

Workshop Meeting of the Lamar County Board of Commissioners
October 15th, 2020
12:00 p.m.

The meeting was called to order at 12:00 p.m. on October 15th, 2020. Present for the meeting were Chairman Glass, Vice-Chair Thrash, Commissioner Horton, Commissioner Heiney, Commissioner Traylor, County Administrator Townsend, and County Clerk Davidson.

The board heard a request from Public Defender Doug Smith for a County funded State employee for \$ 21,364.50. Public Defender Smith said that there had been a steady increase for the last four years and he has limited staff in his office. He said that they cannot keep up with the caseload, especially with COVID-19. He said that the cases have not stopped coming in and they have several appeals that they are handling. Public Defender Smith said that several murder cases are tying up the resources in his office. He said that in Fiscal Year 2016 he had a caseload of 1078 and that was split between five attorneys. He said that he handles all of the appeals and the murder cases in his office. Public Defender Smith said that from time to time he will step in and handle misdemeanor cases. He said that misdemeanor cases involve just as much time and effort as a murder case. He said that they have to schedule these trials around the witnesses and the Georgia Bureau of Investigation (GBI). He said that with the murder cases, you have to deal with medical examiners. Public Defender Smith said that for the end of the year he runs the caseload from March to March and then they have their budget meeting in April. He said that this year, because of COVID-19, they did not have a meeting so for FY 2021 they kept the numbers the same. He said that last year the percentages were changed so that caused him a little bit of confusion. Public Defender Smith said that he thought that the numbers were going to be the same. He said that from March of FY19 to March of FY20 he had 1744 cases and from FY16 to FY20 that is a 62 percent increase with the same number of attorneys. Public Defender Smith said that last year when he presented his budget, he had 1055 cases which were just under a 200-case load increase. He said that to be blunt he has five people and they cannot handle it.

Public Defender Smith said that they also handle dependency cases, and they went up from 149 cases to 171 cases this year. He said that this is an increase, and it breaks down to 69 cases in Monroe County, 54 cases in Butts County, and 48 cases in Lamar County. Public Defender Smith said that the dependency cases are fairly close between the three counties. He said that these cases take up a lot of time for his juvenile attorney and who is the one that handles the dependency cases. The juvenile attorney gets to know the families and handles the cases in all three counties in addition to the juvenile load. Public Defender Smith said that by statute this is something that he has not needed to handle. He said that he has done this since he has been here in order to give the counties a break. Public Defender Smith said that there is a cost associated with this if he did not do this. He said that this is something that he has tried to take on for the counties.

Public Defender Smith said that there was a lawsuit with the Southern Center where he worked with them to get them to relieve the pressure. He said that they did not want a situation that they had in Cordele which involved a drawn-out lawsuit. Public Defender Smith said that it is hard to find people to do this kind of work for the money they are paying them. He said that

he only has one lawyer in his office that is making more than the court reporter. Public Defender Smith said that he did get the State to fund a juvenile position and not every circuit has been funded. He said that they had to take an 11 percent budget cut this year and they had 1 furlough day in the fall of last year. He said that they took a 4 percent budget cut last year so when the budget cuts came around this year they wanted a 14 percent cut but they went down to a 10 percent cut that included the 4 percent cut that they already had taken. Public Defender Smith said that even though it hurt financially last fall they were more prepared for the cuts that came in the Spring. He said that luckily the economy has picked back up.

Public Defender Smith said that the American Bar Association recommendation for cases loads is 150 per attorney. He said that this is without handling anything else including misdemeanor and juvenile cases. He said that this recommendation is just for 150 felony cases. He said that he has 174 cases and 100 of those cases have been conflicted out. Public Defender Smith said that they had a couple of murder cases and they are time intensive. He said that they also handle appeals. Public Defender Smith said that if someone has a private attorney and they get convicted, his office is required to do the appeals even though they did not handle the underlying case. He said that they did have a murder case where the defendant owned a piece of property outright and they were required to hire an attorney because financially they did not qualify.

Public Defender Smith said that given the situation with the caseload, he had asked for an attorney for FY19 and FY20. He said that he needs one for FY21. He said that it was suggested that they get help from the State and explained that the State already provides them with a lot of their budget. Public Defender Smith said that his budget with the State is equal to the budget with the County in addition to them providing them with a juvenile position. He said that not every circuit has that. He said that they had a new Director in March of 2020 and he said that he explained to the Director about the situation of the counties. Public Defender Smith said that Chairman Glass proposed that they get 50 percent funding for a new position last year and he asked for this but with the 4 percent cut and 10 furlough days, which was taken down to 1 furlough day, the answer was no. Public Defender Smith said that they didn't attend their summer conference and they eliminated all of their training.

Public Defender Smith said that he asked for assistance from the new Director who agreed to give them \$25,000.00 towards a new position. He said that he asked the board for additional funds from Lamar County for the State employee in the amount of \$21,364.50. He said that this is 25 percent of the requested funds and said that this is Lamar County's portion. He said that it is not something that is being done in every circuit and he does not know of other circuits that will get help from the Director. He said that this offer is not going to be extended from the State for a long period of time and said that this is a once in a lifetime opportunity. Public Defender Smith said that this is a situation in which the State is willing to help and said that it is almost unheard of that they would help. He said that the five percent administration fee funds the computer system and general counsel fees. Public Defender Smith said that he had not spoken to Butts or Monroe County about this. Chairman Glass inquired about the average caseload in other circuits. Public Defender Smith said that he did not know. He said that he is concerned about his numbers and what they can handle. He said that he is worried about his people and what they are able to do in his circuit. He said he is afraid that he is going to start

losing people. Public Defender Smith said that he is getting ready to open things back up but his office cannot continue to go down the path that they have been going down with the staff that he has.

Chairman Glass said that his thought on this situation is that they need to reduce the caseloads either with more people to support the work or fewer people demanding the service. He asked who decides who qualifies for the service. Public Defender Smith replied that he decides who qualifies for the service. Chairman Glass asked if they need to ask the legislature to change the rules on that. Public Defender Smith said that this is something that they would have to take up with the legislature as far as what the threshold is and also what people qualify for. He said that they have to fill out the paperwork first and said that anytime he gets an inkling that there are assets, that they have, then they will do what they have to do. Public Defender Smith said that if someone gets arrested, they may have a bond that they cannot make. He said that initially they may come in and they do not qualify because of their job or income that they have but then in three months they have lost that job and they are not going to get re-hired. Chairman Glass said that he is not saying that these people do not deserve justice or fair representation but from the taxpayer's standpoint this is over a dollar per person that you are asking for an increase. He asked what happens when taxpayers ask him why they are spending so much of their money to represent criminals. He said that this is a hard case to make. Chairman Glass said that he understands what he is saying and all the work that they do but he has to justify to the taxpayers why he is taking so much money from them to give to criminal representation. Chairman Glass said that he recognizes that they have not been convicted and they are not true criminals. Public Defender Smith said that it is a Constitutional right and until you amend the Constitution this is what they are dealing with. He said that it is almost like a homeowner's insurance. He said that it is not something that you plan on having to use but you pay for it in case it is catastrophic. Public Defender Smith said that his crew moves cases along. He said that they try the case that needs to be tried and plea the ones that need to be pleaded based on the evidence of the case. He said that the last thing that he wants is someone lingering in the jail at \$35.00 plus dollars a day. He said that this is something that they try to get through as quickly as they can and especially if there is a medical condition such as mental issues. He said that they try to get these people evaluated as quickly as they can. He said that if they have that type of issue, they need to be in the State hospital and not the jail.

Vice-Chair Thrash said that even though in the Constitution you have the right to an attorney she cannot find anywhere where it says that it is the taxpayer's responsibility to pay this. She asked if this was an unwritten rule and a given. Public Defender Smith said that they do have an application fee that everyone pays unless it is waived by the Judge. He said that the County receives these fees on a monthly basis. Public Defender Smith said that there are mechanisms to offset the amounts and the people that they deal with have a hard time just paying their light bill. Vice-Chair Thrash said that these people should not be out committing crimes. Public Defender Smith said he understands that but he cannot prevent that and he just deals with what comes to him and he does the best that he can to make sure that they actually do qualify. Vice-Chair Thrash said that the last criminal case that she sat in on was before COVID-19 and there were 15 criminal defendants and 14 of those asked for a Public Defender. Vice-Chair Thrash said that this is not sustainable for the taxpayers. Vice-Chair Thrash said that the amount of money that taxpayers pay for people that can't feed their families or pay their power bills yet

they are selling drugs to the kindergartners on the corner is no longer sustainable. Public Defender Smith said that he understands this but said that there are a lot of cases where there are four people in a car and drugs are found in a console yet all four people are arrested. He said that they have to sift through all of that. Public Defender Smith said that he is running at minimal staff compared to what the other side has and he does not qualify for the grants that they do. He said that if you look at the budget, where the District Attorney (DA) receives about \$450,000.00 in grants, and if they need to call in the GBI to investigate they can. He said that this is an addition to local law enforcement investigations. Public Defender Smith said that by the time he gets a file, local law enforcement and maybe the GBI and investigators from the State have already gone through this process. He said that by the time it comes from an arraignment and an indictment where you are formally charged, they may have already had the case for six to nine months. He said that he only has one investigator that he has to try to use to investigate these cases. He said a lot of time it is either himself or his staff that makes those calls and speaks to the witnesses. Public Defender Smith said that the DA has twice the staff that he has. He said that when you look at what you are paying for representing criminals it is nothing compared to what is being paid to prosecute those same people. Public Defender Smith said that he does not have as much pull with the legislators as the Board of Commissioners. He said that in general he is not the most popular person in the circuit and he takes on this responsibility. He said that he is able to speak to someone that can help him and that is the Director and the Director has generously agreed to help them. He said that it is not money that they have to give them and he asked the board to remember that he has 171 dependency cases that he is not required to handle. Public Defender Smith told the board that if they want to pay for someone to handle those cases it would be a lot more than what this attorney will cost.

Commissioner Traylor asked about raising the current threshold from 10 to 15 percent and how would this impact Public Defender Smith and his decisions with people. He said if the minimum was \$10,000.00 instead of \$15,000.00 of assets or income. Commissioner Traylor asked how many cases this would eliminate. Public Defender Smith said that if you lower the threshold for income by 10 percent this may help. He said that they do have people that do not qualify but the longer they sit in jail then the worse it becomes where they could lose their job.

Lamar County Audit-Mauldin and Jenkins

Justin Elliott with the firm of Mauldin and Jenkins introduced himself to the board. He said that he has been auditing for about 10 years and he is 100 percent governmental. He said he has an entire staff that helps with all of their jobs.

Mr. Elliott presented two different audit reports to the board. One of the reports is the Financial Report and the other is the Auditors Discussion Analysis (ADA) Report. He said that the ADA report includes everything that they are required to submit to the Board of Commissioners and the County. He said that there was nothing significant in the reports but they are just reporting what they are required to provide.

Mr. Elliott said that in the Financial reports there was a clean opinion and it is unmodified. He said that it is the best that you can get. He reviewed some of the highlights which included the General Fund. He said that this is the main operating account where most of the operations

come from. He said that there is 1.5 million dollars in cash which is good. He said that the fund balance is 1.8 million which means that 88 percent of the fund balance is liquid. Mr. Elliott said that the rest of it is tax and receivables and accounts payable and nothing really tremendous. He said that the bulk of it is cash which is good. He said that the County has about 10.7 million dollars of revenues with about 10.4 million dollars of expenditures. He said that the net is about 300 hundred thousand dollars before you consider any other financing sources. He said that the biggest expense is with the Public Safety and noted that this is true for every other County in Georgia. Mr. Elliott said that there were about two months of fund balance that you can fund your expenditures if everything stopped coming in. He said that this is not the best but it is not the worst. He said that fund balance is your equity. Mr. Elliott said that the net pension liability in Lamar County is about 75 percent funded this year. He said that the assets and investments make up about 75 percent of the pension liability. Mr. Elliott said that the standard pension liability in Georgia is about 80 to 85 percent. He said that they like to see this around 80 percent and they like to see it around 100 percent if possible. He said that last year it was 84 percent funded and this year it is 75 percent funded. He said that this could be from a number of things and mainly from the net investment income. He said that next year it could be different. He suggested that the County increase their contributions towards the pension plan. He said that this is the only way to help this out. Mr. Elliott said that this is not terrible but he likes to see it around 80 percent. Mr. Elliott said that they are at the mercy of the retirement company for the County, GEBCORP, and how their investments work. He said that if there was any kind of change in assumptions and any kind of increases in expenses, this would impact the net pension liability. Mr. Elliott said that they could offset this by contributing more to the pension plan. Chairman Glass inquired about how this was normally covered. County Administrator Townsend replied that GEBCORP does a recommended contribution and last year it was about 80 percent. Mr. Elliott said that in 2016 the pension liability was 76 percent funded, and then in 2017 the pension liability was 75 percent funded. He said that in 2018 it was 84 percent funded but then in 2019 it dropped back down to 75 percent funded. Mr. Elliott said that in 2015 they changed the standards with the actuaries and they changed the assumptions and the liabilities for every County. He said basically they changed how they valued the pensions.

Mr. Elliott went over the findings and said that most of these were one-time findings. He said that they were basically cleaning up the books this year. He said that they had to make sure that all of the beginning balances were correct. Mr. Elliott said that this will not be a problem for next year. He said that typically they see this for first-time audits. Mr. Elliott said that going forward they need to implement segregation of duties with offices. He said that they have new processes in place for the end of the month closeout procedures. He said that the way things were done with the prior auditor needs to be changed and there is a new process in place.

Chairman Glass inquired about the Landfill Liability. Mr. Elliott said that he had spoken to Johnny Poore, Director of the Solid Waste Authority, and it came to his conclusion that there was one permit, permit 004, which was technically the County's property. He said that permit 007 is the Solid Waste Authority's property. He said that the Environmental Protection Division (EPD) for the State produces the liability permit. The liability for permit 004 was \$424,000.00 last year. He said that this has not been recorded for the last ten years even though it has been closed since the 1990s. Vice-Chairman Thrash said that this is a closed landfill. Mr.

Elliott said that basically, it is just monitoring every year. Mr. Elliott said that this is the best one that they have but they could always go out and get an engineering firm to compare the liability but from his experience, they are in line with the State. He said that until someone gives them a different estimate this is the one that they used. He said that it should decrease over the years. Vice-Chair Thrash said that historically the landfill took that liability for the County every year and this is shown on their statement. Mr. Elliott said that over the last three years, permit 004 has not been picked up anywhere. He said that they only recognized one landfill, permit 007, even though it is altogether on one piece of land. He said that permit 007 is the only one that has been picked up on their side. Mr. Elliott said that this has been corrected and is on the books now. He said that this is one of the prior year peer review statements that have been put on the books. He said that it changed from \$424,000.00 to \$434,000.00. He said that hopefully, this will decrease over the years. Chairman Glass asked if any changes needed to be made for this and asked if it needed to be transferred to the Solid Waste Authority. Mr. Elliott suggested that they transfer this over to the Solid Waste Authority so that it could be their liability. Vice-Chair Thrash said that they could not do this because of the 50-year EPD rule. She said that her concern is that because no one has shown it as a liability on the P&L statements the EPD can come back and fine the County for not showing that as a funded liability. Mr. Elliott said that he is not sure if they will come back and say anything but from looking at the Solid Waste Authority's financial assurance, they include the County's permits. Mr. Elliott said that in the financial statements it was picked up for the first time this year so there is now a financial liability for Lamar County in the books. Mr. Elliott said that in the financial assurance, the Solid Waste Authority does include the County's revenues and the Solid Waste Authority's revenues and both of the permits. Vice-Chair Thrash said that all the EPD cares about is the financial assurance. Mr. Elliott said that he does not think that the EPD would have ignored this because they want to make sure it is picked up somewhere. Mr. Elliott said that going forward this will not be an issue. Mr. Elliott said that Mr. Poore told him that he has included both liability permits together for a long time. Chairman Glass said that there is no other financial impact on the County because it is more of a bookkeeping issue and there is no dollar impact. Mr. Elliott said that the Solid Waste Authority funds them and they pay for all the monitoring cost so there is not any out of pocket cost for the County. Mr. Elliott said that it has no effects on the cash flow.

The Board of Commissioners, County Administrator Townsend and Accountant Burkett discussed the checks and balances recommended by Mauldin and Jenkins. Vice-Chair Thrash inquired about problems with policies in place for transferring money and bank accounts. Accountant Burkett said that the issue is with one person who is handling the majority of the money. She said that it should be that one person opens the mail, one person distributes the mail, and one person takes the money to the bank. Accountant Burkett said that this is a check and balance issue and a staffing issue. She said that there is a recommendation from Mauldin and Jenkins to look into staffing on the finance side. Account Burkett said that this is even an issue with the Constitutional Officers; the Sheriff's Office, the Tax Commissioners Office. Chairman Glass said that they have the same issue at his church. He said that the Industrial Development Authority (IDA) only has one person and there is really no way to get around it if you do not have the staff for it. Accountant Burkett said that changes have been implemented with some extra review processes such as County Administrator Townsend checking her work and Accounting Clerk Windle and Accountant Burkett changing some procedures. County

Administrator Townsend said that they are also closing the books by the 10th of the month every month so that the cash flow reports are accurate. Chairman Glass said that it sounds like the standards are written for a big corporation that has a large Finance Department. Commissioner Traylor said that the technology of the future will enhance this. He said that this is like when the Sheriff's Office exchanges money and they go in front of the camera at the bank. He said that you will probably start seeing big brother camera options. County Administrator Townsend said that they are going to start working on the Financial Policy that Attorney Mayfield is reviewing. Chairman Glass said that because of the staffing level they will not be able to truly implement the same procedures as what is done in large cooperations.

Town Hall Meeting Update

Vice-Chair Thrash reported that she and Commissioner Heiney had about 12 people to attend the town hall meetings. She said that she heard that people do not want renters moving into this County. She said that they do not want small homes that can be turned into a rental property. She said that the farmers and those that have small businesses, in home occupation, do not want the board to tell them what they can do on their property.

Commissioner Traylor said that his town hall meeting was more of an educational session and that Planning and Community Development Director Buice did a phenomenal job. He said that he would like to see a column in the newspaper with educational information about zoning or other issues. He said that at the last meeting the people thought that all of the property was going to be changed just because that one tract of land was proposed to be changed. Commissioner Traylor said that they could help the citizens by providing a series of information in the newspaper. Planning and Community Development Director Buice said that it would be a "Did You Know" type of article. Commissioner Heiney said that we could put this on the County website as well.

Commissioner Horton said that at the E.P. Robert's Center they spoke about the same things and that Planning and Community Development Director Buice did a great job. He said that it was more about the citizens listening. He said that there is a need for the citizens to learn more about the Government structure. Commissioner Horton said that some of the people have no idea what the Lamar County Board of Commissioners, the City of Barnesville Council, or the Lamar County School Board does. He said that mainly the conversation that he heard was that they do not want too much of Governmental control and they would like to see more done for the local citizens that need help. Commissioner Horton said that he realizes that there is nothing that the board can do for this and this is another part of the lack of education on the part of the citizens.

Vice-Chair Thrash said that she hears from her citizens, in her district, that if they have three acres, they do not want someone to come into their area, around the corner, and build a subdivision. Vice-Chair Thrash said that she does not know how to stop this from happening because then you start impeding on Constitutional rights and being able to use your property to the fullest extent. She said that this is what she has tried to explain to people that it is two heavy balls that they have to try and juggle.

Commissioner Traylor said that people look at it and think of planning and zoning much like they did in Milner with the Industrial Park. He said that they feel like the board should pick the Industrial area with a 10-year plan or pick areas that are going to have subdivisions. Commissioner Traylor said that he explained to them that they cannot control this because whoever owns that large piece of land, whether it is in a trust fund, or someone passes away, or they decide to sell it and develop it, they cannot zone it as just a subdivision area. He said that people really believe that the board can pick and choose and determine that this part of the County is going to have multiple subdivisions or that this is the only part of the County that is going to have apartments or mobile homes and so forth. Chairman Glass said that the land use plan could give guidance on these areas. Commissioner Traylor said that this is not true for subdivisions. Chairman Glass said he is not sure how they can enforce this but said that they could say that these areas are reserved for residential and these areas are reserved for commercial. He said that they could say that this is in the land use plan and if the issue comes up, they could approve or deny it. He said that the last time that the Comprehensive Plan was implemented it was like pulling teeth to get some input. Vice-Chair Thrash said that the board has a responsibility to make sure they are bringing good quality growth to the County. Chairman Glass said that this was the goal to bring good quality growth instead of unplanned growth and to have a structure with planned growth and quality growth.

Vice-Chair Thrash said that all of this originated with the Home Occupation and she does not know if they are doing a good enough job monitoring the Home Occupations. She said that she goes back to the person that owns the dump trucks on Shawnee Trail. Vice-Chair Thrash said that they have a person running a full commercial trucking company out of a residential neighborhood and now they have 25 trucks coming in and out of the neighborhood. Commissioner Heiney said that this is like with Rock Springs Church. He said that Rock Springs Church was a tiny church and now look at it today. Commissioner Heiney said that it starts off small and it skyrockets into something big. He said that on Shawnee Trail he started with one dump truck. Vice-Chair Thrash said that he applied for Home Occupation with one dump truck and now he has 25 dump trucks and a fueling station in a residential area. Vice-Chair Thrash asked if they just needed to deal with the problems as opposed to affecting everyone in the County. Commissioner Traylor said that they have to set limitations, such as with his father in law's business. He had to stay within the threshold of fewer than 14 employees and he had only 13 employees. He said that when that changed to more than 13 employees then they had to figure out the next steps financially to move to a different location. Commissioner Traylor said that this is the same type of situation. He said that for example, once they get to five trucks then at that point that business needs to be in a non-residential area. He says that the system has to have a point of limitation.

Commissioner Horton said that he knows that you have to have control and guidance but on the other hand, they do not want to discourage someone from building a business. He said that they need to make sure they keep this in mind. Vice-Chair Thrash said that they should keep this in mind, but they have a responsibility to the neighbors. Commissioner Horton said that they need to have a good balance with all of the situations. Commissioner Heiney and Commissioner Traylor both agreed that the land use plan helps regulate these situations. Commissioner Heiney said that the situation with Shawnee Trail is out of control and the regulations are already in the Home Occupation zoning. Planning and Community

Development Director Buice said that it is heavy equipment per acre. Commissioner Heiney said that they need a cutoff point in the Home Occupation zoning. Vice-Chair Thrash asked if the limitation is already in the Home Occupation zoning then how did they get to this point. Planning and Community Development Director Buice said that historically she heard that it tried to be enforced years ago and the owner said that if you are going to shut him down then here is a list of other people that should be shut down therefore it was not enforced.

Commissioner Heiney said that on Chappel Mill Road there is a cabinet business that is home-based and they should clearly be in an Industrial Park. He said that they can smell the varnish that they use on the cabinets all out in the road. Commissioner Heiney said that it is a commercial operation but years ago all the neighbors said it was fine so he let it go. Vice-Chair Thrash said how do you tell someone who has worked hard to build their business and for 10 years they have worked to have 25 dump trucks that they cannot have it. Commissioner Traylor said that you do not but you tell them that there is property available for them to purchase or there is a building for them to use or we build them a building to buy. He said that they explain to them that there are financial business loans or opportunities for them.

Planning and Community Development Director Buice said that this company on Shawnee Trail is not grandfathered in because they are not A-R zoned but she doesn't know what it was zoned in when they started or exactly when they started their business. She said that she does not know what the rules were when they started their business. Planning and Community Development Director Buice said that she has had one conversation with the owner and he was very nice. She said that she explained to him what was going on and he said that he knew that he had grown his business and he agreed that it may be time for him to start looking for a different location. He said that he may have to move out of the County. Planning and Community Development Director Buice said that it is wonderful for the economy in Lamar County when a grassroots business outgrows their property.

Vice-Chair Thrash said that she had some issues with posting the yearly bond for causing damage to the roads. She said that realistically the taxes are paid to upkeep the roads. She said that she understands that a piece of heavy equipment will damage the road more than a car but said that she has some issues with this. Commissioner Heiney said that like with Industrial Road, it needs to be a road designed for this type of usage. He said that if they are going to have heavy equipment on the road, they need to contribute to this because their property taxes are not doing the job. He said that it cost a fortune to fix these roads. Chairman Glass said that tag and title fees are paid for the equipment but he does not know if it is enough to cover the damages done to the road. Commissioner Traylor said that this is for driving up and down the road not entering and exiting the road. Commissioner Traylor said that part of the bond is for not being registered in the County and maybe this should apply to the dump trucks too because they are not getting all of their business from the County. He said that a lot of the damage occurs from not entering the road but actually turning, stopping, and starting. He said that all of that momentum from stopping pushes up the pavement. He said that if you do that every day for 5 years you end up with some ripples. Vice-Chair Thrash said that you can look at where trucks are logging and you can tell where they slow down and when they come into a curve or start down a hill.

Commissioner Heiney said he received a call about the horse track on High Falls Road. He said that the person said that the noise level is unbelievable and that he can even hear it in his basement. Commissioner Heiney said that his theory is that if you have that much noise coming off your property you are trespassing. He said that when you have this level of noise that people are listening too then there needs to be some mechanism of stopping it. He said that it is not telling someone how to use their property but it is telling someone to stay off their property because your noise is on my property. Commissioner Heiney said that they keep having the same conversation about this and nothing seems to get done about it. He said that this person is about 1 mile east of the horse track and another person is about ½ mile west of the horse track and another person is north of the horse track. Commissioner Heiney said he does not want to tell this person how to use his property but said that the noise complaints continue. Planning and Community Development Director Buice said that Code Enforcement is not authorized to write a citation. Chairman Glass said that it could go to Magistrate Court as a civil complaint. Commissioner Traylor said that the horse track owner had called him and said that he is making improvements and changes to where the concerts are being held to reduce the number of complaints. Commissioner Heiney said that people can get very angry and he hopes that someone won't do something bad out there. He said that if you are a social justice warrior and caring and loving and kind why would you not do something to please your neighbors.

Vice-Chair Thrash said that the board has not looked into the Zoning Ordinance and Development Regulations enough to move forward with the approval of the Second Readings. Chairman Glass said that he was okay with tabling the Second Readings but said that they need some specific things that they want to accomplish. Commissioner Heiney said that the number of pieces of equipment on so many acres needs to be looked at. Planning and Community Development Director Buice said that the numbers seem fair to her but if there is a different set of numbers, she is okay with that too. Vice-Chair Thrash inquired about having no fueling stations. Planning and Community Development Director Buice said that she took no fueling stations out because of what they heard in the town hall meetings. Vice-Chair Thrash asked the board if they were comfortable with everything in the Zoning Ordinance and the Development Regulations. The board agreed that they were not. Planning and Community Development Director Buice said that this is a living document where changes can still be made. She explained that this is for Residential zoning and next year they will start working on Commercial and Industrial zoning. Planning and Community Development Director Buice said that there were only three changes for the Second Readings that she had heard. The changes are as follows:

1. No Fueling Stations removed
2. The maximum size for an outbuilding in Home Occupation needs to be set.
3. Kennels- "Housing of four or more dogs or other domestic animals for the purpose of providing an income or revenue". Planning and Community Development Director Buice said that she added breeders and trainers and fostering rescue animals due to feedback coming from the Planning and Zoning Facebook page.

Commissioner Traylor inquired about the acreage size for the Home Occupation. The board discussed the size of outbuildings in A-R zoning. Planning and Community Development Director Buice said that she had someone call her regarding buying a piece of property that is zoned A-R.

It has six acres. She said that this man is a very talented and successful artist. Planning and Community Development Director Buice said that this piece of property has a house and several outbuildings. She said that he wants to make sure that before he puts a contract on this piece of property that he can have his studio in one of the outbuildings. Planning and Community Development Director Buice said that she told him that currently he cannot do this under the current code. She said that she explained to him that they are going through this update and asked that he call her back because she may have a different answer for him the next week. She said that this has very little impact on any neighbor for what he is doing but said that currently in the code he cannot do this. Planning and Community Development Director Buice said that currently Home Occupation is only in A-R zoning. She said that currently with Home Occupation there can be no employees and only inside the house and no signs or outbuildings or extra vehicles. Planning and Community Development Director Buice said that almost every business in Lamar County is in violation of the current code. Planning and Community Development Director Buice said that Lamar County would be an HOA if they enforced this as it is written. Vice-Chair Thrash asked what good it does to have Ordinances if you are not going to enforce them. Commissioner Heiney said that they are going to fix this. Commissioner Heiney said that they need to be less restrictive on R1, R2, R3, and R4. Commissioner Traylor said that there was a kennel issue that the Code Enforcer caught when the person put up a sign. He said that things like this will not be caught unless people start complaining. Chairman Glass said that the goal is to prevent trespassing or enforce something to stop them from trespassing on their neighbors. He said that if someone has a Home Occupation in their house or in their garage and they are not causing any issues then they want to encourage and allow this. He said that the goal is to allow and encourage the legitimate ones. Commissioner Heiney said that he does not want this restricted to only A-R zoning and that the other zoning classifications should be included. He said that they could look at the 300 plus businesses and see how they work and operate and said that maybe the zoning should reflect this. Planning and Community Development Director Buice said that some of what was added to the Home Occupation definition absolutely reflects what seems to work already even though it is against the current code.

Planning and Community Development Director Buice said that another change is on subdivision regulations and she that she had added the following:

1. Development that exceeds the capacity of the local school system.
2. Water System
3. Fire Response Time
4. Gas Pipeline that runs in multiple locations in the County

Planning and Community Development Director Buice said that under Community Assets the current code requires 1 acre for community property. She said that this is very small if you have 150 lots so she did 5 percent of the total.

Chairman Glass said that for the Regular Business meeting he proposes that they table this until November. He said that they will list the changes in version one for feedback and then the list of items that they want to focus on for the final version so that people can give them feedback. Planning and Community Development Director Buice and County Clerk Davidson reported that the updated changes are listed on the County website. Chairman Glass said that they should point out that this is a learning process and the board feels like this is a good process for now and they

will consider changes going forward. Chairman Glass said that the goal is to have something to approve in November so that they can implement something on the first of January. He said that this is a living document that they can keep working on and if they do not approve something now they will still be doing this in the year 2025 and then they will look like Henry County wondering why they did not do something about it. Commissioner Traylor said that they need to consider what the impact is for the citizens. County Administrator Townsend said in five years the population has doubled. Planning and Community Development Director Buice said that people have been telling her that they need to do something about this and agreed to submit a list of changes to be presented at the Regular Business meeting. County Clerk Davidson said that the First and Second Readers are listed on the County website.

Planning and Community Development Director Buice inquired about the most important change. Commissioner Heiney said that making the ratio for acreage to vehicles was important. Vice-Chair Thrash said that the five-acre minimum in A-R zoning is a big deal and the setbacks are a big deal. Commissioner Heiney said that the limitation of equipment needed to be more. Chairman Glass said that the Home Occupation needs to work for the people and they need to look at how the existing businesses would be affected. Vice-Chair Thrash agreed and said without them being put out of business. Commissioner Heiney said that one piece of equipment that is less than five acres seems fair. He said that five to fifteen acres with three pieces of heavy equipment seems fair. Chairman Glass said that they need to continue to get input on this between now and November. He said that the numbers can always be changed. Planning and Community Development Director Buice said special exceptions and variances could still be done. Planning and Community Development Director Buice said that the beauty of the existing businesses is that whatever it changes to with these ratios, they will be more in compliance now than currently because currently they are not allowed at all. Chairman Glass said that what they have now is not reasonable.

Planning and Community Development Director Buice said that spectator sports are no longer in Agritourism. She said that she removed this and made a new category called Concentrated Outdoor Entertainment and it is a Special Exception in A-R zoning. This includes gun ranges. Commissioner Traylor said that Cross Country Races would be included in Concentrated Outdoor Entertainment.

Regular Business Meeting Agenda

Chairman Glass said that there would be a Second Reading of the Zoning Ordinance and the Development Regulations.

Chairman Glass said that the Planning and Zoning Board recommended denial of the Rezoning by Thomas Lamb and Keri Thompson because it was not conducive to the neighborhood. Currently, the houses in the area are zoned R-1 and 1600 square feet and they are asking that it be zoned to R-3 for a 1200 square foot modular home. Planning and Community Development Director Buice stated that she would submit their reasons for denial in the Public Hearing.

Chairman Glass said that he attended a recent Planning and Zoning Public Hearing and said that they do a lot of good work. He said that moving their meeting ahead of the Board of Commissioners Workshop meeting helps him to understand their decisions. Chairman Glass said

that he was impressed with how much research they do in preparation for their decision including talking to people in the area. He said that they had done a lot of homework. Commissioner Traylor said that he thinks the same and he wants to make sure their work and their voice are appreciated. Planning and Community Development Director Buice said that the Planning and Zoning board had her to research the decisions of the Planning and Zoning board compared to the Board of Commissioners over the last two years. Chairman Glass said he remembered that the only decision that was different from the Board of Commissioners was something on High Falls Road.

County Administrator Townsend explained about Resolution 2020-20 Budget Amendment. He said that the Cares Act for \$610,112.29 needs to be booked to contingency. He said that the \$12,500.00 will be put into a separate line item for the Centennial Celebration budget. He said that he also would like to pay off the debt service with BB&T. He said that instead of it being in debt service it would go into capital outlay for the departments in the current year. County Administrator Townsend said that anticipating the interest this leaves \$181,000.00. He said that there is a request for three firefighters. He said that this would cost \$27,746.96 which leaves a total of \$153,414.42. He said that he could include this somewhere in the budget amendment to be approved at the Regular Business meeting instead of doing another budget amendment in November. Chairman Glass asked if the lease payment was coming out of SPLOST. County Administrator Townsend explained that it was coming out of the General Fund. He said that it was budgeted for three years but if they pay it off it knocks down \$137,000 of the budget. Chairman Glass said that he understands that the Cares Act funds go into contingency but asked if it was justified based on firefighters' salaries. County Administrator Townsend said that this was correct. Chairman Glass asked if this would be transferred into payroll. County Administrator Townsend said that since they had already spent the money, they could put it into contingency and the County could treat it as if they had already paid it out. He said that most of it was for Public Safety. Chairman Glass said that if they do not put the money into the lease payment then they might not have to get a Tax Anticipation Note (TAN) as soon next year. He said that paying interest on a TAN or for capital outlay will not make any difference. County Administrator Townsend said that two Sheriff Cars had been ordered that had not been paid for was in the debt service and said that this would lower the interest. Chairman Glass said that this is known interest that they are paying off. He said that if they pay that off, they know they are saving that much interest. He said if they say they want to hold it and not have to draw on the TAN as quickly or not pay as much interest that is an unknown amount of interest. He said the percentage is so close it is not going to matter. He said that if they pay this off, they have the known part out of the way and then they could try to minimize the TAN interest as best as possible. Chairman Glass asked that County Administrator Townsend prepare the amendments with these proposals.

Chairman Glass reported that a request from Elaine Hallada had been made to be placed on the agenda for Hunting on Estate Residential Property. Chairman Glass said that there are no restrictions on hunting in the code.

County Administrator Townsend presented a list of choices for the Local Maintenance and Improvement Grant (LMIG) priority list of roads. He said that Public Works Director Rigdon is recommending Option # 3 because these roads tie into already paved roads.

Option # 1

Crawford Rd	Howards- Johnstonville	10,350	1,506.39	\$183,741.87	Horton
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McLean Road	Etheridge Mill-County Line	15,800	2,124.22	\$253,605.46	Thrash
High Fall Rd	Hwy 36 - Chappell Mill	23,200	3,275.56	\$396,369.06	Heiney
Johnstonville Rd	City Limits- Brooks Rd	16,000	24,444.44	\$301,788.19	Horton
Five Points Rd	3500 FT Bad Area	8,000	1,075.56	\$128,407.83	Thrash
Berry Road	Cannafax - Williams	6,000	806.67	\$96,305.87	Traylor
Chappel Mill Rd	HFP- Hwy 36	6,200	843.33	\$101,015.15	Heiney
Community House	Hwy 341- Ramah Church	20,800	3,422.22	\$429,801.77	Heiney

SPLOST REQUIRED \$420,938.17 \$804, 824.63

Option # 2

Crawford Rd	Howards- Johnstonville	10,350	1,506.39	\$183,741.87	Horton
McLean Road	Etheridge Mill-County Line	15,800	2,124.22	\$253,605.46	Thrash
High Fall Rd	Hwy 36 - Chappell Mill	23,200	3,275.56	\$396,369.06	Heiney
Johnstonville Rd	City Limits- Brooks Rd	16,000	24,444.44	\$301,788.19	Horton
Five Points Rd	3500 FT Bad Area	8,000	1,075.56	\$128,407.83	Thrash
Berry Road	Cannafax - Williams	6,000	806.67	\$96,305.87	Traylor
Chappel Mill Rd	HFP- Hwy 36	6,200	843.33	\$101,015.15	Heiney
Community House	Hwy 341- Ramah Church	20,800	3,422.22	\$429,801.77	Heiney

SPLOST REQUIRED \$368,828.21 \$752,714.67

Option # 3

Crawford Rd	Howards- Johnstonville	10,350	1,506.39	\$183,741.87	Horton
McLean Road	Etheridge Mill-County Line	15,800	2,124.22	\$253,605.46	Thrash
High Fall Rd	Hwy 36 - Chappell Mill	23,200	3,275.56	\$396,369.06	Heiney
Johnstonville Rd	City Limits- Brooks Rd	16,000	24,444.44	\$301,788.19	Horton
Five Points Rd	3500 FT Bad Area	8,000	1,075.56	\$128,407.83	Thrash
Berry Road	Cannafax - Williams	6,000	806.67	\$96,305.87	Traylor
Chappel Mill Rd	HFP-Hwy 36	6,200	843.33	\$101,015.15	Heiney
Community House	Hwy 341- Ramah Church	20,800	3,422.22	\$429,801.77	Heiney

SPLOST REQUIRED \$250,781.89 \$634,668.35

The board discussed putting a TSPLOST on the ballot for roads to be paved in the County. Commissioner Traylor said that the largest employer is Gordon State bringing people in the County and he said this would be a way to recover extra revenues for the roads. County Administrator Townsend said that he spoke to County Manager David Rose about this. Chairman Glass said that his concern was they were not generating a million dollars a year out of the one penny sales tax. He said that with a million dollars they could pave more roads. Chairman Glass said that when you put together a TSPLOST you need to have some thoughts on where it is going. He said a priority list would have to be put together for TSPLOST or they could do something like they did with Industrial Road. Chairman Glass said that this type of information would need to be included on the ballot. County Administrator Townsend said that if the TSPLOST was approved then the SPLOST money could be funneled into something else. Chairman Glass said that he would speak to the school system because with ELOST they have a certain amount of money that they collect and if they collect it before the five-year mark they have to stop. They will be renewing earlier than five years and they may not want to put both the ELOST and the TSPLOST on the ballot at the same time. Chairman Glass explained that with the SPLOST, within the six years what they collect is what they collect.

County Administrator Townsend said that the audit would need to be approved at the Regular Business meeting. Chairman Glass said that there were findings that were done in the past and directed by the previous auditor. He said that this is the reason for the findings. Chairman Glass said that there was a clean audit which means there was no fraud or no abuse of anything. He said that there are some practices that can be improved and some county rules that should have been applied a little differently. He said that there were no findings of people taking money under the table. Chairman Glass explained that it was brutal process that they had to go through in order to make sense out of it. He said that he has seen some changes in the first year that have already been a lot cleaner and easier. Chairman Glass said that the cost of the audit was more than the original quote. County Administrator Townsend reported that the cost would be about \$10,000.00 extra and added to the original quote of \$ 27,800.00. He said that with prior year pier reviews, they had to pay for those to be done because they were prior year entries from the audit and they had to get other firms to look at it. County Administrator Townsend said that he asked Mauldin and Jenkins if the County could go after the prior auditor and they said that they have seen it done before but it would cost more money in legal fees. He said that it normally backfires on counties. Chairman Glass said that there was a lot of effort put into this audit and they are on track now with the Department of Consumer Affairs (DCA) and the Governmental Accounting Standards Board (GASB). He said that it is worth it but it is painful paying for the audit.

County Administrator Townsend reported that the Clerk of Superior Court still owes collections for the month of August and September. He said that he was to have brought the collections to the office this morning but to date, it has not been turned into the County. Chairman Glass said that they needed to contact the DA about this matter.

Chairman Glass said that the board needed to decide which LMIG priority list of roads that they need to choose. He said that all eight roads are on the list but there are four different ways to break it down. He said that before the Regular Business meeting they need to decide which option they want to approve. Vice-Chair Thrash said that McClean Road is worse than Five Points Road. Chairman Glass said that they can produce a different list but they have to choose something and decide on the amount of money they want to spend. Vice-Chair Thrash reported that someone drove around the barricades onto the freshly paved section of Old Alabama Road. She said there is a section on Silver Dollar Road that needs to be repaired.

County Administrator Townsend reported that Josh Sappington wants to extend the wetland trails on Roberta Drive. He said that is where the Animal Shelter is supposed to go. Chairman Glass reported that this is an Eagle Scout Project. He said that the trail that ends around the retention pond is the one they want to re-work to make a new entrance towards the bus barn. He said another option would be to put an entrance at the top part so that the Middle School students can have access to the nature trail behind the school. Chairman Glass explained that this would give the Elementary School students a way to cross the road without having to walk down the road. He said that there is a current entrance into the existing wetland trails. The proposal is to expand the wetland trails where the Animal Shelter is scheduled to be built. The board reviewed a map of where Mr. Sappington is requesting the wetland trails to be extended. Chairman Glass said that this didn't need to be voted on in the Regular Business meeting but County Administrator Townsend would need some direction as to where the wetland trails can be extended as long as it

doesn't conflict with the Animal Shelter location. Chairman Glass said that he does not have a problem with them trying to improve the nature trail and to give more access to the kids. He said that he does not want them to put all that effort into this and then two years later the County comes in with a bulldozer and rips it all out. Commissioner Traylor asked if there was a cost to having them do a crosswalk with signs. Chairman Glass said that the City of Barnesville will need to do this. Commissioner Traylor said that this would be nice for the Boys and Girls Club.

County Administrator Townsend reported that he had a quote for \$21,000.00 to replace the windows in the back of the Courthouse.

County Administrator Townsend reported that the Voice Over Internet Protocol (VOIP) is still in the works.

County Clerk Davidson reported that she is working on getting Spectrum Charter Internet service for the Lamar County Recreation Department. She said that they had marked the specific placements and that they are waiting for the installation process to begin with the engineers. County Clerk Davidson reported that they are working on a strategy for the internet connection. She said that currently, the cost for the contract is \$4,000.00. County Clerk Davidson said that this project started because of a lightning storm but this is a brand-new service because AT&T DSL is no longer supported. She said that no one was actually paying for the DSL service and it actually belonged to Gordon State College at one time. County Clerk Davidson said that currently, Lamar County Board of Education is allowing the Lamar County Recreation Department to use several hot spots and that is how they have internet service. She said that some virtual students have also been coming to the Recreation Department to use the hotspot service.

County Administrator Townsend said that the Budget Workshop meeting needs to be held in November. He said that he was putting the budget workbooks together that there was \$10,000.00 worth of overtime for the Public Works Department. He also found some Communication line item differences of \$18,000.00 to \$20,000.00 that he had to add. He said that paying the debt service removes \$137,000.00. County Administrator Townsend reported that he has all nine firefighter salaries and three in contingency. He said if the Firefighter Grant falls through, he still has that money in contingency.

Commissioner Traylor inquired about the playground equipment. County Clerk Davidson reported that the Recreation Department will probably have to pay around \$8,000.00 to \$9,000.00 for the playground equipment. She said that she and Recreation Department Director Lowe had been participating in Zoom meetings with Kaboom. She said that the goal is to have it completed before Thanksgiving. County Clerk Davidson reported that Miracle is the company that will install the playground equipment for a total cost of around \$29,000.00. She said that they will need to pay for the ground cover. County Clerk Davidson said that they will need to have a ribbon-cutting ceremony but they do not want any social media posts at this time. She said that they cannot put a period when typing "Dr Pepper" and noted that the grant is reported on paper as Kaboom.

County Administrator Townsend said that he is working on the new gym. He said that he and Recreation Department Director Lowe went and looked at Upson County's Recreation gym and they are scheduled to look at the Monroe County Recreation gym next week. County Administrator

Townsend said that Upson County has an indoor Pickle Ball court. He said that they are still working on the layout. Commissioner Traylor said that he reviewed one in Atlanta where they built office space off of the side of the buildings. He said that these were like a lean-to that was added to the existing building.

Vice-Chair Thrash said that the Centennial Celebration committee needed some direction from the board. She said that the Christmas Parade would be held on December 10th, 2020 along with the Street Dance. Vice-Chair Thrash said that on December 10th, 2020, a Thursday, all of the employees will be working on their floats and said that the employees are excited about this. Vice-Chair Thrash said that they plan to have a cook-out for all of the employees celebrating the 100th Year of the County. Vice-Chair Thrash asked if they close the County on this day would the employees be paid and will they make this mandatory participation. County Administrator Townsend asked about the Christmas Party for the employees that is only seven days later and asked if they still wanted to have the Christmas Party. He said that on December 17th, 2020 they are supposed to have the Employee Recognition service and the Christmas Dinner. Vice-Chair Thrash replied that the Centennial Celebration is a totally different entity. Vice-Chair Thrash asked if they could close the County for half a day and let the employees work on their floats. Vice-Chair Thrash said that she has never seen such enthusiasm from the employees in the County. County Clerk Davidson reported that the parade would begin at 5:30 p.m. and the line-up would be at 4:00 p.m. She said that the cookout will be from 1:00 to 2:00 p.m. so there would not be a whole lot of time to work on the floats. Chairman Glass said that if they close for a whole day, they could devote the day to the Centennial Celebration. Chairman Glass said that they need to advertise this so that it is justified with the citizens. Commissioner Traylor said that he would not change the tradition of the Christmas luncheon and Employee Recognition service that they normally do because of the parade. Vice-Chair Thrash said that this is a tailgate party for the Centennial Celebration and the parade for the employees. Commissioner Traylor said at first, he did not think that they should close the offices all day or the whole afternoon but after hearing the plans he agreed with closing the County. He said that the original idea behind the tail-gate party was so that they could get the employees to stay after hours. Commissioner Traylor said that they moved the parade up because of the time frame. He said that it is mainly to get the employees engaged after hours and said that the time for the employees to work on the parade is valuable.

Commissioner Traylor said that he appreciates that the Board of Commissioners names will be going on the monument in front of the Courthouse, but said that they need to get a photo of all of the employees to show that they are a part of this as much as the Board of Commissioners are a part of this. He said that their name may go on the monument but the employees need to have a tee-shirt, have a hotdog and a hamburger, and fix up their float. He said that the dream is that all of the employees will line up, hold balloons, and participate in the parade. Vice-Chairman Thrash said that the plan is for the employees to be on their floats. Commissioner Traylor said most of the employees will be on a golf cart that is driven with three or four people and employees walking behind it.

Commissioner Horton inquired about the Lamar County Band being in the parade. Vice-Chair Thrash said that they had been asked but they had not yet confirmed. Chairman Glass said that he suggests that the employees come in at noon and then work on their floats and participate in the

tailgate. Vice-Chair Thrash said that if they want to stay for the Street Dance then that is their choice. Chairman Glass said that they need to plan to close all the offices on December 10th, 2020.

Chairman Glass reported that November 7th, 2020 is the dedication of the American Revolutionary War monument at 11:00 a.m. A Proclamation will be presented by the board at this event as well.

Vice-Chair Thrash said that the 100-year monument had been ordered for the Courthouse grounds. She said that they need to find out when they want to have the presentation for the monument. They said that they had discussed New Year's Eve or News Years Day. The board agreed to present the 100th year monument on Tuesday, December 29th, 2020 at 12:00 p.m.

Vice-Chair Thrash reported that the billboard had been ordered to advertise the Centennial Celebration. There will be a Community workday. The billboard for the advertisement of the Centennial Celebration has been ordered. The banners for uptown and the parade has been ordered and they got some great prices for those. The banners will advertise the parade and then will be replaced to advertise the events after the parade day. There will be tee-shirts for all of the employees so that they can keep those as a memento. Vice-Chair Thrash said that this will be a big event and \$12,500.00 had been allotted in the budget.

Adjournment

Commissioner Traylor made a motion to go into executive session at approximately 3:18 p.m. for personnel and real estate. Commissioner Heiney seconded the motion. The motion passed unanimously. The board came out of executive session and adjourned the Workshop meeting at approximately 3:59 p.m.

THE LAMAR COUNTY BOARD OF COMMISSIONERS

Charles Glass, Chairman

Nancy Thrash, Vice-Chair

Bennie Horton, Commissioner

Robert Heiney, Commissioner

Ryran Traylor, Commissioner

Attest: _____ Carlette Davidson, County Clerk