

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chair
David Barlow
Steve Brown
Charles D. Rousseau



FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Floyd L. Jones, County Clerk
Tameca P. White, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

March 10, 2016
7:00 p.m.

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

Call to Order

Chairman Oddo called the March 10, 2016 Board of Commissioners meeting to order at 7:02 p.m.

Invocation by Chairman Oddo

Chairman Oddo offered the Invocation

Pledge of Allegiance

Chairman Oddo led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Chairman Oddo asked to remove Proclamation/Recognition #3 from the Agenda and to change the wording on Proclamation/Recognition #5 from "sixteen" to "seventeen." Commissioner Barlow moved to accept the Agenda as presented with the requested changes. Commissioner Rousseau seconded the motion. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

1. Proclamation of March 19, 2016 as "Master Gardener Extension Volunteer Appreciation Day."

Commissioner Rousseau read the proclamation on behalf of the Board declaring March 19, 2016 as "Master Gardener Extension Volunteer Appreciation Day." Extension Services Director Kim Toal spoke on behalf of the Master Gardeners. Debra Shoaf of the Atlanta Community Food Bank commented on the work of the Master Gardeners and their contributions to the food bank. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Proclamation in honor of the Georgia City-County Management Association's 60th Anniversary.

Commissioner Brown read the proclamation in honor of the Georgia City-County Management Association's 60th Anniversary. County Administrator Steve Rapson accepted the proclamation on behalf of the association. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Presentation of award to Firefighter/EMT Wendell Madison for "Firefighter of the Year."

This item was removed from the Agenda during the acceptance of the Agenda. A copy of the request, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Recognition of three promotions in Fire and Emergency Services.

Fire Chief David Scarbrough and Deputy Fire Chief Tom Bartlett recognized the promotion of Douglas Morris to the rank of Battalion Chief, Bryan Blair to the rank of Captain, and Willard Harrison to the rank of Lieutenant. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. Recognition of Marilyn Watts for seventeen years of service on the Fayette County Board of Elections.

Commissioner Barlow and the Board recognized Marilyn Watts for her seventeen years of service on the Fayette County Board of Elections. Ms. Watts spoke of her service on the Board and spoke of the good work of the Board of Elections and Elections staff. A copy of the request, identified as "Attachment 5," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

There was no Public Hearing on the Agenda.

CONSENT AGENDA:

Commissioner Ognio moved to approve the Consent Agenda. Commissioner Brown seconded the motion. The motion passed 5-0.

- 6. Approval of the State Court Judge's request for authorization to apply for the Fiscal Year 2017 Grant Application for the Fayette County DUI Court up to the federal funds award amount of \$133,600, to authorize 10% local match funds up to the amount of \$13,360.00 utilizing the DUI Court DATE fund, and authorization for the Chairman to sign grant-related documentation once approved. A copy of the request, identified as "Attachment 6," follows these minutes and is made an official part hereof.**
- 7. Approval of the disposition of tax refunds, in the aggregate amount of \$4,861.19, as recommended by the Tax Assessor's Office. A copy of the request, identified as "Attachment 7," follows these minutes and is made an official part hereof.**
- 8. Approval of the February 25, 2016 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

There was no Old Business on the Agenda.

NEW BUSINESS:

9. Consideration of staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club to provide Rowing Activities at Lake McIntosh.

Parks and Recreation Director Anita Godbee stated there was another unique opportunity for Fayette County's citizens; namely, a rowing program. She stated that the county was approached by the Peachtree City Rowing Club about starting a rowing program at Lake McIntosh. She explained that if the proposal was approved by the Board then Parks and Recreation would enter into an agreement like it has with other youth sports associations where the county provides the facility for the sport and the club would provide the program for the sport. Mrs. Godbee then introduced Megan Gradek of the Peachtree City Rowing Club.

Ms. Gradek provided a PowerPoint presentation to the Board describing the various benefits of rowing for the county. Ms. Gradek also gave a brief history of her involvement and accomplishments with rowing.

Mrs. Godbee stated that the Recreation Commission had met recently and recommended this opportunity for Fayette County.

Commissioner Ognio asked if there was a financial responsibility from the county. County Administrator Steve Rapson stated that the county would provide a pad that the rowing club would store their boats, and he said a retaining wall and a fence would have to be built. He explained that the benefit of having Row America partner with the rowing club is that they would be providing the boats that cost up to \$40,000.00 each. He stated that the program would start with middle and high school students and senior citizens. Mr. Rapson clarified that Row America and the row club would provide the boats, the docks, the trucks, and trailers and that the county would have to make improvement to existing facilities at Lake McIntosh. He estimated that the county would invest approximately \$25,000.00 to \$30,000.00. Mr. Rapson stated that the Environmental Protection Division and the Water System were good with the request as well.

Commissioner Ognio asked how the county would recover its expenditures. Mr. Rapson stated that the relationship between the rowing club and actual residents would be handled through their user fees. He stated that the county would have some electrical costs and likely a security system similar to what is provided for other sports associations. He stated that their desire for a \$10 million boathouse would have to be funded by the rowing club and approved by the Board of Commissioners. He added that there were revenues projected for canoe and kayak rentals but those efforts would also have to be approved by the Board before they could be implemented. Commissioner Ognio asked if the program would operate the same way other sports associations operate with regard to out-of-county participants, and Mr. Rapson replied that it would.

Commissioner Brown stated that he was supportive of the request since it was an exciting opportunity for the county based on the number of rowers living in Fayette County. He looked forward to having rowing as a certified high school sport that would eventually provide scholarship opportunities. Mr. Rapson stated that the Board of Education had been contacted about this sport and they would talk to their coaches about making this another athletic event after hours. He stated the sport would eventually grow into a school-sponsored program if there is sufficient numbers of participants.

Frank Gardner: Mr. Gardner spoke in favor of this initiative particularly since they had already approved the installation of floating docks.

Anna Thomas: Ms. Thomas stated that she lives near Lake Horton and she encouraged the Board to allow rowing at Lake Horton as well as at Lake McIntosh. She stated that there were four lakes in Fayette County that rowing should be allowed on the lakes.

Commissioner Brown moved to approve staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club to provide Rowing Activities at Lake McIntosh. Commissioner Ognio seconded the motion.

Commissioner Rousseau asked that the initial funding for the request to be included in the motion. Mr. Rapson suggested that the motion could be amended to include \$30,000.00 utilizing Recreation contingency funds.

Commissioner Brown amended his motion to approve staff's request to enter into a Youth Athletic Association Agreement with the Peachtree City Rowing Club, utilizing \$30,000.00 of Recreation contingency funds, to provide Rowing Activities at Lake McIntosh. Commissioner Ognio seconded the amended motion. The motion passed 5-0. A copy of the request, including the PowerPoint presentation, identified as "Attachment 8," follows these minutes and is made an official part hereof.

10. Consideration of the adoption of Ordinance 2016-02 for the purpose of establishing an advisory committee known as the Fayette County Public Arts Committee.

Commissioner Brown stated there was a proposal on the dais that is an amendment from what was in the Agenda. He requested that the membership be increased from five members to ten members since the art effort is made up of volunteers. He stated that he removed a section of the proposed ordinance pertaining to membership and not being an elected official. He stated that other changes, including the quorum number, were made in order to reflect the change of numbers of the membership. He stated that a disqualification was deleted since it related to elected officials serving on the Board. He stated that a phrase was added that "any project concerning a call for artists or a permanent art feature, the Board of Commissioners shall give final approval on the winning artist's proposal prior to awarding the project and funding." Commissioner Brown concluded that the proposed changes included a vice-chairman position since, if there is a meeting that is missing the chairman, someone needs to be able to run the meeting.

Commissioner Brown moved to approve Ordinance 2016-02 as amended. Commissioner Barlow seconded the motion.

Commissioner Rousseau stated the purpose was to bring form and clarity to the Public Arts Committee, and he said he favored public arts in the county. He said he did not have a problem with the suggestion to increase the numbers of members on the committee. He stated his concern was whether not elected officials should serve on the body since he was philosophically opposed to having elected members serve on these types of bodies. He acknowledged that his concern was mitigated since there are state-mandated bodies that require elected officials to serve on them such as the Board of Health and since other bodies are established by the Board of Commissioners requiring elected officials. He asked the Board to consider the impact elected officials have on these types of bodies since it is at least perceived that the elected officials bend the bodies to their particular direction. He asked for the Board to consider ways to limit or remove the influence elected officials have on these types of boards. He said the elected officials are citizens too, but that they should not serve as chairmen and vice chairman of these types of established bodies. He said the issue would set precedent on how the bodies would perform in the future. He understood that there is a difference between state-mandated bodies and those created by the Board of Commissioners. Commissioner Rousseau asked for the motion to be amended to address his concern. He spoke about how powerful these types of committees can become and he cautioned that these bodies do not become competitive with other county departments and their operations. He was concerned about how staff is utilized with these committees and their allotments of time.

Commissioner Brown stated that Commissioner Rousseau had made some great points, and he said the intention all along was to have citizen leadership. He said he had no problem with Commissioner Rousseau's position.

Commissioner Brown amended his motion to approve Ordinance 2016-02 as amended and for elected officials to not serve in the capacity as either Chairman or Vice-Chairman of the committee. Commissioner Barlow seconded the amended motion.

Chairman Oddo stated he had a couple of concerns as well and he appreciated Commissioner Rousseau's comments. He stated that he wanted the ordinance to have language pertaining to the committee's long-range goal or effort. Commissioner Brown stated that the ordinance was a structural document and he suggested that the Public Arts

Committee could work up a Mission Statement. He stated there are bigger things coming but getting the structure in place is needed first. Chairman Oddo stated that his concern was bigger than just individual projects since it pertained to the overall vision of the committee. Commissioner Brown stated that the vision was dependent on funding.

Chairman Oddo asked if County Attorney Dennis Davenport had reviewed the proposed changes. Mr. Davenport stated that he followed the changes as they were being discussed and that he had a minor comment for consideration. He stated that when committees are put together then they are comprised of an odd number of members in order to avoid a deadlocked decision.

Commissioner Brown amended his motion to include eleven members and for all the prerequisite numbers to be changed to reflect the change in the numbers of members. Commissioner Barlow seconded the amended motion.

Mr. Davenport stated that if the proposed ordinance was adopted then the currently existing Public Arts Committee would cease to exist on the first calendar day of the month following the enactment of the ordinance. He stated that the ordinance would be enacted sixty days after adoption in order to provide time to populate the committee.

Carol Lunsford: Ms. Lunsford stated that she has served on several county committees but not one enacted by the Board of Commissioners. She added that she has a degree in theater as well as a private businesswoman who has her own art studio. She stated that the entire forty-years she has lived in Fayette County there has been very little involvement in the arts. She suggested this was a step in the right direction. She stated that she did not know where to find documents pertaining to the Public Arts Committee and she did not know of the current committee's existence. She asked the Board to be more transparent with regard to this committee. Chairman Oddo stated that the information was available publically and much of the information would be on the county's website.

Donna Thompson: Mrs. Thompson spoke for fifteen minutes on the Public Arts Committee. She stated that structure for the committee was long overdue. She stated that the Public Arts Committee were placed in a box prior to its first meeting based on an email that was sent to each committee member, and she suggested that it has been in the box ever since. She stated that her concerns were about a citizen holding her government accountable. Mrs. Thompson then spoke at length of her concerns with the Public Arts Committee's performance.

Chairman Oddo reiterated that he wanted language added that would address the committee's long-term goal or vision. Commissioner Rousseau stated that the Board could charge the committee to provide that long-term goal.

Commissioner Brown addressed Mrs. Thompson stating he hoped the committee would not get into a position of judging what is good and what art is not good and that he would rather the committee simply work on creating art with people such as boys and girls and grandparents in the community. He said those who have participated in the projects have had a good time at a very small cost to the taxpayers. He acknowledged that there are people who do not want taxpayer money spent on arts at all and he said there needed to be sensitivity to that position as well. He said he was part of a metro-Atlanta arts program that is sponsored by the Atlanta Regional Commission and he reported that many of the arts programs are bleeding money. He said it will always require more money than it will provide back in revenue.

Chairman Oddo repeated his desire to place language in the ordinance addressing the committee's long-term vision. Commissioner Brown stated there needed to be a budget in order to determine the vision. Chairman Oddo stated that a goal needed to be understood prior to a budget. Commissioner Rousseau suggested that the language could be added at the end of the ordinance's preamble.

Mr. Davenport stated that the amendment would notify the reader that the purpose is in the body of the document, but the language is not in the body of the document. He said it was okay to amend the preamble, although it is preferable not to amend the end of the preamble, but that language needed to be included in the document itself. He suggested

that the language could be added in Section 2-501. He further suggested language could be added that reads something like "we would like the first order of business of the Fayette County Public Arts Committee to bring back to the Board of Commissioners a long-range goal for further projects in Fayette County."

Commissioner Brown moved to amend his motion to include the specific section as referenced by the County Attorney. Commissioner Barlow seconded the amended motion.

Commissioner Rousseau encouraged the Board to not give up on this matter since he was in favor of public arts and endowments. He said he was willing to give this effort a shot. He hoped everyone could come together and make it work since it could be a powerful entity for Fayette County.

Mr. Davenport read the motion to approve the Public Arts Committee Ordinance as amended by Commissioner Brown from the dais subject to there being no elected officials serving as Chairman or Vice-Chairman of the committee, that the committee number is amended to eleven, and that a sentence is added to Section 2-501 addressing the long-range visioning goal of the committee. He said he would provide language consistent to what he said earlier. Commissioner Brown added that all the numerical values would change based on the number of members being increased.

Commissioner Brown encouraged the Board to continue to keep the public arts initiative in perspective. Commissioner Barlow stated that everyone attended the meeting put together by Dan Cathy. He referred to the efforts undertaken by the City of Suwanee, Georgia. He said the city tripled its property taxes and now people travel from all over the world to the city. He said the citizens rebelled to the tax increases, but that he drove to the city and found it was absolutely phenomenal. He said the city has a tremendous art program. He said he supported the initiative since if it does not get started then nothing will happen.

The motion to adopt Ordinance 2016-02 as amended at the dais subject to there being no elected officials serving as either Chairman or Vice-Chairman of the committee, that the number of members be increased to eleven, that all numerical values be adjusted to reflect an eleven-member committee, and that a sentence be added to Section 2-501 addressing the long-range visioning goal of the committee passed 5-0. Copies of the request and Ordinance 2016-02, identified as "Attachment 9," follow these minutes and is made an official part hereof.

11. Consideration of Commissioner Ognio's request to repeal Policy No. 100.07- Film Permit and to adopt Ordinance 2016-06- Film Permit.

Commissioner Ognio stated that this matter came to him as he was reviewing the policies and he suggested the policy would be more enforceable as an ordinance.

Commissioner Ognio moved to approve Ordinance 2016-06- Film Permit. Commissioner Brown seconded the motion.

Chairman Oddo stated that he did not think the Ordinance was unclear in a number of places. He asked what the purpose of the ordinance was and he suggested it was to prevent disruptions to the county. He said it would technically prohibit anyone from taking pictures of the courthouse on public property. He stressed that there was no clear purpose of the ordinance. Chairman Oddo asked if a group of people wanted to take a picture of the courthouse would they be required to have a permit. He also asked if a county contractor who wanted to take a picture of their work on county property would be required to have a permit. He said the ordinance was unclear about who has to pay and who does not have to pay, and it does not make clear the purpose of the ordinance.

County Attorney Dennis Davenport stated he converted the policy into ordinance. He suggested that Chairman Oddo was asking why there needed to be an ordinance. He suggested that one reason was to keep county business from being disrupted on public property. He said if that was the purpose then an individual taking a picture of the courthouse would not have to get a permit even though a film company or a non-profit company taking the same picture would have to get a permit. He suggested that the question was why one person would or group, in that scenario, have to get a

permit while another would not. He suggested that the county would not want one hundred individuals taking pictures without a permit since it would disrupt county business. He suggested that if the purpose was to prevent someone from taking iconic pictures of Fayette County in order to preserve the reputation of Fayette County then it has nothing to do with disruption of business. He counseled the Board to nail down its purpose.

Commissioner Brown stated that the film and television will typically remain at a site for a long time and will consume infrastructure, therefore, they would need a permit.

County Administrator Steve Rapson stated that this policy is geared more toward a public safety aspect. He said if there was filming and they are in the middle of McCurry Park then it would be considered a passive use, but if the filming is closing a road then it is an active film use. He said the policy was geared more for public safety and transportation. He added that most film permits are considered active but there have been some passive film shoots where a fee was waived entirely.

Mr. Davenport stated that he had a problem with the last sentence on Section 2-3(b) that read: *A Film Permit is not required for persons or groups of persons filming on County-owned property for individual use so long as such filming is not on behalf of commercial or not-for-profit organizations.* He explained that if the county was truly looking at not disrupting county business and public safety purposes then the language should be in the section instead of distinguishing who can actually film.

Mr. Rapson stated that there was a phone call that a temporary stage had failed and EMS responded to a *Walking Dead* shoot. He said when the unit arrived they were aware that filming was going on and were able to distinguish between the one who was truly injured. He added that this matter is important since, if there is a car chase is being filmed on a two-lane stretch of road with gunfire, public safety will be aware that it is a film shoot and not a real shooting.

Commissioner Rousseau asked if this concerned filming on county-owned property or simply filming in the county. Commissioner Ognio replied that it was about filming on county property. Commissioner Rousseau stated that he automatically thinks about filming at night or if there are lights that need to be utilized for the filming. Mr. Rapson stated that those who want to film need to notify the county about what they are requesting. He said the practices on how to get the sign-off from the various departments are not in writing.

Commissioner Rousseau asked if there was a punishment for violating the ordinance. Commissioner Ognio suggested that if someone did not get a permit then they could be charged double. Mr. Davenport stated that the County Code charges the violator with \$1,000.00, which is the maximum allowed penalty. Mr. Davenport suggested that the ordinance be amended to strike the language about who needs a permit and for the language to be replaced with wording describing the purpose of the film permit.

Commissioner Barlow asked if *The Walking Dead* had a permit when they took over the Town of Brooks. Mr. Rapson replied they did not get permission from Fayette County since Brooks is its own jurisdiction, however, public safety was notified of the filming in Brooks.

Commissioner Rousseau stated that staff needed clarity on what is permitted. He asked for the internal procedures to be looked into and some forms to be created so that everyone will know what the steps are. Mr. Rapson stated that typically the county is working with the same location agent so they know what is needed.

Commissioner Ognio amended his motion to include the County Attorney's wording. Commissioner Brown seconded the amended motion.

Mr. Davenport stated that he would put verbiage in place and he would ensure each Commissioner would get a final copy of the ordinance. He asked the Board to review the ordinance once it is provided to them since he would have to "build in several things that depend upon each other to be a very logical progression in this ordinance." He said if there is language they do not expect then he would address it.

Mr. Rapson stated that the policy speaks of a passive fee and an active fee. He stated that staff may waive the fees, especially the passive fees, even though there is no language in the ordinance that requires waiving fees. He said the county can waive fees and has waived fees, and he stressed that the practice would continue. Chairman Oddo said he was fine with that practice.

Mr. Davenport said he liked the fact that the county had locked onto its purpose for the ordinance. He suggested that the word "excessive" be removed both from Sections 2-3(c) (3) (A-B) since the word "excessive" is ambiguous. Mr. Rapson stated that there were plenty of examples of where there is a film crew with twenty people filming in a park even though it is not impacting public safety. He said that is where the group get together and make a judgement call. Commissioner Rousseau stated that the filming would impact the intended use of the facility.

Commissioner Ognio moved to remove the word "excessive" in Sections A and B. Commissioner Brown seconded the motion.

Frank Gardner: Mr. Gardner stated that there is already filming in front of his house and he asked if they needed a permit. Commissioner Brown stated that this dealt with public property only. Mr. Gardner stated he saw no difference between requiring a permit to film and requiring a construction permit.

The motion to adopt Ordinance 2016-06, to include language providing the purpose as recommended by the County Attorney, and to remove the word "excessive" from Sections 2-3(c) (3) (A-B) passed unanimously. Copies of the request and Ordinance 2016-06, identified as "Attachment 10, follow these minutes and are made an official part hereof.

PUBLIC COMMENT:

John Thompson: Mr. Thompson stated that now that the Public Art Committee Ordinance had passed that Commissioner Brown be recused from the responsibility of interviewing applicants for the Public Art Committee. He did not believe it would help to have Commissioner Brown involved if the intention was to have a fresh start with the committee. He further asked for Chairman Oddo and Commissioner Rousseau take the responsibility of interviewing the applicants.

Emory McHugh: Mr. McHugh spoke for approximately thirty-eight minutes about his ongoing concerns about Fayette County's finances and of his concern that the citizens of Fayette County were being misled about the financial condition of the county. Mr. McHugh read his complaints from a lengthy transcript in which he detailed his concerns. Commissioner Barlow pointed out that Mr. McHugh comes to the meetings to repeat his information and then leaves before there is a response. Mr. McHugh replied that he is able to be home and watch the response from his television while eating dinner. Chairman Oddo asked Mr. McHugh to proceed with his statement. Among his many comments, Mr. McHugh indicated that the county was materially misstating the financials for Fiscal Year 2015 with respect to Local Maintenance and Improvement Grant (LMIG) funds since the county recognized the funds as "formula revenue." Commissioner Rousseau interrupted Mr. McHugh after Mr. McHugh had spoken for over thirty minutes, and he asked Mr. McHugh if he was being fair to the others in the room. He said he would be happy to hear Mr. McHugh's comments but there could be others who want to make comment as well. Mr. McHugh replied that he only had six more pages of material to read. Mr. McHugh stated he had spent much of his own time preparing the material. Commissioner Rousseau apologized for interrupting him, asked him to be fair to others at the meeting, and stated he would be more than happy to meet with Mr. McHugh. Chairman Oddo asked Mr. McHugh to continue with his comments. Mr. McHugh concluded his remarks by saying he has been "doing this" for a very long time and he is very passionate about what he does and Fayette County. He said he worked for Fayette County from 1992 to 2000 to bring the county to where it is and that he was dismissed

from Fayette County because he was told he could not tell people the truth. He stated that he had decided to run for County Commissioner in order to tell the people the truth. He closed his remarks by informing Chairman Oddo that he would be happy to see him at the debates. Mr. McHugh left the meeting after giving his comments.

ADMINISTRATOR'S REPORTS:

Resignation of the County Coroner: County Administrator Steve Rapson reported that the County Coroner, C.J. Mowell, had resigned his position. He said the County is in the position of obtaining an interim County Coroner and that would require establishing a rate of pay with the interim Coroner. He explained that the process is complicated and the County finds itself in the middle of an April 1, 2016 appointment of an interim Coroner and an election being held in November for a new coroner coming into office on January 1, 2017. He asked the Board to understand that staff would bring a recommendation to bring a rate of pay in place that is consistent with the outgoing coroner to carry the county from April 1 until the end of the year. He mentioned that the deadline for putting items on the March 24, 2016 Agenda had already expired and he asked if the Board would allow for the late item to be added to the Agenda. The Board agreed to add the item to the March 24, 2016 Agenda.

Selection Committee Established for the Public Arts Committee: County Administrator Steve Rapson stated that a Selection Committee would need to be established to fill the newly created Public Arts Committee with eleven members. The Board selected Chairman Oddo and Commissioner Rousseau to serve on the Selection Committee as requested. Mr. Rapson added that letters would be sent to the existing members of the Public Arts Committee notifying them of the Board's restructuring of the committee.

Ribbon Cutting Event at Fayette Senior Services: County Administrator Steve Rapson asked the Board to mark their calendars for March 28, 2016 at 1:00 p.m. for Fayette Senior Service's ribbon-cutting event. He said this event was celebrating the renovation at Fayette Senior Services and he said the event would include a facility tour. He suggested the event would last for about two hours.

Response to Mr. McHugh's Comments: County Administrator Steve Rapson responded to Mr. McHugh's many points by saying he would be very happy to sit down with Commissioner Rousseau since he had a "statement for every one of those" points. He stated that Mr. McHugh was talking about very complicated entries. He spoke about Mr. McHugh's concerns about the Local Maintenance and Improvement Grant (LMIG) by stating there was a Governmental Accounting Standards Board (GASB) change with a recent "pronouncement and interpretation" of an accounting firm that caused the county to change direction. He said the county had to book the revenues and put them into a restricted revenue account. He said, technically, the issue was about either an intergovernmental expense or a formula grant. He said the county chose to treat the LMIG funds as a formula grant based on the auditor's recommendation. He said the county recognized the revenue, that the revenue does not go into the county's fund balance, and that the revenue goes into a restricted-purpose fund balance. He said Mr. McHugh would treat the funds as an advance from the state in which the county would recognize the revenues as the funds are expended. Mr. Rapson stated that he agreed that is probably the best way to recognize the funds but that he deferred to the auditors and the Chief Financial Officer in regards to how the funds are treated. He said that was one example of the types of changes that had happened. Mr. Rapson stated that Mr. McHugh has requested over forty-one Open Records from the county equating to about 131 questions, primarily about the county's finances. He stated that the County has a great Finance team and a sound audit firm. He stated that staff would love to explain all the financials to Mr. McHugh since he is having a difficult time grasping the financials. He said the documents have been provided with no avail. Mr. Rapson stated he and his staff are available to meet with Mr. McHugh at any time to explain any of the transactions to his satisfaction. Mr. Rapson stated that the county has fully complied with any Open Record Request that he has given and all the documents he would like, but he stated that the county refuses to reconcile the books he has at his home to the books here at the county. He stated the best way to resolve the matter is to put everyone in a room and have the conversation. He said the county is open to that availability.

Commissioner Barlow asked if the County received two Aaa Credit Bond ratings in 2014 due in part to the success of the Finance Department. Mr. Rapson replied that was correct, and he added that in the three years that the Board has been in place it has received three clean opinions and has taken the county to Aaa rating. He reminded the Board that both he and Chief Financial Officer Mary Parrott are both active licensed Certified Public Accountants.

Commissioner Barlow pointed out that based on the disruption Mr. McHugh causes with county business that his Open Records Requests now go through County Attorney Dennis Davenport's office. Mr. Rapson replied that when the county gets Open Records Requests the county turns them around quickly. He added that depending on the nature of the request, or its type, or severity, or the details of the request, sometimes those requests are forwarded to legal. He said Mr. McHugh has reached the level where his requests are being run through the County Attorney's office. Commissioner Barlow asked if Mr. McHugh was the only one the county "was doing that with." Mr. Rapson replied that was correct although others may also be handled by the County Attorney's office based on certain criteria.

Commissioner Barlow stated that many people do not know all the details, but that he has sat through three years of this. He said Mr. McHugh has contacted the auditors who have not given him satisfaction. He said Mr. McHugh has contacted the state in an effort to create a legal environment where the county was operating illegally, but the state did not respond to him. He said Mr. McHugh has done nothing but disrupt the peace of the Finance staff and he wished there was a way to get to a level of charging Mr. McHugh with harassment in an effort to stop Mr. McHugh.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport notified the Board that he had one item of Threatened Litigation and review of the February 25, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Barlow:

Response to Mr. McHugh: Commissioner Barlow thanked the people for coming to the meeting. He said Fayette County is a special place and its people are very special. He said he did not allow people to be disrespectful. He said Mr. McHugh was criticizing the Finance Department staff by name, but he would not allow that to happen. He stated that Mr. McHugh constantly referred to staff as "Creative Practitioners of Accounting" in an effort to be cute, but he pointed out that Mr. McHugh leaves the meeting after giving his remarks without ever staying around to hear the answer. He said he would not give credit to Mr. McHugh since no one who is in the profession pays attention to him and they discount him, including the county's auditors who will not respond to him because they are tired of hearing from him.

Commissioner Brown:

Kudos to the County Clerk's Office: Commissioner Brown stated that he missed giving credit at the last meeting. He congratulated the County Clerk's office for sending out a survey to all the county departments to rate their performance and interaction with the departments. He said it was an outstanding idea and he thanked the County Clerk's office for looking out for customer service and the performance levels, and he extended kudos to the County Clerk's office.

Commissioner Ognio:

Review the County's Current Gun Ordinance: Commissioner Ognio stated that he had talked to each Commissioner about the County's gun ordinance and about the ability to allow for a properly established gun range on ten-acre lots. He stated that the current ordinance allows for shotguns to be fired on ten-acre lots. He thought the current ordinance was "kind of ridiculous" since a person can take a rifle on a twenty-five acre lot, stand on a property line, and fire the rifle. He was unsure why the ordinance was acreage bound, but he mentioned there is a citizen in south Fayette County who has a proper backstop and who has ten acres of land. He said the citizen wants to fire a pistol or a rifle and he said he had no problem with that. He said the County Attorney has a lot of work to complete already, but he asked the Board to provide direction to address his concern. The Board directed the County Attorney to look into the matter.

Thank the 4-H Club: Commissioner Ognio stated he had a couple of notes that were sent by the 4-H Club and he thanked the club members for thanking the Board for the funding.

Commissioner Rousseau:

Response to Mr. McHugh: Commissioner Rousseau apologized for being out of character and he said he was only trying to be respectful of time even if there is no time limit. He stated he was wrong and he wanted his apology publically stated.

Thank the 4-H Club: Commissioner Rousseau thanked the 4-H Club for communicating with the Board and stating they had a good experience.

Additional Responses to Mr. McHugh: Commissioner Rousseau stated that the county is bound by state law to provide records when requested as an Open Records Request. He hoped and desired that the county would never find itself in a position where it is not being appropriately responsive to the requirements that are bigger than the county. He suggested that he was singled out by Mr. McHugh since he was the new Commissioner. He stated that Mr. McHugh is a citizen who needs and deserves respect and if he has legitimate concerns then they need to be addressed. He said Mr. McHugh named a lot of outside entities while telling of his concerns and he found it interesting that nothing has come of his concerns from those entities. He respected Mr. McHugh's right to tell of his concerns.

Mr. Rapson clarified that when there is an Open Records Request there is no discretion of not following them to the letter of the law regardless of the messenger and the tone of the message that is being delivered and if there is substance to any of the issues they are addressed. He added that the county has restated its financial statements due to issues he had brought up. He said staff is not just discounting everything Mr. McHugh says. He said staff reviews everything Mr. McHugh mentions and if there is anything that can be done to make the finances better, more transparent, or better disclosed then it is done. He said he does not care about who the messenger is but what is the message. Commissioner Rousseau stated that anything that was said that needs to be paid attention to or addressed needs to be done.

Chairman Oddo:

Request to Review Ordinance to include Chickens: Chairman Oddo thanked everyone for coming to the meeting. He stated that he had recently been contacted by someone who wants to have chickens. He reported that he spoke to Mr. Pete Frisina in the Planning and Zoning Department and that there is really no foreseeable problems with having chickens. He asked the Board to direct staff to review the ordinance to add chickens. The Board agreed to the request. Commissioner Brown spoke about the recent need to kill millions of chickens and turkeys due to infected backyard chickens. He said the Board would need to look into that aspect as well.

EXECUTIVE SESSION:

Threatened Litigation and Review of the March 25, 2016 Executive Session Minutes: Commissioner Brown moved to recess into Executive Session. Commissioner Ognio seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 10:18 p.m. and returned to Official Session at 10:36 p.m.

Return to Official Session and Approval of the Executive Session Affidavit: Commissioner Ognio moved to return to Official Session and to authorize the Chairman to sign the Executive Session Affidavit. Commissioner Barlow seconded the motion. The motion passed 5-0. The Executive Session Affidavit, identified as "Attachment 11," follows these minutes and is made an official part hereof.

Approval of the February 25, 2016 Executive Session Minutes: Commissioner Ognio moved to approve the February 25, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. No discussion followed. The motion passed 5-0.

ADJOURNMENT:

Commissioner Brown moved to adjourn the March 10, 2016 Board of Commissioners meeting. Commissioners Ognio seconded the motion. The motion passed 5-0.

The March 10, 2016 Board of Commissioners meeting was adjourned at 10:37 p.m.

Floyd L. Jones, County Clerk

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 24th day of March 2016. Referenced attachments are available upon request at the County Clerk's Office.

Floyd L. Jones, County Clerk