchasing Department is saving taxpayer dollars.~~

~~The Purchasing Department strives to treat vendors and contractors fairly and equitably, while encouraging competition. The Purchasing Department ensures objectivity in awards to responsive and responsible bidders and provides assistance to all county departments in the planning and procurement process.~~

~~The Fayette County Purchasing Department handles surplus sales through auctions. This is usually a combined governmental auction that involves some other Fayette County governments. This information will be available on the Fayette County website prior to each auction.~~

The public sector purchasing function faces the dual challenges of observing laws created by legislation and by case law announced through judges' decisions, while responding to a changing, increasingly complex public service environment. Purchasing functions must go beyond the old model of process management, and provide support services for their departmental customers. This includes flexible processes that respond to the varied and changing needs of the departments, as well as administrative efficiencies that acknowledge the reality of demands outpacing revenues. The policy and procedures in this Section are designed to meet these challenges.

**DEFINITIONS**

- Originating department – The department for which a product or service is being purchased.
- Open market purchase – A purchase costing less than the formal procurement threshold for requiring competitive sealed bids or proposals.
- Formal procurement threshold – The dollar amount above which formal sealed bids or proposals are required.
- Quote – An offered price from a vendor for an open market purchase. A quote may be verbal or written, depending on the dollar amount involved. For purposes of obtaining the required number of quotes, a "no-bid" response or non-response may be counted as a quote.
- ITB – Invitation to bid. This results in selection of the lowest bid from a responsive, responsible bidder.
- RFP – Request for proposals. This results in selection of a winning proposal by evaluation of criteria specified in the RFP.

## POLICY

~~There shall be a consistent and uniform process for the procurement of materials, supplies equipment and services for the Fayette County departments.~~

The Purchasing Department will partner with county departments, vendors, and stakeholders to achieve the following results:

- *County departments* will receive appropriate products and services in a timely manner,
- *Vendors* will have access to county business, opportunity to compete, and equity in their dealings with the county, and
- *Stakeholders*, including the Board of Commissioners, the County Administrator, and taxpayers, will realize the efficiencies, savings, and business transparency they require.

These results will be obtained by observance of the procedures listed below, and in other sections of the Policies and Procedures Manual.

*Note: The policy and procedures herein do not apply to the Sheriff's Office or other elected officials when using a separate procurement system.*

## PROCEDURES

~~In addition to emergency requisitions which are processed just as soon as possible upon receipt, there are two other main methods of procuring goods and services, i.e. open market purchases and invitations for sealed bids / requests for proposals.~~

~~The open market method of purchase is used for those requisitions that total up to \$19,999.99. They are handled informally in that quotes can be obtained, by fax, mail or verbally in some situations. These open market purchases do not require formal advertising, and they do not require additional approval by the Board of Commissioners.~~

### A. Open-Market Purchases

Purchases that have a total cost of less than the formal procurement threshold of \$200,000 are known as open-market purchases. Open market purchases are not required to go through a sealed bid or proposal process, nor do they require additional approval by the Board of Commissioners. The dollar value of an open-market purchase determines the procedures that apply:

- Purchases up to \$5,000: Authority is delegated to departments to make purchases up to this amount, if they so choose. For a purchase above \$500.00 the originating department must obtain a minimum of 3 documented verbal quotes or 3 written quotes, unless the purchase is made from an existing county or state contract. The originating department must send the quotes along with their invoice or other payment request to the Finance Department, where it will be made part of the payment file.

The Purchasing Department will conduct an audit of purchases on an annual basis, for the purpose of ascertaining adherence to the policy of obtaining 3 quotes for each purchase. In the event that a department is found to not be in compliance, remedies will apply, including revocation of the department's delegated purchasing authority.

For any transaction in which a contract or other legal agreement is involved, the originating department must obtain immigration affidavits (E-Verify and SAVE programs) as required by Georgia statute. The originating department will forward the contract and the affidavits to the Purchasing Department. The Purchasing Department will file the immigration affidavits for reporting and audit purposes, and will forward the contract for authorized signature.

- P-Cards: Authorized employees may make purchases up to the amount established by Policy & Procedure 210.01, titled "P-CARD Program." Employees must follow procedures set forth in that Section.
- Store Accounts: The Purchasing Department may open store accounts on behalf of a department, with prior approval of the County Administrator. Store accounts may be authorized with departmental spending limits equal to the non-emergency limit for P-Card purchases.

Purchases over \$5,000 must go through the Purchasing Department. The procedures that apply are dependent on the total value of the purchase:

- \$5,000.01 - \$50,000.00: Purchases within this range require a minimum of three documented verbal quotes, or three written quotes, unless made from an existing county or state contract.
- \$50,000.01 - \$200,000.00: These purchases require a minimum of three written quotes, unless made from an existing county or state contract.

Employees may not artificially subdivide a purchase to avoid any of the above requirements or limits.

## **B. Competitive Sealed Bids / Proposals**

~~Invitations for sealed bids and requests for proposals are used when the purchase is for \$20,000 or more. They require formal advertising in the county newspaper, public openings, and the Board of Commissioners makes the award based on information submitted by the requesting department and the Purchasing Department. Depending on the nature of the purchase, bonds may also be required.~~

~~The above policies are facilitated by using bidders list applications. A bidders list application contains 5 digit commodity codes that a company or individual can choose from. Each commodity code has a brief description, and when commodity codes are chosen by a company or individual that fills out the bidders list application, those commodity codes are entered into the computer by Purchasing Department staff using a separate vendor number for each company or individual. From this collection of information, a bidders list can be obtained for any commodity (goods or services) that~~

~~companies have indicated to the Purchasing Department that they sell by having filled out a bidders' list application.~~

~~The bidders' list application can be downloaded from the Fayette County website, or it may be obtained in the Purchasing Department at the front county in Suite 101.~~

*Road Construction:* The county will use the invitation to bid (ITB) or request for proposals (RFP) process for any road construction contract of \$20,000 or more, as required by Georgia Code, Chapter 32-4. For this purpose, the term "contract" is defined in OCGA 32-4-60 to include construction, reconstruction or maintenance of a public road.

*Public Works Construction Projects:* The county will issue an ITB for any public works construction project costing \$100,000 or more, as required by Georgia Code, Chapter 36-91.

*Fuel:* Due to the unique nature of the fuel distribution industry, fuel purchases will not follow the sealed bid process, unless and until such time as the county may choose to seek a contract for fuel delivery. The Director of Purchasing may approve fuel purchases up to \$75,000. Any fuel purchase above that amount, and up to \$200,000 may be approved by the County Administrator. Any fuel purchase over \$200,000 must be approved by the Board of Commissioners.

*Other Procurement:* For other procurements, the Purchasing Department will issue an ITB or RFP when the total price is expected to be over \$200,000. In such cases, the originating department will initiate the procurement process:

1. For an ITB, the originating department will develop product or service specifications.
2. For an RFP, the originating department will provide the following information, which will become part of the RFP:
  - a. Objective
  - b. Introduction
  - c. Statement of Need
  - d. Scope of Work
  - e. Proposal Response Requirements
  - f. Evaluation Plan
  - g. Pricing Structure
3. The originating department will provide other information, such as quantity needed or estimated usage, suggested vendors (if any), or other essential or helpful information.

The Purchasing Department will prepare the terms and conditions, cover letter, immigration affidavits, and other documentation that completes the ITB or RFP.

Once the ITB or RFP package is completed, the Purchasing Department will notify vendors, using any of a variety of available methods, as appropriate. This may include, but is not limited to, the following:

- Bidders list: The Purchasing Department will maintain a bidders list of vendor names and addresses from which bids, proposals or quotations can be solicited.
- State bidders list: The Purchasing Department will use the state's Georgia Procurement Registry for solicitations, as deemed necessary or advantageous, to acquire enough bids to assure adequate price competition.
- Other communications: The Purchasing Department will use other means available to (1) assure that interested vendors have an opportunity to compete, and (2) to generate adequate price competition among vendors. This may include, but not be limited to, Internet, public access cable television, and printed media notifications.

*Public Bid / Proposal Openings:* The Purchasing Department shall open bids and proposals in public view, at the established time and place, with at least one witness. For bids, the opening employee will disclose each vendor and the price(s) bid. For proposals, the opening employee will disclose only each vendor.

*Bid opened in error:* If a county employee inadvertently opens a bid or proposal in error before the established bid opening date and time, upon discovering the error the employee shall reseal the bid, and write on it "Opened in Error." The employee shall ask another employee to witness the re-sealing. One employee shall note the time and date on the envelope, and both employees shall sign it. This action will allow the bid or proposal to maintain its status as a sealed bid.

*Mistakes in bids:* When a mistake is discovered in a bid, the bidder may be allowed an opportunity to correct or withdraw the bid in some circumstances. This must be done in a manner that does not confer upon the bidder an unfair advantage, and in a way that will not prejudice the interests of the public:

- A bidder may modify or withdraw a bid at any time before the bid opening. An authorized representative of the bidder must request the modification or withdrawal of the bid in writing.
- If a mistake is discovered after the bid opening but before award, the Director of Purchasing may allow the bidder to withdraw the bid. The Director may waive a mistake, or permit the bidder to correct it, if the mistake is minor and the true intent of the bid is obvious from the bid document itself.
- After award of a contract, relief for a mistake that is discovered must be considered in light of the circumstances. There may be extenuating considerations, such as an error so substantial that refusal to grant relief would be unconscionable. In less severe cases, the winning bidder may be held to the bid, at the discretion of the county.

After a bid or proposal opening, the originating department will conduct an evaluation. This may be done by an individual or an evaluation committee, depending on considerations such as the size and complexity of the bid or proposal.

After evaluation is complete, the originating department will provide written recommendations to the Director of Purchasing. For bids, the originating department

must include justification or explanations when recommending other than the lowest bid. For proposals, the originating department must provide the evaluation criteria, evaluations, and scores to the Purchasing Department.

Although bids or proposals are required only for procurements over \$200,000 sometimes a recommended price may be lower than anticipated. In addition, it may be in the best interest of the county to issue invitations to bid or requests for proposals for certain procurements under \$200,000 such as those of a highly technical nature. For recommendations up to \$50,000 authority is given to the Director of Purchasing to approve the department's recommendations. For recommendations over \$50,000 and up to \$200,000 the Director of Purchasing will present the recommendations to the County Administrator for final decision.

After reviewing a recommendation over \$200,000 the Director of Purchasing will notify the originating department. The originating department will complete a Board agenda request and forward it for inclusion on the agenda. The Purchasing Department will provide backup data concerning the bid or proposal process.

### **C. Sole Source Procurement**

The term "sole source" refers to the source, not the product or service. This can, but does not necessarily, refer to the fact that literally only one vendor provides the product or service. Circumstances may define a sole source situation, such as a need for immediate delivery or repairs at a particular location, when there is only one vendor that can accommodate. The decision to sole-source a procurement may be based on a lack of competition, proprietary technology, copyright, or a supplier's unique capability. Sometimes procurement can be sole source in the short term, but not in the long term.

In the event of a need for sole source procurement, the originating department must explain in writing to the Director of Purchasing the situation and the need for a sole source purchase or contract. This requirement will apply to all sole source procurements, whether carried out through the Purchasing Department or by the originating department.

### **D. Proprietary Procurement**

A proprietary product or service is one that some person or company has exclusive right to manufacture and/or sell. It may be protected by a patent, copyright, trademark or other exclusive right. This is different from a sole source situation, in that there may be competing vendors with comparable goods or services.

In the event of a need for a proprietary procurement, the originating department must explain in writing to the Director of Purchasing the situation and the need for a non-competitive purchase or contract.

### **E. Professional Services**

At times, the county will need to enter into contracts for services that require special skills, that specify certain products or services, or present other circumstances in which bids or proposals might not produce the best outcomes. In these instances when it is in the county's best interest, a professional services contract may be negotiated, unless in conflict with existing laws, rules, or regulations.

### **F. Purchases from State Contracts**



Purchases may be made through State of Georgia purchasing contracts, inasmuch as they have previously gone through a sealed bid process at the state level. Prior approval from the Board of Commissioners will not be needed, except for purchases over \$200,000 or purchases to be made from funds that were not previously budgeted.

#### **G. Internet Purchases**

Various forms of on-line procurement are available, and others may be anticipated in the future. Purchasing and other departments may consider and use these procurement methods as appropriate, if they do not conflict with state law, county ordinance, or provisions of the Policy and Procedures Manual.

#### **H. Contracts**

The Purchasing Department will obtain approval of the Board of Commissioners prior to executing contracts in the following situations:

- If the total price of the contract is over \$200,000 or;
- If funds to pay the contractor are not budgeted

The Chairman or County Administrator is authorized to sign properly procured contracts that are less than \$200,000 and budgeted.

The Purchasing Department will assure that all contracts comply with state immigration laws at Georgia Code Title 13 (E-Verify) and Title 50 (Systematic Alien Verification for Eligibility or SAVE), prior to execution.

Contracts must comply with Georgia law for public works bidding and contracting as provided in Georgia Code Chapter 36-91, and for road bidding and contracts as provided in Georgia Code Chapter 32-4.

#### **I. Emergency Procurement**

In times of emergency, the need for expediency outweighs the desire for price competition. These procedures address two levels of emergency, as described below:

1. A state of emergency may be declared by the Governor, or determined to exist by the county governing authority. During times of declared emergency, procedures for emergency procurement will be in effect, as authorized in the Policy and Procedures Manual or other official documents.
2. An emergency may be caused by an unexpected and urgent situation, but which does not rise to the level of the above-described declared state of emergency. For procurement purposes, this level of emergency is described as an unexpected situation which requires rapid response outside of established purchasing procedures. It may involve danger to health, life or property. It may involve an unexpected delay in delivery, depleted inventory, or an unusually high volume of work, depending on the situation *{however, care must be taken that adequate planning is done so that these situations do not occur when avoidable}*. In event of such a situation, the Director of Purchasing shall have the authority to make necessary purchases, while adhering to established policies and procedures as closely as circumstances allow. If the emergency occurs outside of normal business hours, on weekends, or on holidays, and the Director of Purchasing is unavailable, the Director of the department in question shall have the same authority as the Director of Purchasing. Documentation is to be

submitted to the Purchasing Department as soon as possible following the emergency.

This exception does not apply to a condition in which an emergency situation might potentially occur in the future. It applies to situations in which there is an imminent need such that it is important to disregard normal procedures.

#### **J. Maintenance and Support Agreements**

It is important that departments give procurement of maintenance or support agreements the same considerations as other purchases. While many agreements are proprietary, they may not necessarily be sole source services, or the most competitively priced.

Maintenance or support agreements constitute legally binding contracts which require the signature of the Board Chairman or another legally empowered official. They may require one or more immigration affidavits, in compliance with Georgia Code.

Departments must process maintenance or support agreements using the same thresholds as outlined in this policy. All contracts or agreements should be sent to the Purchasing Department for obtaining authorized signatures, along with immigration affidavits and legally authorized identification documents. Contracts or agreements in excess of the formal procurement threshold of \$200,000 must be placed on the Board agenda for consideration.

#### **K. Purchases Using Federal Funds**

For procurements using federal funds, the county must follow federal rules, including the Federal Common Rule. The county must also follow any additional rules or conditions imposed by a pass-through or administering organization, such as a state agency. Instructions for these circumstances are provided elsewhere in the Policies and Procedures Manual.

#### **L. Budget Availability**

The originating department is responsible for assuring that funds are budgeted before initiating any procurement.

#### **M. Unauthorized Purchases**

No purchase of materials, supplies, equipment, or services shall be made in the name of the county, or through its purchasing department, except such as are required for official use by the county or one of its departments. Purchases in the name of the county or a department for personal use by an individual or for other than official use are prohibited, and not county funds will be expended or advanced for such purpose.

## Floyd Jones

---

**From:** Steve Brown <stevebrownptc@outlook.com>  
**Sent:** Tuesday, March 17, 2015 6:22 PM  
**To:** Floyd Jones  
**Subject:** Aaron Schock resigns after new questions about mileage expenses

<http://www.politico.com/story/2015/03/aaron-schock-resigns-116153.html>

Floyd,

Please print the attachment and include it in the March 26 agenda item on the \$200,000 spending threshold.

Thanks.

Steve Brown

# POLITICO



Getty

## Aaron Schock resigns after new questions about mileage expenses

By **JAKE SHERMAN**, **ANNA PALMER** and **JOHN BRESNAHAN** | 3/17/15 2:08 PM EDT | Updated 3/17/15 4:28 PM EDT

Illinois Rep. Aaron Schock resigned Tuesday, less than 12 hours after POLITICO raised questions about tens of thousands of dollars in mileage reimbursements he received for his personal vehicle.

Schock billed the federal government and his campaign for logging roughly 170,000 miles on his personal car from January 2010 through July 2014. But when he sold that Chevrolet Tahoe in July 2014, it had roughly 80,000 miles on the odometer, according to public records obtained by POLITICO under Illinois open records laws. The documents, in other words, indicate he was reimbursed for 90,000 miles more than his car was driven.

The discrepancy added to a growing wave of ethical and legal problems for the 33-year-old politician.

**ALSO ON POLITICO****Investigators contact Schock associates****JAKE SHERMAN, ANNA PALMER and JOHN BRESNAHAN**

“[T]he constant questions over the last six weeks have proven a great distraction that has made it too difficult for me to serve the people of the 18th District with the high standards that they deserve and which I have set for myself,” Schock said in a surprise statement on Tuesday. “I have always sought to do what’s best for my constituents, and I thank them for the opportunity to serve.”

Later Tuesday, a spokesman for Schock added, “In an effort to remove any questions and out of an abundance of caution, Congressman Schock has reimbursed all monies received for official mileage since his election to Congress.”

Schock’s resignation marks a swift downfall of one of the GOP’s most promising young stars and prolific fundraisers. The former state legislator was elected to Congress in 2008 and shot through the ranks of the House GOP. At one point gracing the cover of Men’s Health magazine, he was a fresh face in a party eager to modernize its image.

But as his prominence grew Schock adopted an expensive lifestyle — stays in luxury hotels, dining at pricey restaurants, flights on private jets. Mounting questions about how he paid for it eventually caught up with him.

The congressman’s vehicle history was pieced together from dozens of pages of Illinois vehicle records.

When Schock transferred the SUV to an Illinois dealership in 2014, it had 81,860 miles on the odometer, the documents show. However, from January 2010 to the end of July 2014, he billed the federal government for 123,131 miles on his personal vehicle. During the same period, the Republican billed his “Schock for Congress” campaign account and GOP Generation Y Fund, his leadership political action committee, for an additional 49,388 miles.

Altogether, Schock sought reimbursement for 172,520 miles on his car, despite the fact that he signed documents that certified the vehicle traveled less than half that distance.

Schock had no other vehicles registered in his name at the time, according to state public records. Multiple sources familiar with his office operations say he only drove the Tahoe during this period.

In November 2009, less than a year after Schock took his seat in Congress, the lawmaker bought the 2010 Tahoe from Green Chevrolet in Peoria. The dealership is owned by Jeff Green, a contributor to Schock who has flown the congressman around his district in his airplane and helicopter.

When Schock purchased the new car, it had four miles on it, according to publicly available automobile transaction documents.

On July 19, 2014, Schock transferred the car back to Green Chevrolet with 81,860 miles on it, according to a transfer document that Schock signed.

On that same day in 2014, Schock bought a black 2015 Chevrolet Tahoe with 10 miles on it. Schock's campaign spent nearly \$75,000 on the car, according to campaign filings, but the congressman registered the car in his own name. The SUV sports congressional license plates with the number "18" — the number of Schock's congressional district.

Between 2010 and 2014, the government mileage reimbursements requests were filed by Schock on a near-monthly basis. Members of Congress and staffers are permitted to bill the government and campaign for use of a personal vehicle, and, generally speaking, do not have to keep logs to record the miles they drive.

When asked about the mileage several weeks ago, Schock's office said the congressman spends a lot of time in automobiles and chartering private jets between events in his central Illinois district. His office also raised the possibility that staffers were driving his vehicle and weren't sure if it was permissible under the rules.

During the past month, Schock repaid the government \$40,000 after spending money from his official office budget to redecorate his office to resemble the set of PBS's "Downton Abbey," an English historical drama. He also reimbursed taxpayers more than \$1,200 after using his office account to pay to fly on a private plane to a Chicago Bears football game.

Separately, on a campaign-finance document, Schock labeled the cost of a November flight on a private plane as a software purchase. He has failed to report trips abroad, as required. And he held a fundraiser at a golf course without reporting paying for its use.

In an interview with POLITICO last week in Peoria, Schock could not say with certainty that he had not broken the law.

"I certainly hope not," Schock said. The Illinois Republican added that he was not an attorney, and therefore could not know whether he broke the law or ethics rules. Schock

also declined to directly answer whether he had accepted improper gifts as a member of Congress.

News reports by POLITICO and the Chicago Sun-Times raised a series of questions about Schock's spending and record-keeping. The Office of Congressional Ethics opened an investigation of the lawmaker on Feb. 28 and has begun contacting his associates about appearing before the independent panel behind closed doors. The OCE probe —and any potential Ethics Committee investigation —will disappear with Schock's resignation. However, federal law enforcement could still look into Schock's actions. Schock has two attorneys, former Federal Election Commission commissioner Don McGahn and criminal defense attorney William McGinley, both of Jones Day. Ron Bonjean and Brian Walsh, two longtime GOP communications aides, are handling his press strategy.

Schock will remain in Congress until March 31.

<http://www.11alive.com/story/news/local/decaturn/2014/08/25/elaine-boyer-dekalb-commissioner-resigns/14588079/>

# Ex-DeKalb Commissioner pleads guilty to criminal charges

**11Alive Staff, WXIA**6:40 p.m. EDT September 3, 2014

DEKALB COUNTY, Ga. -- A former DeKalb County Commissioner pleaded guilty to federal criminal charges of mail fraud conspiracy and wire fraud on Wednesday.

Elaine Boyer, who had to pay the county back for thousands of dollars in unauthorized charges on her county-issued credit card, resigned in August.

[As 11Alive reported in March](#), a review of Elaine Boyer's spending found charges for airline tickets, car rentals and other items unrelated to any official county business.

In newly-released court documents, prosecutors allege that Boyer took part in a scheme to defraud DeKalb County and obtain money under false pretenses. [\(READ THE DOCUMENTS HERE\)](#)

Federal prosecutors said the case against Boyer is part of a larger investigation into corruption in DeKalb County government.

Prosecutors say Boyer stole more than \$90,000 from the county treasury. They say she set up a kickback scheme with a bogus contractor, paying him \$78,000 in county funds, then getting \$58,000 of it kicked back to her personal bank account.

Boyer is also accused of using her county credit card for some \$15,000 worth of personal purchases.

"She accepts full responsibility for the decisions that she's made and she has acknowledged that she has abused the trust of the folks of DeKalb County," said Jeff Brickman, Boyer's attorney.

Boyer will be sentenced on December 3. She faces the possibility of up to 20 years in prison for each of the two counts.

Prosecutors say Boyer is cooperating in her case and recommend a sentence at the bottom of the guideline. However, U.S. Attorney Sally Yates also said last week she wants to see Boyer get jail time.

Boyer sent her letter of resignation to Gov, Nathan Deal on August 25.



In it she said "I want to express my heartfelt gratitude for the opportunity to have served in this capacity for the last twenty-two years and want to thank my constituents for their years of support. I wish the citizens of this county and my colleagues all the best."

She gave no specifics of why she stepped down in the letter.

Interim DeKalb County CEO Lee May issued a statement about the case:

*"Recent news stories notwithstanding, Elaine Boyer has faithfully served the constituents of District 1 and DeKalb County for over 20 years. It is my sincere hope that her resignation will allow the healing process to begin and open the door for a new voice on the Board of Commissioners. I wish her the best."*

## Former Gwinnett County commissioner sentenced on bribery charges

Read more: <http://www.cbs46.com/story/19459142/former-gwinnett-county-commisioner-to-be-sentenced-on-bribery-charges#ixzz3UgYwf8V6>

*Posted: Sep 05, 2012 7:48 AM EDT Updated: Oct 03, 2012 4:53 PM EDT*

### GWINNETT COUNTY, GA (CBS46) -

A federal judge sentenced Gwinnett County Commissioner Shirley Lasseter to 33 months in prison on Wednesday.

"Almost from the moment she took office as a Gwinnett County Commissioner, she began betraying the trust of the citizens of Gwinnett County," said U.S. Attorney Sally Yates.

Lasseter pleaded guilty in May to a federal bribery charge. She admitted that she agreed to sell her vote on a real estate deal to an undercover FBI agent who posed as a businessman.

Lasseter received a lesser sentence because she helped prosecutors bring bribery charges against Gwinnett County businessman Mark Gary.

"Mark Gary can't say anything today. We expect that Mark will be in court in the next day or two, or perhaps next week to enter a plea of guilty," said Gary's attorney Paul Kish.

Gary also appeared before a federal judge Wednesday. He waived his rights to an indictment and told the judge he plans to plead guilty to bribery.

According to court documents, Gary paid Lasseter, 64, and her son, John Fanning, \$30,000 in exchange for Lasseter's Commission vote to approve an

application Gary submitted to the county to develop a \$4 million solid waste transfer station.

In April 2009, Lasseter voted to approve Gary's pending application. In June 2009, Gary paid Fanning \$30,000 worth of gambling chips at an out-of-state casino.

"There's corruption in Gwinnett County. Mark Gary is not the problem. An honest developer can't do business in Gwinnett County," Kish said.

Federal prosecutors said Fanning gave some of the money to Lasseter and used the remainder for his and Lasseter's personal benefit, which included buying a vehicle.

Lasseter's son, Fanning, and Hall County businessman Carl 'Skip' Cain pleaded guilty to the bribery scheme and also to drug charges.

Fanning and Cain acted as couriers delivering what they believed to be cocaine and what they believed to be drug money.

They will be sentenced on Sept. 18.

"I hope it sends the message that if you are a corrupt public officials. If you take payoffs and betray the public trust, you will be held accountable," Yates said.

Lasseter was Duluth's mayor for 14 years. She was elected to the county commission in 2009 and took her seat in 2010.

She is expected to be in the federal prison system within six weeks.

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# COUNTY AGENDA REQUEST

Department: Board of Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, April 9, 2015

Type of Request: New Business

## Wording for the Agenda:

Consideration of Commissioner Brown's recommendation to adopt Resolution 2015-04- A Resolution on Fayette County Development Authority Tax Abatement Policy.

## Background/History/Details:

Commissioner Brown has offered Resolution 2015-04 asking for a policy on tax abatement strategies or parameters from the Fayette County Development Authority in order to build a trusting and accountable relationship with local governments and Fayette County's taxpayers.(See Exhibit A.)

On Thursday, March 26, 2015, the Fayette County Development Authority adopted its "New Project Procedures." The procedures outline the Development Authority's project tracking and fiscal impact analysis steps that are to be taken for any company applying for an incentive. (See Exhibit B.)

## What action are you seeking from the Board of Commissioners?

Adoption of Resolution 2015-04- A Resolution on Fayette County Development Authority Tax Abatement Policy.

## If this item requires funding, please describe:

Not Applicable.

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

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

**RESOLUTION 2015-04**

**A RESOLUTION ON THE FAYETTE COUNTY DEVELOPMENT  
AUTHORITY'S TAX ABATEMENT POLICY**

- WHEREAS,** Development Authorities can be useful instruments for attracting and retaining economic development opportunities; and
- WHEREAS,** The county government, city and town governments and the board of education do not have the authority to dictate or modify the terms on tax abatements issued by the Fayette County Development Authority; and
- WHEREAS,** Tax abatements for economic development do impact the governments' revenue streams and the ability to pay for services; and
- WHEREAS,** A healthy trust needs to exist between all local governments and the Fayette County Development Authority; and
- WHEREAS,** An official policy from the Fayette County Development Authority on what constitutes a reasonable investment with the use of tax abatements would be helpful towards maintaining a trusting relationship that includes excellent communication and accountability; and
- WHEREAS,** Tax abatements for dirty industries that pollute or use significant quantities of hazardous chemicals should be prohibited; and
- WHEREAS,** Tax abatements for retail outlets and lodging without conference capacity, providing low paying jobs should be prohibited; and
- WHEREAS,** The standard tax abatement package for eligible businesses in Fayette County has traditionally been a 10-year program, and any program beyond 10 years should have to meet a higher criteria that demonstrates elevated job and wage growth as well as positive tax benefits in future years;

**NOW, BE IT THEREFORE RESOLVED THAT** the Board of Commissioners of Fayette County does hereby formally request that the Fayette County Development Authority establish a written policy on the use of tax abatements for economic development and retention. Be it further resolved that the Board of Commissioners of Fayette County acknowledges the efforts of our current Fayette County Development Authority members and staff to enhance communication and interaction with local governments.

So resolved this 9<sup>th</sup> day of April 2015 by the

**BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA**

Attest:

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Charles W. Oddo, Chairman

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Floyd L. Jones, County Clerk



# New Project Procedures

## 1. PROJECT TRACKING FORM

For new projects, staff will complete a Project Tracking Form digitally and bring two hard copies to the weekly Project Review Meeting. One copy will be placed in the Confidential Projects Folder's monthly file and the other will be filed alphabetically by project name. Regular updates will be made and dated on the Project Tracking Form and on the supplemental Project Tracking Notes page. If the prospect is closed or 'sleeping,' staff will make note of the date and reasons why the prospect did not become a project. The Project Tracking Form is for staff's internal project tracking purposes only, and will be considered confidential information available only to those who have executed a Non-Disclosure Agreement.

## 2. WELCOME LETTER

Once the prospect becomes a potentially viable project, staff will send out a preliminary welcome letter. This will include talking points about Fayette County and its cities, along with a tailored description of incentives that may be available at the local, state and federal levels. Additional marketing and collateral material may be sent along with the welcome letter. The welcome letter will be non-committal at this time, and will include language like 'may,' 'might,' 'could' and 'consider' instead of words such as 'will,' 'shall,' or 'agree.'

## 3. NON-DISCLOSURE/CONFIDENTIALITY AGREEMENT (NDA)

Staff will execute and sign a Non-Disclosure/Confidentiality Agreement with each company in order to protect private, proprietary financial information and trade secrets. The date of execution for the NDA will be noted on the Project Tracking Form.

In Georgia, any information that is not commonly known to the general public, which cannot be easily obtained and which could provide an economic advantage to another, can be protected with an NDA. This can include financial data, special site requirements, equipment designs, manufacturing processes, product strategies, investor information, growth and expansion plans, etc. Reasonable steps must be taken by the FCDA to protect this information when made available by the company.

In order to be enforceable, Georgia law requires that the confidentiality agreement be reasonable in three respects: 1) scope, 2) location and 3) duration. Scope refers to the industry or type of work that is prohibited. Location refers to the geographic area that is prohibited. Finally, duration or length of agreement is crucial.

#### **4. FISCAL IMPACT ANALYSIS FORM (FIF)**

Any company applying for FCDA incentives will be required to complete and sign the Fayette County Development Authority Fiscal Impact Analysis Form. This FIF spreadsheet details the number of jobs that will be created, average salaries, capital investment in real property and the amount of taxable personal property. The FIF must be signed and dated by an authorized representative of the company; brokers and site selectors may not sign the FIF document on behalf of the company. Data supplied by the company on the FIF will be used to conduct a local fiscal impact analysis in order to determine the appropriate amount of incentives. The date of the submitted FIF will be entered on the Project Data Tracking Sheet.

#### **5. OPERATING SUPPORT CALCULATOR (OSC)**

Data supplied from the company in the Fiscal Impact Analysis Form will be entered into the Operating Support Calculator spreadsheet in order to determine the amount of new local taxes that will be generated for each taxing authority if the project is implemented. This will include taxes generated for Fayette County, Fayette County Board of Education and city governments. This allows staff to calculate the maximum amount of incentive dollars possible before conducting a thorough cost/benefit analysis utilizing the LOCI program.

#### **6. LOCAL FISCAL IMPACT ANALYSIS (LOCI)**

LOCI is a subscription-based internet program developed by the Georgia Institute of Technology to provide a cost/benefit analysis to communities through the use of a local fiscal impact assessment. Data collected from the company in the FIF and analyzed through the OSC is input into the LOCI program. LOCI calculates both the costs and revenues generated by a potential project and determines the net present value (NPV) of the project using a current discount rate. The value of the abatement offered to a company should never exceed the NPV over the life of the project, unless the project is exceptional or a catalyst project.

#### **7. LOCAL GOVERNMENT COORDINATION LETTER**

Before a formal written offer of abatement is given to a company, staff will send a formal notification letter to affected taxing authorities to alert them that a tax abatement negotiation has been initiated. The coordination letter will detail the length of abatement being offered, the dollar value amount offered each year, and the total estimated amount of the entire abatement.

#### **8. PILOT AGREEMENT/MEMORANDUM OF UNDERSTANDING (MOU)**

Once incentive amounts have been agreed to, the company will enter into a PILOT Agreement/MOU with the FCDA. The FCDA Board of Directors will approve this document and vote to allow the Chairman to sign the agreement. The PILOT Agreement/MOU will include detailed abatement schedules,

number of jobs being created, average annual salaries and the amount of capital investment being committed to by the company. The PILOT/MOU will also detail incentive repayment requirements (known as Claw Backs) in the event the company does not meeting minimum annual requirements agreed to in the executed agreement.

#### **9. BOND DOCUMENTS**

The FCDA's legal council and underwriter will prepare final bond documents and officially transfer property being abated into the ownership of the FCDA. These bond documents will remain on file in the FCDA offices.

#### **10. ANNUAL REPORTING REQUIREMENTS**

In order to ensure companies receiving incentives meet minimum requirements committed to in the PILOT Agreement/MOU, each company will be required to submit an annual reporting letter that illustrates the number of employees working at the facility, average salaries and the annual amount of capital investment made. Should minimum requirement not be met, Claw Backs will require the repayment of some or all of that year's incentive. Annual reporting letters will be submitted no later than March 31 to the FCDA each year the abatement is in effect.

## **Incentives Policy**

The purpose of the Fayette County Development Authority shall be to develop and promote for the public good and general welfare, trade, commerce, industry and employment opportunities and to promote the general welfare within Fayette County. In order to perform economic development activities including business recruitment, retention and expansion, economic development incentives may be utilized in accordance with provisions set forth in the Georgia Redevelopment Powers Act (Official Code of Georgia Annotated § 36-44-1, et. seq.) and the Development Authorities Act (Official Code of Georgia Annotated §§ 36-62-1, et. seq.).

Inducements that may be offered to Targeted Industry/Business are as follows:

1. Reduction of development impact fees
2. Reduction of fees for development permits
3. Reduction of application fees for rezoning requests, special use permits, variance requests and requests for changes in zoning conditions
4. Reduction of business occupation taxes
5. Reduction of water/sewer charges including reduction of system development charges for water and sewer services
6. Acceleration of all aspects of the development review process



7. Acceleration of public hearing dates for rezoning requests, special use permits, variance requests, and requests for changes in zoning conditions
8. Inducements authorized by the Redevelopment Powers Act (Official Code of Georgia Annotated § 36-44-1, et. seq.)
9. Inducements authorized by the Development Authorities Act (Official Code of Georgia Annotated §§ 36-62-1, et. seq.), including tax abatement

In order to be eligible for inducements, a company shall be identified as a Targeted Industry/Business and meet the following criteria:

1. No inducement shall be offered to any Targeted Industry/Business which does not satisfy at least two of the following conditions: add at least 25 new jobs, pay an average salary that is equal to or greater than the County's average wage, or have an estimated fiscal impact with a net present value to taxing authorities of at least \$100,000.00, as determined by a local fiscal impact analysis.

2. A Targeted Industry/Business shall be required to contract with the Development Authority to meet the fiscal impact requirements of this Section.

3. In determining whether the Authority should offer inducements to a Targeted Business, the Board of Directors may consider whether the Targeted Business has received a funding commitment from the State of Georgia contingent upon the business' relocation or expansion within the State of Georgia.

4. Targeted Industries/Businesses include Advanced Manufacturing, Aerospace/Aviation, Bioscience, Corporate or Regional Headquarters, Film/Digital Media, Green Technologies, Healthcare/Medical, Higher Education, High Tech/IT/Data, Logistics, Manufacturing/Warehousing, Research/Development

5. Standard tax abatement shall be for a period not to exceed ten years. Exceptional projects that create at least 50 new jobs and have a net present value to taxing authorities of at least \$500,000 may qualify for an extended abatement period with the approval of the FCDA Board of Directors. All tax abatement proposals will be disclosed in writing to affected tax authorities before a bond-for-title transaction is executed.

Any Targeted Industry/Business, which receives any inducement under the provisions of this policy, shall agree not to relocate outside Fayette County for the entire period during which the inducement is granted. Should the Targeted Industry/Business relocate outside Fayette County during the inducement period, the Targeted Industry/Business shall immediately reimburse the Development Authority for the full value of any and all inducements received pursuant to this policy. Should the Targeted Industry/Business fail to meet its capital investment requirement, wage requirement, or employment requirement, any economic inducement offered

to the Targeted Industry/Business by the Development Authority shall be refunded by 20% for the first such year. In the event that the Targeted Industry/Business fails to meet its requirements pursuant to this Agreement for more than one year, any economic inducement offered to the Targeted Industry/Business shall be refunded by 50% for the second such year. The third year of non-attainment of its requirements shall result in termination of all inducements pursuant to this policy.

# COUNTY AGENDA REQUEST

Department: Board of Commissioners

Presenter(s): Commissioner Steve Brown

Meeting Date: Thursday, April 9, 2015

Type of Request: New Business

## Wording for the Agenda:

Consideration of a recommendation from the Justice Center Park's Committee Chairman, Commissioner Steve Brown, to formally dissolve the Justice Center Park Committee.

## Background/History/Details:

On January 23, 2014, the Fayette County Board of Commissioners agreed to Chairman Steve Brown's request to form the Justice Center Park Committee. The purpose of the committee was to review the possibility of turning the land near the Justice Center into a picnic park and trails at no cost to the County.

At the March 26, 2015 Board of Commissioners meeting, a final determination was made to transfer the budgeted funds allotted for what was termed "Phase I" of the Justice Center Park over to the Heritage Park Fountain restoration and enhancement project. A significantly scaled-down version of the Justice Center Park was mentioned as an option, but prevailing thought of not implementing a project that failed to meet the minimum criteria expressed in plans accounted for movement of the funding to the troubled Heritage Park Fountain restoration and enhancement project. The plans created by the Justice Center Park Committee remain intact and available for implementation should funding become available in future years.

Commissioner Brown, who chairs the Justice Center Park Committee, has written a memo stating he cannot foresee "our committee having to meet on this matter as the county has a workable plan to use for future reference; therefore, the committee is disbanded. This will become official at the April 9, 2015 Board of Commissioners Meeting." Commissioner Brown's memo is provided in support.

## What action are you seeking from the Board of Commissioners?

Approval of the Justice Center Park's Committee Chairman, Commissioner Steve Brown, request to formally dissolve the Justice Center Park Committee.

## If this item requires funding, please describe:

Not Applicable.

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

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



*Fayette*  
COUNTY

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PHONE: 770-305-5200  
www.fayettecountyga.gov

"WHERE QUALITY  
IS A LIFESTYLE"

## MEMORANDUM

**From:** Commissioner Steve Brown (Committee Chair)

**To:** Justice Center Park Committee Members

**Cc:** Board of Commissioners, County Administrators, Public Works Director

**Date:** March 27, 2015

**Subject:** Disbanding the Justice Center Park Committee

First of all, I commend each of you for your willingness to participate in a lengthy process to design and organize the proposal for the future Justice Center Park. I thoroughly enjoyed working with you and appreciated the civic pride displayed in our committee meetings. Please know that the Board of Commissioners is grateful for your contribution.

At the March 26, 2015 Board of Commissioners meeting, a final determination was made to transfer the budgeted funds allotted for what was termed "Phase I" of the Justice Center Park over to the Heritage Park Fountain restoration and enhancement project.

A significantly scaled-down version of the Justice Center Park was mentioned as an option, but prevailing thought of not implementing a project that failed to meet the minimum criteria expressed in the plans accounted for movement of the funding to the troubled Heritage Park Fountain restoration and enhancement project.

The viable and worthwhile plan created by the Justice Center Park Committee remains intact and readily available for implementation should the funding become available in future years. We have taken the original concept of creating an amenity on the Justice Center site, proposed over a decade ago, to the current development of a solid plan with fixed costs that won local stakeholder approval.

At this juncture, I cannot foresee our committee having to meet on this matter as the county has a workable plan to use for future reference; therefore, the committee is disbanded. This will become official at the April 9, 2015 Board of Commissioners Meeting.

Again, you have my heartfelt gratitude for your involvement in this planning effort. There will most certainly be other opportunities for participation in the future on various projects and it is my hope that you will volunteer for those as well.